



Council of the
European Union

Brussels, 16 September 2024
(OR. en, es)

13264/24
ADD 2

Interinstitutional File:
2013/0186(COD)

CODEC 1786
AVIATION 111

'I/A' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the implementation of the Single European Sky (recast) (first reading) – Adoption of the Council's position at first reading and of the statement of the Council's reasons = Statements

Statement by Spain

Spain considers it essential to make progress towards achieving the Single European Sky, a key instrument for ensuring the environmental sustainability of aviation, improving efficiency in the use of airspace and fostering connectivity and economic development.

While recognising that the legal text agreed upon by the Council and the Parliament introduces some improvements on the current situation, Spain believes that the opportunity has been missed to secure a more ambitious legal and institutional framework that is more in line with the objectives of regulatory reform and aviation needs in the EU. Spain will therefore abstain from voting on this legislation.

However, Spain reiterates its commitment to working together with the other Member States and the Commission to develop and implement the newly approved legal text and to take every opportunity for improvement it may offer.

Statement by Ireland and Finland

Ireland and Finland would like to thank our fellow Member States and the Commission for bringing this file to agreement. This has been a long and difficult negotiation process, and it is no secret that we are disappointed with the lack of ambition in the final text as are many in the aviation sector.

However, our view is that now that agreement has been reached, we should move to adopt the legislation as soon as possible. This will allow Member States and their NSAs, the Commission and the PRB to embed the newly agreed structures and focus on delivering real benefits in the European Network immediately.

Finally, we would like to reiterate our view that this adoption should not be the end of the discussion on SES. Given the capacity challenges the network faces and the environmental issues facing us all, we stand ready to work with Member States, the Commission and the sector as a whole to develop and enhance the European air traffic management regulatory framework.

Statement by the Commission regarding the institutional autonomy of the Commission in relation to the Secretariat supporting the Performance Review Board

The Commission will provide the Secretariat of the PRB, taking into account the needs indicated by the PRB so that the PRB can effectively perform its functions as laid down by the Regulation. The Commission will ensure that the Secretariat has sufficient resources to carry out these tasks. The Commission fully recognises the need for the PRB to work independently. The requirement that the Secretariat provides its support to the PRB without taking any directives except from the PRB to enable it to fulfil its role for the purposes of preparing the content and orientation of the opinions, recommendation, reports, and guidance material of the PRB, must be understood as corollary of this framework of independence. The set-up of the Secretariat cannot therefore encroach upon the principles of organisational autonomy and of independence of the Commission.

Statement by the Commission on the financing of human resources for the Single European Sky and location of the Secretariat for Performance Review

The Commission recalls that the final agreement reached by the co-legislators on the Amended proposal for a Regulation on the implementation of the Single European Sky has significantly modified the attribution of tasks of the Performance Review Body and of the Commission, as well as the governance for the Performance Review Body. The Commission's tasks are more extensive compared to the Commission's initial proposal as the Commission (and not the PRB set out in an Agency) would be in charge of all decisions and would rely on the advice of the Performance Review Board. Furthermore, the Commission would have to provide a Secretariat to the Performance Review Board and to the NSA Cooperation Board. As a consequence, the Commission requires a significant amount of staff and resources.

The human resources required by the final agreement endorsed by the co-legislators will not allow the Commission to respect the principle of stable staffing and will require additional resources, to be authorised by the European Parliament and the Council during the annual budgetary procedure along with the related budgetary appropriations.

Without any additional means, the options to finance the necessary administrative costs for staff of the Secretariat for Performance Review cannot be found. Heading 7 European Public Administration of the multiannual financial framework 2021-2027 was built on the principle of stable staffing, and there is no margin to finance additional officials and external staff. The Commission will internally redeploy the officials required for this initiative. However, for the additional staff needed, the new budget line would have to be created under the Connecting Europe Facility to finance them beyond the limit of the principle of stable staffing.

The Commission will seek to establish agreements with Eurocontrol and EASA for a programme of regular secondments of staff to the Secretariat. Finally, the Commission will seek to establish appropriate arrangements with Eurocontrol for the provision of relevant information.
