



**2013/0186(COD)**

5.2.2021

# **AMENDMENTS**

## **16 - 329**

**Draft report**  
**Marian-Jean Marinescu**  
(PE 662.138v01-00)

Proposal for a regulation of the European Parliament and of the Council on the implementation of the Single European Sky (recast)

Proposal for a regulation  
(COM(2020)0579 – C9-0334/2020 – 2013/0186(COD))

AM\_Com\_LegReport

**Amendment 16**  
**Johan Van Overtveldt**

**Proposal for a regulation**  
**Recital 1**

*Text proposed by the Commission*

(1) Regulation (EC) No 549/2004 of the European Parliament and of the Council<sup>23</sup>, Regulation (EC) No 550/2004 of the European Parliament and of the Council<sup>24</sup> and Regulation (EC) No 551/2004 of the European Parliament and of the Council<sup>25</sup> have been substantially amended. Since further amendments are to be made, those Regulations should be recast in the interests of clarity.

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<sup>23</sup> Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) (OJ L 96, 31.3.2004, p. 1).

<sup>24</sup> Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation) (OJ L 96, 31.3.2004, p. 10).

<sup>25</sup> Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation) (OJ L 96, 31.3.2004, p. 20).

*Amendment*

(1) Regulation (EC) No 549/2004 of the European Parliament and of the Council<sup>23</sup>, Regulation (EC) No 550/2004 of the European Parliament and of the Council<sup>24</sup> and Regulation (EC) No 551/2004 of the European Parliament and of the Council<sup>25</sup> have been substantially amended. Since further amendments are to be made ***in order to ensure that airspace policy is future-proof and fosters the resilience, efficiency and competitiveness of the sector***, those Regulations should be recast in the interests of clarity.

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<sup>23</sup> Regulation (EC) No 549/2004 of the European Parliament and of the Council of 10 March 2004 laying down the framework for the creation of the single European sky (the framework Regulation) (OJ L 96, 31.3.2004, p. 1).

<sup>24</sup> Regulation (EC) No 550/2004 of the European Parliament and of the Council of 10 March 2004 on the provision of air navigation services in the single European sky (the service provision Regulation) (OJ L 96, 31.3.2004, p. 10).

<sup>25</sup> Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation) (OJ L 96, 31.3.2004, p. 20).

Or. en

*Justification*

*We consider that the current COVID-19-pandemic offers an opportunity to robustly reform the sector and make it future-proof.*

**Amendment 17**  
**Andor Deli**

**Proposal for a regulation**  
**Recital 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**(2a) In order to take into account the developments in the broader environment of the European aviation sector such as the European Parliament resolution of 28 November 2019 on the climate and environment emergency and the EU digital agenda, it is necessary to improve the environmental efficiency of the European aviation sector.**

Or. en

*Justification*

*It is necessary to refer to the most important changes in the broader environment of the aviation sector since the adoption of the partial general approach on the SES 2+ proposal. These developments have a considerable impact on the relevant policies, regulatory initiatives and markets.*

**Amendment 18**  
**João Ferreira, Clare Daly**

**Proposal for a regulation**  
**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**(3a) whereas, in accordance with the 1944 Chicago Convention, States are responsible for managing and providing, whether directly or by delegation, air traffic services; whereas the management of European airspace on the basis of the principles laid down in this Convention has always delivered the required levels of safety and allowed the right measures and policies to be adopted, whether in air traffic management at European level or**

*in adopting measures to significantly reduce congestion and delays, thus cutting operating costs, and has never hampered the safety or fluidity of European air traffic nor impeded its efficiency;*

Or. pt

**Amendment 19**  
**João Ferreira, Clare Daly**

**Proposal for a regulation**  
**Recital 3 b (new)**

*Text proposed by the Commission*

*Amendment*

*(3b) whereas the rules set in the Chicago Convention left scope for air transport to evolve and be organised on the basis of operational needs, which should be consistent with development strategies and State sovereignty, rather than with market interests or the pursuit of profit as a primary goal; whereas, contrary to the rules of this Convention, under the SES 2+ package air traffic services are provided to ANSPs that have not been designated by the States, but which offer a better cost/benefit ratio according to supranational, monetary criteria;*

Or. pt

**Amendment 20**  
**Andor Deli**

**Proposal for a regulation**  
**Recital 4 a (new)**

*Text proposed by the Commission*

*Amendment*

*(4a) It is necessary to ensure legal certainty in the implementation of common transport policy. This entails a clear division of competences between the*

***Union and the Member States. Where decision-making powers are granted to non-state entities, it shall be ensured that such powers do not collide with the prerogatives of the Member States.***

Or. en

*Justification*

*Legal certainty is both a guiding principle of EU law and an important prerequisite for the creation of a truly functional and efficient Single European Sky. First and foremost, the competence obtained by the EU in the regulation of ATM should be clearly defined. Where non-state entities are involved in decision-making processes, the exact scope of their decision-making powers should be clarified and care should be taken in avoiding overlaps and collisions with decision-making powers of the EU, the Member States and their bodies.*

**Amendment 21**

**Karima Delli**

**Proposal for a regulation**

**Recital 5**

*Text proposed by the Commission*

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

*Amendment*

(5) Implementation of the common transport policy requires an efficient air transport system allowing the safe, regular and sustainable operation of air transport services, optimising ***the efficiency of an overall volume that will be recurrently updated and determined by the emission reduction needs of the sector to duly contribute to the general targets set by the European Climate Law***, and facilitating the free movement of goods, persons and services.

Or. en

**Amendment 22**

**Karima Delli**

**Proposal for a regulation**

**Recital 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**(6a)** *The revision of the Single European Sky regulation takes place in a world shaken by the COVID-19 pandemic, which has entailed a heavy reduction of the aviation activity. There is also a growing global awareness on the extremely negative impacts and threats to human health deriving from environmental and climate degradation. At the Union level a European Green Deal has been established, including a “zero-pollution” ambition and the oath to “Do not significant harm” to our environment, while a European Climate Law with concrete emission reduction targets within a pathway towards climate neutrality is being adopted in parallel. A “Sustainable and Smart Mobility Strategy” was presented on 9<sup>th</sup> December 2020, with a clear commitment to the urgent decarbonisation of the aviation sector, and the creation of zero-emission airports as one of its flagships.*

Or. en

## **Amendment 23**

**Karima Delli**

### **Proposal for a regulation**

#### **Recital 6 b (new)**

*Text proposed by the Commission*

*Amendment*

**(6b)** *Aviation is currently heavily dependent on polluting fossil fuels, responsible for greenhouse emissions that negatively impact climate. Besides carbon dioxide, there are also important non-CO<sub>2</sub> emissions, such as contrails or NO<sub>x</sub>, which according to scientific evidence,<sup>1a</sup> do have a relevant impact on climate change. Besides decarbonisation, the design of future aviation and of air traffic management needs comprehensive action*

*in avoiding contrails and all these climate-impacting emissions.*

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*<sup>1a</sup> See COM(2020) 747 final, “Updated analysis of the non-CO<sub>2</sub> climate impacts of aviation and potential policy measures pursuant to EU Emissions Trading System Directive Article 30(4)”.*

Or. en

**Amendment 24**  
**Karima Delli**

**Proposal for a regulation**  
**Recital 6 c (new)**

*Text proposed by the Commission*

*Amendment*

*(6c) The Single European Sky is intended as a system that should continuously contribute to at least a 10% reduction of climate-impacting emissions according to the Sustainable and Smart Mobility Strategy, which should be understood on an aggregated basis. Given the climate emergency and the important role to be played by the transport sector, including aviation, in fulfilling the climate targets established by the European Climate Law, this should be the primary concern amongst all the other possible benefits of a less fragmented airspace and a more integrated air traffic management.*

Or. en

**Amendment 25**  
**Karima Delli**

**Proposal for a regulation**  
**Recital 6 d (new)**



**(6d) The increase in fuel efficiency and reduced emissions due to optimised routes for individual flights should not be seen as an enabler for additional traffic volume, as this would instead generate a re-bound effect in total emissions, and would be overall more harmful to climate and environment than the current state of play. It should be instead seen rather as an enabler of a more rational use of the air space, allowing for more options in terms of direct flights instead of the emissions-boosting stop-overs. A more efficient use of the airspace should also provide an enhanced choice in terms of slot timing, and a generally reduced take-off and departure schedule, with benefits both to the working conditions of crews and airport staff, as well as to the quality of life of citizens living in the area impacted by the airport activity, for instance by its noise pollution.**

Or. en

## Amendment 26

Andor Deli

### Proposal for a regulation

#### Recital 7

(7) Improvements in the environmental performance of ATM **also** directly contribute to the achievement of the objectives contained in the Paris Agreement and in the Commission's European Green Deal, in particular through the reduction of aviation emissions.

(7) **While** improvements in the environmental performance of ATM directly contribute to the achievement of the objectives contained in the Paris Agreement and in the Commission's European Green Deal, in particular through the reduction of aviation emissions, **improving ATM efficiency cannot in itself ensure the environmental efficiency of the aviation sector. Furthermore, since higher traffic levels generate more**

*emissions and a greater non-CO<sub>2</sub> impact, access to airspace cannot be maximised without considering the environmental consequences.*

Or. en

#### *Justification*

*While the contribution of the ATM sector to environmental efficiency is crucial, in particular through avoiding delays and congestion, optimising traffic flows, and ensuring the sustainable use of airspace, it should be clarified that ATM in itself is incapable of resolving the environmental efficiency challenges the aviation sector is facing. ATM efficiency should remain a priority, since higher traffic levels result in a greater environmental impact.*

#### **Amendment 27**

**Karima Delli**

#### **Proposal for a regulation**

##### **Recital 7**

#### *Text proposed by the Commission*

(7) Improvements in the environmental performance of ATM *also* directly contribute to the achievement of the objectives contained in the Paris Agreement and in the Commission's European Green Deal, in particular through the reduction of aviation emissions.

#### *Amendment*

(7) Improvements in the environmental *and climate* performance of ATM *must be designed and combined to* directly contribute *in an aggregated manner* to the achievement of the objectives contained in the Paris Agreement and in the Commission's European Green Deal, in particular through the reduction of aviation emissions. *The European Commission should continuously monitor and report periodically on the overall impact of ATM performance in terms of CO<sub>2</sub> and non-CO<sub>2</sub> emissions' reduction.*

Or. en

#### **Amendment 28**

**Bogusław Liberadzki**

#### **Proposal for a regulation**

##### **Recital 7**

*Text proposed by the Commission*

(7) Improvements in the environmental performance of ATM also directly contribute to the achievement of the objectives contained in the Paris Agreement and in the Commission's European Green Deal, in particular through the reduction of aviation emissions.

*Amendment*

(7) Improvements in the environmental performance of ATM also directly contribute to the achievement of the objectives contained in the Paris Agreement and in the Commission's European Green Deal, in particular through the reduction of aviation emissions. ***Due consideration shall be given to the ANSPs' limited area for action on this topic. The impact of other aviation stakeholders on ATM performance should be monitored.***

Or. en

*Justification*

*There is only so much ANSPs can do to improve the environmental track record of aviation. Much more can be done in other areas of aviation to improve its track record, such as fleet renewal or SAFs. Last Eurocontrol study is being used. Many things are not in the remit of ANSPs.*

**Amendment 29**

**Dominique Riquet, Pierre Karleskind, Nathalie Loiseau**

**Proposal for a regulation**

**Recital 9 a (new)**

*Text proposed by the Commission*

*Amendment*

***(9a) Airspace is a common resource for all categories of users and should be used flexibly by all of them in a fair and transparent manner, with due account for Member States' security and defence needs and undertakings they have made under the aegis of international organisations.***

Or. fr

**Amendment 30**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Elsi Katainen**

**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 should not prevent a national supervisory authority from being part of a regulatory authority competent for several regulated sectors if that regulatory authority fulfils the independence requirements, or from being joined in terms of its organisation with the national competition authority. .

*Amendment*

(10) To ensure the consistent and sound oversight of service provision across Europe, the national supervisory authorities should be guaranteed **budgetary and financial** independence and **sufficient** resources. This should not prevent a national supervisory authority from being part of a regulatory authority competent for several regulated sectors if that regulatory authority fulfils the independence requirements, or from being joined in terms of its organisation with the national competition authority.

Or. en

*Justification*

*It is essential to guarantee to the national supervisory authorities full independence, including budgetary and financial, in order to carry out their tasks, especially of oversight*

**Amendment 31**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) The financing of the national supervisory authorities should guarantee their independence, and should allow them to operate in accordance with the principles of fairness, transparency, non-discrimination and proportionality. Appropriate procedures for appointing staff should contribute to guaranteeing the independence of the national supervisory authorities, ensuring in particular that the appointment of persons in charge of strategic decisions is made by a public authority **which does not directly exert**

*Amendment*

(11) The financing of the national supervisory authorities should guarantee their independence, and should allow them to operate in accordance with the principles of fairness, transparency, non-discrimination and proportionality. Appropriate procedures for appointing staff should **be set up at national level and** contribute to guaranteeing the independence of the national supervisory authorities, ensuring in particular that the appointment of persons in charge of strategic decisions is made by a public

*ownership rights over air navigation service providers.*

authority *ensuring transparency of the decision-making process*<sup>1a</sup>.

