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AVIS DU COMITÉ DES ÉVALUATIONS D'IMPACT

PROPOSITION DE REGLEMENT DU PARLEMENT EUROPEEN ET DU CONSEIL
AMENDANT LES REGLEMENTS (CE) N° 549/2004, (CE) N° 550/2004, (CE) N°
551/2004 ET (CE) N° 552/2004

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Brussels, 11 March 2008
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Opinion

Title **Impact Assessment on a proposal for a revision of the Single European Sky - RESUBMISSION**

Lead DG **DG TREN**

1) Impact Assessment Board Opinion

(A) Context

The IA report relates to the envisaged revision of the Single European Sky (SES) Legislation, which was adopted by the European Parliament and Council in March 2004 and brought air traffic management under Community competence. The Commission communication 'First Report on the implementation of the Single Sky Legislation: achievements and the way forward' (COM(2007) 845 final), from December 2007, evaluates three years of implementation. While major achievements can be observed, there is a pressing need to review the legislation to overcome current limitations, adapt to technical change and to take account of new challenges. The legislative proposal will form an integral part of a wider package, with two other elements: (1) the extension of EASA competences into air traffic management (ATM) and Air Navigation Services (ANS) and (2) the endorsement of the SESAR master plan. The overall objective of this package is to improve the performance of the European ATM system.

The Board gave an opinion on a first draft of this impact assessment report on 20 February 2007. In line with the recommendation of the Board, DG TREN submitted a revised version of the report to which this opinion refers.

(B) Positive aspects

Extensive stakeholder consultation has taken place and useful background information is provided in the annex. The resubmitted version of the IA report provides a more differentiated presentation of stakeholder feedback and the objectives are now presented in a more consistent and hierarchical manner. In line with the Board's recommendations airline competitiveness, consumer, employment and environmental impacts have been assessed more thoroughly (although only qualitatively) and better use of comprehensive summary tables is made.

(C) Main recommendations for improvements

The recommendations below are listed in order of descending importance. Some more technical comments have been transmitted directly to the author DG.

General recommendation: The IA report should further clarify the problems related to Eurocontrol and the lack of competition for 'unbundled services'. Options should be compared against the baseline scenario and the analysis of subsidiarity and proportionality should be carried out more explicitly.

(1) Certain aspects of the problem definition require further clarification and should be better linked to the corresponding policy objectives and options. While overall the link between problems and causes has been made more explicit, the IA report should clarify whether the current institutional SES setting with Eurocontrol activities represents a relevant problem cause (to be discussed in the section on 'poor governance' rather than in the annex). Related to this the IA report should clarify in the main body of the text which types of alternative institutional arrangements with Eurocontrol (including enhanced coordination of Member States within the Eurocontrol framework) should be considered as a relevant implementation option and whether these are independent from the other options. The issue of a lack of competition for certain 'unbundled' services and its implications should be fully developed in the problem definition (and not in the policy option) section and clearly reflected in the set of objectives. The scope and feasibility of the market opening should be explored more thoroughly, through the definition and subsequent appraisal of various policy options, representing implementation alternatives (including comitology procedure). Also the concept and role of functional air blocks within the performance framework and its link to the objectives and problem causes needs to be better explained. The relation of the current proposal to the SESAR initiative should be better elaborated.

(2) Options should be compared explicitly against the baseline scenario on the basis of clear criteria. While the revised IA report now presents for the comparison of the various pillar options a set of assessment criteria, these should better correspond with the defined objectives and the existing performance targets. As regards options that foresee the creation of agencies, consistency with the Commission's general policy on agencies (adopted on 11/3/08), should be assessed. The comparison on the basis of clear assessment criteria should be made for all pillars explicitly against the baseline scenario (for which no +/- should be attributed). The assessment scales used should be clearly defined and consistently applied. Given the complementary nature of the four pillars the comparison of options per pillar should be presented directly after the impact analysis of each pillar. The issue of consistency and the possible synergies (and trade-offs) between the set of preferred options should be discussed in the main report.

The analysis of environmental impacts should try to take into account the fact that improved flight efficiency could lead to increased flight activity and provide an estimate of the net effect in terms of environmental impacts, given that environmental performance is a stated objective.

(3) The IA report should strengthen the section on compliance with the principle of subsidiarity and proportionality by analysing more explicitly the necessity, value added and proportionality of the envisaged EU action in particular with respect to the regulatory oversight of ATM activities, the establishment of independent national supervisory authorities and liberalization measures for vertically integrated services.

(D) Procedure and presentation

The IA report should explain in sufficient detail how the Board's recommendations have led to changes compared to the earlier draft. The IA report should clarify to what extent stakeholders have supported the options of introducing market measures for unbundled services.

2) IAB scrutiny process

Reference number	2008/TREN/030 (CLWP priority)
Author DG	DG TREN
External expertise used	No
Date of Board Meeting	Written procedure (earlier draft discussed on 20 February 2008)
Date of adoption of Opinion	11/03/2008

