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A7-0095/ 001-143

AMENDMENTS 001-143

by the Committee on Transport and Tourism

Report

Marian-Jean Marinescu

A7-0095/2014

Implementation of the Single European Sky

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

Amendment 1

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

Justification

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

Amendment 2

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

airspace, with all the economic, environmental and security costs that that would entail, fragmentation of that airspace should be remedied and this Regulation should be implemented as swiftly as possible.

Amendment 3

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.

Amendment 4

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 Single European Sky.*

Amendment 5

Proposal for a regulation Recital 7

Text proposed by the Commission

Amendment

(7) The Member States have adopted a general statement on military issues related to the Single European Sky¹⁸. According to

(7) The Member States have adopted a general statement on military issues related to the Single European Sky¹⁸. According to

this statement, Member States should, in particular, enhance civil-military cooperation and, if and to the extent deemed necessary by all Member States concerned, facilitate cooperation between their armed forces in all matters of air traffic management.

¹⁸ See page 9 of this Official Journal.

Amendment 6

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 7

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 on a regular basis.

this statement, Member States should, in particular, enhance civil-military cooperation and, if and to the extent deemed necessary by all Member States concerned, facilitate cooperation between their armed forces in all matters of air traffic management ***in order to facilitate flexible use of airspace.***

¹⁸ See page 9 of this Official Journal.

Amendment

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

Amendment

(11) National **aviation** authorities have a key role to play in the implementation of the Single European Sky. **The Commission** and the **European Agency for Aviation (EAA)** 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, **by providing a platform for such exchanges.** This cooperation should take place on a regular basis.

Amendment 8

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.

Amendment 9

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, **airspace design** and aeronautical information services, **together with services formatting and delivering data to general air traffic,** **could** be organised under market conditions whilst taking into account the special features of such services, **ensuring** a high level of safety **and reducing climate impact.**

Amendment 10

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

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

Amendment 11

Proposal for a regulation Recital 15 a (new)

Text proposed by the Commission

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 *Connecting Europe Facility*, *Horizon 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. *Where applicable, common projects should aim to enable a set of basic interoperable capabilities to exist in all Member States.*

²⁰ OJ L 95, 9.4.2009, p. 41

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 uncoordinated manner, which could delay the effective deployment of SESAR technologies.

Amendment 12

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 ***the measures to be adopted to prevent and respond to*** such a crisis should be ensured by the Network Manager. ***In this context, the Commission should be responsible for ensuring that no conflict of interest arises between the provision of centralised services and the role of the performance review body.***

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 13

Proposal for a regulation

Recital 17

Text proposed by the Commission

(17) Commission is convinced that the safe and efficient use of airspace can only be achieved through close cooperation between civil and military users of airspace, mainly based on the concept of flexible use of airspace and effective civil-military coordination as established by ICAO, it stresses the importance of enhancing civil military cooperation between civil and military users of airspace.

Amendment

(17) ***The*** Commission is convinced that the safe and efficient use of airspace can only be achieved through close cooperation between civil and military users of airspace, mainly based on the concept of flexible use of airspace and effective civil-military coordination as established by ICAO; it stresses the importance of enhancing civil military cooperation between civil and military users of airspace ***with a view to facilitating flexible use of airspace.***

Amendment 14

Proposal for a regulation

Recital 18

Text proposed by the Commission

(18) Accuracy of information on airspace status and on specific air traffic situations and timely distribution of this information to civil and military controllers has a direct impact on the safety and efficiency of operations. Timely access to up-to-date information on airspace status is essential for all parties wishing to take advantage of airspace structures made available when filing or re-filing their flight plans.

Amendment

(18) Accuracy of information on airspace status and on specific air traffic situations and timely distribution of this information to civil and military controllers has a direct impact on the safety and efficiency of operations ***and should improve their predictability***. Timely access to up-to-date information on airspace status is essential for all parties wishing to take advantage of airspace structures made available when filing or re-filing their flight plans.

Amendment 15

Proposal for a regulation

Recital 22

Text proposed by the Commission

(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.

Amendment

deleted

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 16

Proposal for a regulation

Recital 24

Text proposed by the Commission

(24) The concept of functional airspace blocks designed to improve the co-operation between air traffic service

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 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.**

providers, is an important tool for improving the performance of the European ATM system. To **complement** this tool, **air navigation service providers should be freely able to enter into performance-based industrial partnerships that may overlap with the established functional airspace blocks.**

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 17

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.

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 18

Proposal for a regulation

Recital 28

Text proposed by the Commission

(28) In order to take into account technical or operational developments, in particular

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 **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.

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 19

Proposal for a regulation

Recital 29

Text proposed by the Commission

(29) When adding to the list of network management services, the Commission should conduct a proper consultation of industry stakeholders.

Amendment

(29) When adding to the list of network management services, the Commission should conduct a proper consultation of industry stakeholders **and social partners**.

