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From: General Secretariat of the Council
To: Council

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Subject: Amended proposal for a Regulation of the European Parliament and of the Council on the implementation of the Single European Sky (recast)
Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1139 as regards the capacity of the European Union Aviation Safety Agency to act as Performance Review Body of the Single European Sky
– General approach

Delegations will find in annex the text of the 2004 Statement by the Member States on military issues related to the Single European Sky referred to in recital 8 of the compromise text (document 9162/21 ADD 1).

STATEMENT BY THE MEMBER STATES ON MILITARY ISSUES RELATED TO THE SINGLE EUROPEAN SKY

The Member States,

— taking into account that the Regulations aimed at creating the single European sky apply only to general air traffic and do not cover military operations and training,

— affirming the necessity to put into practice the legislative framework for the single European sky in a coherent and consistent way, taking full account of the needs related to national defence and security policy and international agreements,

— being convinced that the safe and efficient use of airspace can only be achieved through close cooperation between civil and military users of airspace, mainly based on the concept of flexible use of airspace and effective civil-military coordination as established by ICAO, declare that they will:

1. cooperate with each other, taking into account national military requirements, in order that the concept of flexible use of airspace is fully and uniformly applied in all Member States by all users of airspace;
2. ensure that the interests of Member States' military users of airspace will, where relevant, be represented in the whole development, decision-making process and implementation of the single European sky, including the Single Sky Committee set up under Article 5 of Regulation (EC) No 549/2004 (framework Regulation);
3. ensure, where appropriate, that military personnel are involved in the work undertaken by recognised organisations set up under Article 3 of Regulation (EC) No 550/2004 (service provision Regulation);
4. take into account, in relation to matters of air traffic management, the fundamental importance of Eurocontrol;
5. enhance civil military cooperation and, if and to the extent deemed necessary by all Member States concerned,

— facilitate cooperation between their armed forces in all matters of air traffic management, so as to make it possible to address relevant needs in the implementation of the regulatory framework for the single European sky;

— taking into account the objective of establishing the regulatory framework for the single European sky by 31 December 2004, create the arrangements necessary to support such military cooperation in order to guarantee a balanced consideration of economic as well as security and defence requirements.

