

# EUROPEAN PARLIAMENT

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## **\*\*\*III REPORT**

on the joint texts approved by the Conciliation Committee for a European Parliament and Council regulation on

1. the provision of air navigation services in the Single European Sky ("the service provision Regulation")  
(PE-CONS 3691/2003 – C5-0604/2003 – 2001/0235(COD))
2. the organisation and use of the airspace in the Single European Sky ("the airspace Regulation")  
(PE-CONS 3692/2003 – C5-0605/2003 – 2001/0236(COD))
3. the interoperability of the European Air Traffic Management network ("the interoperability Regulation")  
(PE-CONS 3693/2003 – C5-0606/2003 – 2001/0237(COD))

European Parliament delegation to the Conciliation Committee

Rapporteur: Marieke Sanders-ten Holte

***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission)

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## PROCEDURAL PAGE

At its sitting of 3 September 2002 Parliament adopted its position at first reading on the proposals for a European Parliament and Council regulation on 1. the provision of air navigation services in the Single European Sky ("the service provision Regulation") (COM(2001) 564 – 2001/0235(COD)), 2. the organisation and use of the airspace in the Single European Sky ("the airspace Regulation") (COM(2001) 564 – 2001/0236(COD)) and on 3. the interoperability of the European Air Traffic Management network ("the interoperability Regulation") (COM(2001) 564 – 2001/0237(COD)) .

At the sitting of 27 March 2003 the President of Parliament announced that the common positions had been received and referred to the Committee on Regional Policy, Transport and Tourism (15853/2/2002 – C5-0137/2003, 15852/3/2002 – C5-0139/2003, 15854/3/2002 – C5-0140/2003).

At the sitting of 3 July 2003 Parliament adopted amendments to the common positions.

By letter of 22 September 2003 the Council stated that it was unable to approve all Parliament's amendments.

The President of the Council, in agreement with the President of Parliament, convened a meeting of the Conciliation Committee on 14 October 2003.

By letter of 13 November 2003 the President of Parliament informed the Council that it was necessary to extend the period for the work in committee and the deadline for adopting the act, as laid down in Article 251(7) of the EC Treaty.

At its meeting of 9 December 2003 the Conciliation Committee considered the common positions on the basis of the amendments proposed by Parliament.

At the same meeting it reached agreement on joint texts.

At its meeting of 9 December 2003 the Parliament delegation approved the results of the conciliation by nine votes with one abstention.

The following took part in the vote: Giorgos Dimitrakopoulos (Vice-President and chairman of the delegation), Marieke Sanders-ten Holte (rapporteur), Sylviane H. Ainardi, Giovanni Claudio Fava, Konstantinos Hatzidakis, Carlos Ripoll y Martínez de Bedoya (for Charlotte Cederschiöld), Gilles Savary, Ingo Schmitt, Brian Simpson and Ulrich Stockmann.

On 11 December 2003 the co-chairmen of the Conciliation Committee established that the joint texts had been approved, pursuant to paragraph III.8 of the Joint declaration on practical arrangements for the new co-decision procedure<sup>1</sup>, and forwarded them to Parliament and the Council in all the official languages.

The report was tabled on 21 January 2004.

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<sup>1</sup> OJ C 148, 28.5.1999, p. 1.

## **1. DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the joint text by the Conciliation Committee for a European Parliament and Council regulation on the provision of air navigation services in the Single European Sky ("the service provision Regulation")**

**(PE-CONS 3691/2003 – C5-0604/2003 – 2001/0235(COD))**

**(Codecision procedure: third reading)**

*The European Parliament,*

- having regard to the joint text approved by the Conciliation Committee (PE-CONS 3691/2003 – C5-0604/2003),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(2001) 564)<sup>2</sup>,
  - having regard to the amended proposal (COM(2002) 658)<sup>3</sup>,
  - having regard to its position at second reading<sup>4</sup> on the Council common position<sup>5</sup>,
  - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2003) 514 - C5-0420/2003)<sup>6</sup>,
  - having regard to Article 251(5) of the EC Treaty,
  - having regard to Rule 83 of its Rules of Procedure,
  - having regard to the report of its delegation to the Conciliation Committee (A5-0009/2004),
1. Approves the joint text;
  2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
  3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Union;
  4. Instructs its President to forward this legislative resolution to the Council and Commission.