Amendment 20

Proposal for a regulation

Recital 30

Text proposed by the Commission

(30) In order to ensure uniform conditions for the implementation of this Regulation, in particular with regard to the exercise of their powers by national **supervisory** authorities, provision of support services on an exclusive basis by a service provider or groupings thereof, corrective measures to ensure compliance with the Union-wide and associated local performance targets,

Amendment

(30) In order to ensure uniform conditions for the implementation of this Regulation, in particular with regard to the exercise of their powers by national **aviation** authorities, provision of support services on an exclusive basis by a service provider or groupings thereof, corrective measures to ensure compliance with the Union-wide and associated local performance targets,

review of compliance in relation to the charging scheme, governance and adoption of common projects for network related functions, functional airspace blocks, modalities of participation of stakeholders in major operational decisions of the air navigation service providers, access to and protection of data, electronic aeronautical information and technological development and interoperability of air traffic management, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers²².

²² OJ L 55, 28.2.2011, p.13.

review of compliance in relation to the charging scheme, governance and adoption of common projects for network related functions, functional airspace blocks, modalities of participation of stakeholders in major operational decisions of the air navigation service providers, access to and protection of data, electronic aeronautical information and technological development and interoperability of air traffic management, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers²².

²² OJ L 55, 28.2.2011, p.13.

Amendment 21

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

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

Procurement Directives²⁵, as appropriate

provisions of the Public Procurement Directives²⁵, as appropriate

²³ OJ L 134, 30.4.2004, p.114.

²³ OJ L 134, 30.4.2004, p.114.

²⁴ OJ L 134, 30.4.2004, p. 1

²⁴ OJ L 134, 30.4.2004, p. 1

²⁵ OJ C 179, 1.8.2006, p. 2.

²⁵ OJ C 179, 1.8.2006, p. 2.

Amendment 22

Proposal for a regulation Recital 35

Text proposed by the Commission

Amendment

(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 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.

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

Amendment 23

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

Amendment 24

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

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 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.

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, **such as reducing climate impact**, 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 **and, subject to specific arrangements with the neighbouring countries, third-country** network of routes, an integrated operating airspace, network management and air traffic management based only on safety, efficiency and interoperability, for the benefit of all airspace users.

Justification

The implementation of the Single European Sky has been delayed, among other reasons, due to an insufficient coordination and enforcement of the deployment of technology both on the ground and, to a lesser extent, in the air. The function of a 'deployment manager' would ensure that this process is coordinated, monitored and supervised.

Amendment 25

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.

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 26

Proposal for a regulation

Article 1 – paragraph 5

Text proposed by the Commission

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.

Amendment

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.

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 27

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 set out 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.

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 28

Proposal for a regulation

Article 2 – 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**;

Amendment 29

Proposal for a regulation

Article 2 – point 12

Text proposed by the Commission

12. ‘area control service’ means an ATC service for controlled flights in a **block of airspace**;

Amendment

12. ‘area control service’ means an ATC service for controlled flights in a **control area**;

Amendment 30

Proposal for a regulation

Article 2 – point 15

Text proposed by the Commission

15. ‘aviation crisis’ means circumstances under which airspace capacity is abnormally reduced as a result of major adverse weather circumstances or the unavailability of large airspace parts **either through** natural or political reasons;

Amendment

15. ‘aviation crisis’ means circumstances under which airspace capacity is abnormally reduced as a result of major adverse weather circumstances or the unavailability of large airspace parts **on account of** natural, **medical, security, military** or political reasons;

Amendment 31

Proposal for a regulation Article 2 – point 16

Text proposed by the Commission

16. 'bundle of services' means two or more *air navigation* services;

Amendment

16. 'bundle of services' means two or more services *provided by the same entity*;

Amendment 32

Proposal for a regulation Article 2 – 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 performing a specific *activity*;

Amendment 33

Proposal for a regulation Article 2 – point 18 a (new)

Text proposed by the Commission

Amendment

18a. 'European air traffic management network' (EATMN) means a pan-European network of systems and constituents, as well as the roadmaps for the essential operational and technological changes described in the ATM Master Plan, making it possible to provide fully interoperable air navigation services in the Union, including the interfaces at the borders with third countries, with a view to attaining the performance objectives set by this Regulation;

Amendment 34

Proposal for a regulation Article 2 – point 19

Text proposed by the Commission

19. ‘constituents’ means tangible objects such as hardware and intangible objects such as software upon which the interoperability of the ***European Air Traffic management Network (EATMN)*** depends;

Amendment

19. ‘constituents’ means tangible objects such as hardware and intangible objects such as software upon which the interoperability of the EATMN depends;

Amendment 35

Proposal for a regulation
Article 2 – 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;

Amendment 36

Proposal for a regulation
Article 2 – point 24

Text proposed by the Commission

Amendment

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;

24. ‘functional airspace block’ means an airspace block established regardless of State boundaries, where the provision of air navigation services and related functions are performance-driven and optimised ***through*** enhanced cooperation among air navigation service providers or, where appropriate, an integrated provider;

Amendment 37

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

Text proposed by the Commission

Amendment

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

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 38

Proposal for a regulation Article 2 – point 31

Text proposed by the Commission

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;

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;

