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COMMISSION DECISION

of 21.11.2017

establishing an expert group on the human dimension of the single European sky

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THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation)¹, and in particular Article 10 thereof,

Whereas:

- (1) Article 10 of Regulation (EC) No 549/2004 requires Member States and the Commission to ensure that stakeholders, including professional staff representative bodies, are consulted on the implementation of the single European sky, in particular the development and introduction of new concepts and technologies in the European air traffic management network.
- (2) Article 10§2 of Regulation (EC) No 549/2004 on the consultation of stakeholders provides that the specific Sectoral Dialogue Committee set up under Decision 98/500/EC shall be involved in the consultation.
- (3) In this context, what is known as the 'human dimension' of the single European sky includes the technical, operational and practical changes to working practices and procedures, which impact individual actors in the implementation of the single European sky. Working conditions and other social aspects of air traffic management are addressed in the Committee set up under Decision 98/500/EC.
- (4) There is a growing need for an effective Union-level consultation mechanism focusing on the human dimension of the single European sky and allowing adequate and timely exchange of information, in particular on relevant draft Union legislation relating to its implementation and development. The Commission needs to call upon the expertise of specialists in an advisory body.
- (5) The remit of the existing consultative expert group on the social dimension of the single European sky² is no longer appropriate, considering that a clear delineation must be made with the Committee set up under Decision 98/500/EC as regards work programmes, the name of the group has changed to focus more on technical and operational aspects, and arrangements for the Chairmanship must be altered.
- (6) It is therefore necessary to set up a group of experts to specifically address the human dimension of the single European sky and to refine the group's tasks and structure so as to focus more on its human dimension and to specify its role vis-à-vis the Sectoral

¹ OJ L96 31.03.2004, p. 1

² As created by Commission Decision C(2010)9016 of 20 December 2010 on the establishment of a consultative expert group on the social dimension of the single European sky.

Social Dialogue Committee on civil aviation, including the way this Committee is involved and consulted, if and when necessary.

- (7) The members of the group should be the organisations which are members, as well as the organisations which are observers of the consultative expert group on the social dimension of the single European sky³.
- (8) Rules should be laid down on the disclosure of information by members of the group.
- (9) Personal data should be processed in accordance with Regulation (EC) No 45/2001 of the European Parliament and of the Council⁴.
- (10) The Commission Decision COM(2010) 9016 of 20 December 2010 on the establishment of a consultative expert group on the social dimension of the single European sky should be repealed,

HAS DECIDED AS FOLLOWS:

Article 1

Subject matter

The group of experts on the human dimension of the single European sky ('the group') is hereby established.

Article 2

Tasks

The group shall:

- (a) advise the Commission on the implementation and development of the single European sky as regards measures that have significant implications for the human dimension, in particular the performance scheme for air navigation services and network functions referred to in Article 11 of Regulation (EC) No 549/2004;
- (b) assist the Commission, as regards the human dimension, in the preparation of legislative proposals and policy initiatives relating to the single European sky;
- (c) facilitate cooperation and coordination between the Commission and Member States on questions relating to the implementation of Union legislation, programmes and policies on the single European sky, notably its human dimension;
- (d) ensure an exchange of experience and good practice among members as regards the human dimension of the single European sky.

For the purposes of this Article, 'human dimension' refers to the technical, operational and practical changes to working practices and procedures, which impact individual actors in the implementation of the single European sky. It differs from the 'social dimension' in that it excludes matters relating to working conditions and other social aspects of air traffic management, which are addressed in the Committee set up under Decision 98/500/EC.

³ COM (2010) 9016 of 20 December 2010 on the establishment of a consultative expert group on the social dimension of the single European sky.

⁴ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.1.2001, p. 1).

The Sectoral Social Dialogue Committee⁵ shall be consulted on developments at Union level having strictly social implications, but not on issues relating to the human dimension of the single European sky as defined in this Decision.

Article 3

Membership

1. The members of the group shall be the organisations which are members, as well as the organisations which are observers of the consultative expert group on the social dimension of the single European sky⁶.
2. Each organisation shall nominate one or more representatives and shall be responsible for ensuring that their representatives provide a high level of expertise.
3. Members who are no longer capable of contributing effectively to the group's work, who, in the opinion of the Commission department concerned, do not comply with the conditions set out in Article 339 of the Treaty on the Functioning of the European Union or who resign, shall no longer be invited to participate in meetings of the group and may be replaced for the remainder of their term of office.
4. Organisations referred to in paragraph 1 shall be registered in the Transparency Register, as a condition to remain members of the group.

