




Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2001/0235(COD) Procedure completed
Single European Sky: provision of air navigation services Amended by 2008/0127(COD)	
Subject 3.20.01 Air transport and air freight	

Key players				
European Parliament	Committee responsible	Rapporteur	Appointed	
	DELE EP Delegation to Conciliation Committee		11/07/2003	
		ELDR SANDERS-TEN HOLTE Maria Johanna (Marieke)		
	Former committee responsible			
	RETT Regional Policy, Transport and Tourism		20/11/2001	
		ELDR SANDERS-TEN HOLTE Maria Johanna (Marieke)		
	RETT Regional Policy, Transport and Tourism		20/11/2001	
		ELDR SANDERS-TEN HOLTE Maria Johanna (Marieke)		
	Former committee for opinion			
	JURI Legal Affairs and Internal Market		06/11/2001	
		PPE-DE RIPOLL Y MARTÍNEZ DE BEDOYA Carlos		
	ITRE Industry, External Trade, Research, Energy	The committee decided not to give an opinion.		
Council of the European Union	Council configuration	Meeting	Date	
	Competitiveness (Internal Market, Industry, Research and Space)	2525	22/09/2003	
	Agriculture and Fisheries	2494	17/03/2003	
	Transport, Telecommunications and Energy	2472	05/12/2002	
	Transport, Telecommunications and Energy	2452	03/10/2002	
European Commission	Commission DG	Commissioner		
	Energy and Transport			



Key events			
25/10/2001	Committee referral announced in Parliament, 1st reading		
10/07/2002	Vote in committee, 1st reading		Summary
10/07/2002	Committee report tabled for plenary, 1st reading	A5-0266/2002	

03/09/2002	Debate in Parliament		
03/09/2002	Decision by Parliament, 1st reading	T5-0392/2002	Summary
03/10/2002	Debate in Council	2452	
27/03/2003	Committee referral announced in Parliament, 2nd reading		
12/06/2003	Vote in committee, 2nd reading		Summary
02/07/2003	Debate in Parliament		
03/07/2003	Decision by Parliament, 2nd reading	T5-0325/2003	Summary
22/09/2003	Parliament's amendments rejected by Council		
14/10/2003	Formal meeting of Conciliation Committee		
28/01/2004	Debate in Parliament		
29/01/2004	Decision by Parliament, 3rd reading	T5-0042/2004	Summary
02/02/2004	Decision by Council, 3rd reading		
10/03/2004	Final act signed		
10/03/2004	End of procedure in Parliament		
31/03/2004	Final act published in Official Journal		
09/12/2004	Final decision by Conciliation Committee		Summary

Technical information

Procedure reference	2001/0235(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amended by 2008/0127(COD)
Legal basis	EC Treaty (after Amsterdam) EC 080-p2
Stage reached in procedure	Procedure completed

Documentation gateway

Legislative proposal		COM(2001)0564	10/10/2001	EC	Summary
Committee opinion		PE312.744/DEF	06/03/2002	EP	
Committee opinion		PE312.753/DEF	13/03/2002	EP	
Committee draft report		PE314.697	11/04/2002	EP	
Committee of the Regions: opinion		CDR0004/2002 OJ C 278 14.11.2002, p. 0013	15/05/2002	CofR	
Committee report tabled for plenary, 1st reading/single reading		A5-0266/2002	10/07/2002	EP	

Economic and Social Committee: opinion, report		CES0839/2002 OJ C 241 07.10.2002, p. 0024	17/07/2002	ESC	
Text adopted by Parliament, 1st reading/single reading		T5-0392/2002 OJ C 272 13.11.2003, p. 0030-0303 E	03/09/2002	EP	Summary
Modified legislative proposal		COM(2002)0658	26/11/2002	EC	Summary
Council statement on its position		07251/2003	11/03/2003	CSL	
Council position		15853/2/2002 OJ C 129 03.06.2003, p. 0016-0025 E	18/03/2003	CSL	Summary
Commission communication on Council's position		SEC(2003)0363	25/03/2003	EC	Summary
Committee draft report		PE314.785	13/05/2003	EP	
Committee recommendation tabled for plenary, 2nd reading		A5-0225/2003	12/06/2003	EP	
Text adopted by Parliament, 2nd reading		T5-0325/2003 OJ C 074 24.03.2004, p. 0667-0762 E	03/07/2003	EP	Summary
Commission opinion on Parliament's position at 2nd reading		COM(2003)0514	27/08/2003	EC	Summary
Report tabled for plenary by Parliament delegation to Conciliation Committee, 3rd reading		A5-0009/2004	09/12/2003	EP	
Joint text approved by Conciliation Committee co-chairs		3691/2003	20/01/2004	CSL/EP	
Text adopted by Parliament, 3rd reading		T5-0042/2004 OJ C 096 21.04.2004, p. 0019-0101 E	29/01/2004	EP	Summary
Follow-up document		C(2010)5110	12/08/2010	EC	

