



Brussels, 18 March 2021
(OR. en)

7145/21

Interinstitutional File:
2013/0186(COD)

AVIATION 48
CODEC 397

COVER NOTE

From:	General Secretariat of the Council
date of receipt:	14 March 2021
To:	Working Party on Aviation
Subject:	Amended proposal for a Regulation of the European Parliament and of the Council on the implementation of the Single European Sky (recast) [doc. 10840/20 - COM(2020) 579 final] – Opinion of the Consultative Working Party

Delegations will find attached a copy of the above-mentioned opinion.



GRUPE CONSULTATIF
DES SERVICES JURIDIQUES

Brussels, 08 MARS 2021

OPINION

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION**

Amended proposal for a Regulation of the European Parliament and of the Council on the implementation of the Single European Sky (recast)

COM(2020) 579 final of 22.9.2020 - 2013/0186 (COD)

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 15 and 22 October 2020 for the purpose of examining the aforementioned proposal submitted by the Commission.

At those meetings¹, an examination of the amended proposal for a Regulation of the European Parliament and of the Council recasting Regulation (EC) No 549/2004 of 10 March 2004 laying down the framework for the creation of the single European sky, Regulation (EC) No 550/2004 of 10 March 2004 on the provision of air navigation services in the single European sky and Regulation (EC) No 551/2004 of 10 March 2004 on the organisation and use of the airspace in the single European sky resulted in the Consultative Working Party's establishing, by common accord, as follows.

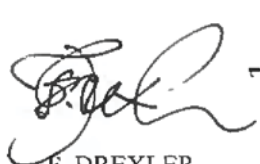
1. The following should have been marked with the grey-shaded type generally used for identifying substantive changes:

- in recital 9, the adding of the final words '*under Article 100(2) of the Treaty on the Functioning of the European Union*';
- in recital 44, in Article 1(2) and (3), in the introductory wording of Article 2 and in Article 3(1), the deletion of the words "*and of the measures referred to in Article 3*";
- in Article 3(7), the adding of the word '*financial*';
- in Article 4(3), first subparagraph, the replacement of the words '*organise proper*' with the words '*conduct the necessary*';


¹ The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

- in Article 10(2)(b), the replacement of the word '*national*' with the word '*performance*';
 - in Article 27(2), the adding of the second and third sentence;
 - in Article 32, the words '*Network Manager*', '*establish a Union-wide aeronautical information infrastructure to further*' and '*an easily accessible*'.
2. The following should have been present in the draft recast text and should have been identified with 'substantive deletion' markers:
- in point 46 of Article 2, the word '*an*', which in point 33 of Article 2 of Regulation (EC) No 549/2004 precedes the words '*upgrade of a system*';
 - in Article 4(3), first subparagraph, the second sentence of Article 2(2) of Regulation (EC) No 550/2004;
 - in Article 6, the entire wording of Article 7(6) of Regulation (EC) No 550/2004;
 - in Article 32, corresponding to Article 3a(1) of Regulation (EC) No 551/2004, the words '*Commission*' (replaced by the words '*Network Manager*'), '*ensure*' (replaced by the words '*establish a Union-wide aeronautical information infrastructure to further*') and '*a harmonised*' (replaced by the words '*an easily accessible*').
3. The text of recital 15, which entirely corresponds to that of recital 21 of Regulation (EC) No 550/2004, should not have been presented as new.
4. After recital 34, the reference box containing the indication '*1070/2009 recital 11 (adapted)*' should have contained the indication '*550/2004 recital 11 (adapted)*'.
5. In recital 46, the adding of the words '*on European Union*' after the word '*Treaty*' should have been identified with adaptation arrows.
6. In point 33 of Article 2, the adding of the final words '*and as subsequently amended*' should have been identified with adaptation arrows.
7. The following words, with regard to which a deletion is being proposed, should have been present in the draft recast text and should have been identified with an appropriate adaptation marker ('double strikethrough'):
- in Article 5(3), the words '*provided for in this Article*', which follow the word '*supervision*' in the current text of Article 2(3) of Regulation (EC) No 550/2004;
 - in Article 32, the word '*working*', which precedes the words '*in cooperation with Eurocontrol*' in the current text of Article 3a(1) of Regulation (EC) No 551/2004.

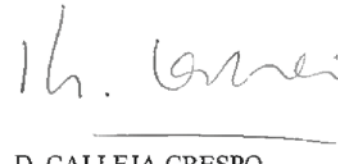
In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.



F. DREXLER
Jurisconsult



T. BLANCHET
Jurisconsult



D. CALLEJA CRESPO
Director-General