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Committee on Transport and Tourism

2013/0186(COD)

27.11.2013

AMENDMENTS

112 - 326

Draft report
Marian-Jean Marinescu
(PE522.770v02-00)

on the implementation of the Single European Sky

Proposal for a regulation
(COM(2013)0410 – C7-0171/2013 – 2013/0186(COD))

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United in diversity

EN

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Amendment 112

Dominique Riquet, Christine De Veyrac, Dominique Vlasto

Proposal for a regulation

Recital 2

Text proposed by the Commission

Amendment

(2) Implementation of the common transport policy requires an efficient air transport system allowing safe and regular operation of air transport services, thus facilitating the free movement of goods, persons and services.

deleted

Or. fr

Justification

This recital is redundant in view of recital five, which is more comprehensive and should be retained.

Amendment 113

Juozas Imbrasas

Proposal for a regulation

Recital 2

Text proposed by the Commission

Amendment

(2) Implementation of the common transport policy **requires** an efficient air transport system allowing safe and regular operation of air transport services, thus facilitating the free movement of goods, persons and services.

(2) Implementation of the common transport policy **and the improvement, in all Member States, of air traffic control systems require** an efficient air transport system allowing safe and regular operation of air transport services, thus facilitating the free movement of goods, persons and services;

Or. It

Amendment 114

Juozas Imbrasas

Proposal for a regulation
Recital 5

Text proposed by the Commission

(5) Implementation of the common transport policy **requires** an efficient air transport system allowing the safe, regular and sustainable operation of air transport services, optimising capacity and facilitating the free movement of goods, persons and services.

Amendment

(5) Implementation of the common transport policy **and the improvement, in all Member States, of air traffic control systems require** an efficient air transport system allowing the safe, regular and sustainable operation of air transport services, optimising capacity and facilitating the free movement of goods, persons and services;

Or. It

Amendment 115
Dominique Riquet, Christine De Veyrac, Dominique Vlasto

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) In order to ensure that the expected increase in air traffic does not cause or exacerbate congestion in European air space, with all the economic, environmental and security costs that that would entail, fragmentation of the space should be remedied and this Regulation should be implemented as swiftly as possible.

Or. fr

Amendment 116
Dominique Riquet, Christine De Veyrac, Dominique Vlasto

Proposal for a regulation
Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) The implementation of the Single European Sky should have a positive impact in terms of growth, employment and competitiveness in Europe, in particular by increasing demand for jobs requiring advanced qualifications.

Or. fr

Amendment 117
Spyros Danellis

Proposal for a regulation
Recital 6

Text proposed by the Commission

Amendment

(6) The simultaneous pursuit of the goals of augmentation of air traffic safety standards and improvement of the overall performance of ATM and ANS for general air traffic in Europe require that the human factor be taken into account. Therefore ***the Member States should consider*** the introduction of 'just culture' principles.

(6) The simultaneous pursuit of the goals of augmentation of air traffic safety standards and improvement of the overall performance of ATM and ANS for general air traffic in Europe require that the human factor be taken into account. Therefore, ***in addition to*** the introduction of 'just culture' principles, ***relevant performance indicators should be built into the performance scheme of the SES.***

Or. en

Amendment 118
Dominique Riquet, Christine De Veyrac, Dominique Vlasto

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

(10) To ensure the consistent ***and*** sound oversight of service provision across Europe, the national supervisory authorities

(10) To ensure the consistent, sound ***and independent*** oversight of service provision across Europe, the national supervisory

should be guaranteed sufficient **independence** and resources. This independence should not prevent those authorities from exercising their tasks within an administrative framework.

authorities should be guaranteed sufficient **financial** and **human** resources. This independence should not prevent those authorities from exercising their tasks within an administrative framework.

Or. fr

Amendment 119
Juozas Imbrasas

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) To ensure the consistent and sound oversight of service provision across Europe, the national supervisory authorities should be guaranteed sufficient independence and resources. This independence should not prevent those authorities from exercising their tasks within an administrative framework.

Amendment

(Does not affect English version.)

Or. It

Amendment 120
Spyros Danellis

Proposal for a regulation
Recital 11

Text proposed by the Commission

(11) National supervisory authorities have a key role to play in the implementation of the Single European Sky and the Commission should therefore facilitate cooperation among them in order to enable the exchange of best practices and to develop a common approach, **including through enhanced cooperation at regional level**. This cooperation should take place

Amendment

(11) National supervisory authorities have a key role to play in the implementation of the Single European Sky and the Commission should therefore facilitate cooperation among them, **including the setting up of a network**, in order to enable the exchange of best practices and to develop a common approach. This cooperation should take place on a

on a *regular* basis.

continuous basis *and the network should meet regularly*.

Or. en

Amendment 121
Silvia-Adriana Țicău

Proposal for a regulation
Recital 12

Text proposed by the Commission

(12) *The* social partners should be *better* informed and consulted on all measures having significant social implications. At Union level, the Sectoral Dialogue Committee set up under Commission Decision 98/500/EC¹⁹ should also be consulted.

¹⁹ OJ L 225, 12.8.1998, p. 27.

Amendment

(12) *For the implementation of the Single European Sky, the* social partners should be informed and consulted on all measures having significant social implications. At Union level, the Sectoral Dialogue Committee set up under Commission Decision 98/500/EC¹⁹ should also be consulted.

¹⁹ OJ L 225, 12.8.1998, p. 27.

Or. ro

Amendment 122
Gilles Pargneaux

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) *The provision of communication, navigation and surveillance services, as well as meteorological and aeronautical information services, should be organised under market conditions whilst taking into account the special features of such services and maintaining a high level of safety.*

Amendment

deleted

Amendment 123
Jörg Leichtfried, Knut Fleckenstein

Proposal for a regulation
Recital 13

Text proposed by the Commission

Amendment

(13) The provision of communication, navigation and surveillance services, as well as meteorological and aeronautical information services, should be organised under market conditions whilst taking into account the special features of such services and maintaining a high level of safety.

deleted

Or. en

Justification

In many countries, support services are part of the core business of the Air Navigation Service Providers. A mandatory separation puts at risk the public service role of Air Navigation Management and might have a negative impact on working conditions and the number of jobs in support services.

Amendment 124
Jacqueline Foster

Proposal for a regulation
Recital 13

Text proposed by the Commission

Amendment

(13) The provision of communication, navigation and surveillance services, as well as meteorological and aeronautical information services, should be organised under market conditions whilst taking into account the special features of such services and maintaining a high level of

(13) The provision of ***air navigation services***, communication, navigation and surveillance services, as well as meteorological, ***airspace design*** and aeronautical information services, ***together with services formatting and delivering data to general air traffic***, should be organised under market conditions whilst

safety.

taking into account the special features of such services and maintaining a high level of safety.

Or. en

Justification

Airspace Design and Data Provision services are already provided on a fully commercial basis in many cases. The provision of Terminal Air Navigation Services on a commercial basis is increasing.

Amendment 125
Eva Lichtenberger

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) The provision of communication, navigation and surveillance services, as well as meteorological and aeronautical information services, should be organised ***under market conditions*** whilst taking into account the special features of such services and maintaining a high level of safety.

Amendment

(13) The provision of communication, navigation and surveillance services, as well as meteorological and aeronautical information services, should be organised whilst taking into account the special features of such services and maintaining a high level of safety ***and reducing climate impact and environmental damage from aviation.***

Or. en

Amendment 126
Spyros Danellis

Proposal for a regulation
Recital 13

Text proposed by the Commission

(13) The provision of communication, navigation and surveillance services, as well as meteorological and aeronautical

Amendment

(13) The provision of communication, navigation and surveillance services, as well as meteorological and aeronautical

information services, *should* be organised under market conditions *whilst taking into account* the special features of such services and *maintaining* a high level of safety.

information services, *could* be organised under market conditions *and a specific study into the impacts of such a reform should be undertaken ahead of deciding, due to* the special features of such services and *to ensure* a high level of safety.

Or. en

Amendment 127
Spyros Danellis

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) The concept of common projects, aimed at assisting airspace users and/or air navigation service providers to improve collective air navigation infrastructure, the provision of air navigation services and the use of airspace, in particular those that may be required for the implementation of the ATM Master Plan as endorsed by Council Decision 2009/320/EC²⁰, in accordance with Article 1(2) of Council Regulation (EC) No 219/2007, should not prejudice pre-existing projects decided by one or several Member States with similar objectives. The provisions on financing of the deployment of common projects should not prejudice the manner in which these common projects are set up. The Commission may propose that funding, such as Trans-European Network or European Investment Bank funding, may be used in support of common projects, in particular to speed up the deployment of the SESAR programme, within the multiannual financial framework. Without prejudice to access to that funding, Member States should be free to decide how revenues generated by the auctioning of aviation sector allowances under the Emissions Trading Scheme are to be used

Amendment

(15) The concept of common projects, aimed at assisting airspace users and/or air navigation service providers to improve collective air navigation infrastructure, the provision of air navigation services and the use of airspace, in particular those that may be required for the implementation of the ATM Master Plan as endorsed by Council Decision 2009/320/EC²⁰, in accordance with Article 1(2) of Council Regulation (EC) No 219/2007, should not prejudice pre-existing projects decided by one or several Member States with similar objectives. The provisions on financing of the deployment of common projects should not prejudice the manner in which these common projects are set up. The Commission may propose that funding, such as Trans-European Network or European Investment Bank funding, may be used in support of common projects, in particular to speed up the deployment of the SESAR programme, within the multiannual financial framework. Without prejudice to access to that funding, Member States should be free to decide how revenues generated by the auctioning of aviation sector allowances under the Emissions Trading Scheme are to be used

and to consider in this context whether a share of such revenues might be used to finance common projects at the level of functional airspace blocks.

²⁰ OJ L 95, 9.4.2009, p. 41

and to consider in this context whether a share of such revenues might be used to finance common projects at the level of functional airspace blocks. ***Where applicable, common projects shall aim to enable a set of basic interoperable capabilities to exist in all Member States.***

²⁰ OJ L 95, 9.4.2009, p. 41

Or. en

(New TEN-T guidelines Regulation, Article 37 (2a))

Justification

Aligning with the provisions of new TEN-T guidelines on Telematics.

Amendment 128
Bogusław Liberadzki

Proposal for a regulation
Recital 15

Text proposed by the Commission

(15) The concept of common projects, aimed at assisting airspace users and/or air navigation service providers to improve collective air navigation infrastructure, the provision of air navigation services and the use of airspace, in particular those that may be required for the implementation of the ATM Master Plan as endorsed by Council Decision 2009/320/EC²⁰, in accordance with Article 1(2) of Council Regulation (EC) No 219/2007, should not prejudice pre-existing projects decided by one or several Member States with similar objectives. The provisions on financing of the deployment of common projects should not prejudice the manner in which these common projects are set up. The Commission may propose that funding, such as Trans-European Network or

Amendment

(15) The concept of common projects, aimed at assisting airspace users and/or air navigation service providers to improve collective air navigation infrastructure, the provision of air navigation services and the use of airspace, in particular those that may be required for the implementation of the ATM Master Plan as endorsed by Council Decision 2009/320/EC²⁰, in accordance with Article 1(2) of Council Regulation (EC) No 219/2007, should not prejudice pre-existing projects decided by one or several Member States with similar objectives. The provisions on financing of the deployment of common projects should not prejudice the manner in which these common projects are set up. The Commission may propose that funding, such as Trans-European Network, ***Horizon***

European Investment Bank funding, may be used in support of common projects, in particular to speed up the deployment of the SESAR programme, within the multiannual financial framework. Without prejudice to access to that funding, Member States should be free to decide how revenues generated by the auctioning of aviation sector allowances under the Emissions Trading Scheme are to be used and to consider in this context whether a share of such revenues might be used to finance common projects at the level of functional airspace blocks.

²⁰ OJ L 95, 9.4.2009, p. 41

2020 or European Investment Bank funding, may be used in support of common projects, in particular to speed up the deployment of the SESAR programme, within the multiannual financial framework. Without prejudice to access to that funding, Member States should be free to decide how revenues generated by the auctioning of aviation sector allowances under the Emissions Trading Scheme are to be used and to consider in this context whether a share of such revenues might be used to finance common projects at the level of functional airspace blocks.

²⁰ OJ L 95, 9.4.2009, p. 41

Or. en

Amendment 129
Spyros Danellis

Proposal for a regulation
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Unless specific mechanisms are put in place, air-based and ground-based investment projects relating to the ATM Master Plan may take place in an un-coordinated manner, which could delay the effective deployment of SESAR technologies;

Or. en

Amendment 130
Dominique Riquet, Christine De Veyrac, Dominique Vlasto

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) The concept of a Network Manager entity is central to improving the performance of Air Traffic Management at network level, by centralising the provision of certain services, which are best performed at network level. In order to facilitate dealing with an aviation crisis, **a** coordination of such a crisis should be ensured by the Network Manager.

Amendment

(16) The concept of a Network Manager entity is central to improving the performance of Air Traffic Management at network level, by centralising the provision of certain services, which are best performed at network level. In order to facilitate dealing with an aviation crisis, coordination of ***the measures to be adopted to prevent and respond to*** such a crisis should be ensured by the Network Manager.

Or. fr

Amendment 131
Spyros Danellis

Proposal for a regulation
Recital 16

Text proposed by the Commission

(16) The concept of a Network Manager entity is central to improving the performance of Air Traffic Management at network level, by centralising the provision of certain services, which are best performed at network level. In order to facilitate dealing with an aviation crisis, a coordination of such a crisis should be ensured by the Network Manager.

Amendment

(16) The concept of a Network Manager entity is central to improving the performance of Air Traffic Management at network level, by centralising the provision of certain services, which are best performed at network level. In order to facilitate dealing with an aviation crisis, a coordination of such a crisis should be ensured by the Network Manager. ***In this context, it is the responsibility of the Commission to ensure that no conflict of interest arises between the provision of centralised services and the role of the performance review body. In view of this, the Commission may choose to propose the establishment of an independent EU body as economic regulator.***

Or. en

Justification

An EU body as economic regulator for the ATM sector, under the responsibility of the Commission, would guarantee a higher degree of independence and flexibility.

Amendment 132
Jacqueline Foster

Proposal for a regulation
Recital 22

Text proposed by the Commission

Amendment

(22) The geographical scope of this Regulation over the ICAO NAT region should be amended to take account of the existing and planned service provision arrangements and the need to ensure consistency in application of rules to the air navigation service providers and airspace users operating in that area.

deleted

Or. en

Justification

The inclusion of the North Atlantic ICAO region – the NAT – is inappropriate as this is high seas airspace, which is outside the scope of the EU treaties.

Amendment 133
Spyros Danellis

Proposal for a regulation
Recital 24

Text proposed by the Commission

Amendment

(24) The concept of functional airspace blocks designed to improve the co-operation between air traffic service providers, is an important tool for improving the performance of the European ATM system. To **further enhance** this tool, **the functional airspace**

(24) The concept of functional airspace blocks designed to improve the co-operation between air traffic service providers, is an important tool for improving the performance of the European ATM system. To **complement** this tool, **Air Navigation Service Providers**

blocks should be made more performance focused, based on industrial partnerships and industry should be given more freedom to modify them in order to reach and, where possible exceed, the performance targets.

can freely enter into performance-based industrial partnerships that may overlap with the established functional airspace blocks.

Or. en

Justification

FABs are a state-based initiative and should not constrain the possibilities for industrial partnerships. Labelling industrial partnerships as a second type of FAB could also create confusion. This however does not mean that industrial partnerships cannot give impetus or improve the performance of one (or more) FABs.

Amendment 134 **Juozas Imbrasas**

Proposal for a regulation **Recital 25**

Text proposed by the Commission

(25) The functional airspace blocks ***should operate in a flexible manner, bringing*** together service providers across Europe to capitalise on each other's strengths. This ***flexibility*** should allow for seeking synergies between providers regardless of their geographical location or nationality and allow for variable formats of service provision to emerge in the search for performance improvements.

Amendment

(25) The ***ongoing creation and integration of*** functional airspace blocks ***would make it possible to bring*** together service providers across Europe to capitalise on each other's strengths. This should allow for seeking synergies between providers regardless of their geographical location or nationality and allow for variable formats of service provision to emerge in the search for performance improvements;

Or. It

Amendment 135 **Spyros Danellis**

Proposal for a regulation **Recital 26**

Text proposed by the Commission

(26) To enhance the customer-focus of air navigation service providers and to increase the possibility of airspace users to influence decisions, which affect them, the consultation ***and participation*** of stakeholders in major operational decisions of the air navigation service providers should be made more effective.

Amendment

(26) To enhance the customer-focus of air navigation service providers and to increase the possibility of airspace users to influence decisions, which affect them, the consultation of stakeholders in major operational decisions of the air navigation service providers should be made more effective.

Or. en

Justification

The final responsibility for investments should lie with the ANSP, as it is the ANSP that is responsible for achieving performance targets. Issues relating to the need to co-ordinate airside and groundside SESAR investments should be tackled through appropriate mechanisms in the charging scheme.

Amendment 136
Marian-Jean Marinescu

Proposal for a regulation
Recital 27

Text proposed by the Commission

(27) The performance scheme is a central tool for economic regulation of ATM and the quality and independence of its ***decisions*** should be ***maintained and where possible improved***.

Amendment

(27) The performance scheme is a central tool for economic regulation of ATM and the quality and independence of its ***decision*** should be ***strengthened by establishing the Performance Review Body as an independent European economic regulator***

Or. en

Amendment 137
Gesine Meissner

Proposal for a regulation

Recital 27

Text proposed by the Commission

(27) The performance scheme is a central tool for economic regulation of ATM and the quality and independence of its decisions should be maintained and where possible improved.