Amendment 39

Proposal for a regulation Article 2 – point 33

Text proposed by the Commission

Amendment

33. ‘system’ means the aggregation of airborne and ground-based constituents, **as well as** space-based equipment, that provides support for air navigation services for all phases of flight;

33. ‘system’ means the aggregation of airborne and **and/or** ground-based constituents **and/or** space-based equipment that provides support for air navigation services for all phases of flight;

Amendment 40

Proposal for a regulation Article 2 – point 36

Text proposed by the Commission

Amendment

36. ‘national **supervisory** authority’ means **the** national body **or bodies** entrusted by a Member State **with the tasks of supervision in accordance with this Regulation and the national competent authorities entrusted** with the tasks

36. ‘national **aviation** authority’ means **a** national body entrusted by a Member State **and accredited by the EAA** with the tasks provided for in **this Regulation and in** Regulation (EC) No 216/2008;

provided for in *Article 8b* of Regulation (EC) No 216/2008;

Amendment 41

Proposal for a regulation Article 2 – 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)* services as well as other services and activities, which are linked to, and support the provision of, air navigation services;

Amendment 42

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

Text proposed by the Commission

38a. 'industrial partnership' means cooperative arrangements under a contract set up for the purpose of improving air traffic management between various air navigation service providers, including the Network Manager, airspace users, airports or other comparable economic actors;

Amendment

Amendment 43

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

Text proposed by the Commission

38b. 'integrated operational airspace' means the controlled airspace with defined dimensions encompassing the European and, subject to appropriate arrangements, neighbouring third countries' airspace where dynamic allocation structure and time-sharing, performance-enhanced controller resources, fully interoperable air

Amendment

navigation services and combined solutions are employed in order to address the optimal, predictable and safe use of the airspace for the accomplishment of the Single European Sky;

Amendment 44

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

Text proposed by the Commission

Amendment

38c. 'local performance plans' means plans set by one or more national aviation authorities at local level, namely at the functional airspace block, regional or national level;

Amendment 45

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

Text proposed by the Commission

Amendment

38d. 'qualified entity' means a body which may be assigned specific certification or oversight tasks by, and under the control and responsibility of, the Agency or a national aviation authority.

Amendment 46

Proposal for a regulation Article 3 – title

Text proposed by the Commission

Amendment

National *supervisory* authorities

National *aviation* authorities

Amendment 47

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

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.

body as their national *aviation* authority in order to assume the tasks assigned to such authority under this Regulation *and Regulation (EC) No 216/2008*.

Amendment 48

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, *including separate annual budget allocation*, from any *company, organisation, public or private entity or personnel falling within the scope of authority activity as provided for in this Regulation and in Article 1 of Regulation (EC) No 216/2008* or having an interest in the activities of such *entities*.

Amendment 49

Proposal for a regulation Article 3 – paragraph 3

Text proposed by the Commission

3. Without prejudice to paragraph 2, the national *supervisory* authorities may be joined in organisational terms with other regulatory bodies and/or safety authorities.

Amendment

3. Without prejudice to paragraph 2, the national *aviation* authorities may be joined in organisational terms with other regulatory bodies and/or safety authorities.

Amendment 50

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*

Amendment

4. The national *aviation* authorities *shall ensure compliance with the provisions laid down in this Article* on the date of entry into force of this Regulation *or at the latest by 1 January 2017*.

meet this requirement by 1 January 2020 at the latest.

Amendment 51

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

Amendment

5. The national *aviation* 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.

Amendment 52

Proposal for a regulation Article 3 – paragraph 6 – introductory part

Text proposed by the Commission

6. Staff of the national *supervisory* authorities shall:

Amendment

6. Staff of the national *aviation* authorities shall:

Amendment 53

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 *and criteria* which guarantee their independence;

Amendment 54

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 55

Proposal for a regulation

Article 3 – paragraph 6 – point b a (new)

Text proposed by the Commission

Amendment 56

Proposal for a regulation

Article 3 – paragraph 6 – point c

Text proposed by the Commission

(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;

Amendment 57

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***

Amendment

(b) be selected in a transparent procedure on the basis of their specific qualifications, including appropriate **competencies** and relevant experience;

Amendment

(ba) not be seconded from air navigation service providers (ANSPs) or companies under the control of ANSPs;

Amendment

(c) act independently and not seek or take instructions from any government or other public or private entity when carrying out the functions of the national ***aviation*** authority, ***without prejudice to close cooperation with other relevant national authorities***;

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

authority, for a period *of at least one year*.

navigation service providers after their term in the national *aviation* authority, for a period *of*:

Amendment 58

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;

Amendment 59

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 60

Proposal for a regulation

Article 3 – paragraph 6 – point e a (new)

Text proposed by the Commission

Amendment

(ea) the authority's top management shall be appointed for a fixed term of between three and 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.

