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15 July 2002

*****I**

REPORT

1. on the proposal for a European Parliament and Council regulation on the provision of Air Navigation Services in the Single European Sky (COM(2001) 564 – C5-0482/2001 – 2001/0235(COD)),
2. on the proposal for a European Parliament and Council regulation on the organisation and use of the airspace in the Single European Sky (COM(2001) 564 – C5-0483/2001 – 2001/0236(COD)) and
3. on the proposal for a European Parliament and Council regulation on the interoperability of the European Air Traffic Management network (COM(2001) 564 – C5-0484/2001 – 2001/0237(COD))

Committee on Regional Policy, Transport and Tourism

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)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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PROCEDURAL PAGE

By letter of 11 October 2001 the Commission submitted to Parliament, pursuant to Article 251(2) and Article 80(2) of the EC Treaty, the proposals for a European Parliament and Council regulation on 1. the provision of Air Navigation Services in the Single European Sky (COM(2001) 564 - 2001/0235 (COD)), 2. the organisation and use of the airspace in the Single European Sky (COM(2001) 564 - 2001/0236(COD)) and on 3. the interoperability of the European Air Traffic Management network (COM(2001) 564 - 2001/0237(COD)).

At the sitting of 25 October 2001 the President of Parliament announced that she had referred these proposals to the Committee on Regional Policy, Transport and Tourism as the committee responsible and the Committee on Legal Affairs and the Internal Market and the Committee on Industry, External Trade, Research and Energy for their opinions (C5-0482/2001, C5-0483/2001 and C5-0484/2001).

The Committee on Regional Policy, Transport and Tourism appointed Marieke Sanders-ten Holte rapporteur at its meeting of 20 November 2001.

It considered the Commission proposal and draft report at its meetings of 23 January, 18 April, 22 May, 17 June and 10 July 2002.

At the last meeting it adopted the draft legislative resolutions respectively by 39 votes to 7, with 5 abstentions, by 40 votes to 7, with 6 abstentions and by 41 votes to 6, with 6 abstentions.

The following were present for the vote: Luciano Caveri, chairman; Rijk van Dam, Gilles Savary and Helmuth Markov, vice-chairmen; Marieke Sanders-ten Holte, rapporteur; Sylviane H. Ainardi (for Alonso José Puerta), Pedro Aparicio Sánchez (for Danielle Darras), Emmanouil Bakopoulos, Carlos Bautista Ojeda (for Camilo Nogueira Román), Rolf Berend, Philip Charles Bradbourn, Felipe Camisón Asensio, Luigi Cocilovo, Gerard Collins, Garrelt Duin, Alain Esclopé, Giovanni Claudio Fava, Jacqueline Foster, Mathieu J.H. Grosch, Catherine Guy-Quint (for Ewa Hedkvist Petersen), Konstantinos Hatzidakis, Juan de Dios Izquierdo Collado, Georg Jarzembowski, Dieter-Lebrecht Koch, Giorgio Lisi, Nelly Maes, Sérgio Marques, Emmanouil Mastorakis, Erik Meijer, Bill Miller (for John Hume), Francesco Musotto, Karla M.H. Peijs, Wilhelm Ernst Piecyk, Giovanni Pittella (for Rosa Miguélez Ramos), Samuli Pohjamo, José Javier Pomés Ruiz, Luís Queiró (for Adriana Poli Bortone), Reinhard Rack, Carlos Ripoll i Martínez Bedoya, Isidoro Sánchez García, Dana Rosemary Scallon, Ingo Schmitt, Brian Simpson, Renate Sommer, Ulrich Stockmann, Margie Sudre, Roseline Vachetta (for Michel J.M. Dary), Joaquim Vairinhos, Geoffrey Van Orden (for Christine de Veyrac), Ari Vatanen, Herman Vermeer, Mark Francis Watts and Brigitte Wenzel-Perillo (for James Nicholson).

The opinions of the Committee on Legal Affairs and the Internal Market are attached; the Committee on Industry, External Trade, Research and Energy decided on 22 November 2001 not to deliver an opinion.

The report was tabled on 15 July 2002.

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session.

DRAFT LEGISLATIVE RESOLUTION

1. European Parliament legislative resolution on the proposal for a European Parliament and Council regulation on the provision of Air Navigation Services in the Single European Sky (COM(2001) 564 - C5-0482/2001 - 2001/0235(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2001) 564¹),
 - having regard to Article 251(2) and Article 80(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0482/2001),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Policy, Transport and Tourism and the opinion of the Committee on Legal Affairs and the Internal Market (A5-0266/2002),
1. Approves the Commission proposal as amended;
 2. Asks to be consulted again should the Commission intend to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 103E, 30.4.2002, p. 26.

Proposal for a Regulation on the provision of Air Navigation Services in the Single European Sky

Text proposed by the Commission

Amendments by Parliament

Amendment 1

Recital 2

(2) The report of the High Level Group on the Single European Sky has confirmed the need for rules at Community level to distinguish between regulation and service provision and to introduce a system of authorisation and a charging mechanism to stimulate cost-effectiveness.

(2) The report of the High Level Group on the Single European Sky has confirmed the need for rules at Community level to distinguish between regulation and service provision and to introduce a system of authorisation ***to preserve public interest requirements, most notably in terms of safety,*** and a charging mechanism to stimulate cost-effectiveness.

Justification

The measures envisaged in this regulation should also lead to enhanced levels of safety in the provision of air navigation services.

Amendment 2

Recital 6

(6) Member States should ***be permitted to*** entrust to recognised organisations the verification and certification of compliance of air navigation service providers and other relevant operators with Community requirements.

(6) Member States should entrust to recognised ***and technically experienced*** organisations the verification and certification of compliance of air navigation service providers and other relevant operators with Community requirements.

Justification

Necessary addition in the light of the demands placed on air navigation services.

Amendment 3
Recital 7a (new)

(7a) The implementation of safety requirements is without prejudice to the role and responsibilities of the European Aviation Safety Agency which, with regard to the creation of a Single European Sky, will have to be more clearly defined in the longer term.

Justification

The exact role and responsibilities of the European Aviation Safety Agency in terms of the extension of its mandate to include safety regulation of air traffic control will need to be clarified over the longer term.

Amendment 4
Recital 8

(8) Arrangements should be proposed to overcome the lack of controllers, through the improvement of the procedures for training and licensing, ***and through the harmonisation of such procedures at Community level.***

(8) Arrangements should be proposed to overcome the lack of controllers, through the improvement ***and harmonisation*** of the procedures for ***selection***, training, ***authorisation, rating*** and licensing, ***the mutual recognition of licences, and the development of recruitment programmes.***

Justification

To strengthen the text with a view to enhancing the mobility of air traffic controllers, and addressing the problem of recruitment.

Amendment 5
Recital 8a (new)

(8a) The Commission should monitor the development of recruitment programmes by the Member States to determine whether it will be necessary to provide Community support for the development of these programmes.

Justification

Concern has been expressed about the concept of using Community funding to support recruitment programmes, as this should in the first instance be the responsibility of the Member States.

Amendment 6
Recital 9

(9) Whilst guaranteeing the continuity of service provision, a common system should be established for authorising air navigation services which constitutes a means for defining the rights and obligations of air navigation service providers.

(9) Whilst guaranteeing the continuity of service provision, a common system should be established for authorising air navigation services which constitutes a means for defining the rights and obligations of air navigation service providers. ***Authorisations should be granted for a maximum period of ten years.***

Justification

The regulation should clearly stipulate the length of time for which authorisations to provide air navigation services are granted.

Amendment 7
Recital 11

(11) Conditions attached to authorisations are necessary in order to attain public interest objectives for the benefit of airspace users and the air transport passengers. They should be objectively justified and should be non-discriminatory, proportionate and transparent.

(11) Conditions attached to authorisations are necessary in order to attain public interest objectives for the benefit of airspace users and the air transport passengers. They should be objectively justified and should be non-discriminatory, proportionate and transparent **and compatible with customary internationally agreed standards.**

Justification

Clarifies the characteristics of the authorisations.

Amendment 8
Recital 16

(16) The provision of ancillary services, meteorological services and aeronautical information services should be organised under market conditions whilst taking into account the special features of such services.

(16) The provision of ancillary services, **communication, air navigation and radar surveillance**, meteorological services and aeronautical information services should be organised under market conditions whilst taking into account the special features of such services, **and simultaneously maintaining a high level of safety.**

Justification

The terms 'air navigation' and 'radar surveillance' are more appropriate for the Greek text, and safety aspects should also be taken into account.