Additional information

European Commission

[EUR-Lex](#)

Final act

[Regulation 2004/550](#)
[OJ L 096 31.03.2004, p. 0010-0019](#) Summary

Single European Sky: provision of air navigation services

PURPOSE : to present a proposal for a Regulation on the provision of Air Navigation Services in the Single European Sky. **CONTENT** : the objective of the proposal for a Regulation is to define a Community framework for the provision of air navigation services. While the Member States would remain responsible for the status of air navigation service providers, the proposed Regulation would impose the same obligations and offer the same opportunities to all service providers in order to create a genuinely frontier-free airspace within the EU. It consists of the application of three concepts: 1) a system of authorisation for the provision of air navigation services; 2) other services: meteorological services, search and rescue services and aeronautical services; 3) ancillary services: communication, navigation and surveillance services. To ensure that the services proposed meet the objectives concerning the performance, safety and uniformity of the European airspace as a whole, the Commission is proposing the introduction of a harmonised system of authorisations according to precise specifications. The Member State will be responsible for implementing the system and mutually recognise their authorisations. This would also facilitate cooperation between service providers. Whilst the development of regulatory activities will be at Community level, there should be an effective compliance review mechanism, in particular to supervise the activities of service providers. The legislative proposal leaves compliance review primarily to national authorities. To this end, Member States will have to designate supervisory authorities. However, the measures proposed also ensure that the Community has enforcement ability to deal with cases of European significance to supervise the conduct of compliance

review and enforcement at national level. With regard to the provision of services, Member States would continue to be able to designate air traffic control service providers operating the subject to a monopoly on specific functional airspaces; the provision of ancillary services would be open to competition; the service providers would have to publish separate annual accounts for each type of service provided. The Commission proposes amendments, within the context of the common route charges system of Eurocontrol, to the structure of charges for use of airspace. This will add efficiency incentives for service providers and incentives to optimise the capacity of the system as a whole for providers and users. Moreover, it is important to introduce incentives on investment and management. The incentives are defined in respect of helping supply meet demand through financial rewards and penalties. They shall be devised so as to be equitable between airspace users and service providers, in order to reach a better cooperation amongst them. With regard to financing the increase in air traffic control system capacity, part of the charges paid by the airlines could be used to finance improvements to the system. The Commission will explore this possibility by allocating part of these charges to actions to increase this possibility by allocating part of these charges to actions to increase air traffic control system capacity in order to implement projects of common interest between 2002 and 2005.?

Single European Sky: provision of air navigation services

The European Parliament adopted a resolution based on the report by Marieke SANDERS-TEN HOLTE (ELDR, NL) on air navigation services. As well as the mutual recognition of licences of air traffic controllers, Parliament stated that there should be the development of recruitment programmes. The Commission should monitor the development of recruitment programmes by the Member States to determine if Community support were needed. Parliament went on to state that national supervisory authorities and the air navigation service providers should be separated from one another to the extent necessary to ensure that the national supervisory authorities operate as fully independent agencies in the discharge of their actions. On the question of charges, Parliament felt that the charging scheme must be consistent with the route charging system laid down in multilateral agreements and the Europol Convention.?

Single European Sky: provision of air navigation services

The European Commission accepted some of the amendments made by the European Parliament. They include: - those amendments that clarify or improve the text by reinforcing reference to safety, qualification of recognised organisations, recruitment of controllers, international standards, co-operation between service providers, cooperation between civil and military authorities, use of data. - a clause calling for the Commission to take action to help solve the problem of lack of controllers; - a clause stating the prime responsibility of Member States with regard to the relations between civil and military authorities. The following are some of amendments accepted in principle but not as regards wording: - the duration of authorisations. The latter are not meant to be licences but rather certifications of suitability of service providers. The period of validity will be defined within the context of the definition of harmonised conditions; - making the proposed charging scheme fully dependent upon the route charging system laid down in the multilateral agreement of Eurocontrol. The proposed charging scheme would not only apply to route charges but also to terminal and approach charges (where Eurocontrol has no competence). Furthermore the Eurocontrol scheme leaves margins of interpretation and the Commission intends to come to harmonised and binding rules within the community. The amendment is accepted provided that it does not restrict the scope of Community action in this field. - the Commission will express the principle of consultation of industry in a recital, but will not accept the establishment of an industry advisory group having an institutional role; - the amendment specifying conditions for the exchange of operational data is accepted, but confidentiality conditions will be defined at a later stage. The Commission rejected the amendment on a strict separation between national supervisory authorities and air navigation service providers. It also rejected certain amendments affirming the principle of the integrity of air navigation services and the need to have them provided within a single organisation.?