Amendment

(27) The performance scheme is a central tool for economic regulation of ATM and the quality and independence of its decisions should be maintained and where possible improved **by transforming the Performance Review Body (PRB) into an independent EU economic regulator for air navigation charges.**

Or. en

Justification

The Performance Scheme can be strengthened through the establishment of an independent EU economic regulator for air navigation charges. The regulator will ensure that a consistent, fair and accountable performance system is established to facilitate the realisation of SES. Given its current function and capability, the Performance Review Body is the appropriate body to exercise these tasks.

Amendment 138

Jacqueline Foster

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) In order to take into account technical or operational developments, in particular by amending annexes, **or by supplementing the provisions on network management and performance scheme,** the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. The content and scope of each delegation is set out in detail in the relevant Articles. It is of particular importance that the Commission carries out appropriate consultations during

Amendment

(28) In order to take into account technical or operational developments, in particular by amending annexes, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. The content and scope of each delegation is set out in detail in the relevant Articles. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and

its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Or. en

Justification

These topics are better suited to the Examination Procedure than Delegated Acts

Amendment 139 **Marian-Jean Marinescu**

Proposal for a regulation **Recital 28**

Text proposed by the Commission

(28) In order to take into account technical or operational developments, in particular by amending annexes, or by supplementing the provisions on network management **and performance scheme**, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. The content and scope of each delegation is set out in detail in the relevant Articles. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Amendment

(28) In order to take into account technical or operational developments, in particular by amending annexes, or by supplementing the provisions on network management, **performance scheme, selecting the entity responsible for implementation of the ATM Master Plan (deployment manager) and defining the responsibilities thereof**, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission. The content and scope of each delegation is set out in detail in the relevant Articles. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

Amendment 140
Jörg Leichtfried, Knut Fleckenstein

Proposal for a regulation
Recital 34

Text proposed by the Commission

Amendment

(34) The procurement of support services should be carried out, as applicable, in accordance with Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts²³ and Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors²⁴. Account should also be taken of the guidelines set out in the Commission interpretative communication 2006/C179/02 on the Community law applicable to contract awards not or not fully subject to the provisions of the Public Procurement Directives²⁵, as appropriate

deleted

²⁵ OJ C 179, 1.8.2006, p. 2.

Amendment 141
Spyros Danellis

Proposal for a regulation
Recital 34

Text proposed by the Commission

(34) The procurement of support services should be carried out, as applicable, in accordance with Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts²³ and Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors²⁴. Account should also be taken of the guidelines set out in the Commission interpretative communication 2006/C179/02 on the Community law applicable to contract awards not or not fully subject to the provisions of the Public Procurement Directives²⁵, as appropriate

²³ OJ L 134, 30.4.2004, p.114.

²⁴ OJ L 134, 30.4.2004, p. 1

²⁵ OJ C 179, 1.8.2006, p. 2.

Amendment

(34) **Where relevant**, the procurement of support services should be carried out, as applicable, in accordance with Directive 2004/18/EC of the European Parliament and of the Council of 31 March 2004 on the coordination of procedures for the award of public works contracts, public supply contracts and public service contracts²³ and Directive 2004/17/EC of the European Parliament and of the Council of 31 March 2004 coordinating the procurement procedures of entities operating in the water, energy, transport and postal services sectors²⁴. Account should also be taken of the guidelines set out in the Commission interpretative communication 2006/C179/02 on the Community law applicable to contract awards not or not fully subject to the provisions of the Public Procurement Directives²⁵, as appropriate

²³ OJ L 134, 30.4.2004, p.114.

²⁴ OJ L 134, 30.4.2004, p. 1

²⁵ OJ C 179, 1.8.2006, p. 2.

Or. en

Amendment 142

Luis de Grandes Pascual

Proposal for a regulation

Recital 35

Text proposed by the Commission

(35) ***The Ministerial Statement on Gibraltar Airport, agreed in Córdoba on 18 September 2006 (the Ministerial Statement), during the first Ministerial meeting of the Forum of Dialogue on***

Amendment

(35) ***Arrangements for closer cooperation over the use of Gibraltar airport were agreed in London on 2 December 1987 by the Kingdom of Spain and the United Kingdom in a joint declaration by the***

Gibraltar, will replace the Joint Declaration on the Airport made in London on 2 December 1987, and the full compliance with that Statement will be deemed to constitute compliance with the 1987 Declaration.

Ministers of Foreign Affairs of the two countries. The arrangements have not yet been applied.

Or. es

Amendment 143
Luis de Grandes Pascual

Proposal for a regulation
Recital 36

Text proposed by the Commission

Amendment

(36) This Regulation applies in full to Gibraltar Airport in the context and by virtue of the Ministerial Statement. Without prejudice to the Ministerial Statement, the application to Gibraltar Airport and all the measures related to its implementation shall conform fully with that Statement and all the arrangements contained therein.

deleted

Or. es

Amendment 144
Eva Lichtenberger

Proposal for a regulation
Article 1 – paragraph 1

Text proposed by the Commission

Amendment

1. This Regulation lays down rules for the creation and proper functioning of the Single European Sky in order to ensure current air traffic safety standards, to contribute to the sustainable development of the air transport system and to improve the overall performance of air traffic

1. This Regulation lays down rules for the creation and proper functioning of the Single European Sky in order to ensure current air traffic safety standards, to contribute to the sustainable development of the air transport system, *such as reducing the climate impact and*

management (ATM) and air navigation services (ANS) for general air traffic in Europe, with a view to meeting the requirements of all airspace users. The Single European Sky shall comprise a coherent pan-European network of routes, an integrated operating airspace, network management and air traffic management systems based only on safety, efficiency and interoperability, for the benefit of all airspace users.

environmental damage from aviation, and to improve the overall performance of air traffic management (ATM) and air navigation services (ANS) for general air traffic in Europe, with a view to meeting the requirements of all airspace users. The Single European Sky shall comprise a coherent pan-European network of routes, an integrated operating airspace, network management and air traffic management systems based only on safety, efficiency and interoperability, for the benefit of all airspace users.

Or. en

Amendment 145
Jacqueline Foster

Proposal for a regulation
Article 1 – paragraph 4

Text proposed by the Commission

4. This Regulation shall apply to the airspace within the ICAO EUR and AFI **and NAT** regions where Member States are responsible for the provision of air traffic services in accordance with **the this** Regulation. Member States may also apply this Regulation to airspace under their responsibility within other ICAO regions, on condition that they inform the Commission and the other Member States thereof.

Amendment

4. This regulation shall apply to the airspace within the ICAO EUR and AFI regions where Member States are responsible for the provision of air traffic services in accordance with **this** Regulation. Member States may also apply this Regulation to airspace under their responsibility within other ICAO regions, on condition that they inform the Commission and the other Member States thereof.

Or. en

Justification

The inclusion of the North Atlantic ICAO region – the NAT – is inappropriate as this is high seas airspace, which is outside the scope of the EU treaties.

Amendment 146
Eva Lichtenberger

Proposal for a regulation
Article 1 – paragraph 5

Text proposed by the Commission

Amendment

5. The application of this Regulation to the airport of Gibraltar is understood to be without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom of Great Britain and Northern Ireland with regard to the dispute over sovereignty over the territory in which the airport is situated.

deleted

Or. en

Amendment 147
Luis de Grandes Pascual

Proposal for a regulation
Article 1 – paragraph 5

Text proposed by the Commission

Amendment

5. The application of this Regulation to the airport of Gibraltar is understood to be without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom **of Great Britain and Northern Ireland** with regard to the dispute over sovereignty over the territory in which the airport is situated.

5. The application of this Regulation to Gibraltar airport is understood to be without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom with regard to the **controversy** over sovereignty over the territory in which the airport is situated.

Or. es

Justification

In an official communication dated 20 November 2012, Spain informed the EU that it finds unacceptable that reference is still being made in EU civil aviation legislation to the Cordoba Ministerial Statement of 2006. Spain called, therefore, for a return to the pre-2006 situation, i.e. for the application of European civil aviation rules to be suspended, as provided for in the relevant amendment.

Amendment 148
Luis de Grandes Pascual

Proposal for a regulation
Article 1 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The application of this Regulation to Gibraltar airport shall be suspended until the arrangements in the Joint Declaration made by the Foreign Ministers of the Kingdom of Spain and the United Kingdom on 2 December 1987 are applied. The Governments of Spain and the United Kingdom shall inform the Council of the date from which they will apply.

Or. es

Justification

In an official communication dated 20 November 2012, Spain informed the EU that it finds unacceptable that reference is still being made in EU civil aviation legislation to the Cordoba Ministerial Statement of 2006. Spain called, therefore, for a return to the pre-2006 situation, i.e. for the application of European civil aviation rules to be suspended, as provided for in this amendment.

Amendment 149
Jacqueline Foster

Proposal for a regulation
Article 2 – paragraph 1 – point 7

Text proposed by the Commission

Amendment

7. ‘airspace management’ means a planning **service** with the primary objective of maximising the utilisation of available airspace by dynamic time-sharing and, at times, the segregation of airspace among various categories of airspace users on the basis of short-term needs;

7. ‘airspace management’ means a planning **function** with the primary objective of maximising the utilisation of available airspace by dynamic time-sharing and, at times, the segregation of airspace among various categories of airspace users on the basis of short-term needs;

Justification

There are no "airborne services in this context"

Amendment 150
Marian-Jean Marinescu

Proposal for a regulation
Article 2 – paragraph 1 – point 7

Text proposed by the Commission

7. 'airspace management' means a planning service with the primary objective of maximising the utilisation of available airspace by dynamic time-sharing and, at times, the segregation of airspace among various categories of airspace users on the basis of short-term needs;

Amendment

7. 'airspace management' means a planning service with the primary objective of maximising the utilisation of available airspace by dynamic time-sharing and, at times, the segregation of airspace among various categories of airspace users on the basis of short-term needs **and a strategic function associated with airspace design.**

Or. en

Amendment 151
Jacqueline Foster

Proposal for a regulation
Article 2 – paragraph 1 – point 9

Text proposed by the Commission

9. 'air traffic flow management' means a **service** established with the objective of contributing to a safe, orderly and expeditious flow of air traffic by ensuring that ATC capacity is utilised to the maximum extent possible, and that the traffic volume is compatible with the capacities declared by the appropriate air traffic service providers;

Amendment

9. 'air traffic flow management' means a **function** established with the objective of contributing to a safe, orderly and expeditious flow of air traffic by ensuring that ATC capacity is utilised to the maximum extent possible, and that the traffic volume is compatible with the capacities declared by the appropriate air traffic service providers;

Justification

There are no "airborne services in this context"

Amendment 152
Eva Lichtenberger

Proposal for a regulation
Article 2 – paragraph 1 – point 9

Text proposed by the Commission

9. ‘air traffic flow management’ means a service established with the objective of contributing to a safe, orderly and expeditious flow of air traffic by ensuring that ATC capacity is utilised to the maximum extent possible, and that the traffic volume is compatible with the capacities declared by the appropriate air traffic service providers;

Amendment

9. ‘air traffic flow management’ means a service established with the objective of contributing to a safe, *climate and environmentally friendlier, energy more efficient*, orderly and expeditious flow of air traffic by ensuring that ATC capacity is utilised to the maximum extent possible, and that the traffic volume is compatible with the capacities declared by the appropriate air traffic service providers;

Amendment 153
Jacqueline Foster

Proposal for a regulation
Article 2 – paragraph 1 – point 10

Text proposed by the Commission

10. ‘air traffic management (ATM)’ means the aggregation of the airborne and ground-based *services* (air traffic services, airspace management and air traffic flow management) required to ensure the safe and efficient movement of aircraft during all phases of operations;

Amendment

10. ‘air traffic management (ATM)’ means the aggregation of the airborne and ground-based *function* (air traffic services, airspace management and air traffic flow management) required to ensure the safe and efficient movement of aircraft during all phases of operations;

Justification

There are no "airborne services in this context"

Amendment 154
Marian-Jean Marinescu

Proposal for a regulation
Article 2 – paragraph 1 – point 17

Text proposed by the Commission

17. 'certificate' means a document issued by a national *supervisory* authority in any form complying with *national law*, which confirms that an air navigation service provider meets the requirements for providing a specific *service*;

Amendment

17. 'certificate' means a document issued by *the European Agency for Aviation (EAA) or by* a national *aviation* authority in any form complying with *relevant* law, which confirms that an air navigation service provider meets the requirements for providing a specific *activity*;

Or. en

Amendment 155
Marian-Jean Marinescu

Proposal for a regulation
Article 2 – paragraph 1 – point 19 a (new)

Text proposed by the Commission

Amendment

19a. 'Deployment Manager' means a group of operational stakeholders selected by the Commission through a call for proposals responsible for the management level of ATM Master Plan deployment governance.

Or. en

Amendment 156
Eva Lichtenberger

Proposal for a regulation
Article 2 – paragraph 1 – point 24

Text proposed by the Commission

24. ‘functional airspace block’ means an airspace block based on operational requirements and established regardless of State boundaries, where the provision of air navigation services and related functions are performance-driven and optimised with a view to introducing, in each functional airspace block, enhanced cooperation among air navigation service providers or, where appropriate, an integrated provider;

Amendment

24. ‘functional airspace block’ means an airspace block based on operational requirements and ***cross-border*** (established regardless of State boundaries), where the provision of air navigation services and related functions are performance-driven and optimised with a view to introducing, in each functional airspace block, enhanced cooperation among air navigation service providers or, where appropriate, an integrated provider;

Or. en

Amendment 157
Spyros Danellis

Proposal for a regulation
Article 2 – paragraph 1 – point 25 a (new)

Text proposed by the Commission

Amendment

25a. ‘human factor’ means the social, cultural and staffing conditions in the ATM sector;

Or. en

Justification

The human factor must be monitored and brought into the core of the SES framework, especially in view of the significant operational changes involved in the ATM Master Plan.

Amendment 158
Eva Lichtenberger

Proposal for a regulation
Article 2 – paragraph 1 – point 26

Text proposed by the Commission

26. ‘interoperability’ means a set of functional, technical and operational properties required of the systems and constituents of the EATMN and of the procedures for its operation, in order to enable its safe, seamless and efficient operation. Interoperability is achieved by making the systems and constituents compliant with the essential requirements;

Amendment

26. ‘interoperability’ means a set of functional, technical and operational properties required of the systems and constituents of the EATMN and of the procedures for its operation, in order to enable its safe, ***climate and environment friendly, energy saving***, seamless and efficient operation. Interoperability is achieved by making the systems and constituents compliant with the essential requirements;

Or. en

Amendment 159
Marian-Jean Marinescu

Proposal for a regulation
Article 2 – paragraph 1 – point 31

Text proposed by the Commission

31. ‘route network’ means a network of specified routes for channelling the flow of general air traffic as necessary for the provision of ATC services;

Amendment

31. ‘route network’ means a network of specified routes for channelling the flow of general air traffic as necessary for the ***most efficient*** provision of ATC services;

Or. en

Amendment 160
Eva Lichtenberger

Proposal for a regulation
Article 2 – paragraph 1 – point 31

Text proposed by the Commission

31. ‘route network’ means a network of

Amendment

31. ‘route network’ means a network of

specified routes for channelling the flow of general air traffic as necessary for the provision of ATC services;

specified routes for channelling the flow of general air traffic as necessary for the provision of ATC services, ***reduction or avoidance of vapour contrails and climate protection***;

Or. en

Amendment 161
Eva Lichtenberger

Proposal for a regulation
Article 2 – paragraph 1 – point 32

Text proposed by the Commission

32. ‘surveillance services’ means those facilities and services used to determine the respective positions of aircraft to allow safe *separation*;

Amendment

32. ‘surveillance services’ means those facilities and services used to determine the respective positions of aircraft to allow safe, ***climate and environmentally friendlier operation***;

Or. en

Amendment 162
Georgios Koumoutsakos

Proposal for a regulation
Article 2 – paragraph 1 – point 37

Text proposed by the Commission

37. ***‘support services’ means air navigation services other than air traffic services as well as other services and activities, which are linked to, and support the provision of air navigation services;***

Amendment

deleted

Or. en

Amendment 163
Marian-Jean Marinescu

Proposal for a regulation

Article 2 – paragraph 1 – point 37

Text proposed by the Commission

37. ‘support services’ means *air* navigation *services other than air traffic services* as well as other services and activities, which are linked to, and support the provision of air navigation services;

Amendment

37. ‘support services’ means **CNS (communication, navigation and surveillance), MET (meteorological) and AIS (aeronautical information)** as well as other services and activities, which are linked to, and support the provision of air navigation services;

Or. en

Amendment 164

Jacqueline Foster

Proposal for a regulation

Article 2 – paragraph 1 – point 37

Text proposed by the Commission

37. ‘support services’ means *air navigation* services *other than air traffic services as well as other* services and *activities*, which are *linked to, and support the provision of air navigation* services;

Amendment

37. ‘support services’ means *those ATM/ANS* services *which are not classed as ATM* services and which are *not intrinsically provided within an air traffic* services *unit*.

Or. en

Justification

This identifies those current certifiable services which should be classed as support services. This allows for new services to be added automatically to the list, provided they are classed as "non ATM". It would be difficult to differentiate between the relevant components within an operational centre or tower, and almost certainly more expensive to do so than can be justified as part of what is meant to be a cost reducing exercise

Amendment 165

Marian-Jean Marinescu

Proposal for a regulation
Article 2 – paragraph 1 – point 38 a (new)

Text proposed by the Commission

Amendment

38a. 'qualified entity' shall mean a body which may be allocated specific certification or oversight tasks by, and under the control and the responsibility of the Agency or a national aviation authority;"

Or. en

Amendment 166
Marian-Jean Marinescu

Proposal for a regulation
Article 3 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall, jointly or individually, either nominate or establish a body **or bodies** as their national **supervisory** authority in order to assume the tasks assigned to such authority under this Regulation.