Amendment 9
Recital 22

(22) User charges should provide remuneration for the facilities and services provided by air navigation service providers. Such services and facilities can, by their nature, only be provided by air navigation service providers themselves; in view of this monopoly situation, the level of user charges should be proportionate to the costs incurred in the provision of such facilities and services, taking into consideration the objective of economic efficiency.

(22) User charges should provide remuneration for the facilities and services provided by air navigation service providers. Such services and facilities can, by their nature, only be provided by air navigation service providers themselves; in view of this monopoly situation, the level of user charges should be proportionate to the costs incurred in the provision of such facilities and services, taking into consideration the objective of economic efficiency, ***while maintaining a high level of safety.***

Justification

Efforts to enhance economic efficiency must take account of safety considerations.

Amendment 10
Recital 26 a (new)

(26a) In the context of those revenues raised to provide a reasonable return on assets, and in direct correlation with the savings made from efficiency improvements, it should be possible to allow the establishment of a reserve to avoid a sudden increase in charges to airspace users at times of reduced levels of traffic. To this end, the Commission should develop a detailed proposal for the establishment and implementation of such a reserve, to be agreed by the European Parliament and the Council.

Justification

Concern has been expressed regarding the practicality of implementing such a reserve, and these concerns should be addressed by way of a detailed proposal. Reference to using this

reserve to encourage military airspace users to operate outside congested areas of airspace has been removed.

Amendment 11
Recital 29

(29) The performance of the air navigation services system as a whole at European level needs to be constantly examined to check the effectiveness of the measures adopted and to propose further measures.

(29) The performance of the air navigation services system as a whole at European level needs to be constantly examined, ***with due regard to the maintenance of a high level of safety***, to check the effectiveness of the measures adopted and to propose further measures.

Justification

Efforts to enhance performance must take account of safety considerations.

Amendment 12
Article 2, point (g)

(g) ‘ancillary services’ means communication, navigation and surveillance services as further defined in Annex I;

(g) ‘ancillary services’ means communication, ***air*** navigation and ***radar*** surveillance services as further defined in Annex I;

Justification

The above terms are more appropriate for the Greek text.

Amendment 13
Article 3, paragraph 1

1. A national supervisory authority shall be established by each Member State in order to assume the relevant responsibilities and obligations under the requirements of this Regulation. The national supervisory

1. A national supervisory authority shall be established by each Member State in order to assume the relevant responsibilities and obligations under the requirements of this Regulation. The national supervisory

authorities ***shall be independent of*** the air navigation service providers. ***This independence shall be achieved through adequate separation, at the functional level at least, between*** the national supervisory authorities ***and such providers***.

authorities ***and*** the air navigation service providers ***shall be separated from one another to the extent necessary to ensure that*** the national supervisory authorities ***operate as fully independent agencies in the discharge of their functions***.

Justification

Functional separation may, in some cases, prove inadequate to ensure the independence of the national supervisory authorities. The goal of independence should be more clearly stated.

Amendment 14

Article 3, paragraph 4 a (new)

4a. An airspace user which disputes a decision of the national supervisory authority may refer that decision to the Commission. If the Commission finds that the requirements of this Regulation have not been fulfilled it shall state its views on the correct interpretation of the Regulation without prejudice to Article 226 of the Treaty.

Justification

There is a need to ensure consistency in the way that the different national supervisory authorities enforce this regulation. This wording has been adopted from Regulation 2407/92 on licensing of air carriers.

Amendment 15

Article 4, paragraph 1

1. National supervisory authorities may decide with respect to air navigation service providers that operate under their responsibility to instruct recognised organisations to undertake fully or in part the inspections and surveys.

1. National supervisory authorities may decide with respect to air navigation service providers that operate under their responsibility to instruct recognised ***and technically experienced*** organisations to undertake fully or in part the inspections and surveys.

Justification

The air navigation service providers concerned must have the requisite technical know-how.

Amendment 16
Article 6

The mobility of air traffic controllers together with enhanced training conditions shall be developed by the European Parliament and ***of the Council on the basis of a Commission proposal.***

On the basis of a Commission proposal to be agreed by the European Parliament and the Council, ***arrangements shall be made to overcome the lack of controllers and Air Traffic Management (ATM) personnel through the improvement and harmonisation at Community level of the procedures for the selection, training, authorisation, rating and licensing of controllers and Air Traffic Management (ATM) personnel, and to establish the mutual recognition of licences.***

Justification

To strengthen the text with a view to enhancing the mobility of air traffic controllers. In addition, the Air Traffic Management (ATM) personnel should be included in the new regulation since air safety depends on them too.

Amendment 17
Article 7, paragraph 1

1. The provision of air navigation services shall be subject to a system of authorisation certifying the suitability of service providers to provide such services.

1. The provision of air navigation services shall be subject to a system of authorisation certifying the suitability of service providers to provide such services ***and enabling cooperation between service providers.***

Justification

The system of authorisation should also help to facilitate cooperation between air navigation service providers.

Amendment 18
Article 7, paragraph 4

4. Air navigation service providers meeting the requirements of the system of authorisation shall be entitled to an authorisation for the purpose of providing air navigation services. To that end, air navigation service providers shall apply to the national supervisory authority of the Member State where they have their principal place of operation and, if any, their registered office.

4. Air navigation service providers meeting the requirements of the system of authorisation shall be entitled to an authorisation **for a minimum period of five years and a maximum period of ten years** for the purpose of providing air navigation services. To that end, air navigation service providers shall apply to the national supervisory authority of the Member State where they have their principal place of operation and, if any, their registered office.

Justification

The regulation should clearly stipulate the length of time for which authorisations to provide air navigation services are granted.

Amendment 19
Article 7, paragraph 5, introductory sentence

5. Authorisations shall specify the conditions in terms of rights and obligations of air navigation service providers that are objectively justified in order to meet the objectives of this Regulation. The conditions attached to authorisations and the procedures for their grant shall:

5. Authorisations shall specify the conditions in terms of rights and obligations of air navigation service providers, **with particular regard to safety**, that are objectively justified in order to meet the objectives of this Regulation. The conditions attached to authorisations and the procedures for their grant shall:

Justification

Air navigation service providers have a particularly important role to play in maintaining safety standards.

Amendment 20
Article 7, paragraph 5, subparagraph (d a) (new)

(da) be compatible with internationally agreed standards.

Justification

Air navigation service providers have a particularly important role to play in maintaining safety standards.

Amendment 21
Article 7, paragraph 5, subparagraph (d b) (new)

(db) meet the quality standards required by users.

Justification

This amendment is needed to ensure high-quality services.

Amendment 22
Article 8, paragraph 2

2. Air traffic services that are, at the time of entry into force of this Regulation, operated by an air navigation service provider in respect of specific airspace blocks shall entitle that service provider to be designated for the same services in the same airspace blocks for a maximum period of three years without prejudice to the application of the provisions of Article 5 of Regulation (EC) No XXX/XX [*airspace regulation*].

2. Air traffic services that are, at the time of entry into force of this Regulation, operated by an air navigation service provider in respect of specific airspace blocks shall entitle that service provider to be designated for the same services in the same airspace blocks for a maximum period of three years without prejudice to the application of the provisions of Article 5 of Regulation (EC) No XXX/XX [*airspace regulation*] ***and without prejudice to the duty of the air navigation service provider to continue to make operational and safety improvements.***

Justification

This clause, which establishes a ‘grandfather right’ for the incumbent air navigation service provider, must be subject to continued efforts by the service provider to improve the service it provides and maintain safety in the context of the new legislative framework.

Amendment 23
Article 10, paragraph 1

1. ***Air navigation service providers*** shall take the necessary steps ***with a view to entering*** into written agreements or equivalent legal arrangements with military authorities for the blocks of airspace where they are designated. Those arrangements shall set out the specific obligations of each party, including the scope and procedures for exchanging data and for the transfer of control following the adoption of the measures referred to in Article 12 of Regulation (EC) No XXX/XX [*framework regulation*]. Those arrangements shall comply with the relevant provisions of this Regulation.

1. ***Member States*** shall take the necessary steps ***to ensure that air navigation service providers enter*** into written agreements or equivalent legal arrangements with military authorities for the blocks of airspace where they are designated. Those arrangements shall set out the specific obligations of each party, including the scope and procedures for exchanging data and for the transfer of control following the adoption of the measures referred to in Article 12 of Regulation (EC) No XXX/XX [*framework regulation*]. Those arrangements shall comply with the relevant provisions of this Regulation.

