



2025/876

8.5.2025

COMMISSION IMPLEMENTING DECISION (EU) 2025/876

of 14 March 2025

amending Implementing Decision (EU) 2019/2174 as regards the continuation of the existence of market conditions, within the meaning of Article 35 of Commission Implementing Regulation (EU) 2019/317, in respect of some of the terminal air navigation services at the airports of Alicante and Ibiza

(notified under document C(2025) 1525)

(Only the Spanish text is authentic)

(Text with EEA relevance)

THE EUROPEAN COMMISSION,

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

Having regard to Regulation (EU) 2024/2803 of the European Parliament and of the Council of 23 October 2024 on the implementation of the Single European Sky ⁽¹⁾, and in particular Articles 11 and 58(3) thereof,

Having regard to Commission Implementing Regulation (EU) 2019/317 of 11 February 2019 laying down a performance and charging scheme in the single European sky ⁽²⁾, and in particular Article 35(3) thereof,

Whereas:

- (1) For the provision of aerodrome air traffic control services in the terminal charging zone at the airports of Alicante and Ibiza, Spain currently applies market conditions. On 25 June 2024, the Spanish authorities informed the Commission about the intention to extend the application of market conditions for these services in both airports to the fourth reference period and that the conditions laid down in Annex X to Implementing Regulation (EU) 2019/317 continue to be met.
- (2) In accordance with Article 58, third paragraph, of Regulation (EU) 2024/2803, the implementing provisions on the performance and charging scheme laid down in Implementing Regulation (EU) 2019/317 remain applicable for the fourth reference period within the meaning of Article 7(1) of Implementing Regulation (EU) 2019/317, including the provisions laid down in Article 35 of this Implementing Regulation on terminal air navigation services under market conditions.
- (3) In accordance with Article 11 of Regulation (EU) 2024/2803 under the conditions laid down in that article, Member States may allow airport operators or a group of airport operators to procure air traffic services for aerodrome control and/or air traffic services for approach control under market conditions, which is the case for Spain in respect to some of the terminal air navigation services at the airports of Alicante and Ibiza.
- (4) Commission Implementing Decision (EU) 2019/2174 ⁽³⁾ refers to services provided during the third reference period. However, given that Implementing Regulation (EU) 2019/317 does not require to repeat the steps listed in its Article 35(3) at the beginning of each reference period in case of continuation of the application of market conditions, the application of Implementing Decision (EU) 2019/2174 should be extended to cover also the fourth reference period within the meaning of Article 7 of Implementing Regulation (EU) 2019/317.

⁽¹⁾ OJ L 2024/2803, 11.11.2024, ELI: <http://data.europa.eu/eli/reg/2024/2803/oj>.

⁽²⁾ OJ L 56, 25.2.2019, p. 1, ELI: http://data.europa.eu/eli/reg_impl/2019/317/oj.

⁽³⁾ Commission Implementing Decision (EU) 2019/2174 of 17 December 2019 on the existence of market conditions, within the meaning of Article 35 of Commission Implementing Regulation (EU) 2019/317, in respect of some of the terminal air navigation services at the airports of Alicante and Ibiza (OJ L 329, 19.12.2019, p. 95, ELI: http://data.europa.eu/eli/dec_impl/2019/2174/oj).

(5) Implementing Decision (EU) 2019/2174 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Article 1 of Implementing Decision (EU) 2019/2174 is replaced by the following:

‘Article 1

The assessment of market conditions for the provision of aerodrome air traffic control services in the Spanish terminal charging zone at the airports of Alicante and Ibiza, during the third and fourth reference period within the meaning of Article 7 of Implementing Regulation (EU) 2019/317, as notified by Spain on 29 July 2019 and 25 June 2024, was carried out in accordance with the conditions laid down in Annex X to Implementing Regulation (EU) 2019/317.

The Spanish authorities must ascertain that the conditions laid down in Article 11 of Regulation (EU) 2024/2803 are fulfilled as of the date of application of that regulation and inform the Commission thereof without undue delay.’

Article 2

This decision is addressed to the Kingdom of Spain.

Done at Brussels, 14 March 2025

For the Commission
Apostolos TZITZIKOSTAS
Member of the Commission
