

# Procedure file

Basic information	
<p>COD - Ordinary legislative procedure (ex-codecision procedure) Regulation</p> <p>2013/0186(COD)</p>	Awaiting Council's 1st reading position
<p>Implementation of the Single European Sky</p> <p>Repealing Regulation (EC) No 549/2004 <a href="#">2001/0060(COD)</a>            Repealing Regulation (EC) No 550/2004 <a href="#">2001/0235(COD)</a>            Repealing Regulation (EC) No 551/2004 <a href="#">2001/0236(COD)</a>            Repealing Regulation (EC) No 552/2004 <a href="#">2001/0237(COD)</a></p> <p>Subject</p> <p>3.20.01 Air transport and air freight 3.20.15.02 Air transport agreements and cooperation</p> <p>Legislative priorities</p> <p><a href="#">Joint Declaration 2022</a>  <a href="#">Joint Declaration 2021</a>  <a href="#">Joint Declaration 2023-24</a></p>	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 <a href="#">Transport and Tourism</a>	 <a href="#">MARINESCU Marian-Jean</a>	25/04/2024 25/04/2024
		 <a href="#">LIBERADZKI Bogusław</a>	
		Shadow rapporteur	
		 <a href="#">OETJEN Jan-Christoph</a>	
		 <a href="#">DELLI Karima</a>	
	 <a href="#">ZŁOTOWSKI Kosma</a>		
	 <a href="#">PIMENTA LOPES João</a>		
	Former committee responsible		
	 <a href="#">Transport and Tourism</a>	 <a href="#">MARINESCU Marian-Jean</a>	11/07/2013
	Former committee for opinion		
	 <a href="#">Industry, Research and Energy</a>	The committee decided not to give an opinion.	
	 <a href="#">Legal Affairs</a>		12/11/2013

Committee for opinion on the recast technique  
[JURI](#) [Legal Affairs](#)

Rapporteur for opinion Appointed  
 01/01/2021

 [MELCHIOR Karen](#)

Council of the European Union

Council configuration  
[Transport, Telecommunications and Energy](#)  
[Transport, Telecommunications and Energy](#)

Meeting Date  
[3352](#) 03/12/2014  
[3335](#) 08/10/2014

European Commission

Commission DG  
[Mobility and Transport](#)

Commissioner  
 KALLAS Siim

European Economic and Social Committee  
 European Committee of the Regions

Key events			
11/06/2013	Initial legislative proposal published	<a href="#">COM(2013)0410</a>	
01/07/2013	Committee referral announced in Parliament, 1st reading		
30/01/2014	Vote in committee, 1st reading		
06/02/2014	Committee report tabled for plenary, 1st reading	<a href="#">A7-0095/2014</a>	Summary
11/03/2014	Debate in Parliament		
12/03/2014	Results of vote in Parliament		
12/03/2014	Decision by Parliament, 1st reading	<a href="#">T7-0220/2014</a>	Summary
08/10/2014	Debate in Council	<a href="#">3335</a>	
03/12/2014	Debate in Council	<a href="#">3352</a>	
24/09/2019	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
09/10/2019	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
22/09/2020	Legislative proposal published	<a href="#">COM(2020)0579</a>	
17/06/2021	Vote in committee, 2nd reading		
09/04/2024	Approval in committee of the text agreed at early 2nd reading interinstitutional negotiations		

Technical information	
Procedure reference	2013/0186(COD)

Procedure type	COD - Ordinary legislative procedure (ex-codicedision procedure)
Procedure subtype	Recast
Legislative instrument	Regulation
	Repealing Regulation (EC) No 549/2004 <a href="#">2001/0060(COD)</a> Repealing Regulation (EC) No 550/2004 <a href="#">2001/0235(COD)</a> Repealing Regulation (EC) No 551/2004 <a href="#">2001/0236(COD)</a> Repealing Regulation (EC) No 552/2004 <a href="#">2001/0237(COD)</a>
Legal basis	Treaty on the Functioning of the EU TFEU 100-p2; Rules of Procedure EP 113
Other legal basis	Rules of Procedure EP 165
Mandatory consultation of other institutions	<a href="#">European Economic and Social Committee</a> <a href="#">European Committee of the Regions</a>
Stage reached in procedure	Awaiting Council's 1st reading position
Committee dossier	TRAN/7/13015