1. Member States shall, jointly or individually, either nominate or establish a body as their national **aviation** authority in order to assume the tasks assigned to such authority under this Regulation **and Regulation no. 216/2008**.

Or. en

Amendment 167
Jacqueline Foster

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

Amendment

2. The national supervisory authorities shall be legally distinct **and independent in particular in organisational, hierarchical and decision-making terms**, from any **air navigation** service providers or any private

2. The national supervisory authorities shall be legally distinct from any **ATM/ANS** service providers, or any private or public entity **which oversees the management of ATM/ANS Service**

or public entity *having an interest in the activities of such* providers.

Providers *and has any responsibility for decisions on their management.*

Or. en

Justification

The Commission proposal would require complete separation of NSAs from any body having any interest in ANSPs, including States, which is not appropriate. The real need is to ensure separation from NSAs and any body that has the ability to make decisions on the management of the ANSP.

Amendment 168
Spyros Danellis

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. The national supervisory authorities shall be legally distinct and independent in particular in organisational, hierarchical and decision-making terms, from any air navigation service providers or any private or public entity having an interest in the activities of such providers.

Amendment

2. The national supervisory authorities shall be legally distinct and independent in particular in organisational, hierarchical and decision-making terms, from any air navigation service providers or any private or public entity having an interest in the activities of such providers. ***They will also have separate annual budget allocations.***

Or. en

Amendment 169
Gilles Pargneaux

Proposal for a regulation
Article 3 – paragraph 2

Text proposed by the Commission

2. The national supervisory authorities shall be ***legally distinct and*** independent in particular in organisational, hierarchical and decision-making terms, from any air

Amendment

2. The national supervisory authorities shall be independent, in particular in organisational, hierarchical and decision-making terms, from any air navigation

navigation service providers *or any private or public entity having an interest in the activities of such providers* .

service providers. *This independence shall be guaranteed through adequate separation of the national supervisory authorities from these providers, at least at operational level.*

Or. fr

Justification

It has not been proven that an operational separation between supervisory authorities and service providers is the cause of shortcomings relating to security or performance. The Commission's proposal is therefore not justified. In practice it would affect only a few States and would, in some cases, reduce resource efficiency. States should be left to decide what the most effective organisational arrangements would be in this area.

Amendment 170 **Marian-Jean Marinescu**

Proposal for a regulation **Article 3 – paragraph 2**

Text proposed by the Commission

2. The national *supervisory* authorities shall be legally distinct and independent in particular in organisational, hierarchical and decision-making terms, from any *air navigation service providers or any private or public entity* having an interest in the activities of such *providers*.

Amendment

2. The national *aviation* authorities shall be legally distinct and independent in particular in organisational, hierarchical and decision-making terms, from any *company, organisation, public or private entity or personnel falling under the scope of authority activity as provided for in this Regulation and in Art. 1 of Regulation no. 216/2008* or having an interest in the activities of such *entities*.

Or. en

Amendment 171 **Jacqueline Foster**

Proposal for a regulation **Article 3 – paragraph 4**

Text proposed by the Commission

4. **The** national supervisory authorities **that** are not **legally distinct from any air navigation service providers or any private or public entity having an interest in the activities of such providers, as provided for in** paragraph 2, **on the date of entry into force** of this **Regulation** shall meet this requirement by 1 January 2020 **at the latest**.

Amendment

4. National supervisory authorities **which** are not **compliant with** paragraph 2 of this **Article** shall meet this requirement by 1 January 2020.

Or. en

Justification

The Commission proposal would require complete separation of NSAs from anybody having any interest in ANSPs, including States, which is not appropriate. The real need is to ensure separation from NSAs and anybody that has the ability to make decisions on the management of the ANSP.

Amendment 172
Spyros Danellis

Proposal for a regulation
Article 3 – paragraph 4

Text proposed by the Commission

4. The national supervisory authorities that are not legally distinct from any air navigation service providers or any private or public entity having an interest in the activities of such providers, as provided for in paragraph 2, on the date of entry into force of this Regulation shall meet this requirement by 1 **January 2020** at the latest.

Amendment

4. The national supervisory authorities that are not legally distinct from any air navigation service providers or any private or public entity having an interest in the activities of such providers, as provided for in paragraph 2, on the date of entry into force of this Regulation shall meet this requirement by 1 **July 2017** at the latest.

Or. en

Justification

National Supervisory Authorities have already been functionally independent, and in most

cases legally independent, which means that legal separation for the remaining few should be a legal matter without substantial organisational or operational obstacles. Therefore, it should be easily completed by the mid-point of RP2.

Amendment 173
Gilles Pargneaux

Proposal for a regulation
Article 3 – paragraph 4

Text proposed by the Commission

4. The national supervisory authorities that are not **legally distinct** from any air navigation service providers **or any private or public entity having an interest in the activities of such providers**, as provided for in paragraph 2, on the date of entry into force of this Regulation shall meet this requirement by 1 January 2020 at the latest.

Amendment

4. The national supervisory authorities that are not **independent** from any air navigation service providers, as provided for in paragraph 2, on the date of entry into force of this Regulation shall meet this requirement by 1 January 2020 at the latest.

Or. fr

Justification

It has not been proven that an operational separation between supervisory authorities and service providers is the cause of shortcomings relating to security or performance. The Commission's proposal is therefore not justified. In practice it would affect only a few States and would, in some cases, reduce resource efficiency. States should be left to decide what the most effective organisational arrangements would be in this area.

Amendment 174
Gilles Pargneaux

Proposal for a regulation
Article 3 – paragraph 5

Text proposed by the Commission

5. The national supervisory authorities shall exercise their powers impartially, independently and transparently. In particular, they shall be organised, staffed,

Amendment

5. The national supervisory authorities shall exercise their powers impartially, independently and transparently. In particular, they shall be organised, staffed,

managed and financed so as to allow them to exercise their powers in that manner.

managed and financed so as to allow them to exercise their powers in that manner.
However, this shall not prevent the national supervisory authorities from performing their tasks in accordance with the organisational rules applicable to national civil aviation authorities or any other public bodies.

Or. fr

Justification

It has not been proven that an operational separation between supervisory authorities and service providers is the cause of shortcomings relating to security or performance. The Commission's proposal is therefore not justified. In practice it would affect only a few States and would, in some cases, reduce resource efficiency. States should be left to decide what the most effective organisational arrangements would be in this area.

Amendment 175 **Jacqueline Foster**

Proposal for a regulation **Article 3 – paragraph 6 – point a**

Text proposed by the Commission

(a) be recruited under clear and transparent rules which ***guarantee*** their independence ***and as regards persons in charge of*** strategic decisions, be appointed by the national cabinet or council of ministers or another public authority ***which does*** not directly control, or benefit from the ***air navigation*** service providers;

Amendment

(a) be recruited under clear and transparent rules which ***ensure*** their independence. ***NSA staff who are responsible for*** strategic decisions ***should*** be appointed by the National Cabinet or Council of Ministers or ***an authorised representative acting on their behalf or the NSA itself.*** ***Where*** another public authority ***makes such appointments it must*** not directly control or benefit from the ***ATM/ANS*** Service Providers.

Or. en

Justification

To make clear that the requirement applies to those in charge of strategic decisions within

NSAs rather than all NSA staff, and also allows a role for Governments in appointments and for the NSA to make appointments itself. Failure to address this would potentially restrict the freedom of movement of staff between NSAs and Industry adding a resource constraint to NSAs. In fact the entire ATM industry benefits from regulators being able recruit in industry experience

Amendment 176
Gilles Pargneaux

Proposal for a regulation
Article 3 – paragraph 6 – point a

Text proposed by the Commission

(a) be recruited under clear and transparent **rules** which guarantee their independence and as regards persons in charge of strategic decisions, be appointed by the national cabinet or council of ministers or another public authority which does not directly control, or benefit from the air navigation service providers;

Amendment

(a) be recruited under clear and transparent **criteria** which guarantee their independence and as regards persons in charge of strategic decisions, be appointed by the national cabinet or council of ministers or another public authority which does not directly control, or benefit from the air navigation service providers;

Or. fr

Justification

There should be scope for recruiting supervisory staff who have basic training, or experience, in fields other than air navigation supervision, provided that they receive suitable training, including a practical learning component. Giving the Commission the power to set the recruitment and selection arrangements would be a step too far.

Amendment 177
Jacqueline Foster

Proposal for a regulation
Article 3 – paragraph 6 – point b

Text proposed by the Commission

(b) be selected in a transparent procedure on the basis of their specific qualifications, **including appropriate competence and relevant** experience **inter alia in the field**

Amendment

(b) be selected in a transparent procedure on the basis of their specific qualifications, experience **or competencies**.

of auditing, air navigation services and systems;

Or. en

Justification

Simplify and avoid unnecessary prescription, which would restrict the ability of NSAs to recruit staff. Often experience and competence is more important than qualifications and often no qualifications exist for NSA tasks.

Amendment 178
Gilles Pargneaux

Proposal for a regulation
Article 3 – paragraph 6 – point b

Text proposed by the Commission

(b) be selected *in a* transparent **procedure** on the basis of their specific qualifications, including appropriate competence and relevant experience inter alia in the field of auditing, air navigation services and systems;

Amendment

(b) be selected **using** transparent **criteria** on the basis of their **profiles and** specific qualifications, including appropriate competence and, **as regards security and interoperability**, relevant experience inter alia in the field of auditing, air navigation services and systems; **persons who do not have previous professional experience in some of these areas may be recruited on the condition that they receive suitable training, including a practical learning component, until they are deemed to possess the requisite level of knowledge and skills;**

Or. fr

Justification

There should be scope for recruiting supervisory staff who have basic training, or experience, in fields other than air navigation supervision, provided that they receive suitable training, including a practical learning component. Giving the Commission the power to set the recruitment and selection arrangements would be a step too far.

Amendment 179
Marian-Jean Marinescu

Proposal for a regulation
Article 3 – paragraph 6 – point b a (new)

Text proposed by the Commission

Amendment

(ba) not be seconded from ANSPs or companies under the control of NSPs

Or. en

Amendment 180
Spyros Danellis

Proposal for a regulation
Article 3 – paragraph 6 – point c

Text proposed by the Commission

Amendment

(c) act independently in particular from any interest related to air navigation service providers and shall not seek or take instructions from any government or other public or private entity when carrying out the functions of the national supervisory authority;

(c) act independently in particular from any interest related to air navigation service providers and shall not seek or take instructions from any government or other public or private entity when carrying out the functions of the national supervisory authority, ***without prejudice to close co-operation with other relevant national authorities;***

Or. en

Amendment 181
Gilles Pargneaux

Proposal for a regulation
Article 3 – paragraph 6 – point e

Text proposed by the Commission

Amendment

(e) as regards persons in charge of strategic decisions, audits or other functions directly linked to oversight or

deleted

performance targets of air navigation service providers, have no professional position or responsibility with any of the air navigation service providers after their term in the national supervisory authority, for a period of at least one year.

Or. fr

Justification

There should be scope for recruiting supervisory staff who have basic training, or experience, in fields other than air navigation supervision, provided that they receive suitable training, including a practical learning component. Giving the Commission the power to set the recruitment and selection arrangements would be a step too far.

Amendment 182
Jacqueline Foster

Proposal for a regulation
Article 3 – paragraph 6 – point e

Text proposed by the Commission

(e) as regards **persons in charge of strategic decisions, audits or other functions directly linked to oversight or performance targets of air navigation service providers, have no professional position or responsibility with any of the air navigation service providers after their term in the national supervisory authority, for a period of at least one year.**

Amendment

(e) as regards strategic decisions, **steps should be taken by the NSAs to ensure these cannot be taken alone by any staff that are seconded from the air navigation service providers to avoid a conflict of interests.**

Or. en

Justification

Commission proposal could impact on NSA's ability to bring in resources from ANSPs and vice versa which is beneficial to whole ATM system. The issue that needs to be addressed is secondees from industry being able to take strategic decisions on the oversight of the organisations that still employ them. NSA should retain the ability to second staff as it provides a useful mechanism to ensure they have current industry expertise.

Amendment 183
Marian-Jean Marinescu

Proposal for a regulation
Article 3 – paragraph 6 – point e

Text proposed by the Commission

(e) as regards persons in charge of strategic decisions, audits or other functions directly linked to oversight or performance targets of air navigation service providers, have no professional position or responsibility with any of the air navigation service providers after their term in the national *supervisory* authority, for a period of **at least one year**.

Amendment

(e) as regards persons **who have been** in charge of strategic decisions, audits or other functions directly linked to oversight or performance targets of air navigation service providers **for more than six months**, have no professional position or responsibility with any of the air navigation service providers after their term in the national **aviation** authority, for a period of:

Or. en

Amendment 184
Marian-Jean Marinescu

Proposal for a regulation
Article 3 – paragraph 6 – point e – point i (new)

Text proposed by the Commission

Amendment

(i) at least 12 months for staff in managerial positions;

Or. en

Amendment 185
Marian-Jean Marinescu

Proposal for a regulation
Article 3 – paragraph 6 – point e – point ii (new)

Text proposed by the Commission

Amendment

(ii) at least six months for staff in non-managerial positions.

Amendment 186
Spyros Danellis

Proposal for a regulation
Article 3 – paragraph 6 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the authority's top management will be appointed for a fixed term of three up to seven years, renewable once, and may be relieved from office during their term only if they no longer fulfil the conditions set out in this Article or have been guilty of misconduct under national law.

Or. en

Amendment 187
Jacqueline Foster

Proposal for a regulation
Article 3 – paragraph 9

Text proposed by the Commission

Amendment

9. The Commission shall establish detailed rules laying down the modalities of the recruitment and selection procedures for the application of paragraphs 6(a) and (b). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(3).

deleted

Or. en

Justification

Unnecessary detail. Against principles of subsidiarity and proportionality.

Amendment 188
Gilles Pargneaux

Proposal for a regulation
Article 3 – paragraph 9

Text proposed by the Commission

Amendment

9. The Commission shall establish detailed rules laying down the modalities of the recruitment and selection procedures for the application of paragraphs 6(a) and (b). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(3)

deleted

Or. fr

Justification

There should be scope for recruiting supervisory staff who have basic training, or experience, in fields other than air navigation supervision, provided that they receive suitable training, including a practical learning component. Giving the Commission the power to set the recruitment and selection arrangements would be a step too far.

Amendment 189
Marian-Jean Marinescu

Proposal for a regulation
Article 4 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) ensuring the supervision of the application of this Regulation, in particular with regard to the safe and efficient operation of air navigation service providers which provide services relating to the airspace falling under the responsibility of the Member State which nominated or established the relevant authority;

(a) ensuring the supervision of the application of this Regulation **and Regulation (EC) No 216/2008**, in particular with regard to the safe and efficient operation of air navigation service providers which provide services relating to the airspace falling under the responsibility of the Member State which nominated or established the relevant authority

Amendment 190
Eva Lichtenberger

Proposal for a regulation
Article 4 – paragraph 1 – point a

Text proposed by the Commission

(a) ensuring the supervision of the application of this Regulation, in particular with regard to the safe and efficient operation of air navigation service providers which provide services relating to the airspace falling under the responsibility of the Member State which nominated or established the relevant authority;

Amendment

(a) ensuring the supervision of the application of this Regulation, in particular with regard to the safe, ***climate and environmentally friendlier, energy saving*** and efficient operation of air navigation service providers which provide services relating to the airspace falling under the responsibility of the Member State which nominated or established the relevant authority;

Amendment 191
Gesine Meissner

Proposal for a regulation
Article 4 – paragraph 1 – point d

Text proposed by the Commission

(d) drawing up performance plans and monitoring their implementation in accordance with Article 11;

Amendment

(d) drawing up performance plans, ***submitting the performance plans to the Performance Review Body in its function as independent economic regulator for endorsement before adoption by the Member States,*** and monitoring their implementation in accordance with Article 11;

Justification

The Performance Scheme can be strengthened through the establishment of an independent EU economic regulator for air navigation charges. The regulator will ensure that a consistent, fair and accountable performance system is established to facilitate the realisation of SES. Given its current function and capability, the Performance Review Body is the appropriate body to exercise these tasks.

Amendment 192 **Spyros Danellis**

Proposal for a regulation **Article 4 – paragraph 1 – point e**

Text proposed by the Commission

(e) monitoring the implementation of the charging scheme in accordance with Articles 12 and 13;

Amendment

(e) monitoring the implementation of the charging scheme in accordance with Articles 12 and 13, ***including the provisions on cross-subsidisation referred to in Article 13(7)***;

Or. en

Amendment 193 **Spyros Danellis**

Proposal for a regulation **Article 4 – paragraph 1 – point g a (new)**

Text proposed by the Commission

Amendment

(ga) reporting annually on its activity and the fulfilment of its tasks to the relevant authorities of the Member State, the EAA and the Commission. Such reports shall cover the steps taken and the results obtained as regards each of the tasks listed in this Article;

Or. en

Amendment 194
Spyros Danellis

Proposal for a regulation
Article 4 – paragraph 2

Text proposed by the Commission

2. Each national supervisory authority shall organise proper inspections and surveys to verify compliance with the requirements of this Regulation. The air navigation service provider concerned shall facilitate such work.