Justification

In terms of agreements with the military, the ultimate responsibility must lie with the Member State.

Amendment 24
Article 10, paragraph 2

2. As long as Member States have separate entities to provide air traffic services to civil and military air traffic, they shall ***inform*** the Commission of the way in which the cooperation between such entities is organised.

2. As long as Member States have separate entities to provide air traffic services to civil and military air traffic, they shall ***keep*** the Commission ***informed*** of the way in which the cooperation between such entities is organised ***and the actions taken to enhance this cooperation or, where possible, to integrate such entities with one another.***

Justification

To ensure that civil/military cooperation is improved over time, with a view to enhancing overall capacity.

Amendment 25
Article 12, paragraph 1

1. Operational data shall be exchanged in real-time between service providers and between such service providers and airspace users to facilitate the operational needs of both.

1. Operational data shall be exchanged in real-time between service providers and between such service providers and airspace users to facilitate the operational needs of both. ***It shall only be used for operational purposes.***

Justification

To ensure that such data is not misused.

Amendment 26
Article 12, paragraph 2

2. Access to operational data shall be granted to all authorised air navigation service providers, airspace users and other operators concerned on a non-discriminatory basis.

2. Access to operational data shall be granted to all authorised air navigation service providers, airspace users and other operators concerned on a non-discriminatory basis. ***The requesting agencies shall bear the costs incurred.***

Justification

The agencies requesting the data should bear the costs incurred, in the interests of cost transparency and in line with the principle that those generating costs should pay for them.

Amendment 27
Article 12, paragraph 3

3. Each service provider shall establish standard conditions of access to its operational data from other service providers and airspace users. National supervisory authorities shall approve such standard conditions. Detailed rules relating to such conditions shall be established, where appropriate, in accordance with the procedure referred to in Article 19(2).

3. Each service provider shall establish standard conditions of access to its operational data from other service providers and airspace users. National supervisory authorities shall approve such standard conditions ***and take the necessary measures to ensure that this data is only used for operational purposes. Access shall be regulated in such a way as to guarantee confidentiality and ensure that data specifying names are not disclosed.*** Detailed rules relating to such conditions shall be established, where appropriate, in accordance with the procedure referred to in Article 19(2).

Justification

To ensure that such data is not misused. Even though the above article deals with data protection, the regulation must nevertheless safeguard confidentiality in the proper manner where details of names are concerned. This is a sine qua non for encouraging complete transparency in reporting systems.

Amendment 28
Article 13

A charging scheme for air navigation services shall be established, in accordance with the requirements of Articles 14 and 15, that contributes to the achievement of greater transparency with respect to the determination, imposition and enforcement of charges to airspace users. This charging scheme shall also be consistent with the provisions of Article 15 of the 1944 Chicago Convention on International Civil Aviation.

The charging scheme should be fully consistent with the route charging system laid down in multilateral route charging agreements and in Annex IV to the revised Eurocontrol Convention. In keeping with the requirements of Articles 14 and 15 of this proposal for a regulation, the charging scheme ***should help to bring about*** greater transparency with respect to the determination, imposition and enforcement of charges to airspace users. This charging scheme shall also be consistent with the provisions of Article 15 of the 1944 Chicago Convention on International Civil Aviation.

Justification

Eurocontrol's expertise must be brought to bear on the charging system.

Amendment 29
Article 13 a (new)

Article 13a

The charges and conditions for using air navigation services provided in non-competitive circumstances must be set by national supervisory authorities, after consulting airspace users, with due regard for best practice.

Justification

In monopoly situations procedures must be found which will ensure a certain balance between the various interests.

Amendment 30
Article 14, paragraph 3, point (d)

(d) Charges shall ***encourage*** the safe, efficient and effective provision of air navigation services at the lowest possible cost and shall stimulate integrated service provision. They may provide incentives and deterrents consisting of financial advantages and disadvantages which apply to air navigation service providers and/or airspace users. They may also provide revenues to benefit projects designed to assist specific categories of users and/or air navigation service providers in order to improve collective air navigation infrastructures, the provision of air navigation services and the use of airspace.

(d) Charges shall ***allow for*** the safe, efficient and effective provision of air navigation services at the lowest possible cost ***compatible with the maintenance of a high level of safety*** and shall stimulate integrated service provision. They may provide incentives and deterrents consisting of financial advantages and disadvantages which apply to air navigation service providers and/or airspace users. They may also provide revenues to benefit projects designed to assist specific categories of users and/or air navigation service providers in order to improve collective air navigation infrastructures, the provision of air navigation services and the use of airspace. ***Cross-subsidy between different air navigation services shall be permitted only in exceptional cases, and shall then be clearly identified.***

Justification

Better expresses the level of priority to be given to safety in determining charging policy. Cross-subsidies may lead to substantial distortions of competition; consequently, they must be permitted only in justified exceptional cases, and must then be identified accordingly.

Amendment 31
Article 16, point (d)

(d) allow the identification and the promotion of best practice.

(d) allow the identification and the promotion of best practice, ***in particular by producing a set of safety indicators.***

Justification

Since the safety of those using air transport is the priority for air traffic services, it is more appropriate to lay down the performance of service providers clearly in terms of safety.

Amendment 32
Article 19, paragraph 3 a (new)

3a. In addition to the committee, an 'Industry Consultation Body', to which associations of airspace users, flight-safety organisations and the manufacturing industry shall belong, shall be established to advise the Commission concerning the technical aspects of the implementation of the Single European Sky.

Justification

This proposal strengthens the consultation and advisory processes.

Amendment 33
Annex II, indent 3

– not be controlled by air navigation service providers, or ***by*** others engaged commercially in the provision of air navigation services or in air transport services;

– not be ***economically integrated with or*** controlled by air navigation service providers, or ***with*** others engaged commercially in the provision of air navigation services or in air transport services;

Justification

To obviate conflicts of interest at the expense of air safety.

Amendment 34
Annex II, indent 4

– be established with a significant technical, managerial, support and research staff commensurate *to* the tasks to be carried out;

– be established with a significant ***and qualified*** technical, managerial, support and research staff commensurate *with* the tasks to be carried out;

Justification

A qualitative requirement is necessary where safety is concerned.

Amendment 35
Annex III, paragraph 2, indent 3

- the suitability of the holder of the authorisations, particularly in terms of past experience and credibility, safety and quality management systems and processes, human resource policies;

- the suitability of the holder of the authorisations, particularly in terms of past experience and credibility, safety and quality management systems and processes, human resource policies ***and adequate staffing plans; for all categories of ATM personnel included in the ESARR 5 safety directives and carrying out safety critical tasks;***

Justification

In order to meet the requirements of Eurocontrol's ESARR 5, the personnel covered by these specific provisions should be defined, so as to increase air transport safety. The staff involved are air traffic controllers and air traffic safety electronics personnel, carrying out tasks which are critical for flight safety. Adequate staffing plans are also an important prerequisite for determining the suitability of the holder of an authorisation to provide air navigation services.

DRAFT LEGISLATIVE RESOLUTION

2. European Parliament legislative resolution on the proposal for a European Parliament and Council regulation on the organisation and use of the airspace in the Single European Sky (COM(2001) 564 - C5-0483/2001 - 2001/0236(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2001) 564¹),
 - having regard to Article 251(2) and Article 80(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0483/2001),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Policy, Transport and Tourism and the opinion of the Committee on Legal Affairs and the Internal Market (A5-0266/2002),
1. Approves the Commission proposal as amended;
 2. Asks to be consulted again should the Commission intend to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 103E, 30.4.2002, p. 35.

Proposal for a Regulation on the organisation and use of the airspace in the Single European Sky

Text proposed by the Commission

Amendments by Parliament

Amendment 36

Recital 7

(7) The activities of the European Organisation for the Safety of Air Navigation ('Eurocontrol') confirm that the route network and airspace structure cannot realistically be developed in isolation, as each individual Member State is an integral element of the European Air Traffic Management network.

(7) The activities of the European Organisation for the Safety of Air Navigation ('Eurocontrol') confirm that the route network and airspace structure cannot realistically be developed in isolation, as each individual Member State is an integral element of the European Air Traffic Management network. ***Therefore it is important that this regulation takes due account of the European ATM network beyond the Community.***

Justification

Reinforces the external element of airspace management.

