

TRANSPORT, POST AND TELECOMMUNICATIONS COMMITTEE

**FINAL DOCUMENT, PUBLISHED PURSUANT TO RULE 127 OF THE RULES OF
PROCEDURE, AND RELATING TO:**

Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 216/2008 in the field of aerodromes, air traffic management and air navigation services (COM(2013) 409 final);

Proposal for a Regulation of the European Parliament and of the Council on the implementation of the Single European Sky (recast) (COM(2013) 410 final);

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – Accelerating the implementation of the Single European Sky (COM (2013) 408 final).

Approved 12 December, 2013

The Transport, Post and Telecommunications Committee,

having examined, pursuant to Rule 127 of the Rules of Procedure, the package of proposals known as the Single European Sky (SES) II+, which consists of: the Communication "Accelerating the implementation of the Single European Sky" COM(2013) 408; the Proposal for the amendment of the Regulation establishing the European Aviation Safety Agency (EASA) COM(2013) 409; and the Proposal for a Regulation to recast the four Regulations setting up the Single European Sky COM(2013) 410;

taking cognisance of the clarifications provided by the Government and by the rapporteur of the Proposal COM (2013) 409 at the Transport Commission of the European Parliament, Mr. David Maria Sassoli, and of the expert advice of representatives of ENAV (the Italian Air Traffic Management company);

whereas:

essentially, the objectives sought by the two proposals contained in the package merit full support, though their accomplishment requires more effective cooperation between European institutions and the competent authorities of the Member States;

without prejudice to the principle that the EU can and must be effective and decisive in its actions, and must constantly monitor the implementation of the measures, it is also indispensable to provide protections for specific vocations and recognise the territorial peculiarities of each Member State and related interests;

Italy must turn the challenge of the Single European Sky into a strategic opportunity for economic recovery and growth, paying particular regard to the need to increase the capacity of air transport, boost trade and rationalise routes, which should lead to cost savings and a reduction in polluting emissions;

it is therefore essential that Italy, also by making good use of its important role in the implementation of the Mediterranean Functional Airspace Block ("BLUE MED"), play an active and leading role in promoting and supporting initiatives to encourage, on the one hand, research and technological development for the introduction of new-generation air traffic management systems and, on the other, forms of cooperation among EU Member States that have developed innovative and competitive projects;

particular merit is to be found in the legislative innovations that introduce greater flexibility, including at an operational level, to the development of functional airspace blocks and that encourage the promotion of industrial partnerships;

also deserving of special mention is the potential of the process of implementing the Single European Sky for involving and forging partnerships with neighbouring countries of the

EU, especially Mediterranean countries, as demonstrated by the BLUE MED project mentioned above;

the superseding of the current fragmented state of air traffic management and the innovative elements that may result from its centralisation must not only be compatible with the maintenance of high standards of service, competitiveness and safety, but must also guarantee the containment of charges;

does hereby express:

a generally positive assessment, and calls upon the Government to place particular emphasis on the following requirements in all EU fora:

with reference to the Proposal for a Regulation COM (2013) 409:

a) the international role of the European Aviation Safety Agency (EASA) needs to be strengthened, given that one of the primary objectives of the European Union's external policy in the area of aviation is to promote the global circulation of professionals, services and aeronautical products, also with a view to facilitating access to growing new markets;

b) on the understanding that safety has to be the primary vocation of EASA, some additions need to be made to the wording of the Regulation to underscore this fact, and the word "safety" must be kept as part of whatever new title is given to the Agency;

c) the Executive Board must not have an excessively large structure, the risk of which might be avoided by a rotating arrangement so that the number of Member States on the Board will be compatible with its most effective operation, the assumption being that the creation of the Board is useful in the first place for the effective discharge of the Agency's institutional tasks, and does not complicate the governance of the same;

d) as envisaged by article 37 of the Proposal, it is expected that major decisions regarding the Agency will require a qualified rather than a simple majority;

e) the involvement of the European Parliament in monitoring the activities of the Agency must be guaranteed;

f) care must be taken to avoid the risk of setting the number of EASA staff engaged in activities the cost of which is incurred by users at a level that might predetermine excessive rigidity and costs. Further, the (non-binding) inter-institutional agreement on European Agencies signed in July 2011, which the reform of EASA is intended to implement, operates on a case-by-case basis;