Amendment

2. Each national supervisory authority shall organise proper inspections and surveys to verify compliance with the requirements of this Regulation. The air navigation service provider concerned shall facilitate such work **and the relevant Member State shall offer all necessary assistance to ensure the effectiveness of compliance monitoring.**

Or. en

Amendment 195
Marian-Jean Marinescu

Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The national **supervisory** authorities shall exchange information about their work and decision-making principles, practices and procedures as well as implementation of Union **law**. **They** shall cooperate for the purpose of coordinating their decision-making across the **Union**. **The national supervisory** authorities shall participate and work together in a network that convenes at regular **intervals**. **The Commission and the European Union Agency for Aviation (hereafter ‘EAA’) shall be members, coordinate and support the work of the network and make recommendations to the network, as appropriate.** The Commission and EAA shall facilitate active cooperation of the national **supervisory** authorities and

Amendment

The national **aviation** authorities shall exchange information about their work and decision-making principles, practices and procedures as well as implementation of Union **law**. **They** shall cooperate for the purpose of coordinating their decision-making across the **Union**. **The national aviation** authorities shall participate and work together in a network that convenes at regular **intervals**. **The Commission and EAA shall facilitate active cooperation of the national aviation authorities and exchanges and use of staff between the national aviation authorities.**

exchanges and use of staff between the national *supervisory* authorities ***based on a pool of experts to be set up by EAA in accordance with Article 17(2)(f) of Regulation (EC) No 216/2008.***

Or. en

Amendment 196
Spyros Danellis

Proposal for a regulation
Article 5 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The national supervisory authorities shall exchange information about their work and decision-making principles, practices and procedures as well as implementation of Union law. They shall cooperate for the purpose of coordinating their decision-making across the Union. The national supervisory authorities shall participate and work together in a network that convenes at regular intervals. The Commission and the European Union Agency for Aviation (hereafter ‘EAA’) shall be members, coordinate and support the work of the network ***and make recommendations to the network***, as appropriate. The Commission and EAA shall facilitate active cooperation of the national supervisory authorities and exchanges and use of staff between the national supervisory authorities based on a pool of experts to be set up by EAA in accordance with Article 17(2)(f) of Regulation (EC) No 216/2008.

Amendment

The national supervisory authorities shall exchange information about their work and decision-making principles, practices and procedures as well as implementation of Union law. They shall cooperate for the purpose of coordinating their decision-making across the Union. The national supervisory authorities shall participate and work together in a network that convenes at regular intervals ***and at least once a year***. The Commission and the European Union Agency for Aviation (hereafter ‘EAA’) shall be members, coordinate and support the work of the network, as appropriate. The Commission and EAA shall facilitate active cooperation of the national supervisory authorities and exchanges and use of staff between the national supervisory authorities based on a pool of experts to be set up by EAA in accordance with Article 17(2)(f) of Regulation (EC) No 216/2008.

This network may, among other things:

(a) produce and disseminate streamlined methodologies and guidelines for the implementation of the authority tasks listed in Article 4.

(b) provide assistance to individual NSAs on regulatory issues;

(c) provide opinions to the Commission and EAA on rulemaking and certification;

(d) provide opinions, guidelines and recommendations on facilitating cross-border service provision;

(e) develop plans for the consolidation and integration of national supervisory authorities;

Or. en

Justification

The purpose and tasks of the network must be spelled out in more detail. Specifically, in addition to NSA tasks according to Article 4, it would be well-placed to identify obstacles to cross-border provision of services, both with a view to resolving bilateral cases and to advise the Commission on rulemaking.

Amendment 197 **Marian-Jean Marinescu**

Proposal for a regulation **Article 5 – paragraph 1 – subparagraph 2**

Text proposed by the Commission

Subject to the rules on data protection provided for in Article 22 of this Regulation and in Regulation (EC) No 45/2001, the Commission shall ***support the exchange of the information referred to in the first and second subparagraph of this paragraph*** among the members of the network, possibly through electronic tools, respecting the confidentiality of business secrets of ***air navigation service providers***.

Amendment

Subject to the rules on data protection provided for in Article 22 of this Regulation and in Regulation (EC) No 45/2001, the Commission shall ***provide a platform for the exchange of the information*** among the members of the network, possibly through electronic tools, respecting the confidentiality of business secrets of ***companies, organisations or entities involved***.

Or. en

Amendment 198
Jacqueline Foster

Proposal for a regulation
Article 5 – paragraph 5

Text proposed by the Commission

5. In the case of provision of air navigation services in an airspace falling under the responsibility of another Member State, the arrangements referred to in paragraphs 2 and 4 shall include an agreement on the mutual recognition of the supervisory tasks set out in Article 4(1) and (2) and of the results of these tasks. This mutual recognition shall apply also where arrangements for recognition between national supervisory authorities are made for the certification process of service providers.

Amendment

5. In the case of provision of air navigation services in an airspace falling under the responsibility of another Member State, the arrangements referred to in paragraphs 2, 3 and 4 shall include an agreement on the mutual recognition of the supervisory tasks set out in Article 4(1) and (2) and of the results of these tasks. This mutual recognition shall apply also where arrangements for recognition between national supervisory authorities are made for the certification process of service providers.

Or. en

Justification

Mutual recognition is also important in respect of FABs

Amendment 199
Marian-Jean Marinescu

Proposal for a regulation
Article 5 – paragraph 5

Text proposed by the Commission

5. In the case of provision of air navigation services in an airspace falling under the responsibility of another Member State, the arrangements referred to in paragraphs 2 and 4 shall include an agreement on the mutual recognition of the supervisory tasks set out in Article 4(1) and (2) and of the results of these tasks. This mutual recognition shall apply also where

Amendment

5. In the case of provision of air navigation services in an airspace falling under the responsibility of another Member State the arrangements referred to in paragraphs 2 and 4 shall include an agreement on the mutual recognition of the supervisory tasks set out in Article 4(1) and (2) and of the results of these tasks. This mutual recognition shall apply also where

arrangements for recognition between national *supervisory* authorities are made for the certification process of service providers.

arrangements for recognition between national *aviation* authorities are made for the certification process of service providers.

Or. en

Amendment 200
Jacqueline Foster

Proposal for a regulation
Article 5 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. To the maximum extent possible, National Supervisory Authorities shall cooperate to ensure that common solutions may be implemented across two or more States to meet the aims of the ATM Master Plan or Chicago Convention

Or. en

Justification

Differing local requirements set by national regulators can hamper the implementation of multi-national solutions.

Amendment 201
Silvia-Adriana Țicău

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

Amendment

1. National supervisory authorities, acting in accordance with their national legislation, shall establish consultation mechanisms for appropriate involvement of stakeholders, including professional staff representative bodies for the exercise

1. National supervisory authorities, acting in accordance with their national legislation, shall establish consultation mechanisms for appropriate involvement of stakeholders, including professional staff representative bodies ***and the social***

of their tasks, in the implementation of the Single European Sky.

partners for the exercise of their tasks, in the implementation of the Single European Sky.

Or. ro

Amendment 202
Eva Lichtenberger

Proposal for a regulation
Article 7 – paragraph 2 – indent 6 a (new)

Text proposed by the Commission

Amendment

– representative environmental and airport neighbours' organisations.

Or. en

Amendment 203
Marian-Jean Marinescu

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. The issue of certificates shall confer on air navigation service providers the possibility of offering their services to Member *States*, other air navigation service providers, airspace users and airports within the Union. With regard to support services this possibility shall be subject to the compliance with Article 10(2).

4. The issue of certificates shall confer on air navigation service providers the possibility of offering their services to *any* Member *State*, other air navigation service providers, airspace users and airports within the Union *and neighbouring third countries, if appropriate, within a functional airspace block, subject to mutual agreement between the relevant parties*. With regard to support services this possibility shall be subject to the compliance with Article 10(2).

Or. en

Amendment 204
Spyros Danellis

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. The issue of certificates shall confer on air navigation service providers the possibility of offering their services to Member States, other air navigation service providers, airspace users and airports within the Union. ***With regard to support services this possibility shall be subject to the compliance with Article 10(2).***

Amendment

4. The issue of certificates shall confer on air navigation service providers the possibility of offering their services to Member States, other air navigation service providers, airspace users and airports within the Union.

Or. en

Amendment 205
Gilles Pargneaux

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure the provision of air traffic services on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility. For this purpose, Member States shall designate an air traffic service provider holding a valid certificate ***or declaration*** in the Union .

Amendment

1. Member States shall ensure the provision of air traffic services on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility. For this purpose, Member States shall designate an air traffic service provider holding a valid certificate in the Union.

Or. fr

Amendment 206
Marian-Jean Marinescu

Proposal for a regulation
Article 9 – paragraph 4

Text proposed by the Commission

4. Member States shall have discretionary powers in choosing an air traffic service provider, on condition that the latter is certified or declared in accordance with Regulation (EC) No 216/2008.

Amendment

4. Member States shall have discretionary powers in choosing an air traffic service provider, on condition that the latter is certified or declared in accordance with Regulation (EC) No 216/2008 ***regardless of which Member State issued the certificate or has been declared to.***

Or. en

Amendment 207
Marian-Jean Marinescu

Proposal for a regulation
Article 9 – paragraph 5

Text proposed by the Commission

5. In respect of functional airspace blocks established in accordance with Article 16 ***that extend across the airspace under the responsibility of more than one Member State***, the Member States concerned shall jointly designate, in accordance with paragraph 1 of this Article, one or more air traffic service providers, at least one month before implementation of the airspace block.

Amendment

5. In respect of functional airspace blocks established in accordance with Article 16, the Member States concerned shall jointly designate, in accordance with paragraph 1 of this Article, one or more air traffic service providers, at least one month before implementation of the airspace block.

Or. en

Amendment 208
Jacqueline Foster

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall take all necessary measures to ensure that, in accordance with

Amendment

Member States shall take all necessary measures to ensure that, in accordance with

this Article, providers of support services *can* compete within the Union on *the* basis of *equitable, non-discriminatory and transparent conditions for the purpose of providing these services*.

this Article, *there are no statutory impediments to the* providers of *terminal air navigation and/or* support services *that would prevent their ability to* compete within the Union on *an equitable and non-discriminatory* basis. *The requirement set out in this Article shall be achieved not later than five years after publication of the study referred to in paragraph 2 of this article.*

Or. en

Justification

The UK does not believe that it is appropriate to mandate separation in the way proposed by the Commission as there has been insufficient consideration of the market that may emerge or the pathway to it. Instead we proposed that States are mandated to remove barriers to competition. We also propose the scope of this proposal is extended to Terminal services as there is evidence to show a market approach is beneficial for these services.

Amendment 209 **Gilles Pargneaux**

Proposal for a regulation **Article 10 – paragraph 1 – subparagraph 1**

Text proposed by the Commission

Member States shall take all necessary measures to ensure that, in accordance with this Article, providers of support services can *compete* within the Union on the basis of equitable, non-discriminatory and transparent conditions *for the purpose of providing these services*.

Amendment

Member States shall take all necessary measures to ensure that, in accordance with this Article, providers of support services can *offer their services* within the Union on the basis of equitable, non-discriminatory and transparent conditions.

Or. fr

Justification

Service providers must be able to offer their services to other service providers in the EU. Special care must be taken to ensure continuity of service. Furthermore, providers of air traffic services should be free to engage a support service provider on condition that certain

requirements are met. There is therefore no need for an assessment by the performance review body.

Amendment 210
Phil Bennion

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall take all necessary measures to ensure that, in accordance with this Article, providers of support services can compete within the Union on the basis of equitable, non-discriminatory and transparent conditions for the purpose of providing these services.

Amendment

Member States shall take all necessary measures to ensure that, in accordance with this Article, providers of ***terminal air navigation and/or*** support services can compete within the Union on the basis of equitable, non-discriminatory and transparent conditions for the purpose of providing these services.

Or. en

Amendment 211
Brian Simpson

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall take all necessary measures to ensure that, in accordance with this Article, providers of support services ***can*** compete within the Union on the basis of equitable, non-discriminatory and transparent conditions for the purpose of providing these services.

Amendment

Member States shall take all necessary measures to ensure that, in accordance with this Article, ***there are no statutory impediments to the*** providers of ***terminal air navigation and/or*** support services ***that would prevent their ability to*** compete within the Union on the basis of equitable, non-discriminatory and transparent conditions for the purpose of providing these services.

Or. en

Justification

It is not appropriate to mandate the unbundling of support services as the consequences of doing so are simply unknown and could result in a detrimental safety and social impact. Instead the focus should be on removing any national barriers which prevent providers from being able to offer their services throughout the EU.

Amendment 212

Marian-Jean Marinescu

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

The requirement set out in this Article shall be met at the latest by 1 January 2020.

deleted

Or. en

Amendment 213

Spyros Danellis

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall take all necessary measures to ensure that the provision of air traffic services is separated from the provision of support services. This separation shall include the requirement that air traffic services and support services are provided by separate undertakings.

deleted

Or. en

Amendment 214

Eva Lichtenberger

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall take all necessary measures to ensure that the provision of air traffic services is separated from the provision of support services. This separation shall include the requirement that air traffic services and support services are provided by separate undertakings.

deleted

Or. en

Amendment 215
Marian-Jean Marinescu

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall take all necessary measures to ensure that the **provision of air traffic services is separated from the provision of support services. This separation shall include the requirement that air traffic services and support services are provided by separate undertakings.**

2. Member States shall take all necessary measures to ensure that the **ANSPs, when drawing up their business plans, call for offers from different service support suppliers, with a view to choosing the financially and qualitatively most beneficial provider. The PRB provided for by Article 11(2) shall monitor the completion of provisions of this paragraph when evaluating the performance plans.**

Or. en

Amendment 216
Markus Ferber

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

2. Member States shall take all necessary measures to ensure that the provision of air traffic services is separated from the provision of support services. This separation shall include the requirement that air traffic services and support services are provided by separate undertakings.

Amendment

2. Member States shall ***immediately*** take all necessary measures to ensure that the provision of air traffic services is separated from the provision of support services. ***These measures shall be implemented by 1 July 2017.*** This separation shall include the requirement that air traffic services and support services are provided by separate undertakings. ***Immediately after the entry into force of the Regulation, the Commission shall publish a roadmap for the implementation of these measures.***

Or. de

Justification

Unbundling will have a positive impact on the economic viability of air traffic within Europe. There should be no unnecessary delays involved. To this end, Member States shall immediately take the necessary steps leading to the separation of air traffic services from the provision of support services. A roadmap drawn up by the Commission will help ensure clear implementation throughout Europe.

Amendment 217
Gilles Pargneaux

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

2. Member States shall take all necessary measures to ensure that ***the provision of air traffic services is separated from the provision of support services.*** This ***separation shall include the requirement that*** air traffic services and support services are provided by separate undertakings.

Amendment

2. Member States shall take all necessary measures to ensure that ***all air navigation services are available at all times.*** This ***may be achieved either through minimum service requirements to be met by staff in the event of industrial action or by means of other appropriate arrangements in cases where*** air traffic services and support services are provided by separate undertakings.

Justification

Service providers must be able to offer their services to other service providers in the EU. Special care must be taken to ensure continuity of service. Furthermore, providers of air traffic services should be free to engage a support service provider on condition that certain requirements are met. There is therefore no need for an assessment by the performance review body.

Amendment 218**Jörg Leichtfried, Knut Fleckenstein****Proposal for a regulation****Article 10 – paragraph 2***Text proposed by the Commission*

2. Member States ***shall take all necessary measures to ensure*** that the provision of air traffic services is separated from the provision of support services. ***This separation shall include the requirement that air traffic services and support services are provided by separate undertakings.***

Amendment

2. Member states ***may require*** that the provision of air traffic services is separated from the provision of support services, ***after having conducted an assessment of the social impacts of such a separation.***

Justification

In many countries, support services are part of the core business of the Air Navigation Service Providers. A mandatory separation puts at risk the public service role of Air Navigation Management and might have a negative impact on working conditions and the number of jobs in support services.

Amendment 219**Brian Simpson, Saïd El Khadraoui****Proposal for a regulation****Article 10 – paragraph 2**

Text proposed by the Commission

2. Member States **shall** take all necessary measures to ensure that the provision of air traffic services is separated from the provision of support services. **This separation shall include the requirement that air traffic services and support services are provided by separate undertakings.**

Amendment

2. Member States **may** take all necessary measures to ensure that the provision of air traffic services is separated from the provision of support services. **Such a separation can only be done after a full and comprehensive i) social impact assessment and ii) safety assessment.**

Or. en

Justification

It is not appropriate to mandate the unbundling of support services as the consequences of doing so are simply unknown and could result in a detrimental safety and social impact.

Amendment 220

Phil Bennion

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

2. **Member States shall take all necessary measures to ensure that the provision of air traffic services is separated from the provision of support services. This separation shall include the requirement that air traffic services and support services are provided by separate undertakings.**

Amendment

2. **The Commission shall present the necessary guidance for Member states to remove the barriers to fair competition in the provision of terminal air navigation and/or support services. One year after the entry into force of this Regulation, the European Commission shall present an impact assessment and analysis of the costs and benefits of separation between air traffic services and support services.**

Or. en

Amendment 221

Jacqueline Foster

Proposal for a regulation
Article 10 – paragraph 2

Text proposed by the Commission

2. Member States shall take all necessary measures to ensure that ***the provision of air traffic services is separated from the provision of support services. This separation shall include the requirement that*** air traffic services and support services ***are*** provided by separate undertakings.

Amendment

2. Member States shall take all necessary measures to ensure that ***it is legally possible for*** air traffic services and support services ***or elements thereof to be*** provided by separate undertakings.

Or. en

Justification

The proposal for mandatory separation creates the potential for disruption of existing services and contracts. It is not proportionate, nor is it in keeping with the outcome-based aims of the Performance Scheme.

Amendment 222
Jacqueline Foster

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

3. ***In choosing the provider of support services, in particular cost efficiency, overall service quality and safety of services shall be taken into account by the entity procuring*** those services.