Amendment 37

Recital 9

(9) The delineation of airspace wherein air traffic services are to be provided should be related to the need for efficient services, rather than to national boundaries.

(9) The delineation of airspace wherein air traffic services are to be provided should be related to the need for efficient services, rather than to national boundaries. ***The plan for creating uniform, functional airspace blocks should be drawn up by Eurocontrol.***

Justification

The creation of functional airspace blocks is needed in Europe, in order to ensure optimum use of capacity. However, there is so far no coherent plan for this. Eurocontrol should be responsible for drawing up such a plan.

Amendment 38
Recital 10

(10) *Airspace users face disparate conditions of access to, and freedom of movement within, the Community airspace. This is due to* the lack of harmonisation in the classification of airspace.

(10) The lack of harmonisation in the classification of airspace *has an impact on its optimal operational organisation.*

Justification

Clarifies the meaning.

Amendment 39
Recital 11

(11) Constraints in the definition of the route network cause concentration of air traffic flows at fixed crossing points or junctions of airways whilst the principle of *direct* routings is the preferred, economical and ecological way to use Community airspace.

(11) Constraints in the definition of the route network cause concentration of air traffic flows at fixed crossing points or junctions of airways whilst the principle of *user-preferred* routings, *subject to the maintenance of a high level of safety*, is the preferred, economical and ecological way to use Community airspace.

Justification

Consistent with the corresponding amendment to Article 7. The implementation of direct routing has to be subject to safety analysis. Use of the more flexible term 'user-preferred' routing will help to ensure maximum optimisation of capacity.

Amendment 40
Recital 14

(14) Variations in the organisation of civil-military cooperation in the Community prevent uniform and timely airspace management and the implementation of

(14) Variations in the organisation of civil military co-operation in the Community prevent uniform and timely airspace management and the implementation of

changes. The success of the Single **European** Sky is dependent upon *an* effective cooperation between civil and military authorities.

changes. The success of the Single Sky is dependent upon effective co-operation between civil and military authorities; *at national and intergovernmental level.*

Justification

Emphasises that co-operation between civil and military authorities should be carried on at intergovernmental level.

Amendment 41
Recital 17

(17) Adequate measures should be introduced to improve the effectiveness of air traffic flow management.

(17) Adequate measures should be introduced to improve the effectiveness of air traffic flow management, ***making it possible for the Eurocontrol Central Flow Management Unit to exercise its responsibilities in a more effective manner. Such measures should include sanctions to ensure that airspace users comply with the system.***

Justification

In the context of air traffic flow management, reference should be made to the work already undertaken by Eurocontrol in this area. A system of sanctions should also be foreseen, so as to ensure that airspace users do not ‘cheat’ the system.

Amendment 42
Article 3, point (a)

(a) ‘single operating airspace’ means uniform airspace management procedures and safety standards in the provision of Air Traffic Control;

(a) ‘single operating airspace’ means ***a space in which*** uniform airspace management procedures and ***maximum*** safety standards ***are applied*** in the provision of Air Traffic Control;

Justification

The central objective, which must above all be to enhance safety, must be emphatically stated.

Amendment 43
Article 3, point (l)

(l) ‘**direct** routing’ means an aircraft operation allowing an aircraft in flight to proceed directly between two points **outside the scheme of routes**;

(l) ‘**user-preferred** routing’ means an aircraft operation allowing an aircraft in flight to proceed directly between two points; **the technological means to support this operation must be created**;

Justification

The use of the expression 'user-preferred routing' is intended to contribute to optimising capacity. At the same time it must be clearly stated that the relevant technological support must be created for this.

Amendment 44
Article 3, point (n)

(n) ‘sector’ means a subdivision of the totality of **control tasks** into manageable airspace portions at which throughput and capacity can be measured;

(n) ‘sector’ means a subdivision of the totality of **the airspace block** into manageable airspace portions at which throughput and capacity can be measured;

Justification

Clarifies the meaning.

Amendment 45
Article 3, point (q)

(q) ‘air traffic flow management’ means a service established with the objective of contributing to a safe, orderly and expeditious flow of air traffic by ensuring that air traffic control capacity is utilised **to the maximum extent possible**, and that traffic volume is compatible with the capacities declared by the appropriate air traffic services providers;

(q) ‘air traffic flow management’ means a service established with the objective of contributing to a safe, orderly and expeditious flow of air traffic by ensuring that air traffic control capacity is utilised **in a safe and efficient way**, and that traffic volume is compatible with the capacities declared by the appropriate air traffic services providers;

Justification

The proposed wording constitutes a better balance between the dual goals of optimising capacity and maintaining a high level of safety.

Amendment 46
Article 4, paragraph 1

1. Taking due account of ICAO requirements, as specified in the twelfth edition of July 1998 of annex 11 to the 1944 Chicago Convention on International Civil Aviation, a single European Upper Flight Information Region (EUIR) shall be established in the upper airspace.

1. Taking due account of ICAO requirements, as specified in the twelfth edition of July 1998 of annex 11 to the 1944 Chicago Convention on International Civil Aviation, a single European Upper Flight Information Region (EUIR) shall be established in the upper airspace ***within five years of the entry into force of this Regulation.***

Justification

Sets a realistic timetable.

Amendment 47
Article 4, paragraph 2

2. The division level between upper and lower airspace shall be ***set at flight level 285.***

2. The division level between upper and lower airspace shall be ***defined on the basis of operational requirements.***

Justification

This is a more flexible form of words which will facilitate the optimal use of airspace in different sectors.

Amendment 48
Article 4, paragraph 3

3. Within **three** years after the establishment of the EUIR, the European Parliament and the Council shall extend, on the basis of a proposal from the Commission, the concept referred to in paragraph 1 of this Article to include the creation of a European Flight Information Region in the lower airspace.

3. Within **five** years after the establishment of the EUIR, the European Parliament and the Council shall extend, on the basis of a proposal from the Commission, the concept referred to in paragraph 1 of this Article to include the creation of a European Flight Information Region in the lower airspace.

Justification

Sets a realistic timetable.

Amendment 49
Article 4, paragraph 4 a (new)

4a. In the performance of its duties, the Commission will take due account of the regulation applicable to the airspace under consideration, which has entrusted the Member States with the provision of air navigation services, by virtue of international agreements in which they are participating members.

Justification

Safeguards the Member States' international obligations arising from international agreements in which they are participating members (e.g. ICAO, Eurocontrol, etc.).

Amendment 50
Article 5, paragraph 1

1. The EUIR shall be reconfigured into functional airspace blocks of minimum size on the basis of safety and efficiency. The borders of such functional airspace blocks do not need to coincide with national boundaries. Functional airspace blocks

1. The EUIR shall be reconfigured into functional airspace blocks of minimum size on the basis of safety and efficiency. The borders of such functional airspace blocks do not need to coincide with national boundaries ***in cases where the territory of***

shall be created to support the provision of air traffic services ***within area control centres responsible for an optimal size of airspace in the EUIR.***

the states is adjacent to that of other EU Member States or with the division between the lower and upper airspace. Functional airspace blocks shall be created to support the ***optimal*** provision of air traffic services ***in both the lower and upper airspaces.***

Justification

This is a more flexible form of words which will facilitate the optimal use of airspace in different sectors. The arrangements introduced by these regulations must remain within the confines of the EU's political and geographical borders, while in cases where there is a common border with third countries account must be taken of the jurisdiction of the Member States under the existing flight information regions, as determined by the ICAO.

Amendment 51 Article 5, paragraph 1 a (new)

1a. Where disputes arise between two or more Member States with regard to the definition of a cross-border functional airspace block, the matter shall be referred to the Commission for a final decision. Any such decision shall be taken on the basis of the principle of optimising airspace capacity, with due consideration for the maintenance of a high level of safety. Before taking the final decision, the Commission must seek the opinion of Eurocontrol, which it must take into consideration in its decision.

Justification

This is intended to ensure a practical solution to potential conflicts between Member States with regard to the definition of cross-border functional airspace blocks. Involving Eurocontrol seems to make sense in this case.

Amendment 52
Article 5, paragraph 2, point (a)

(a) support efficiently the existing and future pattern of air traffic;

(a) support **safely and** efficiently the existing and future pattern of air traffic;

Justification

The aim is to stress, once again, the balance to be struck between the dual objectives of safety and efficiency.

