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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 **IRELAND** on the above mentioned subject.

## Presidency questions for 1 September 2022 Working Party

SES 2+

### Ireland's response

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?

**Yes, we can agree to this. We are inclined to the view that a simpler approach is optimal here, given that references to MS sovereignty over airspace are explicit elsewhere in the text. Should any further references be considered necessary these can be examined on an article by article basis.**

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

**We can agree to a compromise on this point. It is important that the list of functions is outlined in the text but tasks can be amended via implementing act (as is currently the case).**

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?

**Yes, we can agree to the compromise on this point.**

- 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?

**We are agreeable to a more targeted approach to commitments on implementation in the NOP. These should, in our view, be the commitments that are deemed most important for the overall functioning of the European network. Making the entirety of the NOP binding could create confusion for operators with other binding requirements.**

- c) Do you think it would be more appropriate to connect the network function 2(e)<sup>1</sup> with the achievement of the Union-wide performance targets as set out in the performance scheme rather than the NOP?

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<sup>1</sup> e) management of the delivery of air traffic control capacity in the network [...] in accordance with commitments agreed through network operational performance requirements and local reference values as set out in the [binding] NOP;

**Our understanding is that whichever approach is chosen here, there will be a basis in the performance planning process due to the connection between performance plans and operational performance requirements and reference values.**

**However, as the NOP is the principal operational document for network planning it may be more appropriate to continue to refer to it within the network functions.**

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?

**We support a reference to EUROCONTROL in the recital rather than in specific articles. While it is clear that EUROCONTROL is the only organisation that could realistically provide Network Management services on this scale, it is not necessary to refer to EUROCONTROL in binding 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?

**We can agree to this approach.**

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?

**We would appreciate some clarification on how such approval processes relate to the approval of investments that already happens through the performance planning process, to avoid duplication of effort. Equally, the rationale for involving airspace users in investment planning to a greater extent than they already are is not immediately clear.**

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

**We have no issue with this proposal.**