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<sup>1a</sup> *Recruitment processes are regulated by local legislation, very often the CEO or DG of ANSP is directly appointed by the State which in most States is also the owner of the ANSP*

Or. en

## **Amendment 32** **Brice Hortefeux**

### **Proposal for a regulation** **Recital 11**

#### *Text proposed by the Commission*

(11) The financing of the national supervisory authorities should guarantee their independence, and should allow them to operate in accordance with the principles of fairness, transparency, non-discrimination and proportionality. Appropriate procedures for appointing staff should contribute to guaranteeing the independence of the national supervisory authorities, *ensuring in particular that the appointment of* persons in charge of strategic decisions *is made by a public authority which does not directly exert ownership rights over air navigation service providers.*

#### *Amendment*

(11) The financing of the national supervisory authorities should guarantee their independence, and should allow them to operate in accordance with the principles of fairness, transparency, non-discrimination and proportionality. Appropriate procedures for appointing staff should contribute to guaranteeing the independence of the national supervisory authorities, *and suitable provisions should guarantee that* persons in charge of strategic decisions *act independently.*

Or. en

#### *Justification*

*Most en-route ANSP in Europe are owned by the States and the "ownership rights" are exerted by Ministers in charge of Finance and of Transports. With this proposal, it would be impossible for Member States to intervene in the appointment process.*

## **Amendment 33** **Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) The financing of the national supervisory authorities should guarantee their independence, and should allow them to operate in accordance with the principles of fairness, transparency, non-discrimination and proportionality. Appropriate procedures for appointing staff should contribute to guaranteeing the independence of the national supervisory authorities, ensuring in particular that the appointment of persons in charge of strategic decisions is made by a public authority which does not directly exert ownership rights over air navigation service providers.

*Amendment*

(11) The **public** financing of the national supervisory authorities should guarantee their independence and should allow them to operate in accordance with the principles of fairness, transparency, non-discrimination and proportionality. Appropriate procedures for appointing **competent** staff should contribute to guaranteeing the independence of the national supervisory authorities, ensuring in particular that the appointment of persons in charge of strategic decisions is made by a public authority which does not directly exert ownership rights over air navigation service providers.

Or. en

**Amendment 34**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Elsi Katainen**

**Proposal for a regulation**  
**Recital 11**

*Text proposed by the Commission*

(11) The financing of the national supervisory authorities should guarantee their independence, and should allow them to operate in accordance with the principles of fairness, transparency, non-discrimination and proportionality. Appropriate procedures for appointing staff should contribute to guaranteeing the independence of the national supervisory authorities, ensuring in particular that the appointment of persons in charge of strategic decisions is made by a public authority which does not directly exert ownership rights over air navigation

*Amendment*

(11) The financing of the national supervisory authorities should guarantee their independence, and should allow them to operate in accordance with the principles of fairness, transparency, non-discrimination and proportionality. Appropriate procedures **and criteria** for appointing staff should contribute to guaranteeing the independence of the national supervisory authorities, ensuring in particular that the appointment of persons in charge of strategic decisions is made by a public authority, which does not directly exert ownership rights over air

service providers.

navigation service providers.

Or. en

## **Amendment 35**

**Mario Furore, Laura Ferrara**

### **Proposal for a regulation**

#### **Recital 11**

##### *Text proposed by the Commission*

(11) The financing of the national supervisory authorities should guarantee their independence, and should allow them to operate in accordance with the principles of fairness, transparency, non-discrimination and proportionality. Appropriate procedures for appointing staff should contribute to guaranteeing the independence of the national supervisory authorities, ensuring in particular that the appointment of persons in charge of strategic decisions is made by a public authority ***which does not directly exert ownership rights over air navigation service providers.***

##### *Amendment*

(11) The financing of the national supervisory authorities should guarantee their independence, and should allow them to operate in accordance with the principles of fairness, transparency, non-discrimination and proportionality. Appropriate procedures for appointing staff should contribute to guaranteeing the independence of the national supervisory authorities, ensuring in particular that the appointment of persons in charge of strategic decisions is made by a public authority ***ensuring transparency of the decision-making process.***

Or. en

##### *Justification*

*Recruitment processes are regulated by National legislation, and the procedures are competence of Member States which could be also the owners of the air navigation service provider.*

## **Amendment 36**

**Johan Danielsson**

### **Proposal for a regulation**

#### **Recital 13**

##### *Text proposed by the Commission*

(13) The cooperation between air traffic service providers is an important tool for improving the performance of the

##### *Amendment*

(13) The cooperation between air traffic service providers is an important tool for improving the performance of the

European ATM system and should be encouraged. Member States should be able to set up cooperation mechanisms not limited to predefined forms of cooperation and geographical areas.

European ATM system and should be encouraged. ***The cooperation or integration between civil and military air traffic service should also be encouraged in order to improve safety, efficiency, and the performance of the European ATM system.*** Member States should be able to set up cooperation mechanisms not limited to predefined forms of cooperation and geographical areas.

Or. en

**Amendment 37**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Recital 13 a (new)**

*Text proposed by the Commission*

*Amendment*

***(13a) In line with its roles as an operational organisation and the continuing reform of the sector, the function of the Network Manager should be understood as and further developed towards an industry-led partnership.<sup>1a</sup>***

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***<sup>1a</sup> From Recital 23 of the EC's proposal from 2013 and adopted by EP***

Or. en

**Amendment 38**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

*Amendment*

(14) The safety certification and safety oversight of air navigation service providers are conducted by the national competent authorities or by the European Union Aviation Safety Agency (the

(14) The safety certification and safety oversight of air navigation service providers are conducted by the national competent authorities or by the European Union Aviation Safety Agency (the



Agency), in accordance with the requirements and processes laid down in Regulation (EU) 2018/1139. ***Additional requirements related to financial robustness, liability and insurance cover are necessary for the provision of air navigation services and should be subject to an economic certificate. An air navigation service provider should only be able to offer services in the Union where it holds both a safety certificate and the economic certificate.***

Agency), in accordance with the requirements and processes laid down in Regulation (EU) 2018/1139.

Or. en

**Amendment 39**  
**Isabel García Muñoz**

**Proposal for a regulation**  
**Recital 14**

*Text proposed by the Commission*

(14) The safety certification and safety oversight of air navigation service providers are conducted by the national competent authorities or by the European Union Aviation Safety Agency (the Agency), in accordance with the requirements and processes laid down in Regulation (EU) 2018/1139. Additional requirements related to financial robustness, liability and insurance cover are necessary for the provision of air navigation services and should be subject to an economic certificate. An air navigation service provider should only be able to offer services in the Union where it holds both a safety certificate and the economic certificate.

*Amendment*

(14) The safety certification and safety oversight of air navigation service providers are conducted by the national competent authorities or by the European Union Aviation Safety Agency (the Agency), in accordance with the requirements and processes laid down in Regulation (EU) 2018/1139. Additional requirements related to financial robustness, liability and insurance cover are necessary for the provision of air navigation services and should be subject to an economic certificate. An air navigation service provider should only be able to offer services in the Union where it holds both a safety certificate and the economic certificate. ***This requirement should not apply to military providers, for which Member States shall ensure compliance with the common requirements to the maximum extent possible.***

Or. en

### *Justification*

*Economic certificate is a “one size fits all” solution that implies an additional administrative burden for ANSP (whose benefits should be duly justified). This, however, is not only an administrative burden but also a barrier for those ANSP for which providing services to civil AUs is not their main raison d’être, such as military service providers.*

#### **Amendment 40** **Andor Deli**

#### **Proposal for a regulation** **Recital 15**

##### *Text proposed by the Commission*

(15) There should be no discrimination between airspace users as to the provision of equivalent air navigation services.

##### *Amendment*

(15) ***While*** there should be no discrimination between airspace users as to the provision of equivalent air navigation services, ***granting access to airspace and the level of air navigation fees may depend on overall environmental impact and environmental efficiency of aircraft, as in the case of the modulation of charges based on environmental criteria. Furthermore, in line with the Sustainable and Smart Mobility Strategy (COM(2020) 789) of the European Commission, it is necessary to ensure the internalisation of external cost through the implementation of the polluter pays and user pays principles, in particular through carbon charging and infrastructure charging mechanisms.***

Or. en

### *Justification*

*This Recital should refer to the possibility of a new approach to granting access to airspace and charging, in line with the proposal of the Commission for the modulation of charges. It is necessary to introduce these policies on a non-discriminatory basis. Furthermore, reference should be made to the recently published policy document of the Commission on Sustainable and Smart Mobility Strategy and the most important principles of that strategy.*

#### **Amendment 41** **Karima Delli**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) There should be no discrimination between airspace users as to the provision of equivalent air navigation services.

*Amendment*

(15) There should be no discrimination between airspace users as to the provision of equivalent air navigation services. ***This does not apply when different airspace users are treated differently on the basis of an amended performance and charging scheme, which allows for differentiation of charges based on the level of service, as well as climate and environmental performances.***

Or. en

**Amendment 42**  
**Johan Danielsson**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) There should be no discrimination between airspace users as to the provision of equivalent air navigation services.

*Amendment*

(15) There should be no discrimination between airspace users as to the provision of equivalent air navigation services. ***This does not apply when different airspace users are treated differently on the basis of an amended performance and charging scheme, which allows for differentiation of charges based on the level of service.***

Or. en

**Amendment 43**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Recital 15**

*Text proposed by the Commission*

(15) There should be no discrimination

*Amendment*

(15) There should be no discrimination

between airspace users as to the provision of equivalent air navigation services.

between airspace users as to the provision of equivalent air navigation services. ***This does not apply when different airspace users are treated differently on the basis of an amended performance and charging scheme, which allows for differentiation of charges based on the level of service.***

Or. en

#### *Justification*

*If this provision is not amended, it may in the future prevent any incentivisation of “green” behaviour of airspace users. There should be a possibility to allow modulation of charges to incentivise “environmentally friendly” behaviour/aircrafts etc.*

#### **Amendment 44 Andor Deli**

#### **Proposal for a regulation Recital 16**

##### *Text proposed by the Commission*

(16) Air traffic services, provided on an exclusive basis, should be subject to designation and minimum public interest requirements.

##### *Amendment*

(16) ***State prerogatives stemming from the responsibility of the Member States to carry out functions under the scope of the Chicago Convention, should be clearly distinguished from economic activities.***  
Air traffic services, provided on an exclusive basis, should be subject to designation and minimum public interest requirements.

Or. en

#### *Justification*

*In line with the gradual privatization and liberalization of ATM functions and activities, EU competition law is expected to play an increasingly important role in the sector. Within this context, it is necessary to clearly differentiate between state prerogatives and market-based economic activities.*

#### **Amendment 45 Karima Delli**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) Air traffic service providers or airport operators should have the choice to procure communication, navigation and surveillance services (CNS), aeronautical information services (AIS), air traffic data services (ADS), meteorological services (MET) or terminal air traffic services under market conditions, without prejudice to safety requirements, where they find that such procurement enables cost-efficiency gains. The possibility to resort to such procurement is expected to allow for more flexibility and to promote innovation in services, without affecting the specific needs of the military regarding confidentiality, interoperability, system resilience, data access, and ATM security.

*Amendment*

(17) Air traffic service providers or airport operators should have the choice to procure communication, navigation and surveillance services (CNS), aeronautical information services (AIS), air traffic data services (ADS), meteorological services (MET) or terminal air traffic services under market conditions, without prejudice to safety requirements, where they find that such procurement enables ***an improved climate or environmental performance, beyond*** cost-efficiency gains. The possibility to resort to such procurement is expected to allow for more flexibility and to promote innovation in services, without affecting the specific needs of the military regarding confidentiality, interoperability, system resilience, data access, and ATM security.

Or. en

**Amendment 46**  
**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica**

**Proposal for a regulation**  
**Recital 17**

*Text proposed by the Commission*

(17) Air traffic service providers or airport operators should ***have the choice to*** procure communication, navigation and surveillance services (CNS), aeronautical information services (AIS), air traffic data services (ADS), meteorological services (MET) or terminal air traffic services under market conditions, without prejudice to safety requirements, ***where they find*** that such procurement ***enables*** cost-efficiency gains. The ***possibility to resort to such*** procurement is expected to allow for more flexibility and to promote innovation in

*Amendment*

(17) Air traffic service providers or airport operators should procure communication, navigation and surveillance services (CNS), aeronautical information services (AIS), air traffic data services (ADS), meteorological services (MET) or terminal air traffic services under market conditions, without prejudice to safety requirements, ***unless they prove*** that such procurement ***goes to the detriment of*** cost-efficiency gains. The ***national supervisory authorities concerned should assess and approve this proof. The***

services, without affecting the specific needs of the military regarding confidentiality, interoperability, system resilience, data access, and ATM security.

procurement is expected to allow for more flexibility and to promote innovation in services, without affecting the specific needs of the military regarding confidentiality, interoperability, system resilience, data access, and ATM security.

Or. en

**Amendment 47**  
**Karima Delli**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

*Amendment*

**(18) Where terminal air traffic services are procured, they should not be subject to the charging scheme set out in this Regulation, nor to, Article 1(4) of Directive 2009/12/EC of the European Parliament and of the Council<sup>30</sup>, linked to the applicability of that scheme.** **deleted**

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<sup>30</sup> Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges (OJ L 70, 14.3.2009, p. 11).

Or. en

**Amendment 48**  
**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**  
**Recital 18**

*Text proposed by the Commission*

*Amendment*

**(18) Where terminal air traffic services are procured, they should not be subject to the charging scheme set out in this Regulation, nor to, Article 1(4) of Directive 2009/12/EC of the European** **deleted**

***Parliament and of the Council<sup>30</sup> , linked to the applicability of that scheme.***

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***<sup>30</sup> Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges (OJ L 70, 14.3.2009, p. 11).***

Or. en

#### **Amendment 49**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica**

#### **Proposal for a regulation**

##### **Recital 18**

*Text proposed by the Commission*

(18) ***Where*** terminal air traffic services ***are procured, they*** should not be subject to the charging scheme set out in this Regulation, nor to, Article 1(4) of Directive 2009/12/EC of the European Parliament and of the Council<sup>30</sup> , linked to the applicability of that scheme.

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<sup>30</sup> Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges (OJ L 70, 14.3.2009, p. 11).