Amendment 53
Article 5, paragraph 2, point (b)

(b) ensure that each airspace block is designed to maximise the efficiency of European airspace as a whole;

(b) ensure that each airspace block is designed to maximise the efficiency of European airspace as a whole **with due regard to the maintenance of a high level of safety**;

Justification

See justification to Amendment 52.

Amendment 54
Article 5, paragraph 2, point (d)

(d) **minimise the transaction costs** between various area control centres;

(d) **optimise coordination** between various area control centres;

Justification

See justification to Amendment 52

Amendment 55
Article 7

Subject to safety analysis, air navigation service providers shall organise the phased implementation of **direct** routings in the EUIR as the optimum economic and environmentally friendly usage of Community airspace. Service providers shall regularly report to the Commission on this implementation.

Subject to safety analysis **and taking account of overall capacity aspects**, air navigation service providers shall organise the phased implementation of **user-preferred** routings in the EUIR as the optimum economic and environmentally friendly usage of Community airspace. Service providers shall regularly report to **Eurocontrol and** the Commission on this implementation.

Justification

To ensure that the implementation of direct routing attains the stated objective – namely, the optimisation of airspace capacity.

Amendment 56
Article 8, paragraph 1

The structuring, division and categorising of airspace together with the planning of routes shall rely on a uniform, efficient and effective design process within the agreed concept of operation. To this end, airspace rules, common principles and criteria for sector design, especially the design of cross-border sectors, and route design shall be established on the basis of the ‘Concept and Criteria for Medium Term EUR Route Network and Associated Airspace Sectorisation’, EATMP ARN Version 4 issued by Eurocontrol on 1 April 2001.

The structuring, division and categorising of airspace together with the planning of routes shall rely on a uniform, efficient and effective design process within the agreed concept of operation **and shall be developed centrally**. To this end, airspace rules, common principles and criteria for sector design, especially the design of cross-border sectors, and route design shall be established on the basis of the ‘Concept and Criteria for Medium Term EUR Route Network and Associated Airspace Sectorisation’, EATMP ARN Version 4 issued by Eurocontrol on 1 April 2001.

Justification

Central development will ensure that the process is indeed uniform, efficient and effective.

Amendment 57
Article 10, paragraph 2

2. Member States shall **facilitate the organisation of civil-military cooperation particularly in all aspects of** airspace management and **air**-traffic flow management. Civil and military providers of air navigation services shall exchange data under the agreements provided for in Article 10 of Regulation (EC) No XXX/XX [on the provision of air navigation services in the Single European Sky].

2. Member States shall **work towards full integration of civil and** military airspace management and traffic flow management. Civil and military providers of air navigation services shall exchange data under the agreements provided for in Article 10 of Regulation (EC) No XXX/XX [on the provision of air navigation services in the Single European Sky].

Justification

Optimum use of the Single European Sky will be achieved if there is full integration of civil and military airspace management and air traffic flow management.

Amendment 58
Article 10, paragraph 3, introductory sentence

3. **Taking into account** the general conditions for air traffic flow management, as defined under Article 13, criteria shall, in accordance with the procedure referred to in Article 16(2), be established:

3. **Subject to** the general conditions for air traffic flow management, as defined under Article 13, criteria shall, in accordance with the procedure referred to in Article 16(2), be established:

Justification

This is a stronger wording which will help to ensure that, with regard to civil/military cooperation, the regulation genuinely delivers in terms of enhancing capacity.

Amendment 59
Article 10, paragraph 4

4. Member States shall **encourage** the full integration of air defence in airspace management **ensuring** full exploitation of airspace under certain agreed conditions and arrangements, taking into account national security requirements.

4. Member States shall **ensure** the full integration of air defence in airspace management **in order to allow** full exploitation of airspace under certain agreed conditions and arrangements, taking into account national security requirements.

Justification

This is a stronger wording which will help to ensure that, with regard to civil/military cooperation, the regulation genuinely delivers in terms of enhancing capacity.

Amendment 60
Article 11

In the event of serious disturbance of military operations, Member States may **request** the Commission to prepare adjustments to the criteria defined in accordance with Article 10(3) in their territory. Pending the drafting of such adjustments the Commission shall exempt on a temporary basis the Member States from the application of these criteria.

In the event of serious disturbance of military operations, Member States may **require** the Commission **and Eurocontrol** to prepare adjustments to the criteria defined in accordance with Article 10(3) in their territory. Pending the drafting of such adjustments the Commission shall exempt on a temporary basis the Member States from the application of the provisions.

Justification

In such circumstances, it would be inappropriate for Member States to have to make a request to the Commission.

Amendment 61
Article 13, introductory paragraph

Rules for **air** traffic flow management shall be established in order to optimise available capacities in the use of airspace and to enhance flow management processes. These rules shall be based on transparency and efficiency ensuring that capacity is

Rules for traffic flow management shall be established in order to optimise available capacities in the use of airspace and to enhance flow management processes. **These rules should not conflict with the amended Eurocontrol Agreement of 1997.**

provided flexibly and in a timely manner. They shall support a framework for operational decisions by air navigation service providers, airport owners and airspace users, based on *Collaborative Decision Making*. **These rules shall cover:**

These rules shall be based on transparency and efficiency ensuring that capacity is provided flexibly and in a timely manner. They shall support a framework for operational decisions by air navigation service providers, airport owners and airspace users, based on *collaborative decision-making*. **The measures shall encompass:**

Justification

Eurocontrol's Central Flow Management Unit (amended Eurocontrol Agreement) is ignored in the Commission proposal, but in future it will take over the tasks set out in Article 13. Consequently, duplication and conflicting responsibilities must be avoided from the outset.

Amendment 62 Article 13, point (e)

(e) priority rules in access to airspace, particularly during periods of congestion and crisis.

(e) priority rules in access to airspace, particularly during periods of congestion and crisis, ***respecting the safe and orderly flow of traffic.***

Justification

Again underlines the need to strike a balance between the dual goals of optimising airspace capacity and maintaining a high level of safety.

Amendment 63 Article 14

When preparing for implementing rules covered by this Regulation, the Commission may, where appropriate, ask Eurocontrol to draw up draft measures on the basis of a work programme laid down by the Commission.

When preparing for implementing rules covered by this Regulation, the Commission may, where appropriate, ask Eurocontrol to draw up draft measures on the basis of a work programme laid down by the Commission ***and agreed by Eurocontrol.***

Justification

Reinforces the role of Eurocontrol.

Amendment 64
Article 16, paragraph 3 a (new)

3a. In addition to the committee, an 'Industry Consultation Body', to which associations of airspace users, flight-safety organisations and the manufacturing industry shall belong, shall be established to advise the Commission concerning the technical aspects of the implementation of the Single European Sky.

Justification

This proposal strengthens the consultation and advisory processes.

DRAFT LEGISLATIVE RESOLUTION

3. European Parliament legislative resolution on the proposal for a European Parliament and Council regulation on the interoperability of the European Air Traffic Management network (COM(2001) 564 – C5-0484/2001 – 2001/0237(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2001) 564¹),
 - having regard to Article 251(2) and Article 80(2) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C5-0484/2001),
 - having regard to Rule 67 of its Rules of Procedure,
 - having regard to the report of the Committee on Regional Policy, Transport and Tourism and the opinion of the Committee on Legal Affairs and the Internal Market (A5-0266/2002),
1. Approves the Commission proposal as amended;
 2. Asks to be consulted again should the Commission intend to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

¹ OJ C 103E, 30.4.2002, p. 41

Proposal for a Regulation on the interoperability of the European Air Traffic Management network

Text proposed by the Commission

Amendments by Parliament

Amendment 65 Recital 8

(8) It is therefore in the interest of all those involved in the air traffic management to develop a new partnership approach allowing the balanced involvement of all, stimulating creativity and the sharing of knowledge, experience and risks; such partnership should aim at defining, in cooperation with the manufacturing industry, a coherent set of Community specifications that can fulfil the widest possible range of needs ***from which an air navigation service provider can choose the elements that best suit its circumstances and limit the local adaptations as much as possible.***

(8) It is therefore in the interest of all those involved in the air traffic management to develop a new partnership approach allowing the balanced involvement of all, stimulating creativity and the sharing of knowledge, experience and risks; such partnership should aim at defining, in cooperation with the manufacturing industry, a coherent set of Community specifications that can fulfil the widest possible range of needs.

Justification

The final part of the text undermines the main intention, by giving individual air navigation service providers too much leeway to diverge from Community specifications.