Amendment 61

Proposal for a regulation

Article 3 – paragraph 7

Text proposed by the Commission

Amendment

7. Member States shall ensure that national *supervisory* authorities have the necessary resources and capabilities to carry out the

7. Member States shall ensure that national *aviation* authorities have the necessary resources and capabilities to carry out the

tasks assigned to them under this Regulation in an efficient and timely manner. The national *supervisory* authorities shall have full authority over the recruitment and management of their staff based on their own appropriations stemming from inter alia route charges to be set in proportion to the tasks to be fulfilled by the authority in accordance with Article 4.

tasks assigned to them under this Regulation in an efficient and timely manner. The national *aviation* authorities shall have full authority over the recruitment and management of their staff based on their own appropriations stemming from inter alia route charges to be set in proportion to the tasks to be fulfilled by the authority in accordance with Article 4.

Amendment 62

Proposal for a regulation Article 3 – paragraph 8

Text proposed by the Commission

8. Member States shall notify the Commission of the names and addresses of the national *supervisory* authorities, as well as changes thereto, and of the measures taken to ensure compliance with this Article.

Amendment

8. Member States shall notify the Commission of the names and addresses of the national *aviation* authorities, as well as changes thereto, and of the measures taken to ensure compliance with this Article.

Amendment 63

Proposal for a regulation Article 3 – paragraph 9

Text proposed by the Commission

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).

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), **and shall specify:**

Amendment 64

Proposal for a regulation Article 3 – paragraph 9 – point a (new)

Text proposed by the Commission

Amendment

(a) the level of separation required by the appointing authority from any company,

organisation, public or private entity or staff falling within the scope of authority activity as provided for in Article 1 of Regulation (EC) No 216/2008 or having an interest in the activities of such entities, with a view to maintaining a balance between avoiding conflicts of interest and administrative efficiency;

Amendment 65

Proposal for a regulation

Article 3 – paragraph 9 – point b (new)

Text proposed by the Commission

Amendment

(b) relevant technical qualifications required of staff involved in audits.

Amendment 66

Proposal for a regulation

Article 4 – title

Text proposed by the Commission

Amendment

Tasks of the national *supervisory* authorities

Tasks of the national *aviation* authorities

Amendment 67

Proposal for a regulation

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The national *supervisory* authorities referred to in Article 3 shall be entrusted in particular with the following tasks:

1. The national *aviation* authorities shall be entrusted in particular with the following tasks:

Amendment 68

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

(a) ensuring the supervision of the application of this Regulation *and of Regulation (EC) No 216/2008*, in

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;

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 69

Proposal for a regulation

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) *granting of certificates to air navigation services providers in accordance with Article 8b of Regulation (EC) No 216/2008 and overseeing the application of the conditions under which they have been granted;*

Amendment

(b) *the performance or delegation, wholly or in part, of the tasks listed in Articles 8b, 8c and 10 of Regulation (EC) No 216/2008 and performance of the task of ensuring supervision of the application of this Regulation, in particular with regard to the safe and efficient operation of providers of air navigation services relating to the airspace falling within the responsibility of the Member States;*

Amendment 70

Proposal for a regulation

Article 4 – paragraph 1 – point c

Text proposed by the Commission

(c) *issuing licenses, ratings, endorsements and certificates for air traffic controllers in accordance with Article 8c of Regulation (EC) No 216/2008 and overseeing the application of the conditions under which they have been issued;*

Amendment

deleted

Amendment 71

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

Amendment

(e) monitoring the implementation of the charging scheme in accordance with

Articles 12 and 13;

Articles 12 and 13, *including the provisions on cross-subsidisation referred to in Article 13(7)*;

Amendment 72

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.

Amendment 73

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

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.

2. Each national *aviation* 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.*

Amendment 74

Proposal for a regulation Article 5 – title

Text proposed by the Commission

Amendment

Co-operation between national *supervisory* authorities

Cooperation between national *aviation* authorities

Amendment 75

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 **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 ***and at least once a year.*** The Commission and ***the*** EAA shall facilitate active cooperation of the national **aviation** authorities and exchanges and use of staff between the national **aviation** authorities.

That network may, inter alia:

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

(b) provide assistance to individual national aviation authorities on regulatory issues;

(c) provide opinions to the Commission and the EAA on rule-making and certification;

(d) provide opinions, guidelines and recommendations designed to facilitate the provision of cross-border services;

(e) develop common solutions to be implemented across two or more States to meet the aims of the ATM Master Plan or the Chicago Convention.

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 76

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 information among the members of the network, possibly through electronic tools, respecting the confidentiality of business secrets of **companies, organisations or entities involved**.

Amendment 77

Proposal for a regulation

Article 5 – paragraph 2

Text proposed by the Commission

2. The national **supervisory** authorities shall cooperate closely, including through working arrangements, for the purposes of mutual assistance in their monitoring tasks and handling of investigations and surveys.

Amendment

2. The national **aviation** authorities shall cooperate closely, including through working arrangements, for the purposes of mutual assistance in their monitoring tasks and handling of investigations and surveys.