*Amendment*

(18) ***Procured*** terminal air traffic services should not be subject to the charging scheme set out in this Regulation, nor to, Article 1(4) of Directive 2009/12/EC of the European Parliament and of the Council<sup>30</sup> , linked to the applicability of that scheme.

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<sup>30</sup> Directive 2009/12/EC of the European Parliament and of the Council of 11 March 2009 on airport charges (OJ L 70, 14.3.2009, p. 11).

Or. en

#### **Amendment 50**

**Karima Delli**

#### **Proposal for a regulation**

##### **Recital 19**

*Text proposed by the Commission*

(19) ***The provision of en route air traffic services should be organisationally separated from the provision of CNS, AIS, ADS, MET and terminal air traffic***

*Amendment*

***deleted***

***services, including through the separation of accounts, in order to ensure transparency and avoid discrimination, cross-subsidisation and distortion of competition.***

Or. en

*Justification*

*There is no good reason why EU legislation should determine how ANSPs should be organised (especially in case of smaller ANSPs). This provision would reduce the performance of ANSPs that made the choice of having the provision of these services in-house (using all the added value of having synergies inside one company). Requiring functional separation will lead to reduced performance.*

**Amendment 51**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Recital 19**

*Text proposed by the Commission*

*Amendment*

***(19) The provision of en route air traffic services should be organisationally separated from the provision of CNS, AIS, ADS, MET and terminal air traffic services, including through the separation of accounts, in order to ensure transparency and avoid discrimination, cross-subsidisation and distortion of competition.*** ***deleted***

Or. en

*Justification*

*There is no good reason why EU legislation should determine how ANSPs should be organised (especially in case of smaller ANSPs). This provision would reduce the performance of ANSPs that made the choice of having the provision of these services in-house (using all the added value of having synergies inside one company). Requiring functional separation will lead to reduced performance.*

**Amendment 52**

**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura, João Ferreira**



**Proposal for a regulation**  
**Recital 19**

*Text proposed by the Commission*

*Amendment*

**(19) The provision of en route air traffic services should be organisationally separated from the provision of CNS, AIS, ADS, MET and terminal air traffic services, including through the separation of accounts, in order to ensure transparency and avoid discrimination, cross-subsidisation and distortion of competition.**

**deleted**

Or. en

**Amendment 53**  
**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**  
**Recital 19**

*Text proposed by the Commission*

*Amendment*

(19) The provision of en route air traffic services should be organisationally separated from the provision of CNS, AIS, ADS, MET and terminal air traffic services, including through the separation of accounts, in order to ensure transparency and avoid discrimination, cross-subsidisation and distortion of competition.

(19) The provision of en route air traffic services should be organisationally **and functionally** separated from the provision of CNS, AIS, ADS, MET and terminal air traffic services, including through the separation of accounts, in order to ensure transparency and avoid discrimination, cross-subsidisation and distortion of competition

Or. en

**Amendment 54**  
**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica**

**Proposal for a regulation**  
**Recital 20**

*Text proposed by the Commission*

*Amendment*

(20) **Where applicable**, the procurement of air navigation services should be carried

(20) The procurement of air navigation services should be carried out in

out in accordance with Directive 2014/24/EU of the European Parliament and of the Council<sup>31</sup> and Directive 2014/25/EU of the European Parliament and of the Council<sup>32</sup>. National supervisory authorities should ensure that procurement requirements for air navigation services are fulfilled.

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<sup>31</sup> Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

<sup>32</sup> Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

accordance with Directive 2014/24/EU of the European Parliament and of the Council<sup>31</sup> and Directive 2014/25/EU of the European Parliament and of the Council<sup>32</sup>. National supervisory authorities should ensure that procurement requirements for air navigation services are fulfilled.

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<sup>31</sup> Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC (OJ L 94, 28.3.2014, p. 65).

<sup>32</sup> Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

Or. en

## Amendment 55

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

### Proposal for a regulation

#### Recital 21

*Text proposed by the Commission*

(21) The traffic management of unmanned aircraft requires the availability of common information services. In order to contain the costs of such traffic management, prices for common information services should be based on cost and a reasonable mark-up for profit, and should be subject to approval by national supervisory authorities. To enable the provision of the service, the required data should be made available by air navigation service providers.

*Amendment*

(21) ***The integration of unmanned aircraft operations must ensure a safe and shared use of the European airspace amongst unmanned and traditional operations.*** The traffic management of unmanned aircraft ***in an integrated manner*** requires the availability of common information services ***in order to create a common understanding of airspace activity in a given piece of airspace.*** In order to contain the costs of such traffic management, prices for common information services should be based on cost and a reasonable mark-up for

profit, and should be subject to approval by national supervisory authorities. To enable the provision of the service, the required data should be made available by air navigation service providers.

Or. en

#### **Amendment 56**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Elsi Katainen, Dominique Riquet**

#### **Proposal for a regulation**

##### **Recital 21**

###### *Text proposed by the Commission*

(21) The traffic management of unmanned aircraft requires the availability of common information services. In order to contain the costs of such traffic management, prices for common information services should be based on cost and a reasonable mark-up for profit, and should be subject to approval by national supervisory authorities. To enable the provision of the service, the required data should be made available by air navigation service providers.

###### *Amendment*

(21) ***The entry of unmanned aircraft operations must lead to a safe and shared use of the European airspace amongst unmanned and traditional operations.*** The traffic management of unmanned aircraft ***in an integrated manner*** requires the availability of common information services ***in order to create a common understanding of airspace activity in a given piece of airspace.*** In order to contain the costs of such traffic management, prices for common information services should be based on cost and a reasonable mark-up for profit, and should be subject to approval by national supervisory authorities. To enable the provision of the service, the required data should be made available by air navigation service providers.

Or. en

#### **Amendment 57**

**Johan Van Overtveldt**

#### **Proposal for a regulation**

##### **Recital 21**

*Text proposed by the Commission*

(21) The traffic management of unmanned aircraft requires the availability of common information services. In order to contain the costs of such traffic management, prices for common information services should be based on cost and a reasonable mark-up for profit, and should be subject to approval by national supervisory authorities. To enable the provision of the service, the required data should be made available by air navigation service providers.

*Amendment*

(21) The ***entry of unmanned aircraft operations must lead to a safe and shared use of the European airspace amongst unmanned and traditional operations. The integrated*** traffic management of unmanned aircraft requires the availability of common information services ***in view of a common understanding of airspace activity***. In order to contain the costs of such traffic management, prices for common information services should be based on cost and a reasonable mark-up for profit, and should be subject to approval by national supervisory authorities. To enable the provision of the service, the required data should be made available by air navigation service providers.

Or. en

*Justification*

*The objective of a safe co-existence of manned and unmanned aircraft operations is necessary.*

**Amendment 58**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Elsi Katainen, Dominique Riquet**

**Proposal for a regulation  
Recital 21 a (new)**

*Text proposed by the Commission*

*Amendment*

***(21a) The traffic management of unmanned aircrafts requires the availability of U-space services. Considering the vulnerability of the counterparty in the provision of U-space services, charging schemes should pay utmost attention to the safeguard of the affordability principle.***

Or. en

## Amendment 59

Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica

### Proposal for a regulation

#### Recital 22

*Text proposed by the Commission*

(22) The performance and charging schemes are intended to make air **navigation** services ***provided under conditions other than market conditions*** more cost-efficient and to promote better service quality and should, to this end, include relevant and appropriate incentives. ***In view of this objective, the performance and charging schemes should not cover services supplied under market conditions.***

*Amendment*

(22) ***The designated tendering procedure and*** the performance and charging schemes are intended to make air ***traffic*** services more cost-efficient and to promote better service quality and should, to this end, include relevant and appropriate incentives.

Or. en

## Amendment 60

Karima Delli

### Proposal for a regulation

#### Recital 22

*Text proposed by the Commission*

(22) The performance and charging schemes are intended to make air navigation services provided under conditions other than market conditions ***more*** cost-efficient and to promote better service quality and should, to this end, include relevant and appropriate incentives. In view of this objective, the performance and charging schemes should not cover services supplied under market conditions.

*Amendment*

(22) The performance and charging schemes are intended to make air navigation services provided under conditions other than market conditions cost-efficient and to promote better service quality ***as well as a lesser impact of aviation on climate and the environment*** and should, to this end, include relevant and appropriate incentives. In view of this objective, the performance and charging schemes should not cover services supplied under market conditions.

Or. en

## Amendment 61

Bogusław Liberadzki

**Proposal for a regulation**  
**Recital 22**

*Text proposed by the Commission*

(22) The performance and charging schemes are intended to **make** air navigation services **provided under conditions other than market conditions more cost-efficient and to promote better service quality and** should, **to this end, include relevant and appropriate incentives. In view of this objective, the** performance and charging schemes should not cover services supplied under market conditions.

*Amendment*

(22) The performance and charging schemes are intended to **improve the performance of the** air navigation services. **The performance scheme should aim at clearly defined, achievable outcomes, respect the air navigation service providers' management decisions and not prescribe measures to reach the targets. The** performance and charging schemes should not cover **terminal air navigation** services supplied under market conditions<sup>1a</sup>.

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<sup>1a</sup> **The performance and charging should be aimed at improving all key performance areas and not just cost efficiency. Furthermore, the non-application of the performance and charging schemes should only apply to specific air traffic services and not services procured under market conditions by ATSPs subject to the schemes. This change is also reflected in a proposed amendment to Article 19(5). Air traffic services providers are responsible for their own performance and results, but should not be held responsible for those impacts which derive from factors beyond their control.**

Or. en

**Amendment 62**  
**Clare Daly, Elena Kountoura, Leila Chaibi, João Ferreira**

**Proposal for a regulation**  
**Recital 22**

*Text proposed by the Commission*

(22) The performance and charging

*Amendment*

(22) The performance and charging

schemes are intended to make air navigation services provided under conditions other than market conditions **more** cost-efficient and to promote better service quality and should, to this end, include relevant and appropriate incentives. In view of this objective, the performance and charging schemes should not cover services supplied under market conditions.

schemes are intended to make air navigation services provided under conditions other than market conditions cost-efficient and to promote better service quality and should, to this end, include relevant and appropriate incentives. In view of this objective, the performance and charging schemes should not cover services supplied under market conditions.

Or. en

**Amendment 63**  
**Johan Danielsson**

**Proposal for a regulation**  
**Recital 22**

*Text proposed by the Commission*

(22) The performance and charging schemes are intended to make air navigation services provided under conditions other than market conditions **more** cost-efficient and to promote better service quality and should, to this end, include relevant and appropriate incentives. In view of this objective, the performance and charging schemes should not cover services supplied under market conditions.

*Amendment*

(22) The performance and charging schemes are intended to make air navigation services provided under conditions other than market conditions cost-efficient and to promote better service quality and should, to this end, include relevant and appropriate incentives. In view of this objective, the performance and charging schemes should not cover services supplied under market conditions.

Or. en

**Amendment 64**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Recital 22 a (new)**

*Text proposed by the Commission*

*Amendment*

***(22a) In order to promote better service quality, the performance and charging schemes should include relevant and appropriate outcome-based incentives. Financial incentives should be set with a***

*view to encouraging better air navigation service performance in a balanced and symmetrical manner by rewarding or penalising actual performance in relation to the binding performance targets. Evaluation of financial incentives should be based on a clear focus on effects attributable to air navigation service providers and taking due account of impacts stemming from actions of other stakeholders.<sup>1a</sup>*

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*<sup>1a</sup> Air traffic services providers are responsible for their own performance and results, but should not be held responsible for those impacts which derive from factors beyond their control. Furthermore, any potential financial incentive schemes should be designed in an appropriate balanced and symmetrical manner that ensures genuine stimulus to ANSPs to focus on improved performance outcomes. By extension, the proposals to extend the financial incentives to the deployment of specific ATM functionalities is deleted. This is on the basis that infringement procedures already serve as a mechanism to ensure timely compliance. The addition of any further penalty schemes would necessitate highly complex schemes in order to address the significant interrelationships between deployment actions and performance outcomes which would likely render them ineffective.*

Or. en

**Amendment 65**

**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura, João Ferreira**

**Proposal for a regulation**  
**Recital 25**



*Text proposed by the Commission*

(25) ***Given the cross border and network elements inherent in the provision of en route air navigation services and the fact that, as a consequence, performance is notably to be assessed against Union-wide performance targets, a Union body should be in charge of the assessment and approval of the performance plans and performance targets for en route air navigation services, subject to judicial review by an appeal body and eventually by the Court of Justice. In order to ensure that the tasks be carried out with a high level of expertise and necessary independence, that Union body should be the Agency acting as Performance Review Body (PRB), functioning in accordance with the dedicated governance rules set out in Regulation (EU) 2018/1139.*** Given their knowledge of the local circumstances, necessary to assess terminal air navigation services, national supervisory authorities should be in charge of the assessment and approval of the performance plans and performance targets for ***terminal air navigation services. The allocation of costs between en route and terminal air navigation services constitutes a single operation, relevant to both types of services, and should therefore be subject to the oversight of the Agency acting as PRB.***

*Amendment*

(25) Given their knowledge of the local circumstances, necessary to assess ***en-route and*** terminal air navigation services, national supervisory authorities should be in charge of the assessment and approval of the performance plans and performance targets for ***both*** terminal air navigation services ***and en-route*** services.