Amendment 66 Recital 21

(21) ***Since the objectives of the proposed action, namely to achieve interoperability within the Community air traffic management network, cannot be sufficiently achieved by the Member States and can therefore, by reason of its wide scale, be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article,***

(21) Interoperability within the Community air traffic management network ***is on a Community-wide scale.*** The Member States ***cannot implement individually the measures needed to ensure this interoperability. Consequently,*** in accordance with the principle of subsidiarity ***it is necessary to take these measures at Community level; the European Aviation Safety Agency should in future have a leading role in coordinating interoperability measures.***

this Regulation does not go beyond what is necessary in order to achieve those objectives.

Justification

Interoperability is one of the key aspects in the creation of the Single European Sky, and must be driven forward at Community level. The European Aviation Safety Agency must be involved in coordinating the measures.

Amendment 67
Article 2, paragraph 1

The main objective of this Regulation is to define the conditions to be met in order to achieve interoperability within Community territory between the different systems and constituents of the air traffic management network, including their seamless operation and development and upgrading to new technology.

The main objective of this Regulation is to define the conditions to be met in order to achieve interoperability within Community territory between the different systems and constituents of the air traffic management network, including their ***safe and*** seamless operation and development and upgrading to new technology, ***notwithstanding the ultimate aim of achieving global interoperability.***

Justification

Underlines one of the main objectives of the interoperability regulation – namely, the maintenance of a high level of safety. Furthermore, it should be made clear that interoperability is a global goal, not limited to the territory of the Community.

Amendment 68
Article 8, paragraph 2

2. The preparation, adoption and review of implementation rules shall take into account the estimated cost of technical solutions by which they may be met, with a view to defining the most viable solution. To this end, an assessment of the costs and benefits of those solutions for all stakeholders concerned as well as for the European Air Traffic Management network shall be attached to each draft

2. The preparation, adoption and review of implementation rules shall take into account the estimated cost of technical solutions by which they may be met, with a view to defining the most viable solution, ***with due regard to the maintenance of a high level of safety.*** To this end, an assessment of the costs and benefits of those solutions for all stakeholders concerned as well as for the European Air

implementation rule.

Traffic Management network shall be attached to each draft implementation rule.

Justification

Reiterates safety aims.

Amendment 69 Article 8, paragraph 3

3. When each implementation rule is adopted, the date of entry into force shall be laid down in accordance with the procedure referred to in Article 16(2). Where simultaneous actions of the different stakeholders are required to achieve the objectives of this Regulation, the date of entry into force **can** be also a target date by which all stakeholders have to equip themselves with systems compliant to the relevant implementation rule.

3. When each implementation rule is adopted, the date of entry into force shall be laid down in accordance with the procedure referred to in Article 16(2). Where simultaneous actions of the different stakeholders are required to achieve the objectives of this Regulation, the date of entry into force **shall, where appropriate**, be also a target date by which all stakeholders have to equip themselves with systems compliant to the relevant implementation rule.

Justification

Proper coordination procedures are needed to ensure that all stakeholders are involved in defining, agreeing and adhering to common target dates for the introduction of new technologies.

Amendment 70 Article 11, paragraph 2

2. The Commission shall enter into consultation with the parties concerned **as soon as possible**. Where following the consultation, the Commission establishes that the measure is justified, it shall forthwith so inform the Member State that has taken the initiative and the other Member States. Where the decision referred to in paragraph 1 is justified by shortcomings in the implementation rules or Community specifications, the procedure referred to in Articles 5 and 6 shall apply.

2. The Commission shall enter into consultation with the parties concerned **forthwith**. Where following the consultation, the Commission establishes that the measure is justified, it shall forthwith so inform the Member State that has taken the initiative and the other Member States. Where the decision referred to in paragraph 1 is justified by shortcomings in the implementation rules or Community specifications, the procedure referred to in Articles 5 and 6 shall apply. Where

Where following *the* consultation the Commission establishes that the measure is unjustified, it shall forthwith so inform the Member State that has taken the initiative and the manufacturer or its authorised representative established within the Community.

following *this* consultation the Commission establishes that the measure is unjustified, it shall forthwith so inform the Member State that has taken the initiative and the manufacturer or its authorised representative established within the Community.

Justification

The wording in the original text is inadequate, because in the case referred to immediate action is necessary.

Amendment 71 Article 14

Introduction of new technology and *industry consultation* process

1. The Commission shall work on the concept of operations to be implemented under this Regulation with a view to achieving safe and efficient airspace use for all phases of flight.
2. To support the timely introduction of the concept *of operation* referred to in paragraph 1, the Commission shall consult stakeholders, including air navigation service providers, airspace users and manufacturing industry with the objective of establishing a widely supported strategic management programme for the introduction of new concepts and technologies in the Community air traffic management network.
3. In the accomplishment of its tasks, the Commission may take the advice of industry through the process referred to in paragraph 2 so as to ensure the feasibility, proportionality and cost-effectiveness of implementation rules and Community specifications proposed for adoption under this Regulation.

Introduction of new technology and process *for consulting interested parties*

1. The Commission shall work on the concept of operations to be implemented under this Regulation with a view to achieving safe and efficient airspace use for all phases of flight.
2. To support the timely introduction of the *future* concept referred to in paragraph 1, the Commission shall consult stakeholders, including air navigation service providers, airspace users, *users of air navigation systems* and manufacturing industry with the objective of establishing a widely supported strategic management programme for the introduction of new concepts and technologies in the Community air traffic management network.
3. In the accomplishment of its tasks, the Commission may take the advice of industry through the process referred to in paragraph 2 so as to ensure the feasibility, proportionality and cost-effectiveness of implementation rules and Community specifications proposed for adoption under this Regulation.

Justification

It is important to state clearly that all the interested parties, including staff, should be

consulted in this process.

Amendment 72
Article 14, paragraph 2

2. To support the timely introduction of the concept of operation referred to in paragraph 1, the Commission shall consult stakeholders, including air navigation service providers, airspace users and manufacturing industry with the objective of establishing a widely supported strategic management programme for the introduction of new concepts and technologies in the Community air traffic management network.

2. To support the timely introduction of the concept of operation referred to in paragraph 1, the Commission shall consult stakeholders, including air navigation service providers, **professional associations**, airspace users and manufacturing industry with the objective of establishing a widely supported strategic management programme for the introduction of new concepts and technologies in the Community air traffic management network.

Justification

Professional ATM associations should be consulted on the introduction of new technologies.

Amendment 73
Article 16, paragraph 3 a (new)

3a. In addition to the committee, an 'Industry Consultation Body', to which associations of airspace users, flight-safety organisations and the manufacturing industry shall belong, shall be established to advise the Commission concerning the technical aspects of the implementation of the Single European Sky.

Justification

This proposal strengthens the consultation and advisory processes.

Amendment 74
Annex II, Part A, paragraph 5

The evolution of systems and operations of the air traffic management network shall minimise environmental impact in accordance with applicable Community legislation.

The evolution of systems and operations of the air traffic management network shall minimise environmental impact in ***adherence to safety requirements and in*** accordance with applicable Community legislation.

Justification

Reiterates safety aims.

Amendment 75
Annex II, Part B, point 3.1.1.

Systems shall be designed, built and maintained on the grounds of sound engineering principles, in particular those relating to modularity supporting interchangeability of constituents.

Systems shall be designed, built and maintained on the grounds of sound engineering principles, in particular those relating to modularity supporting interchangeability of constituents. ***To that end, system users (air traffic controllers, engineers, air safety electronic technicians, technicians, etc.) shall be systematically involved in all the stages of study, design, installation and development of such systems.***

Justification

The participation of interested parties in the system construction process must be reaffirmed.

Amendment 76
Annex II, Part B, paragraph 3.2.3., subparagraph 2

Safety nets shall be subject to agreed common performance characteristics as derived from the agreed safety levels for the whole or parts of the network.

Safety nets shall be subject to agreed common performance characteristics as derived from the agreed safety levels for the whole or parts of the network. ***They shall, inter alia, allow the systematic analysis of all detected incidents.***

Justification

Provision should be made for a system of incident analysis.

Amendment 77

Annex II, Part B, point 3.3.2 a.(new)

3.3.2a. Safety

The design, building, maintenance and operation of surveillance data processing systems must make it possible to achieve high levels of safety, in both indicated and degraded modes, in order to reduce the number of accidents or of potentially dangerous incidents attributable to surveillance, in respect of all phases of flight and in respect of the entire European air traffic management network.