Article 4

Selection process for future members

1. In case the membership of the group is to be modified, the new Members shall be selected by means of a public call for applications, which shall be published in the Register of Commission expert groups and other similar entities ('the Register of expert groups'), and possibly elsewhere, including on dedicated websites. The call shall clearly outline the selection criteria, including the required expertise and the interests to be represented in relation to the work to be performed. The minimum period within which applications may be submitted shall be four weeks.
2. Organisations seeking to be appointed must be registered in the Transparency Register.
3. The Director-General of the Commission's Directorate-General for Mobility and Transport ('DG MOVE') shall appoint the members of the group from among specialists with competence in the areas referred to in Article 2 who have responded to the call for applications.
4. Members shall be appointed for five years. Their term of office may be renewed.
5. DG MOVE may establish a reserve list of suitable candidates that may be used to appoint members' replacements. It shall ask applicants for their consent before including their names on the reserve list.

⁵ Civil Aviation, Air Traffic Management Working Group, Commission Decision 98/500/EC

⁶

<http://ec.europa.eu/transparency/regexpert/index.cfm?do=groupDetail.groupDetail&groupID=2561&NewSearch=1&NewSearch=1> – current list of members

Article 5

Chair

1. The group shall elect a chairperson and vice-chairperson from among its members by simple majority. The vice-chairperson shall support the chairperson and be from a different member organisation.
2. The initial period of office for the chairperson and vice-chairperson shall be one year, with the possibility for the renewal of the term for one additional year, after which a new chairperson and vice-chairperson from different organisations shall be elected among the group by consensus.
3. This rotation mechanism shall be applied for the election of the chairperson and vice-chairperson to ensure equal and fair representation for each organisation.

Article 6

Operation

1. The group shall act at the request of its chairperson, with the agreement of DG MOVE, and in compliance with the Commission's horizontal rules on the creation and operation of Commission expert groups⁷ ('the horizontal rules') and the rules of procedure of the group⁸.
2. In principle, meetings of the group shall be held on Commission premises.
3. Officials from DG MOVE shall attend the meetings and provide support and secretarial services⁹. Officials from other Commission departments with an interest in the proceedings may also attend.
4. In agreement with DG MOVE, the group may, by simple majority of its members, decide that deliberations shall be public.
5. Under the responsibility of the chair, the secretariat shall draft meaningful and complete minutes of the group's discussions and opinions.
6. Where possible, the group shall adopt its opinions, recommendations or reports by consensus. In the event of a vote, the outcome of the vote shall be decided by simple majority of the members. Members that voted against or abstained shall have the right to summarise the reasons for their position in a written annex to the opinions, recommendations or reports.

Article 7

Invited experts

DG MOVE may invite experts with specific expertise with respect to a subject matter on the agenda to take part in the work of the group on an *ad hoc* basis.

Article 8

Rules of procedure

⁷ C(2016) 3301.

⁸ See Article 8

⁹ Such services may be provided by an external contractor under the supervision of DG MOVE.

The group shall adopt its rules of procedure by simple majority of its members, on a proposal by and in agreement with DG MOVE, on the basis of the standard rules of procedure for expert groups and in accordance with the horizontal rules.

Article 9

Professional secrecy and handling of classified information

The group members and their representatives, as well as invited experts shall be subject to the obligation of professional secrecy, which by virtue of the Treaties and the rules implementing them applies to all members of the institutions and their staff, and to the Commission's rules on security regarding the protection of Union classified information, as laid down in Commission Decisions (EU, Euratom) 2015/443¹⁰ and 2015/444¹¹. Should they fail to respect these obligations, the Commission may take appropriate measures.

Article 10

Transparency

1. The group shall be registered in the Register of expert groups.
2. As regards the group's composition, the names of member organisations and the interest represented shall be published in the Register of expert groups.
3. All relevant documents, including agendas, minutes and participants' submissions shall be made available in the Register of expert groups or via a link from it to a dedicated website. Access to dedicated websites shall not be subject to user registration or any other restriction. In particular, the agenda and other relevant background documents shall be published in due time ahead of each meeting, followed by timely publication of minutes. However, the obligation to publish shall not apply where it is deemed that disclosure of a document would undermine the protection of a public or private interest as defined in Article 4 of Regulation (EC) No 1049/2001 of the European Parliament and of the Council¹².

Article 11

Meeting expenses

1. Participants in the activities of the group shall not be remunerated.
2. The Commission shall reimburse travel and, where appropriate, subsistence expenses incurred by participants in group meetings and, on an *ad hoc* basis, by invited experts upon prior agreement by DG MOVE. Reimbursement shall be made in accordance with the provisions in force in the Commission and within the limits of the available

¹⁰ Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41).

¹¹ Commission Decision (EU, Euratom) C(2015)444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53).

¹² Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents (OJ L 145, 31.5.2001, p. 43). These exceptions are intended to protect public security, military affairs, international relations, financial, monetary or economic policy, privacy and integrity of the individual, commercial interests, court proceedings and legal advice, inspections/investigations/audits and the institution's decision-making process.

appropriations allocated to the Commission departments under the annual procedure for the allocation of resources.

Article 12

Repeal

The Commission Decision COM(2010) 9016 of 20 December 2010 on the establishment of a consultative expert group on the social dimension of the single European sky is repealed.

Done at Brussels, 21.11.2017

For the Commission
Violeta BULC
Member of the Commission