Amendment

3. ***If support services are provided under market conditions pursuant to Annex I of Regulation EU No 391/2013, the entity procuring the services must do so under OJEU rules (REF 2004/18/EC) with particular focus on cost efficiency, service quality, interoperability and the safety of*** those services.

Or. en

Justification

Consistency with amendments suggested to earlier paragraphs. It is also important to ensure interoperability between different services.

Amendment 223
Eva Lichtenberger

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

3. In choosing the provider of support services, in particular cost efficiency, overall service quality and safety of services shall be taken into account by the entity procuring those services.

Amendment

3. In choosing the provider of support services, in particular cost **and energy** efficiency, overall service quality and safety, **climate and environmentally friendliness** of services shall be taken into account by the entity procuring those services.

Or. en

Amendment 224
Gilles Pargneaux

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

3. **In choosing the** provider of support services, in particular cost efficiency, overall service quality and safety of services shall be taken into account by the entity procuring those services.

Amendment

3. **When use is made of a** provider of support services, in particular cost efficiency, overall service quality and safety of services shall be taken into account by the entity procuring those services.

Or. fr

Justification

Service providers must be able to offer their services to other service providers in the EU. Special care must be taken to ensure continuity of service. Furthermore, providers of air traffic services should be free to engage a support service provider on condition that certain requirements are met. There is therefore no need for an assessment by the performance review body.

Amendment 225
Spyros Danellis

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

3. **In** choosing *the* provider of support services, in particular cost efficiency, overall service quality and safety of services **shall be taken into account** by the entity procuring those services.

Amendment

3. **When** choosing **an external** provider of support services, in particular cost efficiency, overall service quality and safety of services, **as well as transparency of the procurement process, shall be ensured** by the entity procuring those services.

Or. en

Amendment 226
Jörg Leichtfried, Knut Fleckenstein

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

3. In choosing *the* provider of support services, in particular cost efficiency, overall service quality and safety of services shall be taken into account by the entity procuring those services.

Amendment

3. In **case of** choosing **an external** provider of support services, in particular cost efficiency, overall service quality and safety of services shall be taken into account by the entity procuring those services.

Or. en

Amendment 227
Phil Bennion

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

3. In **choosing the provider** of support services, **in** particular cost efficiency, overall service quality and safety of **services shall be taken into account by the entity procuring those** services.

Amendment

3. In **cases** of support services **provided under market conditions, the entity procuring those services shall do so in accordance with Directive 2004/18/EC with** particular **focus on** cost efficiency, overall service quality, **interoperability** and safety of services.

Or. en

Amendment 228
Brian Simpson

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

3. In choosing **the** provider of support services, in particular cost efficiency, overall service quality and safety of services shall be taken into account by the entity procuring those services.

Amendment

3. In **case of** choosing **an external** provider of support services, in particular cost efficiency, overall service quality, **interoperability** and safety of services shall be taken into account by the entity procuring those services.

Or. en

Justification

This is to ensure consistency with previous amendments opposing mandatory unbundling. Where, however, an external provider is chosen it is important to ensure interoperability between different services.

Amendment 229
Gesine Meissner

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

3. In choosing the provider of support services, in particular cost efficiency, overall service quality **and** safety of services shall be ***taken into account by*** the entity procuring those services.

Amendment

3. In choosing the provider of support services, in particular cost efficiency, overall service quality, safety of services **and transparency** shall be ***binding selection criteria for*** the entity procuring those services. ***In particular, the awarding entity shall define quality targets related to the reliability and safety of the services, rewards and penalties applicable, parameters of financial compensations to be reflected into charging scheme and conditions related to the essential assets required for the provision of the services.***

Or. en

Justification

For the actual choice of the provider it is not sufficient if the selection criteria only need to be considered, they have to be mandatory.

Amendment 230
Gilles Pargneaux

Proposal for a regulation
Article 10 – paragraph 4 – introductory part

Text proposed by the Commission

4. A provider of support services ***may only be chosen*** to provide services in the airspace of a Member State, ***when***:

Amendment

4. ***An air traffic service provider engaging a separate*** provider of support services to provide services in the airspace of a Member State ***shall ensure that***:

Or. fr

Justification

Service providers must be able to offer their services to other service providers in the EU. Special care must be taken to ensure continuity of service. Furthermore, providers of air traffic services should be free to engage a support service provider on condition that certain requirements are met. There is therefore no need for an assessment by the performance

review body.

Amendment 231
Gilles Pargneaux

Proposal for a regulation
Article 10 – paragraph 5

Text proposed by the Commission

Amendment

5. Support services related to the operations of the EATMN may be provided in a centralised manner by the Network Manager by adding those services to the services referred to in Article 17(2), in accordance with Article 17(3). They may also be provided on an exclusive basis by an air navigation service provider or groupings thereof, in particular those related to the provision of the ATM infrastructures. The Commission shall specify the modalities for the selection of providers or groupings thereof, based on the professional capacity and ability to provide services in an impartial and cost-effective manner, and establish an overall assessment of the estimated costs and benefits of the provision of the support services in a centralised manner. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(3) The Commission shall designate providers or groupings thereof in accordance with those implementing acts.

deleted

Or. fr

Justification

Le paragraphe 5 apporte de la confusion, car il est déjà possible d'augmenter la liste des fonctions remplies par le gestionnaire de réseau par décision de la Commission. Cependant, il convient de laisser au gestionnaire de réseau en liaison avec la communauté des prestataires de services et des entreprises du secteur, plus généralement, l'initiative d'étudier

et, le cas échéant, de susciter des offres de fonctions ou services centralisés. Il se pourrait à cet égard qu'une fonction soit offerte de manière centralisée, mais qu'un ou plusieurs prestataires de service de la circulation aérienne possède déjà les outils appropriés, et qu'il soit plus avantageux pour lui de les conserver. Enfin, un même service ou fonction pourrait être organisé de manière volontairement redondante en recourant à deux entités distinctes pour raison de sécurité. Le concept de services centralisés est à ce stade encore à l'étude seulement.

Amendment 232
Marian-Jean Marinescu

Proposal for a regulation
Article 10 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Commission shall establish detailed rules laying down the modalities of selection of services covered by this article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(3).

Or. en

Amendment 233
Spyros Danellis

Proposal for a regulation
Article 10 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Commission will conduct a comprehensive study on the operational, economic, safety and social impacts of the introduction of market principles to the provision of support services and submit it to the European Parliament and Council by 1 January 2016. This study shall take into account the implementation of the ATM Master Plan and the impact of SESAR technologies on the support

services sector.

Or. en

Justification

Considering that support services are currently for the most part provided as an integrated service with ATC, and that they constitute a part of the aviation safety chain, it would be difficult to assess the economic and safety impacts of introducing market principles without a dedicated study on the proposal.

Amendment 234
Jacqueline Foster

Proposal for a regulation
Article 10 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Nothing in this article shall preclude an airport operator from contracting with one or more air navigation service providers on a commercial basis as the airport operator so chooses.

Or. en

Justification

The proposal for mandatory separation creates the potential for disruption of existing services and contracts. it is not proportionate, nor is it in keeping with the outcome-based aims of the Performance Scheme.

Amendment 235
Jacqueline Foster

Proposal for a regulation
Article 10 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. Terminal approach services may be provided in a centralised or regional

manner where there is a performance benefit through doing so.

Or. en

Justification

To allow for centralised/regional provision of terminal approach services where there are benefits to doing so (e.g. economies of scale). There are examples of this in some approach services across EU airspace.

Amendment 236
Jacqueline Foster

Proposal for a regulation
Article 10 – paragraph 5 c (new)

Text proposed by the Commission

Amendment

5c. by 1 January 2020 Member States shall have removed any national regulatory barriers to the provision of Terminal Air Navigation Services on a commercial, competitive basis.

Or. en

Justification

Competition is an effective way of driving performance improvements. For competition to be effective there needs to be sufficiently large market and number of competitors.

Amendment 237
Michael Gahler

Proposal for a regulation
Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. To improve the performance of air navigation services and network services in the Single European Sky, a performance

1. To improve the performance of air navigation services and network services in the Single European Sky, a performance

scheme for air navigation services and network services shall be set up. It shall include:

scheme for air navigation services and network services shall be set up. It shall ***be based on the services for which Air Navigation Service Providers (ANSPs) are responsible and*** include:

Or. de

Justification

European efforts to encourage better performance should take local and regional needs into account by giving greater responsibility to national supervisory authorities. There should be a clear division of responsibilities between the Commission at European level and the national supervisory authorities at national level.

Amendment 238 Jacqueline Foster

Proposal for a regulation Article 11 – paragraph 1 – point a

Text proposed by the Commission

(a) Union -wide ***and associated local*** performance targets on the key performance areas of safety, the environment, capacity and cost-efficiency;

Amendment

(a) Union -wide performance targets on the key performance areas of safety, the environment, capacity and cost-efficiency;

Or. en

Justification

The Commission should set and oversee Union-wide targets. States/FABs should set and oversee local targets. Requiring "consistency" rather than "compliance" allows for the necessary level of discretion.

Amendment 239 Marian-Jean Marinescu

Proposal for a regulation Article 11 – paragraph 1 – point a

Text proposed by the Commission

(a) **Union -wide** and associated local performance targets on the key performance areas of safety, the environment, capacity and cost-efficiency;

Amendment

(a) **Union-wide** and associated local performance targets on the key performance areas of safety, the environment, capacity and cost-efficiency **in accordance with the high level goals of ATM Master plan fixed for a whole of a Reference Period;**

Or. en

Amendment 240
Eva Lichtenberger

Proposal for a regulation
Article 11 – paragraph 1 – point a

Text proposed by the Commission

(a) Union -wide and associated local performance targets on the key performance areas of safety, the environment, capacity and cost-efficiency;

Amendment

(a) Union -wide and associated local performance targets on the key performance areas of safety, **energy efficiency, the climate**, the environment, capacity and cost-efficiency;

Or. en

Amendment 241
Michael Gahler

Proposal for a regulation
Article 11 – paragraph 1 – point a

Text proposed by the Commission

(a) Union-wide and associated local performance targets on the key performance areas of safety, the environment, capacity and cost-efficiency;

Amendment

(a) Union-wide and associated local performance targets on the key performance areas of safety, the environment, capacity and cost-efficiency, **which take due account of improvements to the overall system of aviation and the interactions between the individual**

performance areas,

Or. de

Justification

In addition to direct effects in the regulated ANSPs, the measurable effects, especially those such as shorter routes and fuel savings by airspace users, must also be taken into consideration, since the efficiency of the entire air traffic management network should be improved. This can also help prevent perverse incentives for reduced investment.

Amendment 242
Jacqueline Foster

Proposal for a regulation
Article 11 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) national plans or plans for functional airspace blocks, including performance targets, ensuring ***compliance with the Union -wide*** and associated local performance targets; ***and***

(b) national plans or plans for functional airspace blocks, including performance targets, ensuring ***consistency with and their contribution to Union-wide*** and associated local performance targets.

Or. en

Justification

It is important that we retain the ability for some flexibility in the setting of local targets. If these are to be compliant with the EU targets as proposed it removes this flexibility and may not achieve the best result. One size does not fit all.

Amendment 243
Gilles Pargneaux

Proposal for a regulation
Article 11 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) national plans or plans for functional airspace blocks, including performance

(b) national plans or plans for functional airspace blocks, including performance

targets, **ensuring compliance** with the *Union -wide and associated local* performance targets; and

targets **consistent** with the *Union-wide* performance targets; and

Or. fr

Justification

In the interests of a proper sharing of roles between the Commission and the Member States, the former should set Union-wide performance targets and the latter, local performance targets. Requiring performance targets set at national to comply with 'associated local performance targets' indicates that the latter targets are also set by the Commission, which goes against the role sharing principle. Furthermore, paragraph 4 is at odds with this, as is paragraph 7(d)(iii).

Amendment 244 **Marian-Jean Marinescu**

Proposal for a regulation **Article 11 – paragraph 2**

Text proposed by the Commission

2. The Commission shall designate an independent, impartial and competent body to act as a 'performance review body'. **The role** of the **performance review body** shall be to assist the Commission, in coordination with the national **supervisory** authorities, and to assist the national **supervisory** authorities **on request** in the implementation of the performance scheme referred to in paragraph **1**. Technical assistance to the **performance review body** may be provided by EAA **and** Eurocontrol or another competent entity.

Amendment

2. The Commission shall designate an independent, impartial and competent body to act as a 'performance review body' (**PRB**). **The PRB shall be established as a European economic regulator under the supervision of the Commission. The role of PRB** shall be to assist the Commission, in coordination with the national **aviation** authorities, and to assist **and monitor** the national **aviation** authorities in the implementation of the performance scheme referred to in paragraph **1**. Technical assistance to the **PRB** may be provided by EAA, **the Network Manager**, Eurocontrol or another competent entity.

Or. en

Amendment 245 **Gesine Meissner**

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

2. The Commission shall designate an independent, impartial and competent body to act as a ‘performance review body’. The role of the performance review body shall be to *assist* the Commission, in coordination with the national supervisory authorities, and *to assist* the national supervisory authorities on request in the implementation of the performance scheme referred to in paragraph 1. Technical assistance to the performance review body may be provided by EAA and Eurocontrol or another competent entity.

Amendment

2. The Commission shall designate an independent, impartial and competent body to act as a ‘performance review body’. The role of the performance review body shall be to *serve as a European-wide independent economic regulator assisting* the Commission, in coordination with the national supervisory authorities, and *monitoring* the national supervisory authorities on request in the implementation of the performance scheme referred to in paragraph 1. *The performance review body shall be established as an independent EU body under the supervision of the Commission.* Technical assistance to the performance review body may be provided by EAA and Eurocontrol or another competent entity.

Or. en

Justification

The Performance Scheme can be strengthened through the establishment of an independent EU economic regulator for air navigation charges. The regulator will ensure that a consistent, fair and accountable performance system is established to facilitate the realisation of SES. Given its current function and capability, the Performance Review Body is the appropriate body to exercise these tasks.

Amendment 246
Jacqueline Foster

Proposal for a regulation
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In accordance with the advisory procedure referred to in Article 27(2), the

Commission shall consult with Member States and national supervisory authorities to establish and adopt the necessary competences and experience requirements for membership of the performance review body and the terms of reference and rules of procedure under which they shall conduct performance review activities in accordance with this Article.

Or. en

Justification

We support the Commission's desire for an independent PRB but due to the importance of their role additional text should be introduced to ensure States have some input into selection criteria for members (as they currently do with appointments to the PRC made through Eurocontrol processes, who make up the current PRB).

Amendment 247
Spyros Danellis

Proposal for a regulation
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The Commission will, at the same time, examine the cost-effectiveness and modalities of setting up an EU body responsible for economic regulation of the ATM/ANS sector ahead of the third Reference Period of the performance scheme. Such a body should be functionally and legally separate from any service provider, whether at national or pan-European level.

Or. en

Justification

An EU body as economic regulator for the ATM sector, under the responsibility of the

Commission, would guarantee a higher degree of independence and flexibility.

Amendment 248
Jacqueline Foster

Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission

3. The national or functional airspace block plans referred to in paragraph 1(b), shall be drawn up by national supervisory authorities and adopted by the Member State(s). These plans shall include binding local targets and an appropriate incentive scheme as adopted by the Member State(s). Drafting of the plans shall be subject to consultation with air navigation service providers, airspace users' representatives, and, where relevant, airport operators and airport coordinators.

Amendment

3. The national or functional airspace block plans referred to in paragraph 1(b), shall be drawn up by national supervisory authorities and adopted by the Member State(s). These plans shall include binding local targets and an appropriate incentive scheme as adopted by the Member State(s). Drafting of the plans shall be subject to consultation with ***the European Commission, the performance review body***, air navigation service providers, airspace users' representatives, and, where relevant, airport operators and airport coordinators.

Or. en

Justification

We support the aim of making the formal assessment process for plans more efficient but it is important that the PRB in particular have the opportunity to give some input into plans ahead of the final acceptance process. PRB input too late in the process is a risk to the effectiveness of plans and the overall scheme, as it limits the time available for States and NSAs to react to that input.

Amendment 249
Phil Bennion

Proposal for a regulation
Article 11 – paragraph 3

Text proposed by the Commission

3. The national or functional airspace block

Amendment

3. The national or functional airspace block

plans referred to in paragraph 1(b), shall be drawn up by national supervisory authorities and adopted by the Member State(s). These plans shall include binding local targets and an appropriate incentive scheme as adopted by the Member State(s). Drafting of the plans shall be subject to consultation with air navigation service providers, airspace users' representatives, and, where relevant, airport operators and airport coordinators.

plans referred to in paragraph 1(b), shall be drawn up by national supervisory authorities and adopted by the Member State(s). These plans shall include binding local targets and an appropriate incentive scheme as adopted by the Member State(s). Drafting of the plans shall be subject to consultation with *the European Commission, the Performance review body*, air navigation service providers, airspace users' representatives, and, where relevant, airport operators and airport coordinators.

Or. en

Justification

There is a need for the European Commission and the Performance review body to be consulted in the drafting process of these plans.

Amendment 250 **Michael Gahler**

Proposal for a regulation **Article 11 – paragraph 3**

Text proposed by the Commission

3. The national or functional airspace block plans referred to in paragraph 1(b), shall be drawn up by national supervisory authorities ***and adopted by the Member State(s)***. These plans shall include binding local targets and an appropriate incentive scheme as adopted by the Member State(s). Drafting of the plans shall be subject to consultation with air navigation service providers, airspace users' representatives, and, where relevant, airport operators and airport coordinators.