Justification

The failure to include a paragraph on safety must be an oversight, because this is the vital aspect to be safeguarded.

Amendment 78

Annex II, Part B, point 4.3 a.(new)

4.3a. Safety

Communication systems must be designed, built, maintained and operated in such a way as to ensure safety, in particular safety in respect of certain degraded modes, at the level set for the network or the parts thereof.

Justification

The failure to include a paragraph on safety must be an oversight, because this is the vital aspect to be safeguarded.

Amendment 79
Annex II, Part B, point 6.2 a.(new)

6.2a. Safety

Navigation systems must be designed, built, maintained and operated in such a way as to ensure safety, in particular safety in respect of certain degraded modes, at the level set for the network or the parts thereof.

Justification

The failure to include a paragraph on safety must be an oversight, because this is the vital aspect to be safeguarded.

EXPLANATORY STATEMENT

Introduction

This short explanatory statement addresses the three ‘technical’ regulations in the Single Sky package of proposals. Your rapporteur is mindful of the need to ensure that amendments proposed for each draft regulation are consistent with those proposed for the other two and that the overall approach is consistent with that which the Committee will adopt for the framework regulation for which Mr Fava is rapporteur. In this context your rapporteur reiterates with Mr Fava the need for the Council to respect the integrity of this package of interlinked proposals and insists that the Council considers and adopts all four draft regulations concurrently.

Your rapporteur's starting point is that a Single Sky for Europe does not currently exist and that it should and must if Europe is to:

- optimise the use of its airspace;
- continue to make safety an absolute priority;
- cope with projected increases in traffic;
- allow European airlines to compete with others; and
- adjust to changes already made in some Member States in arrangements for air traffic management.

Parliament has of course already called for the creation of a Single European Sky notably in the report by Sir Robert Atkins.

The Commission's package of proposals provides the opportunity to create a Single European Sky. In general terms the package is balanced but could benefit from some improvement by amendment. These amendments are submitted after the extensive consultation both rapporteurs have undertaken with service providers, service users, air traffic controllers, Eurocontrol and others. This explanatory statement will focus on those amendments as a general description of the proposals and the main areas of debate have been presented to the Committee at its meeting on 23 January 2002 in the Working Document prepared by your rapporteur.

The direction of amendments proposed by your rapporteur to each of the ‘technical’ draft regulations is considered in turn below.

The Provision of Air Navigation Services in the Single European Sky

This proposal distinguishes and separates service providers and regulators and sets down an overall framework for regulation at Member State level. It also introduces the concept of airspace blocks which are not coterminous with national boundaries. It allows national authorities to choose between different possible service providers and requires a non-discriminatory charging regime.

In your rapporteur's view the Commission's proposal is broadly acceptable. The amendments

she proposes go in the following directions.

Five of the amendments address the question of **safety** directly. Specifically they insist that high levels of safety are maintained where user charges are introduced, that reviews of the air navigation system in future give due regard to safety levels and that safety levels are explicitly considered when authorisations to service providers are made.

The concept of **relevant experience** is introduced as a criterion in the selection of recognised organisations by national authorities. To facilitate the recruitment and movement of air traffic controllers it is proposed by your rapporteur that there be **mutual recognition of licences** and the development of **recruitment programmes** for controllers.

One amendment seeks to ensure the **independence of the supervisory authority** in each Member State. Your rapporteur has also introduced a **procedure of referral to the Commission**, so as to help ensure uniform application of the regulation. On the question of **civil/military cooperation**, an enhanced level of cooperation between civil air traffic service providers and their military counterparts is also foreseen.

Four of your rapporteur's amendments go in the direction of using **internationally agreed standards** when public authorities select service providers, ensuring quality of service through, inter alia, using **service level agreements** and strengthening the Commission's **oversight** of the operation of the system by deploying a set of **performance indicators**.

Other amendments insist on alignment of **the charging regime proposed here** with any future regime for generalised transport infrastructure charging, that **operational data** is used only for operational purposes and clarify what is meant by **ancillary services**.

Organisation and use of Airspace in the Single European Sky

This proposal creates a single EU airspace for design, management and operating functions, initially in a European Upper Flight Information Region (EUIR). It promotes functional airspace blocks and the flexible use of airspace for civil and military functions. It makes explicit reference to Eurocontrol's activities in this area.

Your rapporteur wishes by amendment to insist on the importance of **safety** in air traffic flow management. In a related respect the broader aim of **optimising coordination** replaces and subsumes the narrower consideration of minimising transaction costs when defining functional airspace blocks.

The examination of **legal implications** and the **clear definition of responsibilities** are introduced as criteria when the rules for air traffic flow management are established. Your rapporteur has also sought to underline the good work of the **Eurocontrol Central Flow Management Unit** in this context. Upper and lower airspace is to be defined **operationally** rather than in a fixed way, and the structuring of airspace and route planning is to be undertaken **centrally**. **Airspace blocks and direct routing** are more clearly defined and the need to look to the whole network in **geographical Europe** is underlined.

An **arbitration procedure** is also introduced for the settlement of potential disputes between Member States as regards the establishment of cross-border functional blocks of airspace. Your rapporteur has also sought to reinforce the degree of **civil/military cooperation** foreseen in the proposal, recognising that a high level of such cooperation is vital to the success of the Single Sky project.

The interoperability of the European Air Traffic Management network

This draft regulation deals with the equipment, systems and procedures necessary for an integrated air traffic management network. An integrated network will reduce procurement and maintenance costs and systemic inefficiencies. It makes explicit reference to Eurocontrol's role in this area.

Your rapporteur wishes to ensure that the level of divergence from Community specifications is kept to a minimum so as to **guarantee interoperability of systems**. She also wishes to underline the ultimate goal of **global interoperability** and would also insist on the need to consult **professional associations** in the industry if the safe and efficient use of airspace for all phases of flight is to be achieved.

Other amendments again underline the need to maintain a high level of **safety**, seek to ensure that stakeholders abide by target dates for the introduction of **new technologies**, and provide for a system of **incident analysis** in the context of safety nets.

Your Rapporteur's conclusions

Inaction is not an option if a European Single Sky is to be achieved. The need for a Single Sky is widely accepted for the reasons given above. The package of proposals is complex and deals with difficult areas such as:

- civil/military cooperation;
- charging regimes for service providers;
- structures to separate service providers and regulators;
- a legal architecture which allows service providers to be chosen by national authorities, sometimes not wholly state owned;
- functional definition of airspace blocks;
- technical compatibility issues; and
- the role of Eurocontrol.

Your rapporteur views the Commission's proposals as a generally successful attempt to address these areas in a non-dogmatic, pragmatic way in seeking to increase efficiency without compromising safety. Roles are clarified and distinguished. The draft legislation is not prescriptive about the economic structure of service providers. In this way it recognises the role of air traffic management as a public service activity. For these reasons your rapporteur supports the proposals with the amendments she now submits. She is of course ready to consider other amendments proposed by members of the Committee.

Finally, the European Council conclusions at the Barcelona summit gave a further impetus to

the creation of a Single Sky and indicate clearly that a real window of opportunity exists for the European Union to advance towards its realisation.

27 February 2002

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS AND THE INTERNAL MARKET

for the Committee on Regional Policy, Transport and Tourism

on the proposal for a regulation of the European Parliament and of the Council on the provision of air navigation services in the single European sky (COM(2001) 564 – C5-0482/2001 – 2001/0235 (COD))

Draftsman: Carlos Ripoll i Martínez Bedoya

PROCEDURE

The Committee on Legal Affairs and the Internal Market appointed Carlos Ripoll i Martínez Bedoya draftsman at its meeting of 6 November 2001.

It considered the draft opinion at its meetings of 24 January, 19 February and 26 February 2002.

At the last meeting it adopted the following conclusions by 22 votes to 1.

The following were present for the vote: Giuseppe Gargani, chairman; Ioannis Koukiadis and Bill Miller, vice-chairmen; Carlos Ripoll i Martínez Bedoya, draftsman; Paolo Bartolozzi, Philip Charles Bradbourn (for Bert Doorn), Janelly Fourtou, Evelyne Gebhardt, Fiorella Ghilardotti, José María Gil-Robles Gil-Delgado (for Mónica Ridruejo), Gerhard Hager (for Alexandre Varaut), Malcolm Harbour, Heidi Anneli Hautala, The Lord Inglewood, Piia-Noora Kauppi (for Joachim Wuermeling), Klaus-Heiner Lehne, Toine Manders, Manuel Medina Ortega, Elena Ornella Paciotti (for Carlos Candal), Marianne L.P. Thyssen, Diana Wallis, Matti Wuori (for Neil MacCormick) and Stefano Zappalà.