Or. en

**Amendment 66**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Recital 25**

*Text proposed by the Commission*

(25) Given the cross border and network

*Amendment*

(25) Given the cross border and network

elements inherent in the provision of en route air navigation services and the fact that, as a consequence, performance is notably to be assessed against Union-wide performance targets, a Union body should be in charge of the assessment and approval of the performance plans and performance targets for en route air navigation services, subject to judicial review by an appeal body and eventually by the Court of Justice. ***In order to ensure that the tasks be carried out with a high level of expertise and necessary independence, that Union body should be the Agency acting as Performance Review Body (PRB), functioning in accordance with the dedicated governance rules set out in Regulation (EU) 2018/1139.*** Given their knowledge of the local circumstances, necessary to assess terminal air navigation services, national supervisory authorities should be in charge of the assessment and approval of the performance plans and performance targets for terminal air navigation services. ***The allocation of costs between en route and terminal air navigation services constitutes a single operation, relevant to both types of services, and should therefore be subject to the oversight of the Agency acting as PRB.***

elements inherent in the provision of en route air navigation services and the fact that, as a consequence, performance is notably to be assessed against Union-wide performance targets, a Union body should be in charge of the assessment and approval of the performance plans and performance targets for en route air navigation services, subject to judicial review by an appeal body and eventually by the Court of Justice. Given their knowledge of the local circumstances, necessary to assess terminal air navigation services, national supervisory authorities should be in charge of the assessment and approval of the performance plans and performance targets for terminal air navigation services.

Or. en

#### **Amendment 67**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

#### **Proposal for a regulation Recital 25**

*Text proposed by the Commission*

(25) Given the cross border and network elements inherent in the provision of en route air navigation services and the fact that, as a consequence, performance is notably to be assessed against Union-wide

*Amendment*

(25) Given the cross border and network elements inherent in the provision of en route air navigation services and the fact that, as a consequence, performance is notably to be assessed against Union-wide

performance targets, a Union body should be in charge of the assessment and approval of the performance plans and performance targets for en route air navigation services, subject to judicial review by an appeal body and eventually by the Court of Justice. In order to ensure that the tasks be carried out with a high level of expertise and necessary independence, that Union body should be the Agency acting as Performance Review Body (PRB), functioning in accordance with the dedicated governance rules set out in Regulation **(EU) 2018/1139**. Given their knowledge of the local circumstances, necessary to assess terminal air navigation services, national supervisory authorities should be in charge of the assessment and approval of the performance plans and performance targets for terminal air navigation services. The allocation of costs between en route and terminal air navigation services constitutes a single operation, relevant to both types of services, and should therefore be subject to the oversight of the Agency acting as PRB.

performance targets, a Union body should be in charge of the assessment and approval of the performance plans and performance targets for en route air navigation services, subject to judicial review by an appeal body and eventually by the Court of Justice. In order to ensure that the tasks be carried out with a high level of expertise and necessary independence, that Union body should be the Agency acting as Performance Review Body (PRB), functioning in accordance with the dedicated governance rules set out in **this** Regulation. Given their knowledge of the local circumstances, necessary to assess terminal air navigation services, national supervisory authorities should be in charge of the assessment and approval of the performance plans and performance targets for terminal air navigation services. The allocation of costs between en route and terminal air navigation services constitutes a single operation, relevant to both types of services, and should therefore be subject to the oversight of the Agency acting as PRB.

Or. en

#### **Amendment 68**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

#### **Proposal for a regulation Recital 25 a (new)**

*Text proposed by the Commission*

*Amendment*

***(25a) The European Union Aviation Safety Agency acting as Performance Review Body (hereafter the “Agency acting as PRB”) that should have a permanent structure, guaranteeing that the tasks conferred upon the Agency acting as PRB be carried out with the required expertise as well as independence from public or private interests and that can rely on dedicated***

*resources; a Regulatory Board for Performance Review should be established and a Director for Performance Review should be appointed in order to carry out specifically the functions of the Agency acting as PRB; the Regulatory Board for Performance Review should act independently and should not seek or follow instructions or accept recommendations from a government of a Member State, from the Commission or any other public or private entity.*

Or. en

**Amendment 69**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation  
Recital 25 b (new)**

*Text proposed by the Commission*

*Amendment*

*(25b) The Director for Performance Review should be the legal representative of the Agency in matters of performance review and be in charge of the day-to-day administration in respect of this matter, as well as of various preparatory tasks. The Director for Performance Review should also draft and submit the section on performance review of the programming document, the annual work programme and the annual activity report of the Agency. The Regulatory Board for Performance Review as an independent body should be involved in those activities.*

Or. en

**Amendment 70**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**  
**Recital 25 c (new)**

*Text proposed by the Commission*

*Amendment*

***(25c) Where the Agency acting as PRB has decision-making powers, interested parties should, for reasons of procedural economy, be granted a right of appeal to an Appeal Board for Performance Review, which should be part of the Agency acting as PRB, but independent from its administrative and regulatory structure; cooperation between national supervisory authorities in the area of performance review is important to ensure smooth application of Union law in this area and should thus be facilitated, namely through the establishment of an Advisory Board for Performance Review***

Or. en

**Amendment 71**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**  
**Recital 25 d (new)**

*Text proposed by the Commission*

*Amendment*

***(25d) Designated air traffic service providers hold natural monopolies in respect of the services concerned, and those services are remunerated by airspace users. Because of this specific feature, it is necessary that the performance and charging schemes be applied to them, so as to optimise the provision of the services concerned on a number of points. The principal role of the Agency acting as PRB consists of the application of those schemes, and the funds necessary for its setting up can therefore be considered as necessary for reasons linked to the peculiar features***

*and the peculiar position of the providers  
of the services concerned*

Or. en

**Amendment 72**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta  
Katarzyna Łukacijewska**

**Proposal for a regulation  
Recital 25 e (new)**

*Text proposed by the Commission*

*Amendment*

*(25e) Costs related to the supervision of designated air traffic service providers by the Agency acting as PRB should be divided into costs for its setting up and running costs; the costs for the setting up of the Agency acting as PRB are short-term and limited to a few activities, such as recruitment, training and necessary IT equipment, and are necessary to initiate the supervision required for the reasons described; those costs should be paid during five financial years by designated air traffic service providers in the form of annual contributions, calculated in a fair and non-discriminatory manner. Individual contributions by designated air traffic service providers should be determined by reference to their size in order to reflect their importance in the provision of air traffic services in Europe and hence the relative benefits they draw from the supervised activity. Concretely, such contributions should be calculated based on the amount of actual revenues produced by the provision of air navigation services over the reference period preceding the reference period during which this Regulation enters into force.*

Or. en

**Amendment 73**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**

**Recital 25 f (new)**

*Text proposed by the Commission*

*Amendment*

*(25f) In order to establish uniform rules regarding the calculation of annual contributions, in particular the methodology to allocate the estimated expenditure to categories of designated air traffic service providers and the criteria to determine the level of individual contributions based on size, implementing powers should be conferred on the Commission; Running costs relate to the cost of the activities conducted by the Agency acting as PRB, in respect of the performance and charging schemes, once the operation of this activity has been set up. Running costs of the Agency acting as PRB should equally be financed by designated air traffic services providers. However, the funding should be based on fees and charges, on account of interventions necessary for the application of the performance and charging schemes. This form of funding can also be expected to enhance the autonomy and independence of the Agency acting as PRB.*

Or. en

**Amendment 74**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**

**Recital 25 g (new)**

*Text proposed by the Commission*

*Amendment*

**(25g) No revenue received by the Agency, of whatever source, should compromise its independence and impartiality. The Agency acting as PRB should also provide for a reserve fund covering one year of its operational expenditure to ensure the continuity of its operations and the execution of its tasks.**

Or. en

#### **Amendment 75**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation  
Recital 25 h (new)**

*Text proposed by the Commission*

*Amendment*

**(25h) The Agency acting as PRB should be open to the participation of third countries which have concluded agreements with the Union and which have adopted and are applying the relevant rules of Union law.**

Or. en

#### **Amendment 76**

**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura**

**Proposal for a regulation  
Recital 26**

*Text proposed by the Commission*

*Amendment*

(26) Draft performance plans in the area of en route and terminal navigation services ***should be consistent with respective Union-wide performance targets*** and conform to certain qualitative criteria, so as to ensure as much as possible that the targets set are effectively met. The

(26) ***Union-wide performance targets should be consistent with respective*** draft performance plans in the area of en route and terminal navigation services and conform to certain qualitative criteria, so as to ensure as much as possible that the targets set are effectively met. The



assessment procedure should ensure that shortcomings are swiftly corrected.

assessment procedure should ensure that shortcomings are swiftly corrected.

Or. en

#### **Amendment 77**

**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura**

#### **Proposal for a regulation**

##### **Recital 27**

###### *Text proposed by the Commission*

(27) The performance of the network functions should be subject to criteria specific to them, having regard to the peculiar nature of these functions. The network functions should be subject to performance targets in the key performance areas of the environment, capacity and cost-efficiency.

###### *Amendment*

(27) The performance of the network functions should be subject to criteria specific to them, having regard to the peculiar nature of these **characteristic network** functions. The network functions should be subject to performance targets in the key performance areas of the environment, capacity, **safety**, and cost-efficiency.

Or. en

#### **Amendment 78**

**Johan Danielsson**

#### **Proposal for a regulation**

##### **Recital 27**

###### *Text proposed by the Commission*

(27) The performance of the network functions should be subject to criteria specific to them, having regard to the peculiar nature of these functions. The network functions should be subject to performance targets in the key performance areas of the environment, capacity and cost-efficiency.

###### *Amendment*

(27) The performance of the network functions should be subject to criteria specific to them, having regard to the peculiar nature of these **specific network** functions. The network functions should be subject to performance targets in the key performance areas of **safety**, the environment, capacity, and cost-efficiency.

Or. en

**Amendment 79**  
**Karima Delli**

**Proposal for a regulation**  
**Recital 27**

*Text proposed by the Commission*

(27) The performance of the network functions should be subject to criteria specific to them, having regard to the peculiar nature of these functions. The network functions should be subject to performance targets in the key performance areas of the environment, **capacity** and cost-efficiency.

*Amendment*

(27) The performance of the network functions should be subject to criteria specific to them, having regard to the peculiar nature of these functions. The network functions should be subject to performance targets in the key performance areas of **safety, climate**, the environment, and cost-efficiency.

Or. en

*Justification*

*Taking into account that the Single European Sky is presented, among other aspects, as a system that should contribute to the reduction of climate-impacting emissions, which should be understood on an aggregated basis, the increase in capacity should not be a target as such.*

**Amendment 80**  
**Karima Delli**

**Proposal for a regulation**  
**Recital 28**

*Text proposed by the Commission*

(28) The charging scheme should be based on the principle that airspace users should pay for the cost incurred for the provision of the services received but that only cost imputable to such service and not covered otherwise should be taken into account. The costs related to the Network Manager should be included in the determined costs eligible to be charged to airspace users. Charges should 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

*Amendment*

(28) The charging scheme should be based on the principle that airspace users should pay for the cost incurred for the provision of the services received but that only cost imputable to such service and not covered otherwise should be taken into account, **in addition to a common standard climate and environmental levy per each flight operated**. The costs related to the Network Manager should be included in the determined costs eligible to be charged to airspace users. Charges should encourage the safe, efficient, effective and sustainable provision of air

performance targets and they should stimulate integrated service provision, whilst reducing the environmental impact of aviation.

navigation services with a view to achieving a high level of safety and cost-efficiency and meeting the performance targets and they should stimulate integrated service provision, whilst reducing the environmental *and climate* impact of aviation. ***The levy is aimed at internalising these external costs and contributing to create a level-playing field across modes, and particularly encouraging a modal shift towards more sustainable travel alternatives for the shorter distance flights.***

Or. en

**Amendment 81**  
**Johan Van Overtveldt**

**Proposal for a regulation**  
**Recital 28**

*Text proposed by the Commission*

(28) ***The*** charging scheme should be based on the principle that airspace users should pay for the cost incurred for the ***provision*** of the services received but that only cost imputable to such service and not covered otherwise should be taken into account. The costs related to the Network Manager should be included in the determined costs eligible to be charged to airspace users. Charges should 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 should stimulate integrated service provision, whilst reducing the environmental impact of aviation.

*Amendment*

(28) ***Article 15 of the 1944 Chicago Convention on Civil Aviation recognises that charges may be imposed or are permitted to be imposed by a contracting State for the use of air navigation facilities.*** ***The*** charging scheme should be based on the principle that airspace users should pay for the cost incurred for the ***necessary use*** of the services received but that only cost imputable to ***the use of*** such service and not covered otherwise should be taken into account. The costs related to the Network Manager should be included in the determined costs eligible to be charged to airspace users. Charges should 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 should stimulate integrated service provision, whilst reducing the environmental impact of aviation.

*Justification*

*Charges should be based on the use of services instead of the availability of services.*

**Amendment 82**

**Andor Deli**

**Proposal for a regulation****Recital 28***Text proposed by the Commission*

(28) The charging scheme should be based on the principle that airspace users should pay for the cost incurred for the ***provision of the services received*** but that only cost imputable to such service and not covered otherwise should be taken into account. ***The costs related to the Network Manager should be included in the determined costs eligible to be charged to airspace users. Charges should 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 should stimulate integrated service provision, whilst reducing the environmental impact of aviation.***

*Amendment*

(28) The charging scheme should be based on the principle that airspace users should pay for the cost incurred for the ***infrastructure and services made available*** but that only cost imputable to such service and not covered otherwise should be taken into account. ***Risk sharing mechanisms should be without prejudice to the basic principles for financing air navigation services; namely that the services remain fully user-financed, without any obligation for State subsidies.***

*Justification*

*As acknowledged by a recent statement of the Commission made in line with the Chicago Convention, air navigation services are user-financed. Therefore, we suggest changing the current wording so that it reflects the fact that the system is user financed, not only the services actually received. Further wording refers to the fact that traffic risk sharing mechanisms should not override this principle.*

**Amendment 83**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Elsi Katainen, Dominique Riquet**

**Proposal for a regulation**  
**Recital 29**

*Text proposed by the Commission*

(29) Mechanisms for modulation of charges to improve environmental performance and service quality, notably through increased use of sustainable alternative fuels, increased capacity and reduced delays, while maintaining an optimum safety level, should be set up at Union-wide level given the cross-border nature of aviation. National supervisory authorities should also have the possibility to establish mechanisms at local level regarding terminal services.