Amendment 78

Proposal for a regulation

Article 5 – paragraph 3

Text proposed by the Commission

3. In respect of functional airspace blocks **that extend across the airspace falling under the responsibility of more than one Member State**, the Member States concerned shall conclude an agreement on

Amendment

3. In respect of functional airspace blocks, the Member States concerned shall conclude an agreement on the supervision provided for in **Article 4** with regard to the air navigation service providers providing

the supervision provided for in *this Article* with regard to the air navigation service providers providing services relating to those blocks. The national *supervisory* authorities concerned shall establish a plan specifying the modalities of their *co-operation* with a view to giving effect to that agreement.

Amendment 79

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

4. National *supervisory* authorities shall cooperate closely to ensure adequate supervision of air navigation service providers holding a valid certificate from one Member State that also provide services relating to the airspace falling under the responsibility of another Member State. Such cooperation shall include arrangements for the handling of cases involving non-compliance with this Regulation and with the applicable common requirements adopted in accordance with Article 8b(1) of Regulation (EC) No 216/2008.

Amendment 80

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

services relating to those blocks. The national *aviation* authorities concerned shall establish a plan specifying the modalities of their *cooperation* with a view to giving effect to that agreement

Amendment

4. National *aviation* authorities shall cooperate closely to ensure adequate supervision of air navigation service providers holding a valid certificate from one Member State that also provide services relating to the airspace falling under the responsibility of another Member State. Such cooperation shall include arrangements for the handling of cases involving non-compliance with this Regulation and with the applicable common requirements adopted in accordance with Article 8b(1) of Regulation (EC) No 216/2008.

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.

providers.

Justification

Mutual recognition is also important in respect of FABs

Amendment 81

Proposal for a regulation

Article 5 – paragraph 6

Text proposed by the Commission

6. If permitted by national law and with a view to regional cooperation, national **supervisory** authorities may also conclude agreements regarding the division of responsibilities regarding supervisory tasks.

Amendment

6. If permitted by national law and with a view to regional cooperation, national **aviation** authorities may also conclude agreements regarding the division of responsibilities regarding supervisory tasks.

Amendment 82

Proposal for a regulation

Article 6 – paragraph 1

Text proposed by the Commission

1. National **supervisory** authorities may decide to delegate **in full** or in part the inspections **and surveys referred to in Article 4 (2)** to qualified entities that fulfil the requirements set out in Annex I.

Amendment

1. **The EEA and** national **aviation** authorities may decide to delegate, **wholly** or in part, the inspections, **surveys and other tasks provided for by this Regulation** to qualified entities that fulfil the requirements set out in Annex I.

Amendment 83

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

2. Such a delegation **granted by a national supervisory authority** shall be valid within the Union for a renewable period of three years. National **supervisory** authorities may instruct any of the qualified entities located in the Union to undertake these inspections and surveys.

Amendment

2. Such a delegation shall be valid within the Union for a renewable period of three years. **The EEA and** national **aviation** authorities may instruct any of the qualified entities located in the Union to undertake these inspections and surveys.

Amendment 84

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

3. **Member States** shall notify the Commission, **EAA and** the other Member States of the qualified entities to which they have delegated tasks in accordance with paragraph 1 indicating each entity's area of responsibility and its identification number and of any changes in this respect. The Commission shall publish in the *Official Journal of the European Union* the list of qualified entities, their identification numbers and areas of responsibility, and shall keep the list updated.

Amendment

3. **The EAA and the national aviation authorities** shall notify the Commission, the other Member States **and, if applicable, the EAA,** of the qualified entities to which they have delegated tasks in accordance with paragraph 1, indicating each entity's area of responsibility and its identification number, and of any changes in this respect. The Commission shall publish in the *Official Journal of the European Union* the list of qualified entities, their identification numbers and **their** areas of responsibility, and shall keep the list updated.

Amendment 85

Proposal for a regulation

Article 6 – paragraph 4

Text proposed by the Commission

4. **Member States** shall withdraw the delegation of a qualified entity which no longer meets the requirements set out in Annex I. It shall forthwith inform the Commission, **EAA and** the other Member States thereof.

Amendment

4. **The EAA and the national aviation authorities** shall withdraw the delegation of a qualified entity which no longer meets the requirements set out in Annex I. It shall forthwith inform the Commission and the other Member States thereof.

Amendment 86

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

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

Amendment

1. National **aviation** 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 of their tasks, in the implementation of the Single European Sky.

Amendment 87

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

1. The provision of all air navigation services within the Union shall be subject to certification by or declaration to, national **supervisory** authorities or EAA in accordance with Article 8b of Regulation (EC) No 216/2008.

Amendment

1. The provision of all air navigation services within the Union shall be subject to certification by, or declaration to, national **aviation** authorities or **the** EAA in accordance with Article 8b of Regulation (EC) No 216/2008.

Amendment 88

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 **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.**

Amendment 89

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.

Amendment 90
Proposal for a regulation
Article 10

Text proposed by the Commission

1. 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.

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

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.***

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.

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

- (a) it is certified in accordance with Article 8b of Regulation (EC) No 216/2008;
- (b) its principal place of business is located in the territory of a Member State;
- (c) Member States and/or nationals of Member States own more than 50 % of the

Amendment

1. Member States shall take all necessary measures to ensure that, in accordance with this Article, ***there are no statutory impediments to*** providers of 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.