Single European Sky: provision of air navigation services

The Council made a number of modifications to the proposals of the Commission, both regarding form and substance. As far as the formal modifications are concerned, the Council endeavoured to make the texts simpler, clearer and generally easier to understand. The Council rearranged the texts considerably in order to enhance their logical disposition, and deleted a number of provisions with a view to avoiding duplication. With respect to the substantive modifications, the Council introduced certain modifications in order to take care of specific requests by Member States. Modifications were also made in view of requests by the military authorities of the Member States. In line with the amendments by Parliament, the Council reviewed the Regulation in order to give high priority to safety aspects. The Council excluded search and rescue services from the scope of the Regulation, since these are not part of air navigation services and in some Member States belong to the military. The Council specified the tasks of national supervisory authorities in respect of air navigation service providers, and agreed to simplify the rules for the delegation of tasks by such authorities to recognised organisations. The Council deleted the provision on licensing and training of controllers, since this provision has a declaratory nature and, as such, has no place in the Regulation. As regards the rules for the provision of services, the Council made the text clearer by establishing a separate provision on 'common requirements', and by replacing the system of authorisation of air navigation service providers by a system of certification of such service providers. The Council agreed to exempt from such system cases where the provider of air navigation services offers those services primarily to aircraft movements other than general air traffic. With regard to the designation of air traffic service providers, the Council affirmed that the Member States have discretionary powers in choosing a service provider, and agreed to extend this prerogative with respect to the designation of providers of meteorological services. The Council followed the Parliament's suggestion to ensure consistency of the charging scheme with Eurocontrol's multilateral agreement on route charges. With regard to the establishment of the cost-base for charges, the Council deleted the provisions on external costs. As far as 'incentive mechanisms' in the charging schemes are concerned, the Council agreed that the decision as to whether to apply such mechanisms remains within the sole responsibility of each Member State. The Council considers that the texts of its common position on the Single European Sky package are appropriate and balanced. With respect to the amendments submitted by the European Parliament in first reading, the Council observes that the large majority of these amendments are, as to their aim and spirit, very similar to the corresponding provisions of the Council's common position. Therefore, the Council holds the opinion that the texts of its common position ensure by and large that the aim sought by these amendments is achieved. Finally, the Council would like to underline that the agreement that it has reached in respect of civil-military cooperation, which in its present form is acceptable to all relevant parties in the Member States, constitutes the fruit of much and hard work with respect to this very delicate issue. ?

Single European Sky: provision of air navigation services

The European Parliament adopted a resolution based on the report by Marieke SANDERS-TEN HOLTE (ELDR, NL) and made several amendments to the Council's common position. (Please see the summary dated 12/06/03). Parliament also stated that, as long as Member states have separate entities to provide air traffic services to civil and military air traffic, they must keep the Commission informed of the way in which cooperation between such entities is organised or to integrate such entities with each other. Finally, Member States must jointly designate air traffic service providers within one month of the establishment of the airspace block.?