AMENDMENTS

The Committee on Legal Affairs and the Internal Market requests the Committee on Regional Policy, Transport and Tourism, as the committee responsible, to include the following amendment in its report:

Text proposed by the Commission

Amendments by Parliament

Amendment 1 Article 3, paragraph 1

1. National supervisory authorities shall be established by each Member State in order to assume the relevant responsibilities and obligations under the requirements of this Regulation. The national supervisory authorities shall be independent of the bodies responsible for the management and operation of air navigation services. This independence shall be achieved through *adequate* separation, of at least functional level, between the national supervisory authorities and such bodies.

1. National supervisory authorities shall be established by each Member State in order to assume the relevant responsibilities and obligations under the requirements of this Regulation. The national supervisory authorities shall be independent of the bodies responsible for the management and operation of air navigation services. This independence shall be achieved through separation, of at least functional level, between the national supervisory authorities and such bodies.

Justification

The term 'adequate' is vague and might cause debate in future. It should therefore be omitted.

26 February 2002

OPINION OF THE COMMITTEE ON LEGAL AFFAIRS AND THE INTERNAL MARKET

for the Committee on Regional Policy, Transport and Tourism

on the proposal for a Regulation of the European Parliament and of the Council on the organisation and use of the airspace in the Single European Sky (COM(2001) 564 - C5-0483/2001 - 2001/0236(COD))

and on the proposal for a Regulation of the European Parliament and of the Council on the interoperability of the European Air Traffic Management network (COM(2001) 564 - C5-0484/2001 - 2001/0237(COD))

Draftsman: Carlos Ripoll i Martínez Bedoya

PROCEDURE

The Committee on Legal Affairs and the Internal Market appointed Philip Charles Bradbourn draftsman at its meeting of 6 November 2001. However, following the vote on 26 February 2002, Mr Bradbourn stepped down as draftsman and Mr Carlos Ripoll i Martínez Bedoya was appointed in his place.

The committee considered the draft opinion at its meetings of 24 January, 19 February and 26 February 2002.

At the last meeting it adopted the following amendments by 12 votes to 3 with 2 abstentions.

The following were present for the vote: Giuseppe Gargani, chairman; Ioannis Koukiadis, vice-chairman; Bill Miller, vice-chairman; Carlos Ripoll i Martínez Bedoya, draftsman; Paolo Bartolozzi, Philip Charles Bradbourn, Janelly Fourtou, Evelyne Gebhardt, Fiorella Ghilardotti, José María Gil-Robles Gil-Delgado, Gerhard Hager, Malcolm Harbour, Heidi Anneli Hautala, The Lord Inglewood, Piia-Noora Kauppi, Klaus-Heiner Lehne, Toine Manders, Manuel Medina Ortega, Elena Ornella Paciotti, Marianne L.P. Thyssen, Diana Wallis, Matti Wuori and Stefano Zappalà.

SHORT JUSTIFICATION

In order to ensure that the Single European Sky is a single airspace without frontiers, the Commission proposes, in the regulation on the organisation and use of airspace, creating a unique flight information region by merging the fifteen national airspaces into a single portion of airspace in which air traffic services will be provided in accordance with common rules and procedures. This requires a common airspace design and strategic management with Eurocontrol support. This move with regard to upper airspace will allow its configuration into control areas designed, where appropriate, across national barriers, with a view to the more efficient use of airspace, systems and manpower. In this connection the Commission proposes harmonisation of airspace categories, organisation and management of airspace with a view to the allocation of sectors to service providers and organisations of transfers of airspace between them, rules for organising flow management and mechanisms for more disciplined use of airspace. As regards military use of airspace, the Commission advocates establishing criteria for the application, at first in upper airspace and at a later date in lower airspace, of the concept of the Flexible Use of Airspace developed by Eurocontrol. The Commission wishes to encourage Member States and Eurocontrol to take appropriate measures to ensure operational and technical interoperability between civil and military service providers and the uniform application of civil-military air traffic service provision.

Your draftsman welcomes the aims of the proposed legislation while proposing certain amendments, which are confined to the first regulation considered by this opinion:

AMENDMENTS

The Committee on Legal Affairs and the Internal Market calls on the Committee on Regional Policy, Transport and Tourism, as the committee responsible, to incorporate the following amendments in its report:

Text proposed by the Commission¹

Amendments by Parliament

Amendment 1 Article 4, paragraph 1

1. Taking due account of ICAO requirements, as specified in the twelfth edition of July 1998 of Annex 11 to the 1944 Chicago Convention on International Civil Aviation, a single European Upper Flight Information Region (EUFR) shall be established in the upper airspace.

1. Taking due account of ICAO requirements, as specified in the twelfth edition of July 1998 of Annex 11 to the 1944 Chicago Convention on International Civil Aviation, a single European Upper Flight Information Region (EUFR) shall be established in the upper airspace ***within five years of the entry into force of this***

¹ OJ C Not yet published.

Regulation.

Justification

Sets a realistic timetable.

Amendment 2 Article 4, paragraph 3

Within **three** years after the establishment of the EUIR, the European Parliament and the Council shall extend, on the basis of a proposal from the Commission, the concept referred to in paragraph 1 of this Article to include the creation of a European Flight Information Region in the lower airspace.

Within **five** years after the establishment of the EUIR, the European Parliament and the Council shall extend, on the basis of a proposal from the Commission, the concept referred to in paragraph 1 of this Article to include the creation of a European Flight Information Region in the lower airspace.

Justification

Sets a realistic timetable.

Amendment 3 Article 4, paragraph 4

4. The Commission shall take the necessary measures in order to have the EUIR recognised by ICAO as required by the tenth edition of July 1997 of Annex 15 to the 1944 Chicago Convention on International Civil Aviation. The Commission, in collaboration with Eurocontrol, shall also organise the publication of a single aeronautical information relating to the EUIR through the consolidation of existing national aeronautical information. This publication shall incorporate all changes to

4. The Commission shall take the necessary measures in order to have the EUIR recognised by ICAO as required by the tenth edition of July 1997 of Annex 15 to the 1944 Chicago Convention on International Civil Aviation. The Commission, **jointly with** Eurocontrol, shall also organise the publication of a single aeronautical information relating to the EUIR through the consolidation of existing national aeronautical information. This publication shall incorporate all changes to requirements and procedures

requirements and procedures introduced by the implementation of the Single European Sky.

introduced by the implementation of the Single European Sky.

Justification

It is important to reinforce the involvement of Eurocontrol.

Amendment 4
Article 7

Subject to safety analysis, air navigation service providers shall organise the phased implementation of direct routings in the EUIR as the optimum economic and environmentally friendly usage of Community airspace. Service providers shall regularly report to the Commission on this implementation.

Subject to safety analysis, air navigation service providers shall organise the phased implementation of direct routings in the EUIR as the optimum economic and environmentally friendly usage of Community airspace. Service providers shall regularly report to ***Eurocontrol and*** the Commission on this implementation.

Justification

It is important to reinforce the role of Eurocontrol.

Amendment 5
Article 11

In the event of serious disturbance of military operations, Member States may ***request*** the Commission to prepare adjustments to the criteria defined in accordance with Article 10(3) in their territory. Pending the drafting of such adjustments the Commission shall exempt on a temporary basis the Member States from the application of these criteria.

In the event of serious disturbance of military operations, Member States may ***require*** the Commission ***and Eurocontrol*** to prepare adjustments to the criteria defined in accordance with Article 10(3) in their territory. Pending the drafting of such adjustments the Commission shall exempt on a temporary basis the Member States from the application of the provisions.

Justification

In such circumstances, it would be inappropriate for Member States to have to make a request to the Commission.

Amendment 6
Article 14

When preparing for implementing rules covered by this Regulation, the Commission may, where appropriate, ask Eurocontrol to draw up draft measures on the basis of a work programme laid down by the Commission.

When preparing for implementing rules covered by this Regulation, the Commission may, where appropriate, ask Eurocontrol to draw up draft measures on the basis of a work programme laid down by the Commission ***and agreed by Eurocontrol.***

Justification

Reinforces the role of Eurocontrol.