



# Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2013/0186(COD) Awaiting Council 1st reading position / budgetary conciliation convocation
Implementation of the Single European Sky. Recast	
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>
Subject	
3.20.01 Air transport and air freight	
3.20.15.02 Air transport agreements and cooperation	

Key players				
European Parliament	Committee responsible	Rapporteur	Appointed	
	<b>TRAN</b> Transport and Tourism		11/07/2013	
		PPE <a href="#">MARINESCU Marian-Jean</a>		
		Shadow rapporteur		
		S&D <a href="#">DANELLIS Spyros</a>		
		ALDE <a href="#">MEISSNER Gesine</a>		
		Verts/ALE <a href="#">LICHTENBERGER Eva</a>		
		ECR <a href="#">FOSTER Jacqueline</a>		
		GUE/NGL <a href="#">KOHLÍČEK Jaromír</a>		
	Committee for opinion	Rapporteur for opinion	Appointed	
	<b>ITRE</b> Industry, Research and Energy	The committee decided not to give an opinion.		
	<b>JURI</b> Legal Affairs		12/11/2013	
		EFD <a href="#">SPERONI Francesco Enrico</a>		
Council of the European Union	Council configuration	Meeting	Date	
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">3352</a>	03/12/2014	
	<a href="#">Transport, Telecommunications and Energy</a>	<a href="#">3335</a>	08/10/2014	
European Commission	Commission DG	Commissioner		
	<a href="#">Mobility and Transport</a>	KALLAS Siim		
European Economic and Social Committee				
European Committee of the Regions				

Key events			
11/06/2013	Legislative proposal published	<a href="#">COM(2013)0410</a>	Summary
01/07/2013	Committee referral announced in Parliament, 1st reading/single reading		

30/01/2014	Vote in committee, 1st reading/single reading		
06/02/2014	Committee report tabled for plenary, 1st reading/single 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/single 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>	

### Technical information

Procedure reference	2013/0186(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision 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
Modified legal basis	Rules of Procedure EP 150
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 1st reading position / budgetary conciliation convocation
Committee dossier	TRAN/7/13015

### Documentation gateway

Legislative proposal	<a href="#">COM(2013)0410</a>	11/06/2013	EC	Summary
Document attached to the procedure	<a href="#">SWD(2013)0206</a>	11/06/2013	EC	
Document attached to the procedure	<a href="#">SWD(2013)0207</a>	11/06/2013	EC	
Committee draft report	<a href="#">PE522.770</a>	06/11/2013	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		

### Additional information

National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

## 2013/0186(COD) - 11/06/2013 Legislative proposal

**PURPOSE:** to improve the competitiveness of the European air transport system with the further development of the Single European Sky (SES) initiative.

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** the Single European Sky (SES) initiative aims to improve the overall efficiency of the way in which European airspace is organised and managed through a reform of the industry providing air navigation services (ANS).

The experience gained with SES I since 2004 and SES II since 2009 has shown that the principles and direction of the SES are valid and warrant a continuation of their implementation. However, the initiative is experiencing significant delays in its implementation, notably in the achievement of the performance goals and the deployment of its basic elements (such as functional airspace blocks (FABs) or National Supervisory Authorities (NSAs)).

This process of the recasting of the SES legal framework, known under the abbreviation of SES 2+, is intended to accelerate the implementation of the reform of air navigation services without departing from its original objectives and principles. It is also part of the [Single Market Act II initiative](#) and aims hence to improve the general competitiveness and growth of the EU economy and not just that of the air traffic management system.

The SES2+ package essentially deals with two problems:

1. the insufficient efficiency of Air Navigation: ANS provision remains relatively inefficient in terms of cost- and flight efficiency as well as the capacity offered. In the US, for example, the en-route airspace is controlled by a single service provider as opposed to 38 en-route service providers in Europe. The US service provider controls almost 70% more flights with 38% fewer staff;
2. fragmented ATM system: the European ATM system consists of 27 national authorities overseeing in total over a hundred Air Navigation Service Providers (ANSPs), with the associated variance in systems, rules and procedures.

The specific objectives of the initiative are: (i) to improve the performance of air traffic services in terms of efficiency and (ii) to improve the utilisation of air traffic management capacity.

**IMPACT ASSESSMENT:** the Commission undertook an [impact assessment](#) to support legislative proposals on improving efficiency, safety and competitiveness of the Single European Sky.

**LEGAL BASE:** Article 100(2) of the Treaty on the Functioning of the European Union (TFEU).

**CONTENT:** the Commission proposes merging the four SES regulations into a single regulation, structured into chapters based on the actors concerned.

**National authorities:** the proposal strengthens the national authorities, as regards their independence, their expertise and their resources. For that purpose, it:

- describes the level of independence required from the authorities vis-à-vis the service providers they are intended to oversee (a transitional period is foreseen until 2020);
- more explicit requirements are set on the competences and independence of the staff hired, as well as strengthening the independent funding of the authorities through the route charges;
- to improve expertise amongst the authorities, a network of national authorities is foreseen, including also the possibility of pooling experts so that States may benefit from experts coming from other Member States.

**Performance and charging schemes:** the amendments proposed seek to rationalise the process of target setting and to allow focusing of target setting more at the local level. This allows for more educated tailored setting of targets.

Small adjustments to support this have also been made to the provisions on charging and the text has also been updated so that the provision concerning funding of authority tasks covers also the extension of the European Aviation Safety Agency's (EASA) tasks.

**Functional Airspace Blocks:** the aim of the revision is to undertake a strategic redirection of Functional Airspace Blocks (FABs) to give them more of a performance focus. The sector needs to be given more flexibility to develop the FABs, even to devise different types of FABs, depending on where they expect to find the most synergies. Therefore the focus of the proposal is now more on flexible "industrial partnerships" and the measure of success will be the level of performance improvements achieved.

**Support services:** according to the proposal, the core air traffic services, which are considered to be natural monopolies, would remain under the requirement to designate them, but support services should be allowed to develop freely, using the full potential of expertise also from other sectors. A safeguard clause has been included to ensure vital security and economic interests are not endangered. A transitional period is foreseen until 2020.

**Network Management:** the provisions have been reorganised, in particular as regards the services that the Network Manager provides. A reference to the aeronautical information portal has been added as this service is already to some extent integrated in the Network Manager.

Secondly, the terminology has been harmonised with that used in Regulation (EC) No 1108/2009 naming the "functions" as "services" and treating the Network Manager consistently in the same manner as other service providers insofar as certification, oversight and safety requirements are concerned.

Lastly, a provision has been included to cover the further development of the Network Manager in the direction of an industrial partnership by 2020.

Involvement of airspace users: the need to introduce more customer focus on the air navigation service providers has given rise to a new provision to ensure the airspace users are consulted and also involved in the approval of investment plans.

BUDGETARY IMPLICATION: the proposal has no implications for the EUs budget.

DELEGATED ACTS: the proposal contains provisions empowering the Commission to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union.

## 2013/0186(COD) - 06/02/2014 Committee report tabled for plenary, 1st reading/single reading

---

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.

## 2013/0186(COD) - 12/03/2014 Text adopted by Parliament, 1st reading/single reading

---

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.