Amendment

3. The national or functional airspace block plans referred to in paragraph 1(b), shall be drawn up ***and laid down*** by national supervisory authorities. ***When establishing these targets, the national supervisory authorities shall act independently after consulting all the organisations concerned by the plan.*** These plans shall include binding local targets and an appropriate incentive scheme as adopted by the Member State(s). Drafting of the plans shall be subject to consultation with air navigation service providers, airspace users' representatives, and, where relevant, airport operators and airport coordinators.

Justification

It should be the task of independent national supervisory authorities to draw up and implement the performance plans.

Amendment 251
Jacqueline Foster

Proposal for a regulation
Article 11 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The **compliance** of the national or functional airspace block plans and local targets with the **Union-wide** performance targets shall be assessed by the Commission in co-operation with the performance review body.

Amendment

The **consistency** of the national or functional airspace block plans and local targets with the **Union-wide** performance targets shall be assessed by the Commission in co-operation with the performance review body.

Or. en

Amendment 252
Gilles Pargneaux

Proposal for a regulation
Article 11 – paragraph 4 – subparagraph 1

Text proposed by the Commission

The **compliance** of the national or functional airspace block plans and local targets with the **Union-wide** performance targets shall be assessed by the Commission in co-operation with the performance review body.

Amendment

The **consistency** of the national or functional airspace block plans and local targets with the **Union-wide** performance targets shall be assessed by the Commission in co-operation with the performance review body.

Or. fr

Justification

Same remarks as for the amendment to paragraph 1. The Commission's wording would interfere too much with service providers' management arrangements. The current procedure, which is the furthest that interference with service providers' management arrangements can be taken and still be considered proportionate to the objectives to be achieved, should remain in place.

Amendment 253 **Jacqueline Foster**

Proposal for a regulation **Article 11 – paragraph 4 – subparagraph 2**

Text proposed by the Commission

In the event that the Commission identifies that the national or functional airspace block plans or the local targets do not **comply with the** Union-wide targets, it may require the Member States concerned to take the necessary corrective measures. Those implementing acts shall be adopted in accordance with the **advisory** procedure referred to in Article 27(2).

Amendment

In the event that the Commission identifies that the national or functional airspace block plans or the local targets do not **demonstrate consistency with or contribute to the** Union-wide targets, it may require the Member States concerned to take the necessary corrective measures. Those implementing acts shall be adopted in accordance with the **examination** procedure referred to in Article 27(3).

Or. en

Justification

We support the aim of making the formal assessment process for plans more efficient but it is important that the PRB in particular have the opportunity to give some input into plans ahead of the final acceptance process. PRB input too late in the process is a risk to the effectiveness of plans and the overall scheme, as it limits the time available for States and NSAs to react to that input.

Amendment 254 **Gilles Pargneaux**

Proposal for a regulation **Article 11 – paragraph 4 – subparagraph 2**

Text proposed by the Commission

In the event that the Commission identifies that the national or functional airspace block plans *or the local targets* do not *comply with the Union-wide targets*, it may *require* the Member States concerned *to* take the necessary corrective measures. *Those implementing acts shall be adopted* in accordance with the *advisory* procedure referred to in Article 27 (2).

Amendment

In the event that the Commission identifies that *one or more of the targets set in* the national or functional airspace block plans do not *meet the assessment criteria*, it may *decide, in accordance with the advisory procedure referred to in Article 27(2), to issue a recommendation to the effect that the relevant national supervisory authorities should submit one or more revised performance targets.*

The Member State(s) concerned shall adopt revised performance targets and appropriate measures which shall be notified to the Commission in due time.

Where the Commission finds that the revised performance targets and appropriate measures are not adequate, it may decide, in accordance with the regulatory procedure referred to in Article 27(3), that the Member States concerned shall take corrective measures.

Alternatively, the Commission may decide, with adequate supporting evidence, to revise the Union-wide performance targets in accordance with the regulatory procedure referred to in Article 27(3).

Or. fr

Justification

Same remarks as for the amendment to paragraph 1. The Commission's wording would interfere too much with service providers' management arrangements. The current procedure, which is the furthest that interference with service providers' management arrangements can be taken and still be considered proportionate to the objectives to be achieved, should remain in place.

Amendment 255
Gilles Pargneaux

Proposal for a regulation
Article 11 – paragraph 5

Text proposed by the Commission

Amendment

5. The reference period for the performance scheme, referred to in paragraph 1, shall cover a minimum of three years and a maximum of five years. During this period, in the event that the local targets are not met, the Member States concerned shall define and apply measures designed to rectify the situation. Where the Commission finds that these measures are not sufficient to rectify the situation, it may decide, that the Member States concerned shall take necessary corrective measures or sanctions. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 27 (2).

deleted

Or. fr

Justification

Same remarks as for the amendment to paragraph 1. The Commission's wording would interfere too much with service providers' management arrangements. The current procedure, which is the furthest that interference with service providers' management arrangements can be taken and still be considered proportionate to the objectives to be achieved, should remain in place.

Amendment 256
Jacqueline Foster

Proposal for a regulation
Article 11 – paragraph 5

Text proposed by the Commission

Amendment

5. The reference period for the performance scheme, referred to in paragraph 1, shall cover a minimum of three years and a maximum of five years. During this period, in the event that the

5. The reference period for the performance scheme, referred to in paragraph 1, shall cover a minimum of three years and a maximum of five years. During this period, in the event that the

local targets are not met, the Member States concerned shall define and apply measures designed to rectify the situation. Where the Commission finds that these measures are not sufficient to rectify the situation, it may decide, that the Member States concerned shall take necessary corrective measures *or sanctions*. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 27 (2).

local targets are not met, the Member States concerned shall define and apply measures designed to rectify the situation. Where the Commission finds that these measures are not sufficient to rectify the situation, it may decide, that the Member States concerned shall take necessary corrective measures. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 27 (2).

Or. en

Justification

Propose delete 'or sanctions' as penalties/sanctions are generally a matter for Member States. Mindful that the Performance/Charging Scheme already has built in penalties and that SES requires Member State penalty regime for non-compliance with SES regulations, additional sanctions by the EC on Member States or individual entities subject to the Scheme is not proportionate.

Amendment 257

Jörg Leichtfried, Knut Fleckenstein

Proposal for a regulation

Article 11 – paragraph 5

Text proposed by the Commission

5. The reference period for the performance scheme, referred to in paragraph 1, shall cover a minimum of three years and a maximum of five years. During this period, in the event that the local targets are not met, the Member States concerned shall define and apply measures designed to rectify the situation. Where the Commission finds that these measures are not sufficient to rectify the situation, it may decide, that the Member States concerned shall take necessary corrective measures or sanctions. Those implementing acts shall be adopted in accordance with the advisory procedure

Amendment

5. The reference period for the performance scheme, referred to in paragraph 1, shall cover a minimum of three years and a maximum of five years. During this period, in the event that the local targets are not met, the Member States concerned shall define and apply measures designed to rectify the situation. Where the Commission finds that these measures are not sufficient to rectify the situation, it may decide, ***after having assessed the social impact***, that the Member States concerned shall take necessary corrective measures or sanctions. Those implementing acts shall be adopted

referred to in Article 27 (2).

in accordance with the advisory procedure referred to in Article 27 (2).

Or. en

Justification

The human factor should be taken into account when making changes to the performance scheme.

Amendment 258

Michael Gahler

Proposal for a regulation

Article 11 – paragraph 5

Text proposed by the Commission

5. The reference period for the performance scheme, referred to in paragraph 1, shall cover a minimum of three years and a maximum of five years. During this period, in the event that the local targets are not met, the Member States concerned shall define and apply measures designed to rectify the situation. Where the Commission finds that these measures are not sufficient to rectify the situation, it may decide, that the Member States concerned shall take necessary corrective measures or sanctions. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 27 (2).

Amendment

5. If an ANSP achieves or exceeds the targets set in the performance plan at the end of a performance plan period, it shall be entitled to a financial incentive that has been determined in advance in accordance with the degree of compliance.

Or. de

Justification

The new scheme should be based on the principle of continuous improvement through appropriate incentives and encourage investment in safety and capacity. The existing regulatory requirements lead to declining investment and medium-term threats to safety caused by an excessive focus on cost efficiency elements. This results from the assumption of traffic risks by the ANSP and an absolute cap on fee rates.

Amendment 259
Jacqueline Foster

Proposal for a regulation
Article 11 – paragraph 6

Text proposed by the Commission

6. The Commission shall carry out regular assessments of the achievement of the Union-wide **and associated local** performance targets.

Amendment

6. The Commission shall carry out regular assessments of the achievement of the Union-wide performance targets.

Or. en

Justification

The Commission should set and oversee Union-wide targets. States/FABs should set and oversee local targets. Requiring "consistency" rather than "compliance" allows for the necessary level of discretion.

Amendment 260
Michael Gahler

Proposal for a regulation
Article 11 – paragraph 6

Text proposed by the Commission

6. The Commission **shall carry out regular assessments of the achievement of the Union-wide and associated local performance targets.**

Amendment

6. The **financial incentive shall be determined in advance by the Commission and consist of a portion of the route charge or of Community resources from the multiannual financial framework.**

Or. de

Justification

The new scheme should be based on the principle of continuous improvement through appropriate incentives.

Amendment 261
Michael Gahler

Proposal for a regulation

Article 11 – paragraph 7 – subparagraph 1 – introductory part

Text proposed by the Commission

The performance scheme referred to in paragraph 1 shall be based on:

Amendment

The Commission shall adopt detailed rules to specify the requirements of paragraphs 1 to 6. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(3).

The ***reference period for the*** performance scheme referred to in paragraph 1 ***shall cover a minimum of three years and a maximum of five years.***

The performance scheme referred to in paragraph 1 shall be based on:

Or. de

Justification

It should be the task of the Commission to develop the framework of the performance scheme and to adopt European targets. These targets should be adopted appropriately as relative values, as this ensures a constant incentive for all stakeholders to improve individual targets.

Amendment 262

Marian-Jean Marinescu

Proposal for a regulation

Article 11 – paragraph 7 – subparagraph 1 – point b

Text proposed by the Commission

(b) selection of appropriate key performance areas on the basis of ICAO Document No 9854 ‘Global air traffic management operational concept’, and consistent with those identified in the Performance Framework of the ATM Master Plan, including safety, the environment, capacity and cost-efficiency

Amendment

(b) selection of appropriate key performance areas on the basis of ICAO Document No 9854 ‘Global air traffic management operational concept’, and consistent with those identified in the Performance Framework of the ATM Master Plan, including safety, the environment, capacity and cost-efficiency

areas, adapted where necessary in order to take into account the specific needs of the Single European Sky and relevant objectives for these areas and definition of a limited set of key performance indicators for measuring performance;

areas, adapted where necessary in order to take into account the specific needs of the Single European Sky and relevant objectives for these areas and definition of a limited set of key performance indicators for measuring performance; ***a special attention shall be given to the safety performance indicators;***

Or. en

Amendment 263
Spyros Danellis

Proposal for a regulation
Article 11 – paragraph 7 – subparagraph 1 – point b

Text proposed by the Commission

(b) selection of appropriate key performance areas on the basis of ICAO Document No 9854 ‘Global air traffic management operational concept’, and consistent with those identified in the Performance Framework of the ATM Master Plan, including safety, the environment, capacity ***and cost-efficiency*** areas, adapted where necessary in order to take into account the specific needs of the Single European Sky and relevant objectives for these areas and definition of a limited set of key performance indicators for measuring performance;

Amendment

(b) selection of appropriate key performance areas on the basis of ICAO Document No 9854 ‘Global air traffic management operational concept’, and consistent with those identified in the Performance Framework of the ATM Master Plan, including safety, the environment, capacity, ***cost-efficiency and human factor*** areas, adapted where necessary in order to take into account the specific needs of the Single European Sky and relevant objectives for these areas and definition of a limited set of key performance indicators for measuring performance;

Or. en

Justification

The Performance Scheme should monitor and encourage efforts by ANSPs to take account of the human factor, among other things to prepare their human resources for SESAR implementation. The Essential Operational Changes of the ATM Master Plan must include training, competence building and adaptation of existing and new staff in order to be successful. In addition, human factors such as ATCO availability are crucial for capacity.

Amendment 264
Jacqueline Foster

Proposal for a regulation
Article 11 – paragraph 7 – subparagraph 1 – point c

Text proposed by the Commission

(c) establishment *and revision* of Union -wide *and associated local* performance targets that shall be defined taking into consideration inputs identified at national level or at the level of functional airspace blocks;

Amendment

(c) establishment of Union -wide performance targets that shall be defined taking into consideration inputs identified at national level or at the level of functional airspace blocks;

Or. en

Justification

The Commission should set and oversee Union-wide targets. States/FABs should set and oversee local targets. Requiring "consistency" rather than "compliance" allows for the necessary level of discretion.

Amendment 265
Gilles Pargneaux

Proposal for a regulation
Article 11 – paragraph 7 – subparagraph 1 – point c

Text proposed by the Commission

(c) establishment and revision of *Union -wide and associated local* performance targets that shall be defined taking into consideration inputs identified at national level or at the level of functional airspace blocks;

Amendment

(c) establishment and revision of *Union-wide* performance targets that shall be defined taking into consideration inputs identified at national level or at the level of functional airspace blocks;

Or. fr

Justification

In addition to the points made in the justifications for the preceding amendments to this

article, the procedure for adopting Commission measures under Article 11 needs to be brought into line with that proposed for Article 12 on charging for air navigation services (a closely related issue), which is an Article 27(3) procedure (the current procedure does not come under the regulatory procedure with scrutiny arrangements).

Amendment 266

Michael Gahler

Proposal for a regulation

Article 11 – paragraph 7 – subparagraph 1 – point c

Text proposed by the Commission

(c) establishment and revision of Union-wide **and associated local** performance targets that shall be defined taking into consideration inputs identified at national level or at the level of functional airspace blocks;

Amendment

(c) establishment and revision of Union-wide performance targets that shall be defined taking into consideration inputs identified at national level or at the level of functional airspace blocks;

Or. de

Justification

It is the task of the Commission to develop the framework of the performance scheme and to adopt European targets. These targets should be adopted appropriately as relative values, as this ensures a constant incentive for all stakeholders to improve individual targets.

Amendment 267

Phil Bennion

Proposal for a regulation

Article 11 – paragraph 7 – subparagraph 1 – point c

Text proposed by the Commission

(c) establishment and revision of Union - wide and associated local performance targets that shall be defined taking into consideration inputs identified at national level or at the level of functional airspace blocks;

Amendment

(c) establishment and revision of Union - wide and associated local performance targets that shall be defined taking into consideration inputs identified at national level or at the level of functional airspace blocks; ***Union-wide performance targets shall be set with a view of ensuring each functional airspace block retains enough***

flexibility to achieve the best results.

Or. en

Justification

There is a necessity to give impetus to functional airspace blocks to be more performant while also ensuring that Union-wide targets do not remove the flexibility necessary to achieve better results

Amendment 268
Jacqueline Foster

Proposal for a regulation
Article 11 – paragraph 7 – subparagraph 1 – point d – point iii

Text proposed by the Commission

(iii) include binding local performance targets **compliant** with the Union -wide performance targets;

Amendment

(iii) include binding local performance targets **consistent** with the Union -wide performance targets;

Or. en

Justification

We support the aim of making the formal assessment process for plans more efficient but it is important that the PRB in particular have the opportunity to give some input into plans ahead of the final acceptance process. PRB input too late in the process is a risk to the effectiveness of plans and the overall scheme, as it limits the time available for States and NSAs to react to that input.

Amendment 269
Gilles Pargneaux

Proposal for a regulation
Article 11 – paragraph 7 – subparagraph 1 – point d – point iii

Text proposed by the Commission

(iii) include binding local performance targets **compliant** with the *Union -wide*

Amendment

(iii) include binding local performance targets **consistent** with the *Union-wide*

performance targets;

performance targets;

Or. fr

Justification

In addition to the points made in the justifications for the preceding amendments to this article, the procedure for adopting Commission measures under Article 11 needs to be brought into line with that proposed for Article 12 on charging for air navigation services (a closely related issue), which is an Article 27(3) procedure (the current procedure does not come under the regulatory procedure with scrutiny arrangements).

Amendment 270
Jacqueline Foster

Proposal for a regulation
Article 11 – paragraph 7 – subparagraph 1 – point g

Text proposed by the Commission

Amendment

(g) criteria to impose sanctions for non-compliance with the Union -wide and associated local performance targets during the reference period and to support alert mechanisms; ***deleted***

Or. en

Justification

Penalties/sanctions are generally a matter for Member States. Mindful that the Performance/Charging Scheme already has built in penalties and that SES requires Member State penalty regime for non-compliance with SES regulations, additional sanctions by the EC on Member States or individual entities subject to the Scheme is not proportionate.

Amendment 271
Gilles Pargneaux

Proposal for a regulation
Article 11 – paragraph 7 – subparagraph 1 – point g

Text proposed by the Commission

Amendment

(g) criteria to **impose sanctions for non-compliance with the Union -wide and associated local** performance targets **during the reference period** and to support alert mechanisms;

(g) criteria to **assess whether the national or functional airspace block targets are consistent with the Union-wide** performance targets and to support alert mechanisms;

Or. fr

Justification

In addition to the points made in the justifications for the preceding amendments to this article, the procedure for adopting Commission measures under Article 11 needs to be brought into line with that proposed for Article 12 on charging for air navigation services (a closely related issue), which is an Article 27(3) procedure (the current procedure does not come under the regulatory procedure with scrutiny arrangements).