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<sup>1</sup> OJ C 272 E, 13.11.2003, p. 303.

<sup>2</sup> OJ C 103 E, 30.4.2002, p. 26.

<sup>3</sup> Not yet published in OJ.

<sup>4</sup> Texts Adopted, 3.7.2003 P5\_TA(2003)0325.

<sup>5</sup> OJ C 129 E, 3.6.2003, p. 16.

<sup>6</sup> Not yet published in OJ.

## 2. DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the joint text by the Conciliation Committee for a European Parliament and Council regulation on the organisation and use of the airspace in the Single European Sky ("the airspace Regulation")**

**(PE-CONS 3692/2003 – C5-0605/2003 – 2001/0236(COD))**

**(Codecision procedure: third reading)**

*The European Parliament,*

- having regard to the joint text approved by the Conciliation Committee and the relevant Commission statement (PE-CONS 3692/2003 – C5-0605/2003),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(2001) 564)<sup>2</sup>,
  - having regard to the amended proposal (COM(2002) 658)<sup>3</sup>,
  - having regard to its position at second reading<sup>4</sup> on the Council common position<sup>5</sup>,
  - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2003) 514 - C5-0421/2003)<sup>6</sup>,
  - having regard to Article 251(5) of the EC Treaty,
  - having regard to Rule 83 of its Rules of Procedure,
  - having regard to the report of its delegation to the Conciliation Committee (A5-0009/2004),
1. Approves the joint text and draws attention to the Commission statement thereon;
  2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
  3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published, together with the Commission statement statement thereon, in the Official Journal of the European Union;
  4. Instructs its President to forward this legislative resolution to the Council and Commission.

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<sup>1</sup> OJ C 272 E, 13.11.2003, p. 316.

<sup>2</sup> OJ C 103 E, 30.4.2002, p. 35.

<sup>3</sup> Not yet published in OJ.

<sup>4</sup> Texts Adopted, 3.7.2003 P5\_TA(2003)0326.

<sup>5</sup> OJ C 129 E, 3.6.2003, p. 11.

<sup>6</sup> Not yet published in OJ.

### **3. DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the joint text by the Conciliation Committee for a European Parliament and Council regulation on the interoperability of the European Air Traffic Management network ("the interoperability Regulation")  
(PE-CONS 3693/2003 – C5-0606/2003 – 2001/0237(COD))**

**(Codecision procedure: third reading)**

*The European Parliament,*

- having regard to the joint text approved by the Conciliation Committee (PE-CONS 3693/2003 – C5-0606/2003),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(2001) 564)<sup>2</sup>,
  - having regard to the amended proposal (COM(2002) 658)<sup>3</sup>,
  - having regard to its position at second reading<sup>4</sup> on the Council common position<sup>5</sup>,
  - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2003) 514 - C5-0422/2003)<sup>6</sup>,
  - having regard to Article 251(5) of the EC Treaty,
  - having regard to Rule 83 of its Rules of Procedure,
  - having regard to the report of its delegation to the Conciliation Committee (A5-0009/2004),
1. Approves the joint text;
  2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
  3. Instructs its Secretary-General duly to sign the act and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Union;
  4. Instructs its President to forward this legislative resolution to the Council and Commission.

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<sup>1</sup> OJ C 272 E, 13.11.2003, p. 325.

<sup>2</sup> OJ C 103 E, 30.4.2002, p. 41.

<sup>3</sup> Not yet published in OJ.

<sup>4</sup> Texts Adopted, 3.7.2003 P5\_TA(2003)0327.

<sup>5</sup> OJ C 129 E, 3.6.2003, p. 26.

<sup>6</sup> Not yet published in OJ.

## EXPLANATORY STATEMENT

### **Background**

In autumn 2001, the Commission presented a package of legislative proposals with the objective of achieving the goal of a Single European Sky by 31 December 2004. The aim is:

- to improve and reinforce safety;
- to achieve more effective and integrated air navigation services based on demand driven service provision;
- to restructure European airspace as a function of traffic flow, rather than according to national borders;
- to create additional capacity and to increase the overall efficiency of the air traffic management system.

The Single Sky package consists of a framework regulation, which is the subject of a separate report, together with three implementing regulations dealing respectively with the provision of air navigation services, the organisation and use of airspace and the interoperability of the European Air Traffic Management Network. It is these implementing regulations which are the subject of this report.