*Amendment*

(29) Mechanisms for modulation of charges to improve environmental performance and service quality, notably through increased use of sustainable alternative fuels, ***alternative clean propulsion technologies, more direct-routing***, increased capacity and reduced delays, while maintaining an optimum safety level should be set up at Union-wide level given the cross-border nature of aviation. National supervisory authorities should also have the possibility to establish mechanisms at local level regarding terminal services.

Or. en

**Amendment 84**  
**Karima Delli**

**Proposal for a regulation**  
**Recital 29**

*Text proposed by the Commission*

(29) Mechanisms for modulation of charges to improve environmental performance and service quality, notably through increased use of sustainable alternative fuels, increased ***capacity*** and reduced delays, while maintaining an optimum safety level, should be set up at Union-wide level given the cross-border nature of aviation. National supervisory authorities should also have the possibility to establish mechanisms at local level regarding terminal services.

*Amendment*

(29) Mechanisms for modulation of charges to improve environmental performance and service quality, notably through increased use of sustainable alternative fuels ***fully based on additional renewable sources***, increased ***efficiency*** and reduced delays, while maintaining an optimum safety level, should be set up at Union-wide level given the cross-border nature of aviation. National supervisory authorities should also have the possibility to establish mechanisms at local level regarding terminal services.

Or. en

## Amendment 85

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

### Proposal for a regulation

#### Recital 29

*Text proposed by the Commission*

(29) Mechanisms for modulation of charges to improve environmental performance and service quality, ***notably through increased use of sustainable alternative fuels, increased capacity and reduced*** delays, while maintaining an optimum safety level, should be set up at Union-wide level given the cross-border nature of aviation. National supervisory authorities should also have the possibility to establish mechanisms at local level regarding terminal services.

*Amendment*

(29) Mechanisms for modulation of charges to improve environmental performance and service quality ***such as reducing*** delays, while maintaining an optimum safety level, should be set up at Union-wide level given the cross-border nature of aviation. National supervisory authorities should also have the possibility to establish mechanisms at local level regarding terminal services.

Or. en

## Amendment 86

Johan Van Overtveldt

### Proposal for a regulation

#### Recital 30

*Text proposed by the Commission*

(30) ***In order to incentivise airspace users to fly the shortest route, in particular in times of congestion, it should be possible to establish a common unit rate for en route services across the Single European Sky airspace. The establishment of any such common unit rate should be revenue neutral for air traffic service providers.***

*Amendment*

***deleted***

Or. en

*Justification*

*A common unit rate risks increasing the costs. Moreover, the scheme risks being burdensome.*

**Amendment 87**  
**Karima Delli**

**Proposal for a regulation**  
**Recital 30**

*Text proposed by the Commission*

(30) In order to incentivise airspace users to fly the shortest route, in particular in times of congestion, it should be possible to establish a common unit rate for en route services across the Single European Sky airspace. The establishment of any such common unit rate should be revenue neutral for air traffic service providers.

*Amendment*

(30) In order to incentivise airspace users to fly the shortest route, in particular in times of congestion, it should be possible to establish a common unit rate for en route services across the Single European Sky airspace, ***which may be significantly reduced for aircrafts using sustainable fuels fully based on additional renewable sources***. The establishment of any such common unit rate should be revenue neutral for air traffic service providers.

Or. en

**Amendment 88**  
**Karima Delli**

**Proposal for a regulation**  
**Recital 32**

*Text proposed by the Commission*

(32) ATM network functions should contribute to the sustainable development of the air transport system and support the achievement of Union-wide performance targets. They should ensure the sustainable, efficient and environmentally optimal use of airspace and of scarce resources, reflect operational needs in the deployment of the European ATM network infrastructure and should provide support in case of network crises. A number of tasks contributing to the execution of these functions should be carried out by a Network Manager, whose action should involve all operational stakeholders concerned.

*Amendment*

(32) ATM network functions should contribute to the sustainable development of the air transport system and support the achievement of Union-wide performance targets, ***particularly in the climate and environmental areas, in order to ensure timely sectorial compliance with the emission reductions established in the European Climate Law and the full alignment with the objectives of the European Green Deal***. They should ensure the sustainable, efficient and environmentally optimal use of airspace and of scarce resources, reflect operational needs in the deployment of the European ATM network infrastructure and should

provide support in case of network crises. A number of tasks contributing to the execution of these functions should be carried out by a Network Manager, whose action should involve all operational stakeholders concerned.

Or. en

**Amendment 89**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Recital 32**

*Text proposed by the Commission*

(32) ATM network functions should contribute to the sustainable development of the air transport system and support the achievement of Union-wide performance targets. They should ensure the sustainable, efficient and ***environmentally*** optimal use of airspace and of scarce resources, reflect operational needs in the deployment of the European ATM network infrastructure and should provide support in case of network crises. A number of tasks contributing to the execution of these functions should be carried out by a Network Manager, whose action should involve all operational stakeholders concerned.

*Amendment*

(32) ATM network functions should contribute to the sustainable development of the air transport system and support the achievement of Union-wide performance targets. They should ensure the sustainable, efficient and optimal use of airspace and of scarce resources, reflect operational needs in the deployment of the European ATM network infrastructure and should provide support in case of network crises. A number of tasks contributing to the execution of these functions should be carried out by a Network Manager, whose action should involve all operational stakeholders concerned.<sup>1a</sup>

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***1a Focus on “environmentally optimal trajectories” may lead to bottlenecks in the airspace, the focusing on “optimal” trajectories allow for all factors to be considered***

Or. en

**Amendment 90**  
**Andor Deli**



**Proposal for a regulation**  
**Recital 32 a (new)**

*Text proposed by the Commission*

*Amendment*

**(32a) The Member States are party to the EUROCONTROL International Convention Relating to Co-operation for the Safety of Air Navigation according to which EUROCONTROL shall develop and operate a common European air traffic flow management system at a common international centre, and the EU has signed an Accession Protocol to the EUROCONTROL Convention.**

Or. en

*Justification*

*The EUROCONTROL Convention and the EU Accession Protocol form an important part of the complex legal framework of the Single European Sky. We consider that this fact deserves a reference in the recitals.*

**Amendment 91**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Recital 32 a (new)**

*Text proposed by the Commission*

*Amendment*

**(32a) ATM network functions related to the planning, monitoring and coordination of implementation activities of the deployment of infrastructure in the European ATM network, is performed in full cooperation and joint management with the operational stakeholders.<sup>1a</sup>**

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<sup>1a</sup> added in order to provide consistency with the amendment to art. 26.3, let.e

Or. en

**Amendment 92**  
**Andor Deli**

**Proposal for a regulation**  
**Recital 33**

*Text proposed by the Commission*

(33) In the cooperative decision making process for the decisions to be taken by the Network Manager, the interest of the network should prevail. Parties to the cooperative decision-making process should therefore act to the maximum extent possible with a view to improving the functioning and performance of the network. The procedures for the cooperative decision-making process should promote the interest of the network, and be such that issues are resolved and consensus found *wherever possible*.

*Amendment*

(33) In the cooperative decision making process for the decisions to be taken by the Network Manager, the interest of the network should prevail. Parties to the cooperative decision-making process should therefore act to the maximum extent possible with a view to improving the functioning and performance of the network. The procedures for the cooperative decision-making process should promote the interest of the network, and be such that issues are resolved and consensus found. ***The Member States should have a clear role in the cooperative decision-making process, and, at the same time, the decision-making powers belonging to Member States should be clearly distinguished from those to be taken under the scope of the cooperative decision-making process. The decisions taken in the cooperative decision-making process are not binding and are not of a regulatory nature. Therefore, there is no need for the provision of an appeal procedure for such decisions. The decision-making power and final responsibility for the decisions taken in the cooperative decision-making process belongs to the Network Manager.***

Or. en

*Justification*

*The cooperative decision making (CDM) process is poised to become a strengthened, important element of the Single European Sky framework. Therefore, it is necessary to clarify the role the Member States and the Network Manager would play in the process as well as the legal nature of the decisions taken as a result of the CDM process*

## Amendment 93

Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura

### Proposal for a regulation

#### Recital 33

##### *Text proposed by the Commission*

(33) In the cooperative decision making process for the decisions to be taken by the Network Manager, the interest of the network should prevail. Parties to the cooperative decision-making process should therefore act to the maximum extent possible with a view to improving the functioning and performance of the network. The procedures for the cooperative decision-making process should promote the interest of the network, and be such that issues are resolved and consensus found wherever possible.

##### *Amendment*

(33) In the cooperative decision making process for the decisions to be taken by the Network Manager, the interest of the network should prevail. Parties to the cooperative decision-making process should therefore act to the maximum extent possible with a view to improving the functioning and performance of the network ***but it should also take into consideration local safety concerns***. The procedures for the cooperative decision-making process should promote ***safety as well as*** the interest of the network, and be such that issues are resolved and consensus found wherever possible. ***Decisions taken shall also be considered within the context of the National Performance Plans, and a mechanism created to ensure there is no detriment to an ANSP due to the cooperative decision making process.***

Or. en

## Amendment 94

Johan Danielsson

### Proposal for a regulation

#### Recital 33

##### *Text proposed by the Commission*

(33) In the cooperative decision making process for the decisions to be taken by the Network Manager, the interest of the network should prevail. Parties to the cooperative decision-making process should therefore act to the maximum extent possible with a view to improving the functioning and performance of the

##### *Amendment*

(33) In the cooperative decision making process for the decisions to be taken by the Network Manager, the interest of the network should prevail. Parties to the cooperative decision-making process should therefore act to the maximum extent possible with a view to improving the functioning and performance of the

network. The procedures for the cooperative decision-making process should promote the interest of the network, and be such that issues are resolved and consensus found wherever possible.

network ***but it should also take into consideration local safety concerns***. The procedures for the cooperative decision-making process should promote ***safety as well as*** the interest of the network, and be such that issues are resolved and consensus found wherever possible. ***Decisions taken shall also be considered within the context of the National Performance Plans, and a mechanism created to ensure there is no detriment to an ANSP due to the cooperative decision making process.***

Or. en

**Amendment 95**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Recital 33**

*Text proposed by the Commission*

(33) In the cooperative decision making process for the decisions to be taken by the Network Manager, the interest of the network should prevail. Parties to the cooperative decision-making process should therefore act to the maximum extent possible with a view to improving the functioning and performance of the network. The procedures for the cooperative decision-making process should promote the interest of the network, and be such that issues are resolved and consensus found wherever possible.

*Amendment*

(33) In the cooperative decision making process for the decisions to be taken by the Network Manager, the interest of the network should prevail. Parties to the cooperative decision-making process should therefore act to the maximum extent possible with a view to improving the functioning and performance of the network ***but it should also take into consideration safety concerns***. The procedures for the cooperative decision-making process should promote ***safety as well as*** the interest of the network, and be such that issues are resolved and consensus found wherever possible. ***Decisions taken shall also be considered within the context of the National Performance Plans, and a mechanism created to ensure there is no detriment to an ANSP due to the cooperative decision making process.***

Or. en

### *Justification*

*Firstly, the text needs to mention that the interest of the network comes after the local safety concerns, so the role of Network Manager should be also to look into local safety concerns. Secondly, the idea to do everything “in the interest of the network” is a bit tricky. In some cases, acting “in the interest of the network” can lead to creating delays for a particular ANSP for instance. Therefore, it makes more sense not to act “in the interest of the network” but rather in the interest of the indicators set. It is not clear how this philosophy will work in the current performance scheme.*

#### **Amendment 96**

**Karima Delli**

#### **Proposal for a regulation**

##### **Recital 33**

#### *Text proposed by the Commission*

(33) In the cooperative decision making process for the decisions to be taken by the Network Manager, the interest of the network should prevail. Parties to the cooperative decision-making process should therefore act to the maximum extent possible with a view to improving the functioning and performance of the network. The procedures for the cooperative decision-making process should promote the interest of the network, and be such that issues are resolved and consensus found wherever possible.

#### *Amendment*

(33) In the cooperative decision making process for the decisions to be taken by the Network Manager, the interest of the network ***and more particularly safety*** should prevail. Parties to the cooperative decision-making process should therefore act to the maximum extent possible with a view to improving the functioning and performance of the network, ***particularly with regard to climate and environment, as well as taking always into consideration local safety concerns***. The procedures for the cooperative decision-making process should promote the interest of the network ***and more particularly safety***, and be such that issues are resolved and consensus found wherever possible.

Or. en

#### **Amendment 97**

**Jens Gieseke, Sven Schulze**

#### **Proposal for a regulation**

##### **Recital 33**

*Text proposed by the Commission*

(33) In the cooperative decision making process for the decisions to be taken by the Network Manager, the interest of the network should prevail. Parties to the cooperative decision-making process should therefore act to the maximum extent possible with a view to improving the functioning and performance of the network. The procedures for the cooperative decision-making process should promote the interest of the network, and be such that issues are resolved and consensus found wherever possible.

*Amendment*

(33) In the cooperative decision making process for the decisions to be taken by the Network Manager, the interest of the network should prevail. Parties to the cooperative decision-making process should therefore act to the maximum extent possible with a view to improving the functioning and performance of the network. The procedures for the cooperative decision-making process should ***comply with Article 18(3) of Chapter III of Commission Implementing Regulation (EU) 2019/123***, promote the interest of the network, and be such that issues are resolved and consensus found wherever possible.