### Documentation gateway

Initial legislative proposal	<a href="#">COM(2013)0410</a>	11/06/2013	EC	
Document attached to the procedure	SWD(2013)0206	11/06/2013	EC	
Document attached to the procedure	SWD(2013)0207	11/06/2013	EC	
Committee draft report	<a href="#">PE522.770</a>	06/11/2013	EP	
Opinion on the recast technique	<a href="#">PE523.031</a>	12/11/2013	EP	
Amendments tabled in committee	<a href="#">PE524.603</a>	27/11/2013	EP	
Economic and Social Committee: opinion, report	<a href="#">CES5372/2013</a>	11/12/2013	ESC	
Committee report tabled for plenary, 1st reading/single reading	<a href="#">A7-0095/2014</a>	06/02/2014	EP	Summary
Text adopted by Parliament, 1st reading/single reading	<a href="#">T7-0220/2014</a>	12/03/2014	EP	Summary
Commission response to text adopted in plenary	<a href="#">SP(2014)455</a>	10/06/2014	EC	
Legislative proposal	<a href="#">COM(2020)0579</a>	22/09/2020	EC	
Document attached to the procedure	SWD(2020)0187	22/09/2020	EC	
Amendments tabled in committee	<a href="#">PE680.868</a>	05/02/2021	EP	
Amendments tabled in committee	<a href="#">PE680.885</a>	08/02/2021	EP	
Amendments tabled in committee	<a href="#">PE680.905</a>	09/02/2021	EP	
Opinion on the recast technique	<a href="#">PE691.211</a>	09/04/2021	EP	
Amendments tabled in committee	<a href="#">PE693.695</a>	21/06/2021	EP	

### Additional information

Research document	<a href="#">Briefing</a>	16/12/2020
National parliaments	<a href="#">IPEX</a>	

## Implementation of the Single European Sky

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The Committee on Transport and Tourism adopted the report by Marian-Jean MARINESCU (EPP, RO) on the proposal for a regulation of the European Parliament and Council on the implementation of the Single European Sky (recast).

The parliamentary committee recommended that the position of the European Parliament adopted at first reading under the ordinary legislative procedure modify the Commission proposal as follows.

**Purpose of the regulation:** this regulation should lay down rules for the creation and proper functioning of the Single European Sky in order to ensure current air traffic safety standards, to contribute to the sustainable development of the air transport system, and in particular, reducing climate impact.

The Single European Sky shall comprise a coherent network at the pan-European level and, subject to specific arrangements with the neighbouring countries, in third-countries, an integrated operating airspace, network management and air traffic management for the benefit of all airspace users.

**National aviation authorities:** these shall be legally distinct and independent, in particular in organisational, hierarchical and decision-making terms and with their annual budget - from any company, organisation, public or private entity or personnel falling within the scope of authority activity as provided for in Regulation (EC) No 216/2008 or having an interest in the activities of such entities.

Staff of the national aviation authorities shall be recruited under clear and transparent rules and criteria which guarantee their independence.

They shall not be seconded from air navigation service providers (ANSPs) or companies under the control of ANSPs.

Persons who have been in charge of strategic decisions for more than six months shall have no professional position or responsibility with any of the air navigation service providers after their term in the national aviation authority, for a period of at least 12 months for staff in managerial positions (at least six months for staff in non-managerial positions).

**Definitions:** the Members added important definitions, namely that of a local performance target and industrial partnership which, according to the proposal, will now be a driving force within newly-structured functional airspace blocks (FABs).

The definition of the human factor was also introduced, meaning the social, cultural and staffing conditions in the air traffic management (ATM) sector

The human factor must be monitored and brought into the core of the Single European Sky framework.

**Cooperation between national aviation authorities:** The Commission and the European Aviation Agency (EAA) shall facilitate active cooperation of these authorities to enable them to exchange their best practices and to develop common solutions, including stronger cooperation at the regional level, and placing at their disposal a platform for these exchanges.

This cooperation should take place in a network that convenes at regular intervals (at least once a year).

The purpose and tasks of the network was spelled out in more detail: it must, among others, provide opinions to the Commission and the EAA on rule-making and certification and provide recommendations designed to facilitate the provision of cross-border services.

**Certification of air navigation service providers:** the issue of certificates shall confer on air navigation service providers the possibility of offering their services to any Member State, and if appropriate, neighbouring third countries, within a functional airspace block, subject to mutual agreement between the relevant parties.

**Provision of support services:** support services means communication, navigation and surveillance (CNS), meteorological services (MET) and aeronautical information services (AIS) as well as other services and activities, which are linked to, and support the provision of, air navigation services.

