Commission Implementing Decision (EU) 2019/1742 of 17 October 2019 on the compliance of unit rates for charging zones with Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013 (notified under document C(2019) 7333) (Text with EEA relevance)

COMMISSION IMPLEMENTING DECISION (EU) 2019/1742

of 17 October 2019

on the compliance of unit rates for charging zones with Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013

(notified under document C(2019) 7333)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the Single European Sky (the service provision Regulation)[(1)], and in particular Article 15(4) thereof,

Having regard to Commission Implementing Regulation (EU) No 391/2013 of 3 May 2013 laying down a common charging scheme for air navigation services[(2)], and in particular points (d) and (e) of Article 17(1) thereof,

Whereas:

(1) Implementing Regulation (EU) No 391/2013 lays down a common charging scheme for air navigation services. The common charging scheme is an integral element in reaching the objectives of the performance scheme as established under Article 11 of Regulation (EC) No 549/2004 of the European Parliament and of the Council[(3)] and Commission Implementing Regulation (EU) No 390/2013[(4)].

(2) Commission Implementing Decision 2014/132/EU[(5)] sets the Union-wide performance targets, including a cost-efficiency target for *en route* air navigation services expressed in determined unit costs for the provision of those services, for the second reference period of 2015-2019.

(3) Pursuant to points (b) and (c) of Article 17(1) of Implementing Regulation (EU) No 391/2013, the Commission is to assess the unit rates for charging zones submitted by the Member States to the Commission in accordance with Article 9(1) and (2) of that Implementing Regulation. That assessment concerns the compliance of those unit rates with Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013.

(4) The Commission has carried out its assessment of the unit rates for 2019 with the support of Eurocontrol's Performance Review Unit and Eurocontrol's Central Route Charges Office, using the data and additional information provided by the Member

States by 1 June 2018 and 1 November 2018. The Commission's assessment also took into account the explanations given and the corrections made by Member States to the unit rates for 2019 for *en route* services.

(5) On 21 December 2018, Greece, Italy, Cyprus and Malta as Members of the BlueMed Functional Airspace Block (FAB) submitted further revised FAB performance targets based on corrective measures, where required, which the Commission subsequently assessed. Concerning the key performance area of capacity, the Commission assessed the consistency of those further revised targets for *en route* air traffic flow management delay in accordance with all the criteria laid down in point 4 of Annex IV to Implementing Regulation (EU) No 390/2013. That assessment has demonstrated that those further revised targets are consistent with the relevant Union-wide performance target. The Commission notified the Member States concerned thereof. Consequently, Italy should be also notified that the 2018 unit rate complies with Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013.

(6) The Commission received reassurances from the Greek authorities that the determined costs included in the unit rates for the years 2017 and 2018 comply with Implementing Regulation (EU) No 391/2013. Greece should be notified that, based on the currently available information, the *en route* unit rates for the charging zone of Greece for the years 2017 and 2018 comply with Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013.

(7) The Commission has also found, in accordance with point (d) of Article 17(1) of Implementing Regulation (EU) No 391/2013, that the unit rates for *en route* charging zones for 2019 submitted by Belgium, Bulgaria, Czechia, Denmark, Germany, Estonia, Ireland, Greece, Spain, France, Croatia, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Romania, Slovenia, Slovakia, Finland, Sweden and United Kingdom comply with Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013. Those Member States should be notified of that finding.

(8) The finding and notification that the unit rates for charging zones comply with Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013 is without prejudice to the ongoing review and investigations pursuant to Article 16 of Regulation (EC) No 550/2004,

HAS ADOPTED THIS DECISION:

Article 1

The 2019 unit rates for the *en route* charging zones set out in the Annex to this Decision comply with Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013.

Article 2

The unit rate for the *en route* charging zone of Italy for 2018 of EUR 79,98 complies with Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013. The unit rates for the *en route* charging zone of Greece for 2017 of EUR 29,95 and for 2018 of EUR 31,47 comply with Implementing Regulations (EU) No 390/2013 and (EU) No 391/2013.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, 17 October 2019.

For the Commission

Violeta BULC

Member of the Commission