Or. de

**Amendment 98**  
**Brice Hortefeux**

**Proposal for a regulation**  
**Recital 33**

*Text proposed by the Commission*

(33) In the cooperative decision making process for the decisions to be taken by the Network Manager, the interest of the network should prevail. Parties to the cooperative decision-making process should therefore act to the maximum extent possible with a view to improving the functioning and performance of the network. The procedures for the cooperative decision-making process should promote the interest of the network, and be such that issues are resolved and consensus found wherever possible.

*Amendment*

(33) In the cooperative decision making process for the decisions to be taken by the Network Manager, the interest of the network should prevail ***except in cases where defence and national security requirements so require***. Parties to the cooperative decision-making process should therefore act to the maximum extent possible with a view to improving the functioning and performance of the network. The procedures for the cooperative decision-making process should promote the interest of the network, and be such that issues are resolved and consensus found wherever possible.

Or. en

### *Justification*

*The rationale behind this AM is to make sure defence and national security requirements prevail over the interest of the network.*

#### **Amendment 99**

**Dominique Riquet, Pierre Karleskind, Nathalie Loiseau**

#### **Proposal for a regulation**

##### **Recital 33**

###### *Text proposed by the Commission*

(33) In the cooperative decision making process for the decisions to be taken by the Network Manager, the interest of the network should prevail. Parties to the cooperative decision-making process should therefore act to the maximum extent possible with a view to improving the functioning and performance of the network. The procedures for the cooperative decision-making process should promote the interest of the network, and be such that issues are resolved and consensus found wherever possible.

###### *Amendment*

(33) In the cooperative decision making process for the decisions to be taken by the Network Manager, the interest of the network should prevail, ***except in cases where national security demands otherwise***. Parties to the cooperative decision-making process should therefore act to the maximum extent possible with a view to improving the functioning and performance of the network. The procedures for the cooperative decision-making process should promote the interest of the network, and be such that issues are resolved and consensus found wherever possible.

Or. fr

#### **Amendment 100**

**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura, João Ferreira**

#### **Proposal for a regulation**

##### **Recital 34**

###### *Text proposed by the Commission*

***(34) To enhance the customer focus of air traffic 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***

###### *Amendment*

***deleted***

*decisions of the air traffic service providers should be made more effective.*

Or. en

**Amendment 101**  
**Johan Danielsson**

**Proposal for a regulation**  
**Recital 34**

*Text proposed by the Commission*

(34) To enhance the customer focus of air traffic 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 traffic service providers should be made more effective.

*Amendment*

(34) To enhance the customer focus of air traffic service providers, the consultation of stakeholders in major operational decisions of the air traffic service providers should be made more effective.

Or. en

**Amendment 102**  
**Karima Delli**

**Proposal for a regulation**  
**Recital 34**

*Text proposed by the Commission*

(34) To enhance the customer focus of air traffic 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 traffic service providers should be made more effective.

*Amendment*

(34) To enhance the customer focus of air traffic service providers, the consultation of stakeholders in major operational decisions of the air traffic service providers should be made more effective.

Or. en



### *Justification*

*ATS providers serve all European citizens, various kind of airspace users and passengers. There is no reason to put so much emphasis and reference to customer focus. Furthermore, “stakeholders” as such cannot participate equally in “major operational decisions of ATSPs” by their nature. For instance, ATS has to take into account not only needs of vocal airline associations, but also citizens (living in the vicinity of airports, overflowed populations etc.). Furthermore, the mere fact that someone is a user of a service does not mean that he/she has a good understanding and knowledge of the functioning of that service, and that he/she should be taking part in decisions regarding that service. (Example of RP2 where airlines were asking for couple of cents of reduction on each ticket, not sure the end “customer” (the passenger) who experienced delays in 2018 and 2019 would have made the same choice.*

#### **Amendment 103**

**Bogusław Liberadzki**

#### **Proposal for a regulation**

#### **Recital 35**

##### *Text proposed by the Commission*

(35) Availability of relevant operational data is essential for enabling the flexible provision of air traffic data services, on cross-border and on Union-wide bases. Therefore, such data should be made available to relevant stakeholders, including to prospective new providers of air traffic data services. Accuracy of information including 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*

(35) Availability of relevant operational data ***in an interoperable format*** is essential for enabling the flexible provision of air traffic data services, on cross-border and on Union-wide bases. Therefore, such data should be made available to relevant stakeholders, including to prospective new providers of air traffic data services. Accuracy of information including 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.

Or. en

### *Justification*

*The idea of data being available to everybody seems nice, but with no proper standard, this is completely useless (data/systems that are not compatible cannot be used). It also raises*

*questions around cybersecurity, making the data available also means giving the possibility to perform denial of service (DoS) attacks. Also, there could be some “national security” issues, not all the data could be available and not all Member States may be willing to share all their info.*

#### **Amendment 104**

**Karima Delli**

#### **Proposal for a regulation**

##### **Recital 35**

###### *Text proposed by the Commission*

(35) Availability of relevant operational data is essential for enabling the flexible provision of air traffic data services, on cross-border and on Union-wide bases. Therefore, such data should be made available to relevant stakeholders, including to prospective new providers of air traffic data services. Accuracy of information including 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*

(35) Availability of relevant operational data ***in an interoperable format*** is essential for enabling the flexible provision of air traffic data services, on cross-border and on Union-wide bases. Therefore, such data should be made available to relevant stakeholders, including to prospective new providers of air traffic data services. Accuracy of information including 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.

Or. en

#### **Amendment 105**

**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura**

#### **Proposal for a regulation**

##### **Recital 35**

###### *Text proposed by the Commission*

(35) Availability of relevant operational data is essential for enabling the flexible

###### *Amendment*

(35) Availability of relevant operational data ***in a standardised format*** is essential

provision of air traffic data services, on cross-border and on Union-wide bases. Therefore, such data should be made available to relevant stakeholders, including to prospective new providers of air traffic data services. Accuracy of information including 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.

for enabling the flexible provision of air traffic data services, on cross-border and on Union-wide bases. Therefore, such data should be made available to relevant stakeholders, including to prospective new providers of air traffic data services. Accuracy of information including 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.

Or. en

#### **Amendment 106**

**Dominique Riquet, Pierre Karleskind, Nathalie Loiseau**

#### **Proposal for a regulation**

#### **Recital 37 a (new)**

*Text proposed by the Commission*

*Amendment*

***(37a) This Regulation shall be without prejudice to Member States' competence to adopt provisions concerning the organisation of their armed forces. This competence may require Member States to take measures to ensure that their armed forces have sufficient airspace to ensure a suitable level of training. Provision should therefore be made for a safeguards clause to enable this power to be exercised.***

Or. fr

#### **Amendment 107**

**Karima Delli**

**Proposal for a regulation**  
**Recital 38**

*Text proposed by the Commission*

(38) The SESAR project is aimed at enabling the safe, efficient and environmentally sustainable development of air transport by modernising the European and global ATM system. In order to contribute to its full effectiveness, proper coordination between the phases of the project should be ensured. The European ATM Master Plan should result from the SESAR definition phase, and should contribute to achieving the Union-wide performance targets.

*Amendment*

(38) The SESAR project is aimed at enabling the safe, efficient and environmentally sustainable development of air transport by modernising the European and global ATM system. In order to contribute to its full effectiveness, proper coordination between the phases of the project should be ensured. The European ATM Master Plan should result from the SESAR definition phase, and should contribute to achieving the Union-wide performance targets, ***particularly in the climate and environmental areas, in order to ensure timely sectorial compliance with the emission reductions established in the European Climate Law and the full alignment with the objectives of the European Green Deal.***

Or. en

**Amendment 108**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Elsi Katainen, Dominique Riquet**

**Proposal for a regulation**  
**Recital 39**

*Text proposed by the Commission*

(39) The concept of common projects should aim at implementing, in a timely, coordinated and synchronised manner, the essential operational changes identified in the European ATM Master Plan which have a network-wide ***impact. The*** Commission should be charged with carrying out a cost-benefit analysis in respect of the funding with a view to ***speedying*** up the deployment of the SESAR project.

*Amendment*

(39) The concept of common projects should aim at implementing, in a timely, coordinated and synchronised manner, the essential operational changes identified in the European ATM Master Plan which have a network-wide ***impact. In particular the common projects should promote and accelerate the update of new digital technologies that are critical to the future scalability, resilience and sustainability of the ATM system in Europe. The*** Commission should be charged with

carrying out a cost-benefit analysis in respect of the funding with a view to *speeding* up the deployment of the SESAR project.

Or. en

#### **Amendment 109**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

#### **Proposal for a regulation**

#### **Recital 39 a (new)**

*Text proposed by the Commission*

*Amendment*

***(39a) In order to streamline the SESAR deployment phase, an enhanced coordination of standardisation activities should ensure the timely availability of standards required to deploy SESAR solutions. A reformed and integrated European Aviation Standards Coordination Group (EASCG) should contribute to a further customer-focused standardisation process, making sure the needs of operational stakeholders are appropriately prioritised.***

Or. en

#### **Amendment 110**

**Bogusław Liberadzki**

#### **Proposal for a regulation**

#### **Recital 41**

*Text proposed by the Commission*

*Amendment*

(41) In order to take into account technical or operational developments, in particular by amending annexes, or by supplementing the provisions on network management, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union

(41) In order to take into account technical or operational developments, in particular by amending annexes, or by supplementing the provisions on network management, 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. When adopting delegated acts under this Regulation, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>33</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>33</sup> OJ L 123, 12.5.2016, p. 1.

should be delegated to the Commission. The content and scope of each delegation is set out in detail in the relevant Articles. When adopting delegated acts under this Regulation, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level ***within the Expert Group on Human Dimension of the Single European Sky***, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>33</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>33</sup> OJ L 123, 12.5.2016, p. 1.

Or. en

### *Justification*

*The EGHD as an expert group of the European Commission has been established to fulfil this role, and is relevant to be consulted in a timely manner and give input on such matters; therefore it should be mentioned in this regulation.*

## **Amendment 111**

**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura**

### **Proposal for a regulation**

#### **Recital 41**

#### *Text proposed by the Commission*

(41) In order to take into account technical or operational developments, in particular by amending annexes, or by supplementing the provisions on network management, the power to adopt acts in

#### *Amendment*

(41) In order to take into account technical or operational developments, in particular by amending annexes, or by supplementing the provisions on network management, 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. When adopting delegated acts under this Regulation, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>33</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>33</sup> OJ L 123, 12.5.2016, p. 1.

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. When adopting delegated acts under this Regulation, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level ***within the Expert Group on Human Dimension of the Single European Sky***, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>33</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>33</sup> OJ L 123, 12.5.2016, p. 1.

Or. en

## **Amendment 112**

### **Johan Danielsson**

#### **Proposal for a regulation**

#### **Recital 41**

##### *Text proposed by the Commission*

(41) In order to take into account technical or operational developments, in particular by amending annexes, or by supplementing the provisions on network management, 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

##### *Amendment*

(41) In order to take into account technical or operational developments, in particular by amending annexes, or by supplementing the provisions on network management, 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. When adopting delegated acts under this Regulation, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>33</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>33</sup> OJ L 123, 12.5.2016, p. 1.

set out in detail in the relevant Articles. When adopting delegated acts under this Regulation, it is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level ***within the Expert Group on Human Dimension***, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>33</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

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<sup>33</sup> OJ L 123, 12.5.2016, p. 1.

Or. en

## **Amendment 113**

**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura, João Ferreira**

### **Proposal for a regulation**

#### **Recital 42**

*Text proposed by the Commission*

***(42) In order to ensure uniform conditions for the implementation of this Regulation, in particular with regard to the modalities of recruitment and selection procedures for national supervisory authorities, rules on the economic certification of air navigation service providers, rules for the implementation of the performance and charging schemes, in particular on the setting of Union-wide performance targets, the classification of en route and terminal air navigation services, the criteria and procedures for the assessment***

*Amendment*

***deleted***



*of the draft performance plans and performance targets of air traffic service providers and the Network Manager, the monitoring of performance, rules for the provision of information on costs and charges, the content and establishment of the cost base for charges and the setting of unit rates for air navigation services, incentive mechanisms and risk-sharing mechanisms, the appointment of the Network Manager and the terms and conditions of such appointment, the tasks of the Network Manager and the governance mechanisms to be applied by it, rules on the execution of the network functions, modalities of the consultation of stakeholders on major operational decisions of the air traffic service providers, requirements regarding the availability of operational data, conditions of access and setting of access prices, application of the concept of flexible use of airspace, the establishment of common projects and the governance mechanisms applicable to them, 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<sup>34</sup>.*

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<sup>34</sup> *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 powers (OJ L 55, 28.2.2011, p. 13).*

Or. en

**Amendment 114**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Recital 42**

*Text proposed by the Commission*

*Amendment*

**(42) In order to ensure uniform conditions for the implementation of this Regulation, in particular with regard to the modalities of recruitment and selection procedures for national supervisory authorities, rules on the economic certification of air navigation service providers, rules for the implementation of the performance and charging schemes, in particular on the setting of Union-wide performance targets, the classification of en route and terminal air navigation services, the criteria and procedures for the assessment of the draft performance plans and performance targets of air traffic service providers and the Network Manager, the monitoring of performance, rules for the provision of information on costs and charges, the content and establishment of the cost base for charges and the setting of unit rates for air navigation services, incentive mechanisms and risk-sharing mechanisms, the appointment of the Network Manager and the terms and conditions of such appointment, the tasks of the Network Manager and the governance mechanisms to be applied by it, rules on the execution of the network functions, modalities of the consultation of stakeholders on major operational decisions of the air traffic service providers, requirements regarding the availability of operational data, conditions of access and setting of access prices, application of the concept of flexible use of airspace, the establishment of common projects and the governance mechanisms applicable to them, 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**

**deleted**

of the Council<sup>34</sup>.

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<sup>34</sup> 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 powers (OJ L 55, 28.2.2011, p. 13).

