Council of the
European Union

Brussels, 27 September 2024
(OR. en)

Interinstitutional File:
2013/0186(COD)

8311/1/24
REV 1 ADD 1

AVIATION 73
CODEC 950
PARLNAT 113

STATEMENT OF THE COUNCIL'S REASONS

Subject:	Position of the Council at first reading with a view to the adoption of a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the implementation of the Single European Sky (recast) - Statement of the Council's reasons - Adopted by the Council on 26 September 2024

I. INTRODUCTION

1. On 22 September 2020, the Commission submitted to the European Parliament and to the Council the amended[1] proposal for a Regulation of the European Parliament and of the Council on the implementation of the Single European Sky ("SES 2 + recast"), as well as the 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 ("proposal amending EASA Basic Regulation").

2. Mr Marinescu (EPP, RO) was confirmed as Rapporteur for the SES 2+ recast during the European Parliament's 9th term. The TRAN Committee adopted on 17 June 2021 its mandate for negotiations with the Council, by amending its first reading position of 2014.

3. Mr Bogusław Liberadzki (S&D, PL) was appointed as the Rapporteur for the proposal amending the EASA Basic Regulation during the European Parliament's 9th term. The European Parliament granted a mandate to negotiate the proposal amending the EASA Basic Regulation at the plenary on 7 July 2021.

4. The Council (TTE, Transport), on 3 June 2021, reached a general approach under the Portuguese Presidency.[2]

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[1] The Commission had adopted an initial recast proposal for the implementation of the Single European Sky in 2013. The European Parliament, during its 7th parliamentary term, designated the Committee on Transport and Tourism (TRAN) as the responsible committee on the proposal on the Single European Sky and appointed Mr Marian-Jean Marinescu (EPP, RO) as the Rapporteur. On 12 March 2014, the EP adopted its first reading position. The Council reached a general approach in December 2014. However, discussions on the file stalled afterwards. In December 2019, the Council invited the Commission to reconsider its legislative proposal.

[2] Docs 9490/21 + COR 1-5 and 9616/21.

5. The negotiations started with a first trilogue in July 2021. A second trilogue in November 2021 allowed to provisionally agree on a number of issues on Chapter IV (Network Management), which paved the way for a first provisional political agreement on that Chapter during the third trilogue in May 2023. During the fourth trilogue of March 2024, the two co-legislators reached a political agreement on all remaining Chapters. It was in particular decided to gather all provisions in the SES2+ Recast, so that the proposal amending the EASA Basic Regulation was discarded.

6. On 22 March 2024, the COREPER analysed the final compromise text for the SES2+ Recast with a view to agreement and confirmed it.

7. On 9 April 2024, the TRAN Committee's Chair sent a letter to the Chair of the COREPER confirming that, should the Council approve the agreed text, including the common statement, at first reading, after legal-linguistic revision, the Parliament would approve the Council's position in its second reading.

II. OBJECTIVE

8. The aim of the recast is to improve the performance, organisation and management of airspaces in the European Union and the provision of the air navigation services to increase capacity, lower costs and increase the system's adaptability, while also trying to reduce aviation's impact on environment and climate.

III. ANALYSIS OF THE COUNCIL'S POSITION AT FIRST READING

Procedural context

9. On the basis of the Commission proposal, the Parliament and the Council conducted negotiations with the aim of concluding an early-second reading agreement on the basis of the Council's first-reading position. The text of the draft Council position fully reflects the compromise reached between the two co-legislators.

Summary of the main issues

10. The Council's position at first reading contains the following main elements, on which an agreement between the co-legislators has been found:

11. The application of the Regulation is without prejudice to Member States' sovereignty over their airspace and to the requirements of the Member States relating to public order, public security and defence matters. The Regulation does not cover military operations and training.

12. A national supervisory authority is designated by the Member State to assess compliance of air navigation service providers with certain requirements, such as financial sustainability and organisational structure, in cooperation with the national competent authority in charge of the certification of air navigation service providers. Member States may decide to assign those tasks to one or the other authority.

13. The air navigation service providers and the national supervisory authority can be part of the same organisation provided they are functionally separated and meet independence requirements.

14. It will also be possible for Member States to merge economic and safety oversight functions in the same administrative entity. This solution cuts red tape and adapts to existing organisational models.

15. Air traffic service providers may open certain air navigation services to market conditions on a voluntary basis. Member States may decide to authorise the opening of air traffic services for aerodrome and/or approach control to market conditions.

16. National supervisory authorities and the Commission will together assess the performance of air navigation services, in accordance with the subsidiarity and proportionality principles. The Commission is assisted in this process by an independent performance review board (PRB), which has an advisory role. The PRB is established as a stable and permanent entity and will be funded by the EU budget.

17. The possibility for a mandatory modulation of *en route* charges is introduced to encourage airspace users to support improvements in climate and environmental performance, such as the use of the most fuel-efficient available routing or increased use of alternative clean propulsion technologies, subject to a feasibility study that will determine the contribution and the added value of such a modulation, and will assess its impact on air traffic, service provision, administrative costs and stakeholders.

18. The network perspective is strengthened by adding new network functions and by giving the current network manager, Eurocontrol, additional, clearly delineated tasks so that it can better contribute to the sustainable and efficient use of the airspace. Member States shall be fully involved in decisions of strategic importance for the network.

IV. CONCLUSION

19. The Council's position supports the aim of the Commission proposal and fully reflects the compromise reached in the informal negotiations between the Council and the European Parliament, with the support of the Commission.

20. The Council therefore believes that its position at first reading is a balanced representation of the outcome of the negotiations and that, once adopted, the SES2+ Recast will be an important contribution to improving efficiency of airspace management in the EU.