According to the report, there should be no statutory impediments to providers of support services that would prevent their ability to compete within the Union on the basis of equitable, non-discriminatory and transparent conditions for the purpose of providing these services.

Members proposed that air navigation service providers, when drawing up their business plans, should call for offers from different support services providers, with a view to choosing the financially and qualitatively most beneficial provider.

Binding selection criteria for the entity procuring those services shall be, in particular, cost and energy efficiency, overall service quality, interoperability and safety of services, as well as transparency of the procurement process.

**System and performance criteria:** Members proposed that a performance review body (PRB) be established as a European economic regulator under the supervision of the Commission, with effect from 1 July 2015. The PRB shall be functionally and legally separate from any service provider, whether at national or pan-European level.

The compliance of the local performance plans and local targets with the Union-wide performance targets shall be assessed by the Commission in cooperation with the PRB.

In addition to the introduction of sanctions, an appropriate compensation mechanism must also be established in order to address the problem stemming from the lack of synchronisation in SESAR deployment and lost investment resulting thereof.

The Commission may propose financial mechanisms to improve the synchronisation of air-based and ground-based capital expenditure related to the deployment of SESAR technologies.

**Implementation of the ATM Master Plan:** implementation of the ATM Master Plan shall be coordinated by the Commission. The Network Manager, the PRB and the Deployment Manager shall contribute to the implementation of the ATM Master Plan in accordance with the provisions of this regulation.

The Commission shall adopt, by implementing acts, measures establishing the governance of implementation of the ATM Master Plan, including defining and selecting the body responsible at management level (Deployment Manager).

Industrial partnerships: Members stipulated that industrial partnerships should be separate from FABs, which are a state initiative. What is more, industrial partnerships need not overlap with FABs in terms of the Member States concerned and therefore should be classed as a separate type of cooperation.

## Implementation of the Single European Sky

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The European Parliament adopted by 489 votes to 154 with 34 abstentions, a legislative resolution on proposal for a regulation of the European Parliament and Council on the implementation of the Single European Sky (SES) (recast).

Parliaments position in first reading following the ordinary legislative procedure amended the Commission proposal as follows:

Implementation of the SES: Parliament stressed that the Regulation should be implemented as swiftly as possible. In order to ensure that the expected increase in air traffic did not cause or exacerbate congestion in European airspace, with all the economic, environmental and security costs that that would entail, fragmentation of that airspace should be remedied.

The implementation of the Single European Sky should have a positive impact in terms of growth, employment and competitiveness in Europe, in particular by increasing demand for jobs requiring advanced qualifications.

Objectives: the regulation lays down rules for the creation and proper functioning of the Single European Sky in order to ensure current air traffic safety standards, to contribute to the sustainable development of the air transport system, such as reducing climate impact.

The Single European Sky should comprise a coherent pan-European and, subject to specific arrangements with the neighbouring countries, third-country network of routes, an integrated operating airspace, network management and air traffic management based only on safety, efficiency and interoperability, for the benefit of all airspace users.

The application of the regulation to Gibraltar airport shall be suspended until the arrangements set out in the Joint Declaration made by the Foreign Ministers of the Kingdom of Spain and the United Kingdom on 2 December 1987 are applied.

National aviation authority: the amended text provides for Member States designation of a national body to act as the national aviation authority.

The authorities should be legally distinct and independent, in particular in organisational, hierarchical and decision-making terms, including separate annual budget allocation, from any company, organisation, public or private entity or personnel falling within the scope of authority activity as provided for in this Regulation and in Regulation (EC) No 216/2008 or having an interest in the activities of such entities. The national aviation authorities shall ensure compliance with these provisions on the date of entry into force of this Regulation or at the latest by 1 January 2017.

Staff of the national aviation authorities shall be recruited under clear and transparent rules and criteria, which guarantee their independence. They should not be seconded from air navigation service providers (ANSPs) or companies under the control of ANSPs.

As regards persons who have been in charge of strategic decisions, for more than six months, they must have no professional position or responsibility with any of the air navigation service providers after their term in the national aviation authority, for a period of at least 12 months for staff in managerial positions and at least six months for staff in non-managerial positions.

The authority's top management shall be appointed for a fixed term of between three and seven years.

Definitions: Members added certain definitions, such as 'local performance plans' and 'industrial partnership' supporting one or more functional airspace blocks, in order to maximise performance.