Or. en

#### *Justification*

*The mandate given here is unclear and further clarification of the framework within the rest of the regulatory proposal should be provided to show the need of such a recital.*

#### **Amendment 115**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

#### **Proposal for a regulation**

##### **Recital 45**

*Text proposed by the Commission*

*Amendment*

**(45) In view of the legal position of the Kingdom of Spain with regard to sovereignty and jurisdiction on the territory where the airport is located, this Regulation should not apply to Gibraltar airport.** **deleted**

Or. en

#### **Amendment 116**

**Karima Delli**

#### **Proposal for a regulation**

##### **Article 1 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. This Regulation lays down rules for

1. This Regulation lays down rules for

the creation and effective functioning of the Single European Sky in order to reinforce 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 and air navigation services 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 , a progressively more integrated airspace, network management and air traffic management systems based on safety, efficiency, interoperability and technological modernisation , for the benefit of all airspace users, citizens and the environment.

the creation and effective functioning of the Single European Sky in order to reinforce 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 and air navigation services for general air traffic in Europe, with a view to meeting the requirements of all airspace users ***and enable the due contribution of air transport sector to the objectives of the European Green Deal, and achieving the emission reduction targets within the European Climate Law in particular.*** The Single European Sky shall comprise a coherent pan-European network , a progressively more integrated airspace, network management and air traffic management systems based on safety, efficiency, interoperability and technological modernisation , for the benefit of all airspace users, citizens and the environment.

Or. en

## Amendment 117

Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura

### Proposal for a regulation

#### Article 1 – paragraph 1

##### *Text proposed by the Commission*

1. This Regulation lays down rules for the creation and effective functioning of the Single European Sky in order to reinforce 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 and air navigation services 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 , ***a progressively more***

##### *Amendment*

1. This Regulation lays down rules for the creation and effective functioning of the Single European Sky in order to reinforce 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 and air navigation services 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***, network

*integrated airspace*, network management and air traffic management systems based on safety, efficiency, interoperability and technological modernisation , for the benefit of all airspace users, citizens and the environment.

management and air traffic management systems based on safety, efficiency, interoperability and technological modernisation, for the benefit of all airspace users, citizens and the environment.

Or. en

**Amendment 118**  
**João Ferreira, Clare Daly**

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

*Text proposed by the Commission*

*Amendment*

***1a. This regulation, in accordance with the principles derived from the Chicago Convention, should help to reverse the processes of deregulating, liberalising and centralising air traffic management services, pursued under the Single European Sky process, launched in 1999, thus empowering Member States to manage their air space and to monitor and organise services according to their needs, as well as promoting closer interstate cooperation;***

Or. pt

**Amendment 119**  
**Dominique Riquet, Pierre Karleskind, Nathalie Loiseau**

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

*Text proposed by the Commission*

*Amendment*

2. The application of this Regulation shall be without prejudice to Member States' sovereignty over their airspace and to the requirements of the Member States relating to public order, public security and

2. The application of this Regulation shall be without prejudice to Member States' sovereignty over their airspace and to the requirements of the Member States relating to public order, public security and

defence matters, as set out in Article 44. This Regulation does not cover military operations and training.

defence matters, as set out in Article 44 ***and their national security, as set out in Article 4 of the TEU***. This Regulation does not cover military operations and training. ***Cooperation with the military authorities is however necessary to ascertain the potential effects of implementing this regulation on these activities.***

Or. fr

**Amendment 120**  
**Brice Hortefeux**

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

*Text proposed by the Commission*

2. The application of this Regulation shall be without prejudice to Member States' sovereignty over their airspace and to the requirements of the Member States relating to public order, public security and defence matters, as set out in Article 44. This Regulation does not cover military operations and training.

*Amendment*

2. The application of this Regulation shall be without prejudice to Member States' sovereignty over their airspace and to the requirements of the Member States relating to public order, public security and defence matters, as set out in Article 44, ***and to their national security as set out in TUE article 4§2***. This Regulation does not cover military operations and training ***but a coordination with the military authorities shall be ensured to address potential impacts of the application of this regulation on those activities.***

Or. en

*Justification*

*The rationale behind this AM is to make sure the implementation of this regulation will not have a negative impact on security and defence missions, hence the need for coordination.*

**Amendment 121**  
**Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider, Julie Lechanteux, Philippe Olivier**

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

*Text proposed by the Commission*

2. The application of this Regulation shall be without prejudice to Member States' sovereignty over their airspace and to the requirements of the Member States relating to public order, public security and defence matters, as set out in Article 44. This Regulation does not cover military operations and training.

*Amendment*

2. The application of this Regulation shall be without prejudice to Member States' sovereignty over their airspace and to the requirements of the Member States relating to public order, public security and defence matters, as set out in Article 44. This Regulation does not cover military operations and training, ***whereas coordination with military authorities shall be ensured to identify and address potential impacts of the application of this regulation on those activities.***

Or. en

**Amendment 122**  
**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

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

*Text proposed by the Commission*

5. ***[In the event the Regulation is adopted before the end of the transition period: This Regulation shall not apply to Gibraltar airport.]***

*Amendment*

***deleted***

Or. en

**Amendment 123**  
**Andor Deli**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 6**

*Text proposed by the Commission*

6. 'air traffic data services' means services consisting in the collection,

*Amendment*

6. 'air traffic data services' means ***functions or*** services consisting in the

aggregation **and** integration of operational data from providers of surveillance services, from providers of MET and AIS and network functions and from other relevant entities, or the provision of processed data for air traffic control and air traffic management purposes;

collection, aggregation **or** integration of operational data from providers of surveillance services, from providers of MET and AIS and network functions and from other relevant entities, or the provision of processed data for air traffic control and air traffic management purposes;

Or. en

*Justification*

*Air traffic data services could be structured both as ‘services’ and as ‘functions’ carried out by public entities. It is necessary to keep those functions carried out by public entities under the scope of the Regulation*

**Amendment 124**

**Kosma Złotowski, Tomasz Piotr Poręba, Roberts Zile**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 7**

*Text proposed by the Commission*

7. ‘**air traffic flow and** capacity management (**ATFCM**)’ means a service aiming at protecting air traffic control from over-delivery and optimising the use of the available capacity;

*Amendment*

7. ‘capacity management **service**’ means a service aiming at protecting air traffic control from over-delivery and optimising the use of the available capacity, **performed at network level by the Network Manager and at regional and local level by ANSPs.**

Or. en

*Justification*

*This proposal goes in line with further changes introduced in article 26 regarding the scope of the network functions. In order to not mix ATFM and ATFCM, we propose to distinguish capacity management from ATFM by determining that the latter one is supplemented by capacity management service. Additionally, having in that the regulation does not include any details regarding the above-mentioned service, in order to safeguard interests of MSs and ANSPs it is justified to clearly indicate which entities are responsible for delivering it at local and regional level.*



**Amendment 125**  
**Andor Deli**

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

*Text proposed by the Commission*

7. ‘air traffic flow and capacity management (ATFCM)’ means a service aiming at protecting air traffic control from over-delivery and optimising the use of the available capacity;

*Amendment*

7. ‘air traffic flow and capacity management (ATFCM)’ means **a function** **or** a service aiming at protecting air traffic control from over-delivery and optimising the use of the available capacity;

Or. en

*Justification*

*Air traffic flow and capacity management could be structured both as a ‘service’ and as a ‘function’ carried out by public entities. It is necessary to keep those functions carried out by public entities under the scope of the Regulation.*

**Amendment 126**  
**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

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

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 127**  
**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 10 a (new)**

*Text proposed by the Commission*

*Amendment*

**10a. ‘air traffic service contract’ means one or more legally binding acts, following a competitive tendering procedure, that confirm the agreement between Member States concerned and an air traffic service provider to entrust to provide air traffic services;**

Or. en

**Amendment 128**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 10 b (new)**

*Text proposed by the Commission*

*Amendment*

**10b. “designated air traffic service provider” means an air traffic service provider designated to provide air traffic services based on a competitive tendering procedure and hold an air traffic service contract;**

Or. en

**Amendment 129**

**Andor Deli**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 12**

*Text proposed by the Commission*

*Amendment*

12. ‘airspace management’ means a planning function with the primary objective of **maximising** the utilisation of available airspace by dynamic time-sharing and, at times, the segregation of airspace

12. ‘airspace management’ means a planning function with the primary objective of **optimising** 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;

among various categories of airspace users  
on the basis of short-term needs;

Or. en

*Justification*

*Maximising the utilisation of available airspace cannot be an objective in itself, since the Green Deal objectives and the Sustainable and Smart Mobility Strategy of the European Commission call for a more complex approach also considering the impact of aviation, calling for a smarter, more innovative approach to policy-making and regulation. 'Optimisation' of the utilisation of airspace is more in line with the objectives of the Commission and the needs of the aviation sector.*

**Amendment 130**

**Johan Van Overtveldt**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 13**

*Text proposed by the Commission*

13. 'airspace structure' means a specific volume of airspace defined with a view to ensuring the safe and optimal operation of aircraft;

*Amendment*

13. 'airspace structure' means a specific volume **and use** of airspace defined with a view to ensuring the safe and optimal operation of aircraft;

Or. en

*Justification*

*Charges should be based on the use of services instead of the availability of services.*

**Amendment 131**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 18**

*Text proposed by the Commission*

18. 'baseline value' means **a** value **defined by way of estimation** for the purpose of setting performance targets and concerning determined costs or determined

*Amendment*

18. 'baseline value' means **an** **estimated** value for the purpose of setting performance targets and concerning determined costs or determined unit costs

unit costs during the year preceding the start of the relevant reference period;

during the year preceding the start of the relevant reference period;

Or. en

#### **Amendment 132**

**Bogusław Liberadzki**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 20**

##### *Text proposed by the Commission*

20. ‘breakdown value’ means the value obtained, for a given air traffic service provider, by breaking down a Union-wide performance target to the level of each air traffic service provider and serving as a reference for *assessing consistency of the performance target set in draft performance plan with the Union-wide performance target*;

##### *Amendment*

20. ‘breakdown value’ means the value obtained, for a given air **navigation** traffic service provider, by breaking down a Union-wide performance target to the level of each air traffic service provider and serving as a reference for *the development of national performance targets, the assessment and approval of the draft performance plans by the national supervisory authorities, as well as for the PRB in the context of their European monitoring and benchmarking activities*<sup>1a</sup>;

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<sup>1a</sup> *Breakdown values are needed as reference values for air navigation service providers in their development of their draft performance plans, as well as for the national regulators in their assessment and approval process of those draft performance plans. The development of national targets needs to take due account of local needs, specificities, setups and constraints of the specific regulated entities, which might lead to a deviation from those reference values.*

Or. en

#### **Amendment 133**

**Jens Gieseke, Sven Schulze**

## Proposal for a regulation

### Article 2 – paragraph 1 – point 20

*Text proposed by the Commission*

(20) ‘breakdown value’ means the value obtained, for a given air **traffic** service provider, by breaking down a Union-wide performance target to the level of each air traffic service provider and serving as a reference for **assessing consistency of the performance target set in draft performance plan with the Union-wide performance target**;

*Amendment*

(20) ‘breakdown value’ means the value obtained, for a given air **navigation** service provider, by breaking down a Union-wide performance target to the level of each air traffic service provider and serving as a reference for **determining national performance targets, the assessment and approval of draft performance targets by the responsible national authorities, and the PRB in the context of its European monitoring and benchmarking activities.**

Or. de

## Amendment 134

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

## Proposal for a regulation

### Article 2 – paragraph 1 – point 21

*Text proposed by the Commission*

21. ‘certificate’ means a document issued **by the Agency, by a national competent authority or by a national supervisory authority, in any form complying with national law, which confirms that an air traffic management and air navigation service provider meets the requirements for providing a specific service**;

*Amendment*

21. ‘certificate’ means a document issued **as the result of a certification attesting compliance with the applicable** requirements;

Or. en

## Amendment 135

Karima Delli

## Proposal for a regulation

### Article 2 – paragraph 1 – point 21 a (new)

*Text proposed by the Commission*

*Amendment*

**21a.** *‘climate-impacting emissions’ means those emissions of carbon dioxide causing a greenhouse effect, as well as non-CO2 emissions, such as contrails or NOx, which according to scientific evidence have an impact on climate change;*

Or. en

### **Amendment 136**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 22**

*Text proposed by the Commission*

*Amendment*

22. *‘common information service (CIS)’* means a service consisting in the collection of static and dynamic data and their dissemination to enable the provision of services for the management of traffic of unmanned aircraft;

22. *‘UAV information service (UAVIS)’* means a service consisting in the collection of static and dynamic data and their dissemination to enable the provision of services for the management of traffic of unmanned aircraft ***in a way that enables safe and shared use of the airspace together with manned aircraft;***

Or. en

### **Amendment 137**

**Kosma Złotowski, Tomasz Piotr Poręba**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 22**

*Text proposed by the Commission*

*Amendment*

22. *‘common information service (CIS)’* means a service consisting in the collection of static and dynamic data and their dissemination to enable the provision of services for ***the management of traffic***

22. *‘common information service (CIS)’* means a service consisting in the collection of static and dynamic data and their dissemination to enable the provision of services for unmanned aircraft;

*of* unmanned aircraft;

Or. en

*Justification*

*With set of highly specialised services which might be required to be provided within U-Space, definition should refer to the provision of services for unmanned aircraft in general. Some of the services provided within U-Space may not strictly concern the management.*

**Amendment 138**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Elsi Katainen, Dominique Riquet**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 22 a (new)**

*Text proposed by the Commission*

*Amendment*

**22a. “U-space airspace” means a UAS geographical zone designated by Member States, where UAS operations are only allowed to take place with the support of U-space services provided by an U-Space service provider;**