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

3. In ***the choice of an external*** provider of support services, ***the provisions of Directive 2004/18/EC shall be complied with.*** In particular, cost ***and energy*** efficiency, overall service quality, ***interoperability*** and safety of services, ***as well as transparency of the procurement process,*** shall be ***binding selection criteria for*** the entity procuring those services.

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

- (a) it is certified in accordance with Article 8b of Regulation (EC) No 216/2008;
- (b) its principal place of business is located in the territory of a Member State;
- (c) Member States and/or nationals of Member States own more than 50 % of the

service provider and effectively control it, whether directly or indirectly through one or more intermediate undertakings, except as provided for in an agreement with a third country to which the Union is a party; and

(d) the service provider fulfils national security and defence requirements.

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.

service provider and effectively control it, whether directly or indirectly through one or more intermediate undertakings, except as provided for in an agreement with a third country to which the Union is a party; and

(d) the service provider fulfils national security and defence requirements.

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.

5a. The Commission shall establish detailed rules laying down the modalities for the 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).

5b. The Commission shall 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 shall submit that study to the European Parliament and the Council by 1 January 2016. The study shall take into account

the implementation of the ATM Master Plan and the impact of SESAR technologies on the support services sector.

Amendment 91

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 the ATM Master Plan fixed for an entire reference period;***

Amendment 92

Proposal for a regulation

Article 11 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

(b) ***local performance*** plans, including performance targets, ensuring compliance with the Union-wide and associated local performance targets; and

Amendment 93

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

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, with effect from 1 July 2015. The role of the PRB*** shall be to assist the Commission, in coordination with the national ***aviation*** authorities, and to assist ***and monitor*** the

assistance to the *performance review body* may be provided by EAA *and* Eurocontrol or another competent entity .

national *aviation* authorities in the implementation of the performance scheme referred to in paragraph 1. ***The PRB shall be functionally and legally separate from any service provider, whether at national or pan-European level.*** Technical assistance to the *PRB* may be provided by ***the EAA, the Network Manager,*** Eurocontrol or another competent entity.

Amendment 94

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 ***local performance*** plans referred to in ***point (b) of*** paragraph ***1*** shall be drawn up by ***the*** national *aviation* 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 Commission, the PRB,*** air navigation service providers, airspace users' representatives and, where relevant, airport operators and airport coordinators.

Amendment 95

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 compliance of the ***local performance*** plans and local targets with the Union-wide performance targets shall be assessed by the Commission in ***cooperation*** with the ***PRB***.

Amendment 96

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 **determines** that the ***local performance*** 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 97

**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 **and the EAA, together with the PRB**, shall carry out regular assessments of the achievement of the Union-wide and associated local performance targets.

Amendment 98

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

Text proposed by the Commission

(a) collection, validation, examination, evaluation and dissemination of relevant data related to the performance of air navigation services and network services from all relevant parties, including air navigation service providers, airspace users, airport operators, national **supervisory** authorities, Member States and Eurocontrol;

Amendment

(a) collection, validation, examination, evaluation and dissemination of relevant data related to the performance of air navigation services and network services from all relevant parties, including air navigation service providers, airspace users, airport operators, **the EAA**, national **aviation** authorities, Member States and Eurocontrol;

Amendment 99

**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-effectiveness 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. ***Special attention shall be paid to the safety performance indicators;***

Amendment 100

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 to ensuring that each functional airspace block retains sufficient flexibility to achieve the best results;***

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 101

Proposal for a regulation

Article 11 – paragraph 7 – subparagraph 1 – point d – introductory part

Text proposed by the Commission

Amendment

(d) criteria for the setting up by the national **supervisory** authorities of the **national or functional airspace block** performance plans, containing the local performance targets and the incentive scheme. The performance plans shall:

(d) criteria for the setting-up by the national **aviation** authorities of the **local** performance plans, containing the local performance targets and the incentive scheme. The performance plans shall:

Amendment 102

Proposal for a regulation

Article 11 – paragraph 7 – subparagraph 1 – point d – point i

Text proposed by the Commission

Amendment

(i) be based on the business plans of the air navigation service providers;

(i) be based on the business plans of the air navigation service providers, **which should in turn take into account the implementation of the ATM Master Plan**;

Amendment 103

Proposal for a regulation

Article 11 – paragraph 7 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) assessment of the local performance targets on the basis of the **national or functional airspace block** plan;

(e) assessment of the local performance targets on the basis of the **local performance** plan;

Amendment 104

Proposal for a regulation

Article 11 – paragraph 7 – subparagraph 1 – point f

Text proposed by the Commission

Amendment

(f) monitoring of the **national or functional airspace block** performance plans, including appropriate alert mechanisms;

(f) monitoring of the **local** performance plans, including appropriate alert mechanisms;

Amendment 105

Proposal for a regulation

Article 11 – paragraph 7 – subparagraph 1 – point g

Text proposed by the Commission

(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;

Amendment

(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;

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 106

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 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.

