



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 7 March 2008

7355/08

AVIATION 69

REPORT

From: General Secretariat of the Council

To: Permanent Representatives Committee

No. Cion prop. : 5078/08 AVIATION 3

No. prev. doc. : 7078/08 AVIATION 59

Subject : ***Preparation of the Council meeting (Transport, Telecommunication and Energy) on 7 and 8 April 2008***

Communication from the Commission

First Report on the implementation of the Single Sky Legislation:

- achievements and the way forward

- *Draft Council Conclusions*

A. Introduction

The Single Sky initiative was launched in 2000. At the end of 2001, the Commission tabled a legislative package which was adopted by the European Parliament and the Council in March 2004.

This legislative package comprised a regulation laying down the framework for the creation of the Single European Sky, a regulation laying down common requirements for the provision of air navigation, a regulation on the organisation and use of airspace in the Single European Sky and a regulation on the interoperability of the European Air Traffic Management network.

Article 12(2) of the Framework regulation requires the Commission to review the application of the Single Sky legislation and report periodically to the European Parliament and the Council evaluating the results achieved in implementing the legislation in the light of the original objectives and with a view to future needs.

On 21 December 2007, the Commission transmitted to the Council the first report on the progress of implementation, which lays down the Commission's views on the need for future development of the Single Sky. It also takes up many of the recommendations made by a High Level Group (HLG) which was convened by Vice-President Barrot to look at the future European Aviation Regulatory Framework and which reported in July 2007.

The Slovenian Presidency considered it appropriate for the Council to present a set of Council Conclusions on the First Report on the implementation of the Single Sky Legislation: achievements and the way forward. The Council conclusions have also to be seen in light of the awaited legislative proposal to amend the Single European Sky Regulations expected in Summer 2008.

B. State of play

The Working Party on Aviation examined the draft Conclusions presented by the Presidency in three meetings. Delegations have largely welcomed the Commission's Communication. On the basis of oral and written contributions from Member States, changes were made to the text of the initial draft Conclusions.

The only outstanding issue is a number of:

Scrutiny reservations entered by BE, DE, PT and UK on paragraph 9 (footnote 2 on page 5) and by CZ on paragraph 10 (footnote 3 on page 5), due to the fact that this text was modified during the last meeting of the Working Party.

The text of the draft Conclusions, as it currently stands, appears in the Annex to this report.

C. Conclusion

The Permanent Representatives Committee is therefore invited to resolve the remaining outstanding issue with a view to allowing the TTE Council to adopt the draft Conclusions at its forthcoming session on 7/8 April 2008.

Draft Council Conclusions
on the Communication from the Commission on the
First Report on the implementation of the Single Sky Legislation:
achievements and the way forward

THE COUNCIL OF THE EUROPEAN UNION,

1. WELCOMES the Commission Communication on the First Report on the implementation of the Single Sky Legislation: achievements and the way forward;
2. NOTES with satisfaction the progress made with regard to the implementation of the Single European Sky legislation, but ACKNOWLEDGES the need to take further measures to improve performance;
3. RECOGNISES the importance of developments which have taken place since the adoption of the Single European Sky legislation and their positive impact on air traffic;
4. ACKNOWLEDGES the need to integrate the societal requirements, *inter alia* environment and mobility, into the Single European Sky legislation with a view to achieving the Lisbon objectives;
5. INVITES the Commission to develop, in accordance with the recommendations of the High Level Group,¹ an overall system approach, in line with the gate to gate concept, to enhance safety, to improve ATM and to increase cost-efficiency;

¹ High Level Group for the Future Aviation Regulatory Framework, 2007, "*A framework for driving performance improvement*", Brussels, 47 p.

6. STRESSES that an EU performance framework should in particular tackle the negative effects of fragmentation, reduce flight inefficiencies and contribute to optimising the environmental performance of aviation;
7. EMPHASISES that this performance framework needs to be based on the Community method, respecting the principles of proportionality, subsidiarity and better regulation, whilst avoiding double regulation;
8. ENDORSES the view that SESAR is one of the cornerstones of the Single European Sky and that the active industry involvement will be instrumental for the successful implementation of this project and should be beneficial to all stakeholders;
9. RECOGNISES that safety oversight functions need to be strengthened on the basis of increased cooperation between national supervisory authorities, including through peer reviews and, as appropriate, through increased use of the Community method;²
10. ACKNOWLEDGES the need that Member States should ensure separation between service provision and regulation and continue, where necessary, reinforcing their National Supervisory Authorities in line with the evolution of the SES Regulations;³
11. STRESSES that Member States should continue to engage actively in the implementation of the Single European Sky, reiterating the importance of the establishment of Functional airspace blocks (FABs) and reinforced civil-military cooperation at the appropriate level, in particular to optimise the use of airspace based on air traffic flows, taking full account of both civil and military needs

² BE, DE, PT, UK: scrutiny reservation.

³ CZ: scrutiny reservation.

12. EMPHASISES the importance of promoting a pan-European ATM system, as well as the value of extending the principles of the Single European Sky beyond EU borders and SUPPORTS any efforts to advocate these principles to international organisations;

 13. WELCOMES in this respect the opportunity to rationalise European ATM institutional arrangements to frame coherent and efficient decision making processes, *inter alia* by adapting Eurocontrol, to reinforce the responsibility of Member States while giving industry an appropriate role in pan-European functions to reflect aviation and ATM developments.
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