g) as regards the proposal to appoint one or more deputy executive directors, a reasonably limited maximum number should be set and, in any case, consideration should also be given to the possibility of having just one such position;

h) the adoption by the European Commission of executive and delegated acts may be made only after consultation has been held with EASA and experts from Member States with voting rights on the board of directors, and must in any case be compatible with the provisions of articles 290 and 291 TFEU;

i) in any case, a careful evaluation needs to be made of the reform as a whole with reference to its possible impact on workers' organisations and rights;

with reference to the Proposal for a Regulation COM (2013) 410:

a) priority importance should be given to ensuring that the proposed amendments are consistent and aligned with the provisions of Chapter I (general aspects, scope and definitions), as well as with the rules and definitions of the International Civil Aviation Organization (ICAO);

b) the provision that allows the extension of the European Single Sky to third countries (recital 12) should be maintained, because it is a useful way of superseding fragmentation and inconsistencies;

c) while agreeable to the assumption as expressed in recital 16 that the safe and efficient use of airspace can be achieved only through the close cooperation of civilian and military users according to the principle of "flexible use", this Committee would like to point out that cooperation of this sort has to be ensured at several different levels, including operationally, a point that we feel is not made sufficiently clear in the Commission's proposal;

d) a more precise definition of "support services" is required to stipulate that they refer to communications, navigation and supervision, aviation meteorology and aeronautical intelligence;

e) amendments need to be made to article 10 where it specifies that air traffic services should be separated from other support services by assigning the latter to separate undertakings selected by means of comparative procedures. Account must be taken of the fact that some of these services are absolutely functional for air traffic control services, and have major implications also for safety. Separation should therefore be considered as a possible mode for the production and delivery of such services, so that the providers of air traffic services may have the option of acquiring support services internally, as long as their doing so meets with standards of quality, safety and cost-effectiveness;

f) no change should be made to the provision in the current regulations to the effect that stakeholders, navigation service providers, airspace users, aerodromes, the manufacturing industry and staff representative bodies may offer advice on technical matters to the Commission;

g) with regard to relations with stakeholders as referred to in article 19 of the Proposal, it needs to be made clear that stakeholders shall remain no more than such, and not become involved in the process of approval of investment plans;

h) in respect of national supervisory authorities, it is necessary to specify the scope of the regulatory power delegated to the European Commission through implementing measures. In any event, the Commission must retain its current power to set performance targets for the Union in the area of air traffic management, to which end it must take into account the input of national supervisory authorities, whether at a national level or at the level of functional airspace blocks. As regards national-level targets, however, the particular circumstances of each Member State dictate that national authorities should retain adequate decision-making powers;

i) more generally, and with reference to this Proposal for a Regulation, it is necessary to make sure that the European Commission's power to adopt delegated and implementing acts is exercised in accordance with the provisions of articles 290 and 291 TFEU. It is particularly important to specify precisely the purpose of these acts and the duration of the delegated powers, and avoid tasking the European Commission with the regulation of matters that fall within the remit of Member States, such as, for example, the procedures for the selection and recruitment of staff of the national supervisory authorities (article 3, paragraph 9). In any event, the European Commission should not be granted delegated powers for an indefinite period in respect of matters such as those referred to in article 26, paragraph 2. Further, the implementing acts that the Proposal for a Regulation envisages by referring to the procedure set forth in article 27 must always and only be adopted on the basis of the examination procedure referred to in paragraph 3 of the same article, acknowledging the binding force of the opinion of the "Single Sky Committee", which is made up of representatives of the Member States, and not on the basis of an advisory procedure as described in paragraph 2, according to which the European Commission is not bound by the opinion of the Committee;

j) with regard to the principles to be applied for the charging scheme (article 13), the functions whose costs are charged to airspace users need to be specified in greater detail;

k) the definition of common rules must be arrived at through consultation with the social partners;

l) with respect to the institutional entities operating at a European level in this sector, the tasks of the European Commission, EASA and Eurocontrol need to be clearly distinguished from one another to avoid the duplication and overlapping of responsibilities. To this end, it seems appropriate to encourage the evolution of Eurocontrol towards activities focused on technical and operational support for the management of the air traffic of the European network.