Single European Sky: provision of air navigation services

The European Parliament adopted at second reading 16 amendments to the Common Position of the Council. The Commission can accept 6 amendments in full (which it believes constitutes a genuine improvement and useful clarifications in the text. Concerning the amendments accepted by the Commission, these aim to: - support the concept of a flexible definition of route charges to allow the constitution of financial reserves. These would relieve airspace users and service providers from unexpected rises in the charges as a consequence of sudden downturn in air traffic; - reinstate the text of the Commission's proposal concerning mandatory information from Member States to the Commission on the modalities for the civil-military co-operation in air traffic control. The Commission believes that this provision is consistent with the scope of the legislative package since addressing arrangements imposed on air navigation services to respond to military requirements; - add new text, which clarifies the nature and scope of conditions attached to certificates. - specify the period within which Member States should designate one or more service providers to operate in respect of functional airspace blocks. As far as the amendments accepted in principle, subject to redrafting are concerned, these aim to: - reintroduce in the text the social dimension, in particular the need for a legislative action to improve the availability of controllers and to harmonise procedures for licensing of controllers; - establish a maximum and minimum period of validity of certificates respectively of ten and five years. The Commission prefers that this period is fixed by Member States within the conditions to be attached to certificates (annex II). However, it supports the idea that these periods should be harmonised across the Community; - add new text to clarify the scope of common requirements. Though acceptable in principle, these additions would highlight specific aspects of common requirements. They need therefore redrafting to ensure that there is no unbalance in the identification of various areas where common requirements should be developed; - reinstate the text of the Commission's proposal concerning economic regulation, in particular financial incentives. The Commission does not see major contradictions between the Common Position and the proposed text, except for the right given to Member States to decide on the application of such incentives. With regard to the amendments rejected by the Commission, these are as follows: - introducing the principles of commercial value of operational data. The application of this principle should be decided on a case by case basis. Some operational data are in fact provided free of charge, in accordance with ICAO provisions. The Commission cannot therefore accept this amendment; - limiting the cross-subsidies between air navigation services to exceptional cases. Cross-subsidies primarily concerns the definition of the cost-bases and specific rules are already provided for in Article 14.2(d) of the Common Position; - deletes the transitional period for the entry into force of the certification scheme. However this transitional period is needed. It depends on the availability of common requirements and it allows service providers to adapt to such requirements.?

Single European Sky: provision of air navigation services

The European Parliament adopted a resolution approving the joint text agreed by the Conciliation Committee. (Please see the document dated 09/12/03.)?

Single European Sky: provision of air navigation services

PURPOSE : to establish a Community framework for the provision of air navigation services. **LEGISLATIVE ACT** : Regulation 550/2004/EC of the European Parliament and of the Council on the provision of air navigation services in the single European sky ("the service provision Regulation"). **CONTENT** : the Council adopted by written procedure the package of four Regulations aimed at creating a "Single European Sky" in accordance with the joint text agreed by the Conciliation Committee (refer to the previous summary), introducing common rules on the use of airspace throughout the Community in order to reduce air delays and airspace congestion. The "Single European Sky" package contains a framework Regulation and three implementing Regulations covering air navigation service provision, organisation and use of airspace and interoperability within the European air transport management network. These legislative proposals aims, in particular, at improving and reinforcing safety, and at restructuring airspace as a function of traffic flow rather than according to national boundaries. The services Regulation aims at establishing common requirements for the safe and efficient provision of air navigation services in a seamless and interoperable manner throughout the Community. It sets out a harmonised certification system and provides rules for designation of service providers: - the national supervisory authorities shall ensure the appropriate supervision of the application of this Regulation, in particular with regard to the safe and efficient operation of air navigation service providers which provide services relating to the airspace falling under the responsibility of the Member State which nominated or established the relevant authority. To this end, each national supervisory authority shall organise proper inspections and surveys to verify compliance with the requirements of this Regulation. The air navigation service provider concerned shall facilitate such work. National supervisory authorities may decide to delegate in full or in part the inspections and surveys to recognised organisations that fulfil the necessary requirements; - licensing of controllers : it is provided that as soon as possible after the entry into force of this Regulation, the Commission shall present, if appropriate, a proposal to the European Parliament and to the Council on the licensing of controllers. Arrangements should be made to harmonise the licensing systems for controllers, in order to improve the availability of controllers and to promote the mutual recognition of licences; - common requirements for the provision of air navigation services shall be established. They shall include the following: technical and operational competence and suitability, systems and processes for safety and quality management, reporting systems, quality of services, financial strength, liability and insurance cover, ownership and organisational structure, including the prevention of conflicts of interest, human resources, including adequate staffing plans and security. **ENTRY INTO FORCE** : 01/04/2004.?

Single European Sky: provision of air navigation services

The Conciliation Committee reached agreement on the regulation on the provision of air navigation services in the Single European Sky. The main elements of the compromise were as follows: At Parliament's insistence, an article was introduced in the regulation referring to the need for a Commission proposal on the licensing of controllers with the aim of improving the availability of controllers and promoting the mutual recognition of licences. Provisions were also introduced to indicate that non-discriminatory access to services should be a pre-condition for certification of service providers and to underline safety obligations. Certificates will be monitored regularly and details of the monitoring of compliance with the common requirements for service providers and the conditions attached to the certificates will have to be included in annual reports on the implementation of the Single Sky to be submitted to the Commission. Lastly, in addition to the general commitment to civil-military cooperation made in the context of the framework regulation, which applies to the whole Single Sky package, Parliament obtained further specific concessions with regard to data exchange between all air navigation service providers, airspace users and airports, be they civil or military.?