



Council of the European Union  
General Secretariat

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**Interinstitutional files:  
2013/0186(COD)**

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**Brussels, 23 September 2021**

**WK 10903/2021 ADD 3**

**LIMITE**

**AVIATION  
CODEC**

**WORKING PAPER**

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**WORKING DOCUMENT**

From:	General Secretariat of the Council
To:	Working Party on Aviation
Subject:	Amended proposal for a Regulation of the European Parliament and the Council on the implementation of the Single European Sky (recast) - Comments from Member States on the outcome of technical meetings with the EP for Chapter II

Delegations will find, attached, comments from **GREECE** on the above mentioned subject.

GR GREECE COMMENTS SES2+, CHAPTER II, Doc 11637	
PROVISIONS	COMMENTS
<b>Line 74, Column IV</b>	
<b>Tentative compromise by EP and PCY:</b> 4. The national supervisory authority may also share its organisational structure with another regulatory authority or with the national competition authority referred to in Article 11 of Council Regulation (EC) No 1/2003 , if the joint body fulfils the independence requirements set out in this article	GR is of the opinion that after " <i>national competition authority or</i> ", the following text should be added: " <b><i>or the national competent authority</i></b> ". Without prejudice to the final legal set-up of having two separate authorities, NSA and NCA, or one, NSA (encompassing within it the NCA), we consider that for reasons of clarity the above text should be added to the text of line 74.
<b>Line 78, Column II</b>	
(ba) they shall not be seconded from air navigation service providers or companies under the control of an air navigation service provider.	GR is of the opinion that a more flexible approach could be adopted considering the lack of aviation experts among the staff of the Authorities, around the EU and also, the lack of proper training for NSAs (NCAs) for various areas of ANS (i.e. Financial, ATFM, ASM, and FPD). It would be a waste of expertise and experience for the NSAs (NCAs) to lose the opportunity to hire the best of staff. Therefore and until the training issue is also resolved, the text proposed could be updated as follows, keeping in mind that the conflict of interest is always a major issue: " <b><i>they shall not be seconded from air navigation service providers or companies under the control of an air navigation service provider, unless they are hired on a permanent basis as staff of the NSAs (NCAs)</i></b> ". This proposal is without prejudice to the fact that the text in line 77 already implies that. Finally, relevant provisions might be foreseen for those NSAs that already employ seconded staff.
<b>Line 85, Column II</b>	
Member States shall ensure that national supervisory authorities have the necessary <b>public</b> financial resources and capabilities to carry out the tasks assigned to them under this Regulation in an efficient and timely manner. The national supervisory authorities shall manage their staff based on their own appropriations, <b>in accordance with relevant national law and procedures</b> , to be set in <b>depending on</b> the tasks to be fulfilled by the authority in accordance with Article 4.	GR is of the opinion that the word " <i>public</i> " brings confusion and ambiguity to the text, as it is not clear what "public" implies. GR strongly advocates that both NSAs and NCAs should have the clearly expressed in the text ability, for funding through the charging system, as it was in place before.
<b>Line 97, Column I</b>	
(a) conduct the activities necessary for the issuance of the economic certificates referred to in Article 6, including the oversight of the holders of those economic certificates;	GR is of the opinion that the new proposal for discussion by the EC, regarding having only one certificate but with the caveat (condition) that the ANSP won't be able to operate unless all financial requirements are fulfilled, is valid and could be examined as an alternative solution.

<b>Line 97a, Column IV</b>	
<b>Tentative compromise by EP and PCY:</b> (a) verify the compliance with, and the fulfillment of national security and defence requirements by the service providers referred to in Article 7(1a)b) and Article 8(4)d);	GR is of the opinion that the involvement of NSAs to these tasks will bring possible overlaps with other relevant national authorities and unnecessary additional burden to the NSAs. Also, line 97 is very generic and does not specify the scope of the task, creating more ambiguity. Finally is not clear what kind of expertise and at which level is required, in order to implement these responsibilities.
<b>Line 98, Column I</b>	
(b) oversee the correct application of procurement requirements in accordance with Article 8(6);	GR is of the opinion that the involvement of NSAs to these tasks will bring possible overlaps with other relevant national authorities and unnecessary additional burden to the NSAs. Also, it is debatable, whether or not the NSAs have the required expertise and resources to fulfill this task. Finally is not clear what kind of expertise and at which level is required, in order to implement these responsibilities.