The text also contained a definition of human factor meaning the social, cultural and staffing conditions in the ATM sector.

Cooperation between national aviation authorities: the Commission and the European Agency for Aviation (EAA) should facilitate cooperation among the authorities them in order to enable the exchange of best practices and to develop a common approach, including through enhanced cooperation at regional level, by providing a platform for such exchanges. This cooperation should take place on a regular basis (at least once a year.)

The tasks and objectives of the network were more clearly defined : inter alia, they may provide opinions to the Commission and the EAA on rule-making and certification and provide opinions, guidelines and recommendations designed to facilitate the provision of cross-border services.

Certificates: the issue of certificates shall confer on air navigation service providers the possibility of offering their services to any Member State, other air navigation service providers, airspace users and airports within the Union and neighbouring third countries, if appropriate, within a functional airspace block, subject to mutual agreement between the relevant parties.

Provision of support services: ' support services' were defined as CNS (communication, navigation and surveillance), MET (meteorological) and AIS (aeronautical information) services as well as other services and activities, which are linked to, and support the provision of, air navigation services.

Parliament stated that there should be no statutory impediments to providers of support services that would prevent their ability to compete within the Union on the basis of equitable, non-discriminatory and transparent conditions for the purpose of providing these services.

Members proposed that air navigation service providers, when drawing up their business plans, should call for offers from different support services providers, with a view to choosing the financially and qualitatively most beneficial provider.

In the choice of an external provider of support services, the provisions of Directive 2004/18/EC shall be complied with, including cost and energy efficiency, overall service quality, interoperability and safety of services, as well as transparency of the procurement process

The Commission shall conduct a comprehensive study on the operational, economic, safety and social impacts of the introduction of market

principles to the provision of support services, and shall submit that study to the European Parliament and the Council by 1 January 2016.

Performance criteria and system: Parliament proposed a performance review body (PRB) be established as a European economic regulator under the supervision of the Commission, with effect from 1 July 2015. The PRB shall be functionally and legally separate from any service provider, whether at national or pan-European level.

The compliance of the local performance plans and local targets with the Union-wide performance targets shall be assessed by the Commission in cooperation with the PRB.

Union-wide performance targets shall be set with a view to ensuring that each functional airspace block retains sufficient flexibility to achieve the best results.

Compensation mechanism: in addition to the introduction of sanctions, an appropriate compensation mechanism must also be established in order to address the problem stemming from the lack of synchronisation in SESAR deployment and resulting lost investment. The Commission may propose financial mechanisms to improve the synchronisation of air-based and ground-based capital expenditure related to the deployment of SESAR technologies

Implementation of the ATM Master Plan: implementation of the ATM Master Plan shall be coordinated by the Commission. The Network Manager, the PRB and the Deployment Manager shall contribute to the implementation of the ATM Master Plan in accordance with the provisions of the regulation.

The Commission should adopt, by implementing acts, measures establishing the governance of implementation of the ATM Master Plan, including defining and selecting the body responsible at management level (Deployment Manager).

The Deployment Manager should recommend to the Commission binding deadlines for deployment and appropriate corrective actions concerning delayed implementation.

Industrial partnerships: Members stipulated that industrial partnerships should be separate from FABs, which were a state initiative. What is more, industrial partnerships need not overlap with FABs in terms of the Member States concerned and therefore should be classed as a separate type of cooperation.

Transparency				
OETJEN Jan-Christoph	Shadow rapporteur	TRAN	30/11/2022	Supernal, LLC
OETJEN Jan-Christoph	Shadow rapporteur	TRAN	15/11/2022	European Regional Airlines Association
MARINESCU Marian-Jean	Rapporteur	TRAN	10/11/2022	IATA
MARINESCU Marian-Jean	Rapporteur	TRAN	26/10/2022	Inmarsat Global Ltd
MARINESCU Marian-Jean	Rapporteur	TRAN	11/05/2022	IATA
MARINESCU Marian-Jean	Rapporteur	TRAN	30/03/2022	IATA
MARINESCU Marian-Jean	Rapporteur	TRAN	08/03/2022	NATS Ltd
MARINESCU Marian-Jean	Rapporteur	TRAN	18/11/2021	IATA
MARINESCU Marian-Jean	Rapporteur	TRAN	17/11/2021	IFATCA
MARINESCU Marian-Jean	Rapporteur	TRAN	14/10/2021	Austro Control Österreichische Gesellschaft für Zivilluftfahrt mit beschränkter Haftung