On 3 September 2002, Parliament adopted a total of 80 amendments at first reading to the implementing regulations. The Council adopted its Common Positions on 18 March 2003. On 3 July 2003, at second reading, Parliament adopted 16 amendments to the "service provision regulation"; 15 amendments to the "airspace regulation" and 1 amendment to the "interoperability regulation".

With regard to service provision, these concerned in particular:

- common requirements for provision of services;
- conditions and duration of certificates for air navigation service providers;
- designation of air traffic service providers;
- date of entry into force of certification and designation provisions;
- recruitment, training and licensing of controllers;
- charges and charging schemes;
- access to data;
- relations between entities providing services to civil and military air traffic.

With regard to the airspace regulation, the amendments concerned in particular:

- conditions under which airspace blocks are to be created, managed and developed in the context of a single operating airspace, and the role of Eurocontrol in this respect;
- the procedure to apply in case of disputes on the definition of cross-border blocks;
- civil-military cooperation and data exchange;
- the timetable for the creation of a European Upper Flight Information Region;
- preparations for a European Lower Flight Information Region.

The amendment to the interoperability regulation concerned the timetable for transitional arrangements.



## **Conciliation**

Parliament's delegation to the Conciliation Committee held its constituent meeting on 3 September 2003. Its members instructed its Chairman, Giorgos Dimitrakopoulos, the Chair of the committee responsible, Paolo Costa, and the rapporteurs, Marieke Sanders-ten Holte and Claudio Fava, to begin informal negotiations with Council on the package of four proposals. The conciliation procedure was formally opened as an agenda item without debate at a Conciliation Committee meeting on 15 October. An overall agreement was reached at a further meeting of the Conciliation Committee on 9 December, two days before the deadline laid down by the Treaties.

The key points of the agreement reached with regard to the three implementing regulations can be summarised as follows:

### **1. Functional airspace blocks**

This was one of the most difficult issues discussed during the conciliation procedure. Agreement was however reached on the need to involve Eurocontrol in the development of common general principles for the creation of uniform functional airspace blocks.

A compromise was also reached on the sensitive question of the procedure to apply in case of difficulties arising between Member States with regard to cross-border blocks. Parliament insisted that some kind of mechanism should be in place to deal with such situations. Council however insisted that Member States should retain the power of final decision. The agreement reached allows Member States to refer disputes to the Single Sky Committee and requires them to take account of the Committee's opinion "in order to find a solution". In addition, the Commission made a statement in which it undertakes to review the situation after five years and, if necessary, make proposals for a modification of the system.

### **2. Civil-military cooperation**

In addition to the general commitment to civil-military cooperation made in the context of the framework regulation, which applies to the whole package, Parliament obtained further specific concessions with regard to data exchange between all air navigation service providers, airspace users and airports, be they civil or military. Recognition was also given to the importance of cooperation between neighbouring Member States in applying the concept of the flexible use of airspace across national borders.

### **3. Licensing of controllers and certification of service providers**

At Parliament's insistence, an article was introduced in the service provision regulation referring to the need for a Commission proposal on the licensing of controllers with the aim of improving the availability of controllers and promoting the mutual recognition of licences.

Provisions were also introduced to indicate that non-discriminatory access to services should be a pre-condition for certification of service providers and to underline safety obligations. Certificates will be monitored regularly and details of the monitoring of compliance with the common requirements for service providers and the conditions attached to the certificates will have to be included in annual reports on the implementation of the Single Sky to be submitted to the Commission.

#### **4. The creation of a European Lower Flight Information Region**

Council agreed to the importance of reflecting upon the extension of upper airspace concepts to lower airspace in accordance with a timetable and appropriate studies. In this respect, the Commission will submit a report to Parliament and Council at the latest by 31 December 2006, accompanied if appropriate by a proposal. If such an extension is envisaged, the relevant decisions should be taken before 31 December 2009.

#### **Conclusions**

The outcome of the conciliation procedure can be considered very satisfactory from Parliament's point of view. Important concessions were won in particular on the sensitive questions of functional airspace blocks and civil-military cooperation. Council has also accepted a number of amendments of particular importance to Parliament which strengthen the substance of the Regulations and prepare the way for important follow-up action which should make a significant contribution to the realisation and implementation of the Single European Sky. Parliament's delegation therefore recommends that the House approve the joint text agreed in the Conciliation Committee.