Amendment 272

Jörg Leichtfried, Knut Fleckenstein

Proposal for a regulation

Article 11 – paragraph 7 – subparagraph 1 – point g

Text proposed by the Commission

Amendment

(g) criteria **to impose sanctions for non-compliance** with the **Union -wide and associated local** performance targets during the reference period and to support alert mechanisms;

(g) criteria **defined in cooperation with the Single Sky Committee referred to in Article 27 to stimulate compliance** with the **Union-wide and associated local** performance targets **and to impose sanctions in case of non-compliance** during the reference period and to support alert mechanisms;

Or. en

Amendment 273

Gesine Meissner

Proposal for a regulation

Article 11 – paragraph 7 – subparagraph 1 – point g

Text proposed by the Commission

Amendment

(g) criteria to impose sanctions for non-compliance with the Union -wide and associated local performance targets during the reference period and to support alert mechanisms;

(g) criteria to impose sanctions **and compensation mechanisms** for non-compliance with the Union -wide and associated local performance targets during the reference period and to support alert mechanisms;

Or. en

Justification

In addition to the introduction of sanctions, an appropriate compensation mechanism must also be established in order to address the problem stemming from the lack of synchronisation in SESAR deployment and lost investment resulting thereof.

Amendment 274
Gilles Pargneaux

Proposal for a regulation
Article 11 – paragraph 7 – subparagraph 1 – point i

Text proposed by the Commission

Amendment

(i) principles for the application of a transitional mechanism necessary for the adaptation to the functioning of the performance scheme not exceeding 12 months following the adoption of the delegated act referred to in this paragraph ;

deleted

Or. fr

Justification

In addition to the points made in the justifications for the preceding amendments to this article, the procedure for adopting Commission measures under Article 11 needs to be brought into line with that proposed for Article 12 on charging for air navigation services (a closely related issue), which is an Article 27(3) procedure (the current procedure does not come under the regulatory procedure with scrutiny arrangements).

Amendment 275
Jacqueline Foster

Proposal for a regulation
Article 11 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 26 in order to lay down detailed rules for the proper functioning of the performance scheme in accordance with the points listed in this paragraph.

deleted

Or. en

Justification

There is a significant risk of unintended consequences if decisions are not made carefully with an appropriate level of State and technical input for the Performance Scheme. Implementing acts are therefore considered to be more appropriate.

Amendment 276
Marian-Jean Marinescu

Proposal for a regulation
Article 11 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 26 in order to lay down detailed rules for the proper functioning of the performance scheme in accordance with the points listed in this paragraph.

The Commission shall be empowered to adopt delegated acts in accordance with Article 26 in order to ***adopt the Union-wide performance targets and*** lay down detailed rules for the proper functioning of the performance scheme in accordance with the points listed in this paragraph.

Or. en

Amendment 277
Gilles Pargneaux

Proposal for a regulation
Article 11 – paragraph 7 – subparagraph 2

Text proposed by the Commission

The Commission shall ***be empowered to*** adopt ***delegated*** acts in accordance with Article 26 in order to lay down detailed rules for the proper functioning of the performance scheme in accordance with the points listed in this paragraph.

Amendment

The Commission shall adopt ***implementing*** acts in accordance with Article 27(3) in order to lay down detailed rules for the proper functioning of the performance scheme in accordance with the points listed in this paragraph.

Or. fr

Justification

In addition to the points made in the justifications for the preceding amendments to this article, the procedure for adopting Commission measures under Article 11 needs to be brought into line with that proposed for Article 12 on charging for air navigation services (a closely related issue), which is an Article 27(3) procedure (the current procedure does not come under the regulatory procedure with scrutiny arrangements).

Amendment 278
Jacqueline Foster

Proposal for a regulation
Article 11 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. The European Commission shall conduct a study into the impact the behaviour of non-ANSP actors within the ATM system, for instance airport operators, airport coordinators and air transport operators, may have on the efficient functioning of the European ATM network.

The scope of the study should cover but, not be limited in scope to:

(a) identification of non-ANSP actors in the ATM system, able to influence network performance;

(b) the effect such actors' behaviours have

on ANS performance in relation to the KPA's of safety, environment and capacity;

(c) the feasibility of developing performance indicators and key performance indicators for those actors;

(d) any benefits to the European ATM network that might accrue from the implementation of additional performance indicators and key performance indicators; and, any barriers to achieving optimum performance.

The study should be commenced no later than 12 months following the publication of this regulation and completed no later than 12 months thereafter; the output of which should then be considered by the European Commission and Member States with a view to expanding the scope of the Performance Scheme to include any additional performance indicators and key performance indicators for future Reference Periods, in accordance with the provisions of this Article.

Or. en

Justification

The Performance Scheme focuses mainly on service providers as the main actors in the ATM system. It is evident that other actors within the system have the capability to affect performance outcomes across the European ATM network. Therefore the Commission, supported by the PRB, should conduct a study to understand how other ATM actors impact on network performance with a view to developing additional KPIs and PIs for those actors for implementation in future Reference Periods of the Scheme.

Amendment 279
Jacqueline Foster

Proposal for a regulation
Article 11 – paragraph 8 b (new)

Text proposed by the Commission

Amendment

8b. The Commission shall establish an effective appeal mechanism for the scrutiny of its decisions arising from the exercise of its discretion in connection with this regulation and associated Single European Sky legislation.

Or. en

Justification

There needs to be an appeals mechanism which is both effective and quick enough to have effect during the current Reference Period if the decision at issue relates to Performance Targets.

Amendment 280
Marian-Jean Marinescu

Proposal for a regulation
Article 13 – paragraph 3

Text proposed by the Commission

Amendment

3. The cost to be shared among airspace users shall be the determined cost of providing air navigation services, including appropriate amounts for interest on capital investment and depreciation of assets, as well as the costs of maintenance, operation, management and administration, including the costs incurred by EAA for relevant authority tasks. Determined costs shall be the costs determined by the Member State at national level or at the level of functional airspace blocks either at the beginning of the reference period for each calendar year of the reference period referred to in Article 11(5), or during the reference period, following ***appropriate adjustments applying*** the alert mechanisms set out in Article 11.

3. The cost to be shared among airspace users shall be the determined cost ***expressed in nominal terms*** of providing air navigation services, including appropriate amounts for interest on capital investment and depreciation of assets, as well as the costs of maintenance, operation, management and administration, including the costs incurred by EAA for relevant authority tasks. Determined costs shall be the costs determined by the Member State at national level or at the level of functional airspace blocks either at the beginning of the reference period for each calendar year of the reference period referred to in Article 11(5), or during the reference period, following ***activation of*** the alert mechanisms set out in Article 11. ***Any further adjustent of the determined***

costs during the reference period shall not be allowed.

Or. en

Amendment 281
Jacqueline Foster

Proposal for a regulation
Article 13 – paragraph 7

Text proposed by the Commission

7. *Cross-subsidy* shall not be allowed between *en-route services and terminal services. Costs that pertain to both terminal services and en-route services shall be allocated in a proportional way between en-route services and terminal services on the basis of a transparent methodology. Cross-subsidy shall be allowed between different air traffic services in either one of those two categories only when justified for objective reasons, subject to clear identification. Cross-subsidy shall not be allowed between air traffic services and support services.*

Amendment

7. *Cross subsidy* shall not be allowed between *air traffic* services and *support* services *where these are carried out by separate undertakings*

Or. en

Justification

It is not proportionate to require the level of detailed information necessary to prove there is no cross-subsidy within the same undertaking.

Amendment 282
Spyros Danellis

Proposal for a regulation
Article 13 – paragraph 10

Text proposed by the Commission

10. The Commission shall adopt measures setting out the details of the procedure to be followed for the application of paragraphs 1 to 9. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27 (3).

Amendment

10. The Commission shall adopt measures setting out the details of the procedure to be followed for the application of paragraphs 1 to 9. ***The Commission may propose financial mechanisms to improve the synchronisation of air-based and ground-based capital expenditure related to the deployment of SESAR technologies.*** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27 (3).

Or. en

Justification

Recent problems related to SESAR technology deployment demonstrate that unless focused measures are in place the capital expenditure required may not be synchronised and therefore the respective technology installed in aircraft or ground systems could be unusable.

Amendment 283
Marian-Jean Marinescu

Proposal for a regulation
Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Implementation of ATM Master Plan

1. Implementation of the ATM Master Plan shall be coordinated by the Commission. The Network Manager, Performance Review Body and Deployment Manager shall contribute to the implementation of the ATM Master Plan in accordance with the provisions of this Regulation.

Or. en

Amendment 284
Marian-Jean Marinescu

Proposal for a regulation
Article 14 b (new)

Text proposed by the Commission

Amendment

Article 14b

The Commission shall adopt measures establishing the governance of implementation of ATM Master Plan including defining and selection of responsible for management level (Deployment Manager). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(3).

Or. en

Amendment 285
Marian-Jean Marinescu

Proposal for a regulation
Article 14 c (new)

Text proposed by the Commission

Amendment

Article 14c

The deployment Manager shall recommend to the Commission binding deadlines for deployment and appropriate corrective actions concerning delayed implementation.

Or. en

Amendment 286
Spyros Danellis

Proposal for a regulation
Article 15 – paragraph 1

Text proposed by the Commission

1. the implementation of the ATM Master Plan may be supported by common projects. These projects shall support the objectives of this Regulation to improve the performance of the European aviation system in key areas such as capacity, flight and cost efficiency as well as environmental sustainability, within the overriding safety objectives. The common projects shall aim to deploy in a timely, coordinated and synchronised manner ATM functionalities to achieve the essential operational changes identified in the ATM Master Plan.

Amendment

1. the implementation of the ATM Master Plan may be supported by common projects. These projects shall support the objectives of this Regulation to improve the performance of the European aviation system in key areas such as capacity, flight and cost efficiency as well as environmental sustainability, within the overriding safety objectives. The common projects shall aim to deploy in a timely, coordinated and synchronised manner ATM functionalities to achieve the essential operational changes identified in the ATM Master Plan. ***Where applicable, the design and execution of common projects shall aim to enable a set of basic interoperable capabilities to exist in all Member States.***

Or. en

(New TEN-T guidelines Regulation, Article 37 (2a))

Justification

Aligning the common projects with the principles adopted as regards telematics projects in the new TEN-T guidelines.

Amendment 287
Markus Ferber

Proposal for a regulation
Article 15 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Common projects shall be the means of implementing the operational improvements developed by the SESAR project in a coordinated and timely manner. They shall thus make a decisive

contribution to achieving the Union-wide targets.

Or. de

Justification

It is of utmost importance to emphasise that the implementation of the SESAR project through common projects should be done in harmony with the European targets in a timely, coordinated and synchronised manner. In addition, reference should be made in the new Regulation to implementing Regulation (EC) No 409/2013.

Amendment 288
Jacqueline Foster

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1., Member States shall take all necessary measures in order to ensure the establishment and implementation of functional airspace blocks based on integrated provision of air traffic services with a view to achieving the required capacity and efficiency of the air traffic management network within the Single European Sky and maintaining a high level of safety and contributing to the overall performance of the air transport system and reduced environmental impact.

Amendment

1. Member States shall take all necessary measures in order to ensure the establishment and implementation of functional airspace blocks based, **where appropriate**, on integrated provision of air traffic services, with a view to achieving the required capacity and efficiency of the air traffic management network within the Single European Sky and maintaining a high level of safety and contributing to the overall performance of the air transport system and reduced environmental impact”.

Or. en

Justification

“where appropriate” reflects the definition of FABs in Article 2(24) which foresees an airspace block with enhanced co-operation between ANSPs, or “where appropriate” an integrated provider.

Amendment 289
Marian-Jean Marinescu

Proposal for a regulation
Article 16 – paragraph 1

Text proposed by the Commission

1., Member States shall take all necessary measures in order to ensure the establishment and implementation of functional airspace blocks based on integrated provision of air **traffic** services with a view to achieving the required capacity and efficiency of the air traffic management network within the Single European Sky and maintaining a high level of safety and contributing to the overall performance of the air transport system and reduced environmental impact.

Amendment

1. Member States shall take all necessary measures in order to ensure the establishment and implementation of **operational** functional airspace blocks based on integrated provision of air **navigation** services with a view to achieving the required capacity and efficiency of the air traffic management network within the Single European Sky and maintaining a high level of safety and contributing to the overall performance of the air transport system and reduced environmental impact.

Or. en

Amendment 290
Michael Gahler

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission

2. The functional airspace blocks shall, wherever possible, be set-up based on co-operative industrial partnerships between air navigation service providers, in particular relating to the provision of support services in accordance with Article 10. The industrial partnerships may support one or more functional airspace block, or part thereof to maximise performance.

Amendment

deleted

Or. de

Justification

In accordance with Amendment 76 to Article 10, competition for support services should not be restricted to the level of an FAB.

Amendment 291
Spyros Danellis

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission

Amendment

2. The functional airspace blocks shall, wherever possible, be set-up based on co-operative industrial partnerships between air navigation service providers, in particular relating to the provision of support services in accordance with Article 10. The industrial partnerships may support one or more functional airspace block, or part thereof to maximise performance.

deleted

Or. en

Justification

FABs are a state-based initiative and should not constrain the possibilities for industrial partnerships. Labelling industrial partnerships as a second type of FAB could also create confusion. This however does not mean that industrial partnerships cannot give impetus or improve the performance of one (or more) FABs.

Amendment 292
Marian-Jean Marinescu

Proposal for a regulation
Article 16 – paragraph 2

Text proposed by the Commission

Amendment

2. The functional airspace blocks shall, wherever possible, be set-up based on co-operative industrial partnerships between

2. The functional airspace blocks shall, wherever possible, be set-up based on co-operative industrial partnerships between

air navigation service providers, *in particular relating to the provision of support services in accordance with Article 10*. The industrial partnerships may support one or more functional airspace block, or part thereof to maximise performance.

air navigation service providers. The industrial partnerships may support one or more functional airspace block, or part thereof to maximise performance.

Or. en

Amendment 293
Jacqueline Foster

Proposal for a regulation
Article 16 – paragraph 3

Text proposed by the Commission

3. Member States, as well as air traffic service providers shall cooperate to the fullest extent possible with each other in order to ensure compliance with this Article. Where relevant, cooperation may also include air traffic service providers from third countries taking part in functional airspace blocks.

Amendment

3. Member States, *National Supervisory Authorities* as well as air traffic service providers shall cooperate to the fullest extent possible with each other, in order to ensure compliance with this Article. Where relevant, cooperation may also include *National Supervisory Authorities and* air traffic service providers from third countries taking part in functional airspace blocks".

Or. en

Justification

NSAs need to be introduced into this article as they have a role in overseeing safety and performance in FABs.

Amendment 294
Marian-Jean Marinescu

Proposal for a regulation
Article 16 – paragraph 3

Text proposed by the Commission

3. Member States, as well as air **traffic** service providers shall cooperate to the fullest extent possible with each other in order to ensure compliance with this Article. Where relevant, cooperation may also include **air traffic** service providers from third countries taking part in functional airspace blocks.

Amendment

3. Member States, as well as air **navigation** service providers shall cooperate to the fullest extent possible with each other in order to ensure compliance with this Article. Where relevant, cooperation may also include **air navigation** service providers from third countries taking part in functional airspace blocks.

Or. en

Amendment 295
Phil Bennion

Proposal for a regulation
Article 16 – paragraph 3

Text proposed by the Commission

3. Member States, as well as air traffic service providers shall cooperate to the fullest extent possible with each other in order to ensure compliance with this Article. Where relevant, cooperation may also include air traffic service providers from third countries taking part in functional airspace blocks.

Amendment

3. Member States, **National supervisory authorities** as well as air traffic service providers shall cooperate to the fullest extent possible with each other in order to ensure compliance with this Article. Where relevant, cooperation may also include **National supervisory authorities and** air traffic service providers from third countries taking part in functional airspace blocks.

Or. en

Amendment 296
Jacqueline Foster

Proposal for a regulation
Article 16 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

(b) be designed to seek maximum

Amendment

(b) be designed to seek maximum

synergies from industrial partnerships in order to meet *and where possible exceed* the performance targets set in accordance with Article 11;

synergies from industrial partnerships in order to meet the performance targets set in accordance with Article 11;

Or. en

Justification

Inappropriate “requirement” for legislation. Exceeding targets in one area could present problems in meeting targets in another area.

Amendment 297
Jacqueline Foster

Proposal for a regulation
Article 16 – paragraph 4 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) enable optimum use of airspace, taking into account air traffic flows;

deleted

Or. en

Justification

Detailed provisions are longer required for flexible arrangements focussed solely on performance outcomes and the necessary operational safety assurance. Extensive regulatory requirements are inconsistent with the performance focus of FABs.

Amendment 298
Jacqueline Foster

Proposal for a regulation
Article 16 – paragraph 4 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) ensure consistency with the European route network established in accordance with Article 17 ;

deleted

Justification

Detailed provisions are longer required for flexible arrangements focussed solely on performance outcomes and the necessary operational safety assurance. Extensive regulatory requirements are inconsistent with the performance focus of FABs.

Amendment 299
Jacqueline Foster

Proposal for a regulation
Article 16 – paragraph 4 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) be justified by their overall added value, including optimal use of technical and human resources, on the basis of cost-benefit analyses; *deleted*

Or. en

Justification

Detailed provisions are longer required for flexible arrangements focussed solely on performance outcomes and the necessary operational safety assurance. Extensive regulatory requirements are inconsistent with the performance focus of FABs.

Amendment 300
Jacqueline Foster

Proposal for a regulation
Article 16 – paragraph 4 – subparagraph 1 – point f

Text proposed by the Commission

Amendment

(f) where applicable, ensure a smooth and flexible transfer of responsibility for air traffic control between air traffic service units; *deleted*

Or. en

Justification

Detailed provisions are longer required for flexible arrangements focussed solely on performance outcomes and the necessary operational safety assurance. Extensive regulatory requirements are inconsistent with the performance focus of FABs.

