



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 7 December 2011**

**18291/11**

**AVIATION 267**

**INFORMATION NOTE**

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From: European Commission

To: Council

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Subject: Single European Sky: Implementation of the regulatory framework

- *Information from the Commission*

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Delegations will find annexed an information note from the Commission on the above mentioned subject, which will be dealt with under "Any Other Business" at the meeting of the Council (**Transport, Telecommunications** and Energy) on 12 December 2011.

Information Note from the Commission

Single European Sky: implementation of the regulatory framework

1. The Commission has recently adopted a report to the European Parliament and the Council "on the implementation of the Single Sky legislation: time to deliver<sup>1</sup>". The Single European Sky (SES) legislation, which aims at reducing the fragmentation of the European airspace and at increasing its capacity, entered into force in April 2004 (SES I) and was amended by a second package of legislation adopted in November 2009 (SES II).

In accordance with Article 12(2) of Regulation (EC) No 549/2004, this report provides a snapshot of the implementation of the SES regulatory framework and of key actions taken or still to be taken since the approval of the SES II in November 2009.

2. As regards the state of **implementation of the first package of legislation (SES I)**, significant work has been done by Member States and stakeholders concerned to implement the required measures. Nevertheless the report points out that more effort is still required to achieve full and timely compliance with this legislative package.

The main concerns relate to the lack of resources of national supervisory authorities (NSAs), the lack of supervision of cross-border air navigation service provision, and various weaknesses in the field of interoperability.

The Commission has sent letters to Member States concerned in October 2011 to inform them of the specific problems, to ask for clarifications and to put stress on full and timely compliance with EU law bearing in mind that the implementation of SES I is a precondition for the successful implementation of SES II.

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<sup>1</sup> COM (2011)731 final, Report from the Commission to the European Parliament and the Council on the implementation of the Single Sky legislation: time to deliver, 14 November 2011

3. As regards the **implementation of the second package of legislation (SES II)**, the rule-making programme has been largely completed and the new institutional set up put in place according to the initial time schedule.

All regulations and ensuing implementing measures related to SES II have now been adopted: the performance scheme, the amendment to the en-route charging system, the functional airspace blocks (FABs) requirements to ensure appropriate consultation at European level of the relevant stakeholders before establishing a Functional Airspace Block (FAB), the network functions as well as the establishment of essential safety requirements under the European Aviation Safety Agency (EASA) legal basis.

The new institutional set-up is in place, that is the performance review body, the FAB coordinator and Eurocontrol has been nominated as the network manager for the EU ATM network.

The Commission therefore concludes that it is now the time for implementation: the successful delivery of the SES relies on the full and timely deployment of the various elements which will contribute to the overall performance of the ATM network, in particular the performance scheme (starting early in 2012), the FABs (to be operational by end 2012), the network functions (already in place) and the deployment of the SESAR programme (to start in 2014).

4. **2012 will therefore be a pivotal year for implementation of the SES with key challenges to be addressed in the following areas:**

In the field of **performance**, Member States have been requested to revise and further improve their performance plans in line with the Commission Recommendation of 23 November 2011 so that European Union-wide targets for the SES can be adequately met for the period 2012 to 2014. Depending on the assessment of the revised plans, the Commission may either approve them or ask for further modifications.

There is a concrete risk that some **FABs** would not be ready to deliver real improvements in the regional airspace management by 4 December 2012. Member States are invited to take the lead jointly at FAB level to overcome pending political, governance and/or operational difficulties. The Commission have invited FABs to submit the information related to their establishment in advance of the legal deadline (24 June 2012) to take stock of the outcome of the process of consultation of interested parties.

At network level, the **Network Manager** has a major role to play at strategic level to identify priority actions that would contribute to an effective de-fragmentation of the European airspace and at operational level to optimise daily management of operations. The swift adoption and implementation of the Network Strategic Plan and Network Operations Plan in 2012 are essential steps to meet the EU-wide performance targets.

On the technological side, projects forming the baseline for future implementation of **SESAR**, the so-called IP1, should be deployed in a coordinated manner as a priority. The Commission proposal for a deployment strategy (governance and financing), to be adopted by end December 2011, should be promptly considered by all stakeholders in view of accelerating the transition from the development to the deployment phases.

5. Member States are invited to confirm their **commitment and determination** to take action to make this process successful in its various key areas. Failing to deliver is definitely not an option.

The Commission urges Member States to renew their firm commitment to implement the Single European Sky and take all necessary actions to comply with legal obligations and established deadlines.

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