



EUROPEAN COMMISSION

Brussels,  
C(2013)

final

Dear President,

*The Commission would like to thank the Kamra tad-Deputati for its Reasoned Opinion concerning the proposal for a Regulation of the European Parliament and of the Council recasting Regulations (EC) No 549/2004, (EC) No 550/2004, (EC) No 551/2004 and (EC) No 552/2004, on the implementation of the Single European Sky {COM(2013) 410 final}.*

*The Commission has examined the Reasoned Opinion and believes that not only has the principle of subsidiarity been respected in the proposal; the subsidiarity dimension has even been strengthened by it. The Functional Airspace Blocks (FAB) concept was incorporated in EU law in 2004, on the occasion of the first adoption of the four Regulations in question. Due to slow implementation, the deadline was fixed in the second package of Single European Sky Regulations in 2009, for FABs to be fully implemented by 4 December 2012. However, in practice, none of the proposed nine FABs in Europe is fully functional yet and most remain at the level of initial agreements between States without meeting the requirements set in the existing legislation.*

*The Commission has examined the reasons for this non-compliance and based its proposal on the information provided by the States themselves. The FAB provisions contained in Article 16 of the proposal are made less prescriptive and more bottom-up, thus allowing the States and their Air Navigation Service Providers to make more use of subsidiarity and find local solutions to the problems of inadequate performance of Air Navigation Services.*

*Finally it should be noted that, rather than requiring necessarily a fundamental overhaul of the current FABs, the proposal mainly seeks to give the Member States additional opportunities to implement the FABs more in line with local and regional needs. This allows the Air Navigation Service Providers of the States to conduct the appropriate safety cases in accordance with Regulation No 1035/2011 and take any appropriate action to develop FABs also in accordance with industrial needs.*

*The Commission hopes that these clarifications address the issues raised by the Kamra tad-Deputati and looks forward to continuing the political dialogue in the future.*

*Yours faithfully,*

Maroš Šefčovič  
Vice-President

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