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

on the joint text approved by the Conciliation Committee for a European Parliament and Council regulation laying down the framework for the creation of the Single European Sky ("the framework Regulation")  
(PE-CONS 3690/2003 – C5-0603/2003 – 2001/0060(COD))

European Parliament delegation to the Conciliation Committee

Rapporteur: Giovanni Claudio Fava

***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 proposal for a European Parliament and Council regulation laying down the framework for the creation of the Single European Sky ("the framework Regulation") (COM(2001) 123 – 2001/0060(COD)).

At the sitting of 27 March 2003 the President of Parliament announced that the common position had been received and referred to the Committee on Regional Policy, Transport and Tourism (15851/3/2002 – C5-0138/2003).

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

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 position on the basis of the amendments proposed by Parliament.

At the same meeting it reached agreement on a joint text.

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), Giovanni Claudio Fava (rapporteur), Sylviane H. Ainardi, Konstantinos Hatzidakis, Carlos Ripoll y Martínez de Bedoya (for Charlotte Cederschiöld), Marieke Sanders-ten Holte, Gilles Savary, Ingo Schmitt, Brian Simpson and Ulrich Stockmann.

On 11 December 2003 the co-chairmen of the Conciliation Committee established that the joint text 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 it 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.

## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the joint text approved by the Conciliation Committee for a European Parliament and Council regulation laying down the framework for the creation of the Single European Sky ("the framework Regulation")  
(PE-CONS 3690/2003 – C5-0603/2003 – 2001/0060(COD))**

**(Codecision procedure: third reading)**

*The European Parliament,*

- having regard to the joint text approved by the Conciliation Committee and the relevant Member States statement (PE-CONS 3690/2003 – C5-0603/2003),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(2001) 123)<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 - C5-0419/2003)<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 (A5-0010/2004),
1. Approves the joint text and draws attention to the Member States 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 Member States 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. 296.

<sup>2</sup> OJ C 103 E, 30.4.2002, p. 1.

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

<sup>4</sup> Texts Adopted, 3.7.2003 P5\_TA(2003)0324.

<sup>5</sup> OJ C 129 E, 3.6.2003, p. 1.

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

## EXPLANATORY STATEMENT

### Background

In autumn 2001, the Commission presented a package of legislative proposals (one framework regulation, which is the subject of this report, and three implementing regulations which are the subject of a separate report) 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.

On 3 September 2002, Parliament adopted 34 amendments to the framework regulation at first reading. The Council adopted its Common Position on 18 March 2003. On 3 July 2003, Parliament adopted 18 amendments at second reading. These concerned in particular:

- the balance of civil-military interests;
- the role of Eurocontrol;
- the creation of an industry consultation body;
- relations with third countries;
- sanctions for breaches of the Regulation's provisions;
- the recognition of the core function of air navigation services as a whole.

### 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, Claudio Fava and Marieke Sanders-ten Holte, 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 framework regulation can be summarised as follows:

#### **1. The balance of civil and military interests and civil-military cooperation**

The civil-military question was one of the most difficult issues discussed during the conciliation procedure. Council was reluctant to address it, pointing out that military operations were beyond the scope of Community competence, and that the Common Positions already touched on the matter as far as was felt to be possible. Parliament however insisted that without close cooperation between civil and military sectors, notably in the context of the

flexible use of airspace, the Single European Sky would never become a reality.

In the compromise which was finally agreed, it was decided to make an explicit reference to the Member States' general statement on military issues related to the Single European Sky, which was made at the time of the adoption of the Common Position, and to publish this statement alongside the legislation.

In this statement, the Member States recognise that the safe and efficient use of airspace can only be achieved through close cooperation between civil and military users, mainly based on the concept of flexible use of airspace and effective civil-military coordination. With a view to the establishment and implementation of the Single Sky regulatory framework, they undertake in particular to "facilitate cooperation between their armed forces in all matters of air traffic management" and "to create the arrangements necessary to support such cooperation in order to guarantee a balanced consideration of economic as well as security and defence requirements". They also declare that they will "cooperate with each other, taking into account national military requirements, in order to ensure that the concept of flexible use of airspace is fully and uniformly applied in all Member States by all users of airspace".

In addition, it was agreed to underline in the text of the Regulation itself that the optimum and efficient use of airspace will only be possible if the requirements of all users are taken into account and where relevant represented in the whole development, decision-making process and implementation of the Single European Sky, including the Single Sky Committee.

## **2. The creation of an industry consultation body**

In response to concerns expressed by various sectors of industry, Parliament fought successfully for the inclusion in the legislative text of a provision for the establishment of an Industry Consultation Body to enable stakeholders to advise the Commission on the technical aspects of the implementation of the Single European Sky.

## **3. The role of Eurocontrol**

It was agreed that Eurocontrol should be able to take part in meetings of the Single Sky Committee as an observer and that the activity of the Industry Consultation Body would be without prejudice to Eurocontrol's own role. For the development of implementing rules falling under Eurocontrol's remit, Council agreed that the Commission should be required to make best use of the arrangements within Eurocontrol for the involvement and consultation of all interested parties.

## **4. Sanctions**

At Parliament's insistence a new article has been introduced concerning sanctions. In particular, the sanctions laid down by the Member States for infringements by airspace users and service providers of any of the Single Sky regulations must be effective, proportional and dissuasive.

## **Conclusions**

The end result of the conciliation procedure can be considered as very satisfactory. Important concessions were won in particular on the question of civil-military cooperation and the

balance of civil-military interests. Given the sensitivities of the Member States in this area and the legal limitations to actions by the Community, Parliament achieved considerably more than might have been expected. The explicit reference in the text of the Regulation to the general statement adopted by the Member States on civil-military issues is of particular importance in this respect.

In other areas, agreement was reached in full or in part on practically all of Parliament's amendments. These strengthen the Regulation and should make a significant contribution to the practical 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.