Amendment 107

Proposal for a regulation

Article 11 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. The Commission shall conduct a study into the impact which 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 shall cover but shall not be limited in scope to:

(a) identification of non-ANSP actors in the ATM system who are able to influence

network performance;

(b) the effect that such actors' behaviour has on ANS performance in relation to the key performance areas (KPA) 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 not later than 12 months following the publication of this Regulation and completed not later than 12 months thereafter; its results shall then be considered by the Commission and the 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.

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 108

Proposal for a regulation Article 13 – paragraph 4

Text proposed by the Commission

4. The costs to be taken into account in this context shall be those assessed in relation to the facilities and services provided for and implemented under the ICAO Regional Air Navigation Plan, European Region.

Amendment

4. The costs to be taken into account in this context shall be those assessed in relation to the facilities and services provided for and implemented under the ICAO Regional Air Navigation Plan, European Region.

They shall also include costs incurred by national **supervisory** authorities and/or qualified entities, as well as other costs incurred by the relevant Member State and service provider in relation to the provision of air navigation services. They shall not include the costs of penalties imposed by Member States referred to Article 33 **nor** the costs of any corrective measures or sanctions referred to in Article 11(5).

They shall also include costs incurred by national **aviation** authorities and/or qualified entities, as well as other costs incurred by the relevant Member State and service provider in relation to the provision of air navigation services. They shall not include the costs of penalties imposed by Member States referred to Article 33 **or** the costs of any corrective measures or sanctions referred to in Article 11(5).

Amendment 109

Proposal for a regulation Article 13 – paragraph 5

Text proposed by the Commission

5. In respect of the functional airspace blocks and as part of their respective framework agreements, Member States shall make reasonable efforts to agree on common principles for charging policy.

Amendment

5. In respect of the functional airspace blocks and as part of their respective framework agreements, Member States shall make reasonable efforts to agree on common principles for charging policy, **with a view to arriving at a single charge, in accordance with their respective performance plans.**

Amendment 110

Proposal for a regulation Article 13 – paragraph 9 – point f

Text proposed by the Commission

(f) charges shall encourage the safe, efficient, effective and sustainable provision of air navigation services with a view to achieving a high level of safety and cost-efficiency and meeting the performance targets and **they** shall stimulate integrated service provision, whilst reducing the environmental impact of aviation. For the purposes of point (f) and in relation to the **national or functional airspace block** performance plans, national **supervisory authorities** may set up mechanisms, including incentives consisting of financial advantages and disadvantages, to encourage air navigation service providers and/or airspace users to

Amendment

(f) charges shall encourage the safe, efficient, effective and sustainable provision of air navigation services with a view to achieving a high level of safety and cost-efficiency and meeting the performance targets, and shall stimulate integrated service provision whilst reducing the environmental impact of aviation. For the purposes of **this** point and in relation to the **local** performance plans, **the national aviation authority** may set up mechanisms, including incentives consisting of financial advantages and disadvantages, to encourage air navigation service providers and/or airspace users to support improvements in the provision of

support improvements in the provision of air navigation services such as increased capacity, reduced delays and sustainable development, while maintaining an optimum safety level.

air navigation services such as increased capacity, reduced delays and sustainable development, while maintaining an optimum safety level.

Amendment 111

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).

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 112

Proposal for a regulation Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Implementation of the ATM Master Plan

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

Amendment 113

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 the ATM Master Plan, including defining and selecting the body responsible at management level (Deployment Manager). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(3).

Amendment 114

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.

Amendment 115

Proposal for a regulation Article 15 – paragraph 1

Text proposed by the Commission

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,

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 **ATM**

coordinated and synchronised manner *ATM functionalities to achieve* the essential operational changes identified in the ATM Master Plan.

functionalities in a timely, coordinated and synchronised manner, *with a view to bringing about* the essential operational changes identified in the ATM Master Plan, *including identification of the most appropriate geographical dimension, performance-driven project architecture and service delivery approach to be applied by the Deployment Manager. 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.*

Amendment 116

Proposal for a regulation Article 15 – paragraph 2

Text proposed by the Commission

2. The Commission may adopt measures establishing the governance of common projects and identifying incentives for their deployment. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(3). These measures shall *not prejudice* mechanisms for the deployment of the projects concerning functional airspace blocks as agreed upon by the parties of those blocks.

Amendment

2. The Commission may adopt measures establishing the governance of common projects and identifying incentives for their deployment. *The body governing the deployment of the common projects shall be the same body as that which is in charge of the implementation of the ATM Master Plan baseline.* Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(3). These measures shall *complement the* mechanisms for the deployment of the projects concerning functional airspace blocks as agreed upon by the parties of those blocks.

Amendment 117

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 attainment of the Union-

wide targets.

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 118

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, maintaining a high level of safety and contributing to the overall performance of the air transport system and reduced environmental impact.

Amendment 119

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

Justification

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

Amendment 120

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 aviation authorities and** 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 **national aviation authorities and** air **navigation** service providers from third countries taking part in functional airspace blocks.

