



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank the Senát for its Opinion concerning the Single European Sky 2+ proposals (SES2+) {COM (2013) 408-410 final}. The Commission is grateful for the general support the Senát is expressing for enhancing the organisation of air traffic management in Europe.

As regards the view that the proposal might be premature, the Commission would like to point out that already in the Single European Sky II (SES II) package of 2009, the Member States requested the Commission to put forward proposals for completing the framework (Article 65a of Regulation (EC) No 216/2008 as amended). There are no new policy initiatives contained in the SES2+ proposal, but merely a refinement and strengthening of existing initiatives. Finally, the information gained during the implementation of the Single European Sky initiative since 2004 has allowed for a thorough impact assessment to be carried out.

As regards the point that the social partners were not sufficiently consulted, the Commission would like to point out that a three-month public consultation was organised from September until December 2012. During the spring of 2013, the social partners were consulted at three multilateral meetings of the relevant social partners' fora and finally a number of bilateral meetings with various social partners' representative organisations took place. Therefore, the Commission concluded that even if there was perhaps no full agreement with all of the social partners on the content of the proposal, the proposals were supported by the majority of social partner organisations and that the consultation requirements have been complied with.

As regards the Senát's warning against raising the administrative burden on national supervisory authorities, the Commission would like to note that the proposed measures are not aimed at increasing the tasks of such authorities. Instead, the measures are designed to ensure that the already existing supervisory authorities are given a sufficient degree of independence and financial capability, as well as technical expertise to ensure they can oversee the air navigation service providers' organisations and would no longer be dependent on them as has been proven to be the case in many States. This is considered as fundamentally important to ensure the safety and efficiency of the air traffic services. No new organisations are created in this process and, to the contrary, the Commission aims to save

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national resources by improving co-ordination, training and sharing of resources at EU-level.

As regards the point concerning the use of delegated acts, the Commission has examined its proposal and finds it in compliance with the Lisbon Treaty and its supporting documents. In fact, the SES 2+ package does not include proposals for additional Commission powers beyond those already provided in the SES II legislation in force. The SES 2+ proposals merely ensure an alignment with the Lisbon Treaty. First, the former regulatory procedure with scrutiny is consistently being transformed into the delegated acts procedure. The regulatory procedure with scrutiny had been introduced in order to amend and supplement non-essential elements of the SES II acts, which is the purpose of delegated acts under the Lisbon Treaty. Second, the regulatory procedure is transformed into the examination procedure which is the rule established by the Regulation EC (No) 182/2011. The only exception is Article 11 of the recast, where various stakeholders have asked for a more swift procedure for approving the performance targets.

The Commission hopes that these clarifications address the issues raised by the Senát and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*