



Council of the European Union
General Secretariat

Brussels, 01 September 2022

Interinstitutional files:
2013/0186 (COD)
2020/0264 (COD)

WK 11329/2022 ADD 1

LIMITE

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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Aviation
N° prev. doc.:	11666/22
Subject:	Amended proposal for a Regulation of the European Parliament and the Council on the implementation of the Single European Sky (recast) Proposal for a Regulation of the European Parliament and 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 - Comments by Member States on the Presidency non paper on chapter IV

Delegations will find, in annex, comments from **FINLAND** on the above mentioned subject.

1. **Could you agree to refer to Member States' sovereignty over their airspace, including their responsibilities with respect to national routes and airspace structures, and Member States' responsibilities relating to public order, public security and defence matters only in article 1(2) ("Subject matter and scope") of the Recast to avoid redundances?**

Member States' sovereignty over their airspace is a question of great importance to Finland. However, Finland can accept not referring to sovereignty in Chapter IV, should the importance of sovereignty be adequately emphasized in article 1(2).

2. **Could you agree with a compromise setting out an exhaustive list for network functions and an open list for network manager tasks?**

Finland supports strengthening the role of the Network Manager and emphasizes that the NMs mandate should be clear and unambiguous. Finland could however agree with a compromise setting out an exhaustive list for network functions and an open list for network manager tasks, as long as the principal tasks of the NM are properly defined in the open list.

3. **Do you have any comments on the list of the network functions and the tasks of the Network Manager? The particular outstanding issues are:**

- a) **Could you agree with the definition proposed by the rapporteur for network function 2(a), namely defining the design, management and optimisation of European airspace structures as a network function?**

Finland could agree with the rapporteur's proposition.

- b) **Could you agree with specifying the elements of the Network Operational Plan that are to be implemented by operational stakeholders instead of referring to a binding Network Operational Plan? In your view, what would such a list include (e.g.: operational actions, remedial actions)? Could you agree with making a link between, on the one hand, the Network Operational Plan and, on the other hand, the network operational performance requirements and local reference values?**

Finland could agree with this proposition.

- c) **Do you think it would be more appropriate to connect the network function 2(e) with the achievement of the Union-wide performance targets as set out in the performance scheme rather than the NOP?**

Finland would prefer the NOP option. However, we are flexible and can accept both options.

4. **Could you agree with emphasising Eurocontrol's vital role in a recital and not referring to Eurocontrol in the articles? Otherwise, what benefits do you see in mentioning it in the articles?**

Finland can agree with emphasizing Eurocontrol's role in a recital and not referring to it in the articles.

5. **Could the rules relating to Network Management Board be defined by an implementing act (e.g.: composition, role, functioning) as it is currently the case under existing legislation?**

Finland is of the opinion that since the execution rules for network functions are included in the regulation, including the composition of the NMB as well would make sense. However we can accept defining the rules relating to the NMB in an implementing act as well.

- 6. Do you consider appropriate to involve airspace users, the PRB and the Network Manager in the approval of investment plans of the ATSPs? Could you agree with consulting airspace users, the PRB and the Network Manager at an early stage of the investments planning?**

For the sake of transparency, Finland deems it appropriate to consult these relevant stakeholders in the investment planning process. However, we would like to know what exactly does it mean to “involve” these stakeholders in the **approval process**?

- 7. Could the methodology to set the prices for access to operational data for general air traffic be defined by an implementing act?**

Finland is of the opinion that it is not necessary to define the methodology to set the prices for access to operational data in Chapter IV. Defining the methodology in an implementing act is preferable to Finland.