

EN

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Answer given by Mr Tzitzikostas
on behalf of the European Commission
(30.6.2025)

1. According to the rules governing the performance of air navigation service providers, Member States must set out incentives of financial nature for the achievement of binding national performance targets for air traffic control capacity in an effective and proportional manner, both for services to overflights and for services at and around airports.

Member States also have the obligation to implement penalties for infringements of the regulation by, amongst others, air navigation services providers. National supervisory authorities must enforce necessary corrective measures in the event of non-compliance.

The Commission does not foresee further regulatory actions beyond those under the scope of Regulation (EU) 2024/2803¹ on the implementation of the Single Sky. The Commission nonetheless underlines that the Court of Justice of the European Union in *Case C-353/20 Skeyes*² has recognised a right for airspace users such as airlines to an effective remedy before the national courts against the air traffic services provider for any alleged failures by the latter in fulfilling its obligation to provide services.

2. The Commission is relaunching the review of the Air Services Regulation³. One of the issues being looked at during that review is how to mitigate the impact of disruptions to air traffic control, in particular regarding overflights on air carriers' freedom to provide services.

¹ <https://eur-lex.europa.eu/eli/reg/2024/2803/oj/eng>.

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62020CJ0353>.

³ <https://eur-lex.europa.eu/eli/reg/2008/1008/oj/eng>.