Amendment 301
Jacqueline Foster

Proposal for a regulation
Article 16 – paragraph 4 – subparagraph 1 – point g

Text proposed by the Commission

Amendment

***(g) ensure compatibility between the
different airspace configurations;*** ***deleted***

Or. en

Justification

Detailed provisions are longer required for flexible arrangements focussed solely on performance outcomes and the necessary operational safety assurance. Extensive regulatory requirements are inconsistent with the performance focus of FABs.

Amendment 302
Jacqueline Foster

Proposal for a regulation
Article 16 – paragraph 4 – subparagraph 1 – point h

Text proposed by the Commission

Amendment

***(h) comply with conditions stemming from
regional agreements concluded within the
ICAO;*** ***deleted***

Or. en

Justification

Detailed provisions are longer required for flexible arrangements focussed solely on performance outcomes and the necessary operational safety assurance. Extensive regulatory

requirements are inconsistent with the performance focus of FABs.

Amendment 303
Jacqueline Foster

Proposal for a regulation
Article 16 – paragraph 4 – subparagraph 1 – point i

Text proposed by the Commission

Amendment

(i) respect regional agreements in existence on the date of entry into force of this Regulation, in particular those involving European third countries; **deleted**

Or. en

Justification

Detailed provisions are longer required for flexible arrangements focussed solely on performance outcomes and the necessary operational safety assurance. Extensive regulatory requirements are inconsistent with the performance focus of FABs.

Amendment 304
Spyros Danellis

Proposal for a regulation
Article 16 – paragraph 4 – subparagraph 1 – point i a (new)

Text proposed by the Commission

Amendment

(ia) consolidate the procurement of ATM infrastructure and aim at increasing the interoperability of existing equipment.

Or. en

Justification

The procurement of expensive and incompatible systems by each ANSP creates further obstacles to SES goals further down the line.

Amendment 305
Marian-Jean Marinescu

Proposal for a regulation
Article 16 – paragraph 6 – subparagraph 1

Text proposed by the Commission

*A functional airspace block **that extend across the airspace under the responsibility of more than one Member State** shall be established by joint designation **between all the** Member States, as well as, where appropriate, third countries **that** have responsibility for any part of the airspace included in the functional airspace block*

Amendment

***An operational** functional airspace block shall be established by joint designation **between** Member States as well as, where appropriate, third countries **that** have responsibility for any part of the airspace included in the functional airspace block.*

Or. en

Amendment 306
Jacqueline Foster

Proposal for a regulation
Article 16 – paragraph 6 a (new)

Text proposed by the Commission

6a. A functional airspace block that extends across the airspace under the responsibility of more than one Member State shall be subject to the arrangements on supervision as specified in Article 5. In respect of industrial partnerships supporting one or more functional airspace blocks or parts thereof, these arrangements shall ensure the appropriate supervision of all services provided, in particular in relation to safety and performance.

Amendment

Or. en

Justification

New paragraph to stress the importance of overall supervisory arrangements which risk becoming more complex and fragmented with flexible service provision than they were previously and therefore need to be drawn out as important.

Amendment 307
Jacqueline Foster

Proposal for a regulation
Article 16 – paragraph 10

Text proposed by the Commission

Amendment

10. The Commission may adopt detailed measures concerning the joint designation of the air traffic service provider(s) referred to in paragraph 6, specifying the modalities for the selection of the service provider(s), the period of designation, supervision arrangements, the availability of services to be provided and liability arrangements. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(3). *deleted*

Or. en

Justification

Such detailed measures have not previously been necessary for joint designation and the level of prescription is in principle opposed to the flexibility foreseen in the new proposals.

Amendment 308
Spyros Danellis

Proposal for a regulation
Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16a

Industrial partnerships

1. Air navigation service providers may co-operate to set up industrial partnerships, in particular relating to the provision of support services in accordance with Article 10. The industrial partnerships may support one or more functional airspace block, or part thereof to maximise performance.

2. The Commission and Member States shall make every effort to ensure that any barriers to partnerships between ANSPs are eliminated, taking especially into account liability issues, charging models and interoperability obstacles.

Or. en

Justification

Industrial partnerships should be separate from FABs, which are a state initiative. What is more, industrial partnerships need not overlap with FABs in terms of the Member States concerned and therefore should be classed as a separate type of cooperation.

Amendment 309 Jacqueline Foster

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

1. The air traffic management (ATM) network services shall allow optimum use of airspace and ensure that airspace users can operate preferred trajectories, while allowing maximum access to airspace and air navigation services. These network services shall be aimed at supporting initiatives at national level and at the level of functional airspace blocks and shall be executed in a manner which respects the separation of regulatory and operational tasks.

Amendment

1. The air traffic management (ATM) network services shall allow optimum use of airspace and ensure that airspace users can operate preferred trajectories, while allowing maximum access to airspace and air navigation services. These network ***functions and*** services shall be aimed at supporting initiatives at national level and at the level of functional airspace blocks and shall be executed in a manner which respects the separation of regulatory and operational tasks.

Justification

Some activities covered in this article are “services” within the meaning of SES. Others are not. Coordination of scarce resources, in particular, is a regulatory function, not service provision or support to service provision.

Amendment 310
Jacqueline Foster

Proposal for a regulation
Article 17 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

In order to achieve the objectives referred to in paragraph 1 and without prejudice to the responsibilities of the Member States with regard to national routes and airspace structures, the Commission shall ensure that the following *services are carried out under the responsibility of* a Network Manager :

Amendment

In order to achieve the objectives referred to in paragraph 1 and without prejudice to the responsibilities of the Member States with regard to national routes and airspace structures, the Commission shall ensure that the following *functions and services are coordinated by* a Network Manager :

Justification

The “Network Manager” as defined by SES is not necessarily able to directly undertake all these activities itself.

Amendment 311
Marian-Jean Marinescu

Proposal for a regulation
Article 17 – paragraph 2 – subparagraph 1 – point e

Text proposed by the Commission

(e) optimisation of airspace design in co-operation with the air navigation service providers and functional airspace blocks

Amendment

(e) optimisation of airspace design, *including airspace sectors and airspace structures in the en-route and terminal*

referred to in Article 16;

areas, in co-operation with the air navigation service providers and functional airspace blocks referred to in Article 16;

Or. en

Amendment 312
Jacqueline Foster

Proposal for a regulation
Article 17 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The services listed in this paragraph shall not involve the adoption of binding measures of a general scope or the exercise of political discretion. They shall take into account proposals established at national level and at the level of functional airspace blocks. They shall be performed in coordination with military authorities in accordance with agreed procedures concerning the flexible use of airspace.

Amendment

The *functions and* services listed in this paragraph shall not involve the adoption of binding measures of a general scope or the exercise of political discretion. They shall take into account proposals established at national level and at the level of functional airspace blocks. They shall be performed in coordination with military authorities in accordance with agreed procedures concerning the flexible use of airspace.

Or. en

Justification

Some activities covered in this article are not “services” within the SES use of the term.

Amendment 313
Marian-Jean Marinescu

Proposal for a regulation
Article 17 – paragraph 2 – subparagraph 3

Text proposed by the Commission

The Commission may, *and* in conformity with the implementing rules referred to in paragraph 4, appoint Eurocontrol, or another impartial and competent body, to

Amendment

The Commission may in conformity with the implementing rules referred to in paragraph 4, appoint Eurocontrol, or another impartial and competent body, to

carry out the tasks of the Network Manager. These tasks shall be executed in an impartial and cost-effective manner and performed on behalf *of* Member States and stakeholders. They shall be subject to appropriate governance, which recognises the separate accountabilities for service provision and regulation, taking into consideration the needs of the whole ATM network and with the full involvement of the airspace users and air navigation service providers. By 1 January **2020**, the Commission shall designate the Network Manager as a self-standing service provider *where possible* set up as an industrial partnership.

carry out the tasks of the Network Manager. These tasks shall be executed in an impartial and cost-effective manner and performed on behalf *of the Union,* Member States and stakeholders. They shall be subject to appropriate governance, which recognises the separate accountabilities for service provision and regulation, taking into consideration the needs of the whole ATM network and with the full involvement of the airspace users and air navigation service providers. By 1 January **2016**, the Commission shall designate the Network Manager as a self-standing service provider set up as an industrial partnership.

Or. en

Amendment 314
Gesine Meissner

Proposal for a regulation
Article 17 – paragraph 2 – subparagraph 3
Regulation 1070/2009
Article 3.6 (adapted)

Text proposed by the Commission

The Commission may, and in conformity with the implementing rules referred to in paragraph 4, appoint Eurocontrol, or another impartial and competent body, to carry out the tasks of the Network Manager. These tasks shall be executed in an impartial and cost-effective manner and performed on behalf of Member States and stakeholders. They shall be subject to appropriate governance, which recognises the separate accountabilities for service provision and regulation, taking into consideration the needs of the whole ATM network and with the full involvement of the airspace users and air navigation service providers. By 1 January 2020, the Commission shall designate the Network

Amendment

The Commission may, and in conformity with the implementing rules referred to in paragraph 4, appoint Eurocontrol, or another impartial and competent body, to carry out the tasks of the Network Manager. These tasks shall be executed in an impartial and cost-effective manner and performed on behalf of Member States and stakeholders. They shall be subject to appropriate governance, which recognises the separate accountabilities for service provision and regulation, taking into consideration the needs of the whole ATM network and with the full involvement of the airspace users and air navigation service providers. By 1 January 2020, the Commission shall designate the Network

Manager as a self-standing service provider where possible set up as an industrial partnership.

Manager as a self-standing service provider where possible set up as an industrial partnership, *similar to the development of centralised services by Eurocontrol.*

Or. de

Justification

Eurocontrol has, through various working groups, identified nine "centralised services" which should henceforth be provided jointly in a network. This could already be of use for the task of the network manager.

Amendment 315
Jacqueline Foster

Proposal for a regulation
Article 17 – paragraph 3

Text proposed by the Commission

3. The Commission shall be empowered to adopt *delegated* acts in accordance with Article 26 to add to the list of the services set out in paragraph 2 in order to adapt it to technical and operational progress with regard to the provision of support services in a centralised manner

Amendment

3. The Commission shall be empowered to adopt *implementing* acts in accordance with *the examination procedure referred to in* Article 27(3) to add to the list of the services set out in paragraph 2 in order to adapt it to technical and operational progress with regard to the provision of support services in a centralised manner

Or. en

Justification

The list of services, in particular those provided in a centralised manner, are matters of general scope more suitable to Implementing Acts.

Amendment 316
Marian-Jean Marinescu

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

The air navigation service providers shall establish consultation mechanisms to consult the relevant groups of airspace users and aerodrome operators on all major issues related to services provided, or relevant changes to airspace configurations. The airspace users shall also be involved in the process of approving strategic investment plans. The Commission shall adopt measures detailing the modalities of the consultation and of the involvement of airspace users in approving investment plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27 (3).

Amendment

The air navigation service providers shall establish consultation mechanisms to consult the relevant groups of airspace users and aerodrome operators on all major issues related to services provided, or relevant changes to airspace configurations. The airspace users shall also be involved in the process of approving strategic investment plans ***only for aspects requiring synchronisation between air and ground equipment deployment***. The Commission shall adopt measures detailing the modalities of the consultation and of the involvement of airspace users in approving investment plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27 (3).

Or. en

Amendment 317
Spyros Danellis

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

The air navigation service providers shall establish consultation mechanisms to consult the relevant groups of airspace users and aerodrome operators on all major issues related to services provided, or relevant changes to airspace configurations. ***The airspace users shall also be involved in the process of approving strategic investment plans.*** The Commission shall adopt measures detailing the modalities of the consultation ***and of the involvement of airspace users in approving investment plans.*** Those

Amendment

The air navigation service providers shall establish consultation mechanisms to consult the relevant groups of airspace users and aerodrome operators on all major issues related to services provided, ***strategic investment plans*** or relevant changes to airspace configurations. The Commission shall adopt measures detailing the modalities of the consultation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27 (3).

implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27 (3).

Or. en

Justification

It is correct for the final responsibility of the investment to lie with the ANSP, as it is the ANSP whose responsibility it is to achieve performance targets. Issues relating to the need to co-ordinate airside and groundside SESAR investments should be tackled through appropriate mechanisms in the charging scheme.

Amendment 318
Jörg Leichtfried, Knut Fleckenstein

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

The air navigation service providers shall establish consultation mechanisms to consult the relevant groups of airspace users and aerodrome operators on all major issues related to services provided, or relevant changes to airspace configurations. The airspace users shall also be involved in the process of approving strategic investment plans. The Commission shall adopt measures detailing the modalities of the consultation and of the involvement of airspace users in approving investment plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27 (3).

Amendment

The air navigation service providers shall establish consultation mechanisms to consult the relevant groups of airspace users and aerodrome operators on all major issues related to services provided, or relevant changes to airspace configurations. The airspace users **and the social partners** shall also be involved in the process of approving strategic investment plans. The Commission shall adopt measures detailing the modalities of the consultation and of the involvement of airspace users in approving investment plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27 (3).

Or. en

Amendment 319
Gesine Meissner

Proposal for a regulation
Article 19 – paragraph 1

Text proposed by the Commission

The air navigation service providers shall establish consultation mechanisms to consult the relevant groups of airspace users and aerodrome operators on all major issues related to services provided, or relevant changes to airspace configurations. **The** airspace users **shall also be** involved in the process of **approving** strategic investment plans. The Commission shall adopt measures detailing the modalities of the consultation and of the involvement of airspace users in **approving** investment plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27 (3).

Amendment

The air navigation service providers shall establish consultation mechanisms to consult the relevant groups of airspace users and aerodrome operators on all major issues related to services provided, or relevant changes to airspace configurations. **These consultation mechanisms shall ensure that** airspace users **are fully** involved in the process of **drafting** strategic investment plans. The Commission shall adopt measures detailing the modalities of the consultation and of the involvement of airspace users in **the drafting of** investment plans **to ensure their consistency with the ATM Master Plan and common projects referred to in Article 15**. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27 (3).

Or. en

Amendment 320
Spyros Danellis

Proposal for a regulation
Article 19 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Without prejudice to the role of the Single Sky Committee, the Commission shall establish a consultative expert group on the human factor, to which European ATM social partners and other experts from professional staff representative bodies shall belong. The role of this body shall be to advise the Commission on the interplay between operations and the

human factor in the ATM sector.

Or. en

Justification

Considering the complexity involved in measuring human factor indicators, an expert group is needed to advise the Commission on this field. This expert group could be set up under the auspices of an existing body, such as the Industry Consultation Body.

Amendment 321
Spyros Danellis

Proposal for a regulation
Article 21 – paragraph 1

Text proposed by the Commission

1. Air navigation service providers, whatever their system of ownership or legal form, shall draw up, submit to audit and publish their financial accounts. These accounts shall comply with the international accounting standards adopted by the Union. ***Where, owing to the legal status of the service provider, full compliance with the international accounting standards is not possible, the provider shall endeavour to achieve such compliance to the maximum possible extent.***

Amendment

1. Air navigation service providers, whatever their system of ownership or legal form, shall draw up, submit to audit and publish their financial accounts. These accounts shall comply with the international accounting standards adopted by the Union.

Member States will take all necessary measures to ensure that Air navigation service providers comply with this Article by July 2017.

Or. en

Justification

The use of international accounting standards is required for comparability of costs and quality of the data used in the performance scheme.

Amendment 322
Marian-Jean Marinescu

Proposal for a regulation
Article 21 – paragraph 4

Text proposed by the Commission

4. **Member States shall designate the competent authorities that** shall have a right of access to the accounts of service providers that provide services within the airspace under their responsibility.

Amendment

4. **National aviation** authorities shall have a right of access to the accounts of service providers that provide services within the airspace under their responsibility

Or. en

Amendment 323
Spyros Danellis

Proposal for a regulation
Article 21 – paragraph 5

Text proposed by the Commission

5. **Member States may apply the transitional provisions of Article 9 of Regulation (EC) No 1606/2002 of the European Parliament and of the Council of 19 July 2002 on the application of international accounting standards²⁹ to air navigation service providers that fall within the scope of that regulation.**

Amendment

deleted

²⁹ OJ L 243, 11.9.2002, p. 1.

Or. en

Amendment 324
Silvia-Adriana Țicău

Proposal for a regulation
Article 26 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Article 11(7), Article 17(3) and Article 25 shall be conferred on the Commission for ***an indeterminate*** period of ***time***.

Amendment

2. The delegation of power referred to in Article 11(7), Article 17(3) and Article 25 shall be conferred on the Commission for ***a*** period of ***seven years***.

The Commission shall draw up a report in respect of the delegated power no later than nine months before the end of the seven year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension no less than three months before the end of each period.

Or. ro

Amendment 325
Eva Lichtenberger

Proposal for a regulation
Article 28 – paragraph 2 – indent 6 a (new)

Text proposed by the Commission

Amendment

– representative environmental and airports neighbours organisations.

Or. en

Amendment 326
Gesine Meissner

Proposal for a regulation
Article 33 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall lay down rules on penalties applicable to infringements of this Regulation, in particular by airspace users and service providers, and shall take all measures necessary to ensure that they

Member States shall lay down rules on penalties ***and compensation mechanisms*** applicable to infringements of this Regulation, in particular by airspace users and service providers, and shall take all

are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

Or. en

Justification

In addition to the introduction of sanctions, an appropriate compensation mechanism must also be established in order to address the problem stemming from the lack of synchronisation in SESAR deployment and lost investment resulting thereof.