Justification

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

Amendment 121

Proposal for a regulation

Article 16 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

(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;

Amendment

(b) be designed to seek maximum synergies from industrial partnerships in order to meet the performance targets set in accordance with Article 11;

Justification

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

Amendment 122

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;

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

Amendment 123

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;

Justification

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

Amendment 124

Proposal for a regulation

Article 16 – paragraph 4 – subparagraph 1 – point i b (new)

Text proposed by the Commission

Amendment

(ib) facilitate consistency with the Union-wide performance targets.

Amendment 125

Proposal for a regulation

Article 16 – paragraph 5

Text proposed by the Commission

Amendment

5. The requirements set out in this Article may be met through participation of air navigation service providers in one or more functional airspace **block**.

5. The requirements set out in this Article may be met through participation of air navigation service providers in one or more functional airspace **blocks**.

Amendment 126

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 127

Proposal for a regulation Article 16 – paragraph 11

Text proposed by the Commission

11. The Commission may adopt measures regarding the information to be provided by the Member State(s) referred to in paragraph 6. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 27(3).

Amendment 128

Proposal for a regulation Article 16 a (new)

Text proposed by the Commission

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.

Amendment

11. The Commission may adopt measures regarding the information to be provided by the Member State(s) referred to in paragraph 6. Those implementing acts shall be adopted in accordance with the procedure referred to in Article 27(3). ***The provisions of this paragraph shall be without prejudice to any FAB arrangements existing on the date of entry into force of this Regulation, in so far as those arrangements meet and, where possible, exceed the performance targets set in accordance with Article 11.***

Amendment

Article 16a

Industrial partnerships

1. Air navigation service providers may cooperate 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 blocks, or any part thereof, in order 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 into account, in particular, liability issues, charging models and interoperability obstacles.

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 129

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 **and flexible** 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 130

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

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

Manager:

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 131

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 referred to in Article 16;

Amendment

(e) optimisation of airspace design, ***including airspace sectors and airspace structures in the en-route and terminal areas***, in co-operation with the air navigation service providers and functional airspace blocks referred to in Article 16;

Amendment 132

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 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.

Justification

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

Amendment 133

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 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.

Amendment 134

Proposal for a regulation
Article 17 – paragraph 5

Text proposed by the Commission

5. Aspects of airspace design other than those referred to in **paragraphs 2 and 4 (c)** shall be dealt with at national level or at the level of functional airspace blocks. This design process shall take into account traffic demands and complexity, **national or functional airspace block** performance plans and shall include full consultation of relevant airspace users or relevant groups representing airspace users and military authorities as appropriate.

Amendment 135

Proposal for a regulation
Article 19 – paragraph 1

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 **shall be** 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.

Amendment

5. Aspects of airspace design other than those referred to in **paragraph 2 and point (c) of paragraph 4** shall be dealt with at national level or at the level of functional airspace blocks. This design process shall take into account traffic demands and complexity **and local** performance plans, and shall include full consultation of relevant airspace users or relevant groups representing airspace users and military authorities as appropriate.

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 ***and strategic investment plans, especially as regards aspects requiring synchronisation between air and ground equipment deployment*** or relevant changes to airspace configurations. The Commission shall adopt measures detailing the modalities of the consultation and of the involvement of airspace users in ***the drafting of strategic investment plans with a view to ensuring their consistency with the ATM Master Plan and common projects as referred to in Article 15.*** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(3).

Amendment 136

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 that group shall be to advise the Commission on the interplay between operations and the human factor in the ATM sector.

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 137

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 shall take all necessary measures to ensure that ANSPs comply with this Article by 1 July 2017.

Justification

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

Amendment 138

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.

Amendment 139

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 not later than three months before the end of each period.

Amendment 140

Proposal for a regulation

Article 32 – paragraph 1

Text proposed by the Commission

1. Neither the national *supervisory* authorities, acting in accordance with their national legislation, nor the Commission shall disclose information of a confidential nature, in particular information about *air navigation service providers*, their business relations or their cost components.

Amendment

1. Neither the national *aviation* authorities, acting in accordance with their national legislation, nor the Commission shall disclose information of a confidential nature, in particular information about *ANSPs*, their business relations or their cost components.

Amendment 141

Proposal for a regulation

Article 32 – paragraph 2

Text proposed by the Commission

2. Paragraph 1 shall be without prejudice to the right of disclosure by national *supervisory* authorities or the Commission where this is essential for the fulfilment of their duties, in which case such disclosure shall be proportionate and shall have

Amendment

2. Paragraph 1 shall be without prejudice to the right of disclosure by national *aviation* authorities or the Commission where this is essential for the fulfilment of their duties, in which case such disclosure shall be proportionate and shall have regard to the

regard to the legitimate interests of *air navigation service providers*, airspace users, airports or other relevant stakeholders in the protection of their business secrets.

legitimate interests of *ANSPs*, airspace users, airports or other relevant stakeholders in the protection of their business secrets.

Amendment 142

Proposal for a regulation Article 33

Text proposed by the Commission

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

Amendment

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

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 143

Proposal for a regulation Annex II – point 1 – point a

Text proposed by the Commission

(a) the national *supervisory* authority issuing the certificate;

Amendment

(a) the national *aviation* authority issuing the certificate;