Or. en

**Amendment 139**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Elsi Katainen, Dominique Riquet**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 22 b (new)**

*Text proposed by the Commission*

*Amendment*

**22b. “U-space service” means a service relying on a high level of digitalisation and automation of functions designed to support safe, efficient and secure access to U-space airspace for a large numbers of UAS;**

Or. en

#### Amendment 140

Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Elsi Katainen, Dominique Riquet

#### Proposal for a regulation

#### Article 2 – paragraph 1 – point 22 c (new)

*Text proposed by the Commission*

*Amendment*

**22c. “U-space service provider” means any legal or natural person providing or intending to provide U-space services;**

Or. en

#### Amendment 141

Andor Deli

#### Proposal for a regulation

#### Article 2 – paragraph 1 – point 26

*Text proposed by the Commission*

*Amendment*

26. ‘cooperative decision-making’ means a process in which ***decisions are made based on interaction and consultation with*** Member States, operational stakeholders and other actors ***as appropriate***;

26. ‘cooperative decision-making’ ***(CDM)*** means a ***decision-making*** process ***defined by law as a CDM process***, in which ***the entity defined as holding the decision-making power shall take into account the views expressed by*** Member States operational stakeholders and other actors ***involved in the CDM process***;

Or. en

#### *Justification*

*In order to strengthen the CDM process and to eliminate existing legal uncertainties, it is necessary to improve the original definition by adding the most important legal characteristics of this type of decision-making.*

#### Amendment 142

Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Elsi Katainen



**Proposal for a regulation**

**Article 2 – paragraph 1 – point 26**

*Text proposed by the Commission*

26. ‘cooperative decision-making’ means a process in which decisions are made based on interaction and consultation with Member States, operational stakeholders and other actors as appropriate;

*Amendment*

26. ‘cooperative decision-making’ means a process in which decisions **by the Network Manager** are made based on interaction and consultation with Member States, operational stakeholders and other actors as appropriate;

Or. en

**Amendment 143**

**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 26**

*Text proposed by the Commission*

26. ‘cooperative decision-making’ means a process in which decisions are made based on interaction and consultation with **Member States**, operational stakeholders and other actors as appropriate;

*Amendment*

26. ‘cooperative decision-making’ means a process in which decisions are made based on interaction and consultation with operational stakeholders **and with Member States** and other actors as appropriate;

Or. en

*Justification*

*CDM-related aspects should be placed in the centre of the regulation when it comes to execution of the network functions. For this reason it is suggested to move a reference to Member States in the definition of CDM since involvement of the MS will only be required if operational stakeholders will fail to reach a decision through the CDM processes.*

**Amendment 144**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 34**

*Text proposed by the Commission*

34. ‘flexible use of airspace’ means an airspace management concept based on the fundamental principle that airspace should not be designated as either pure civil or military airspace, but ***rather be considered*** as a continuum in which all user requirements have to be accommodated to the extent possible ;

*Amendment*

34. ‘flexible use of airspace’ means an airspace management concept based on the fundamental principle that airspace should not be designated as either pure civil or military airspace, but as a ***one*** continuum in which all user requirements have to be accommodated to the extent possible;

Or. en

**Amendment 145**  
**Johan Van Overtveldt**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 35 a (new)**

*Text proposed by the Commission*

*Amendment*

***35a. ‘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;***

Or. en

*Justification*

*We reinsert this definition, which was deleted in the Commission proposal. We believe Functional Airspace Blocks should remain possible on a voluntary basis.*

**Amendment 146**  
**Johan Van Overtveldt**

## Proposal for a regulation

### Article 2 – paragraph 1 – point 38

#### *Text proposed by the Commission*

38. ‘meteorological services’ means the facilities and services that provide aircraft with meteorological forecasts, warnings, briefings and observations for air navigation purposes , as well as any other meteorological information and data provided by States for aeronautical use;

#### *Amendment*

38. ‘meteorological services’ means the **use of** facilities and services that provide aircraft with meteorological forecasts, warnings, briefings and observations for air navigation purposes, as well as any other meteorological information and data provided by States for aeronautical use;

Or. en

#### *Justification*

*Charges should be based on the use of services instead of the availability of services.*

## Amendment 147

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

## Proposal for a regulation

### Article 2 – paragraph 1 – point 40

#### *Text proposed by the Commission*

40. ‘national supervisory authority’ means the national body or bodies entrusted by a Member State with the tasks under this Regulation ***other than the tasks covered by the national competent authority;***

#### *Amendment*

40. ‘national supervisory authority’ means the national body or bodies entrusted by a Member State with the tasks under this Regulation.

Or. en

## Amendment 148

Nicola Danti

## Proposal for a regulation

### Article 2 – paragraph 1 – point 40

#### *Text proposed by the Commission*

40. ‘national supervisory authority’

#### *Amendment*

40. ‘national supervisory authority’

means the national body or bodies entrusted by a Member State with the tasks under this Regulation ***other than the tasks covered by the national competent authority***;

means the national body or bodies entrusted by a Member State with the tasks under this Regulation;

Or. en

#### **Amendment 149**

**Kosma Złotowski, Tomasz Piotr Poręba, Roberts Zile**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 40**

##### *Text proposed by the Commission*

40. ‘national supervisory authority’ means the national body or bodies entrusted by a Member State with the tasks under this Regulation ***other than the tasks covered by the national competent authority***;

##### *Amendment*

40. ‘national supervisory authority’ means the national body or bodies entrusted by a Member State with the tasks under this Regulation;

Or. en

##### *Justification*

*There may be states where NCA and NSA activities are executed by two different bodies and others where these activities are performed by the same body. For the purpose of this regulation, most of the activities are executed by the NSA and not the NCA which has safety-related competences.*

#### **Amendment 150**

**Mario Furore, Laura Ferrara**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 40**

##### *Text proposed by the Commission*

40. ‘national supervisory authority’ means the national body or bodies entrusted by a Member State with the tasks under this Regulation ***other than the tasks covered by the national competent***

##### *Amendment*

40. ‘national supervisory authority’ means the national body or bodies entrusted by a Member State with the tasks under this Regulation;

*authority;*

Or. en

*Justification*

*The tasks are defined by the Regulation.*

**Amendment 151**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 40**

*Text proposed by the Commission*

40. ‘national supervisory authority’ means the national body or bodies entrusted by a Member State with the tasks under this Regulation ***other than the tasks covered by the national competent authority;***

*Amendment*

40. ***which also executes*** ‘national supervisory authority’ means the national body or bodies entrusted by a Member State with the tasks under this Regulation<sup>1a</sup>

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*<sup>1a</sup> We do not see the added value of separating NSA and NCA, as a matter of fact, safety is related to several other factors which need to be closely linked, which is why these two bodies are often merged within one single organization and it should be kept as such. There may be States where NCA and NSA activities are executed by two different bodies and others where these activities are performed by the same body. For the purpose of this regulation, most of the activities are executed by the NSA and not the NCA which has safety-related competences*

Or. en

**Amendment 152**

**Kosma Złotowski, Tomasz Piotr Poręba**

## Proposal for a regulation

### Article 2 – paragraph 1 – point 42 a (new)

*Text proposed by the Commission*

*Amendment*

**42a. ‘network functions’ means air traffic management network functions and services delivered in order to achieve objectives defined in this regulation, executed by all relevant operational stakeholders.**

Or. en

*Justification*

*With reference to Commissions explanations provided at various fora it is beneficial to include a definition of network functions in the regulation and determine that all the functions and services prescribed are delivered by all relevant operational stakeholders, in particular by the Network Manager and the ANSPs. This proposal is connected with concerns raised by some of the Member States regarding the scope of the network functions which sometimes are mistaken with competences conferred upon the Network Manager.*

## Amendment 153

Andor Deli

## Proposal for a regulation

### Article 2 – paragraph 1 – point 43

*Text proposed by the Commission*

*Amendment*

43. ‘Network Manager’ means the entity entrusted with **the tasks necessary to contribute to** the execution of the network functions referred to in Article 26, in accordance with Article 27;

43. ‘Network Manager’ means the entity entrusted with the execution of the network functions referred to in Article 26, in accordance with Article 27;

Or. en

*Justification*

*Unless there is one entity that is in fact legally responsible for the execution of such essential tasks, it would be difficult to ensure their execution. This could have a negative impact on network efficiency. Therefore, we suggest that the Network Manager is explicitly tasked with the execution of the network functions. While the Network Manager is de facto already carrying out such activities, EUROCONTROL is also ideally placed to bear such responsibilities, since some of those already exist in the EUROCONTROL Convention.*

#### **Amendment 154**

**Kosma Zlotowski, Tomasz Piotr Poręba**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 43**

##### *Text proposed by the Commission*

43. ‘Network Manager’ means the entity entrusted with the tasks necessary to contribute to the execution of the network functions ***referred to in Article 26***, in accordance with Article 27;

##### *Amendment*

43. ‘Network Manager’ means the entity entrusted with the tasks necessary to contribute to the execution of the network functions in accordance with Article 27;

Or. en

##### *Justification*

*With a definition of network functions, there is no need to refer to article 26.*

#### **Amendment 155**

**Kosma Zlotowski, Tomasz Piotr Poręba**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 47**

##### *Text proposed by the Commission*

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

##### *Amendment*

***deleted***

Or. en

##### *Justification*

*A reference to route network was made in order to define a specific network function – the design of the European route network which was replaced with a function called ‘the design of the European airspace structures’. Therefore there is no need to keep this definition in the regulation.*

#### **Amendment 156**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 52 a (new)**

*Text proposed by the Commission*

*Amendment*

**52a. ‘standards development organisation’ means any organization whose main purpose is developing, coordinating or issuing technical standards, including European standardisation organisations listed in Annex I to Regulation (EU) 1025/2012<sup>1a</sup>.**

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**<sup>1a</sup> Regulation (EU) No 1025/2012 of the European Parliament and of the Council of 25 October 2012 on European standardisation, amending Council Directives 89/686/EEC and 93/15/EEC and Directives 94/9/EC, 94/25/EC, 95/16/EC, 97/23/EC, 98/34/EC, 2004/22/EC, 2007/23/EC, 2009/23/EC and 2009/105/EC of the European Parliament and of the Council and repealing Council Decision 87/95/EEC and Decision No 1673/2006/EC of the European Parliament and of the Council (OJ L 316 14.11.2012, p. 12).**

Or. en

**Amendment 157**  
**Johan Van Overtveldt**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 57 a (new)**

*Text proposed by the Commission*

*Amendment*

**57a. “liability of ANSPs” means that ANSPs are legally responsible for costs linked to delays and cancellations due to ATM issues which fall within the control of ANSPs.**

Or. en



### *Justification*

*ANSPs should be liable and accountable for what falls under their control.*

#### **Amendment 158**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

#### **Proposal for a regulation**

##### **Article 3 – paragraph 1**

#### *Text proposed by the Commission*

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 by this Regulation .

#### *Amendment*

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

Or. en

#### **Amendment 159**

**Kosma Zlotowski, Tomasz Piotr Poręba, Roberts Zile**

#### **Proposal for a regulation**

##### **Article 3 – paragraph 2**

#### *Text proposed by the Commission*

2. The national supervisory authorities shall exercise their powers impartially, independently and transparently and shall be organised, staffed, managed and financed accordingly.

#### *Amendment*

2. The national supervisory authorities shall exercise their powers impartially, independently and transparently. ***This shall be achieved by applying appropriate management and control mechanisms*** and shall be organised, staffed, managed and financed accordingly, ***including within the administration of a Member State. However, this shall not prevent the national supervisory authorities from exercising their tasks within the rules of organisation of national civil aviation authorities or any other public bodies.***

Or. en

### *Justification*

*It is unclear how the proposed separation of the NSA from “any other public or private entity” (paragraph 3) is expected to contribute to SES objectives. The underlying aim should be to ensure independence of NSA in terms of regulatory and supervisory processes. Therefore the regulations should ensure the independence of the NSA from ANSPs (including the ownership authorities of the ANSPs) to the extent required to support the independence of the NSA from regulated/supervised providers.*

#### **Amendment 160**

**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura, João Ferreira**

#### **Proposal for a regulation**

##### **Article 3 – paragraph 2**

###### *Text proposed by the Commission*

2. The national supervisory authorities shall exercise their powers impartially, independently ***and transparently and shall be organised, staffed, managed and financed accordingly.***

###### *Amendment*

2. The national supervisory authorities shall exercise their powers impartially ***and*** independently.

Or. en

#### **Amendment 161**

**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura, João Ferreira**

#### **Proposal for a regulation**

##### **Article 3 – paragraph 3**

###### *Text proposed by the Commission*

3. ***Without prejudice to paragraph 1, the national supervisory authorities shall be legally distinct and independent from any other public or private entity in terms of their organisation, functioning, legal structure and decision-making.***

***The national supervisory authorities shall also be independent in terms of their organisation, funding decisions, legal structure and decision-making from any air navigation service provider.***

###### *Amendment*

***deleted***

**Amendment 162**  
**Robert Roos**

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

*Text proposed by the Commission*

*Amendment*

**3. Without prejudice to paragraph 1, the national supervisory authorities shall be legally distinct and independent from any other public or private entity in terms of their organisation, functioning, legal structure and decision-making.** *deleted*

Or. en

*Justification*

*An NSA should fall within the remit of the government and cannot be legally distinct and independent from any other public entity.*

**Amendment 163**  
**Kosma Złotowski, Tomasz Piotr Poręba, Roberts Zile**

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

*Text proposed by the Commission*

*Amendment*

**3. Without prejudice to paragraph 1, the national supervisory authorities shall be legally distinct and independent from any other public or private entity in terms of their organisation, functioning, legal structure and decision-making.** *deleted*

Or. en

**Amendment 164**  
**Tom Berendsen, Caroline Nagtegaal, Søren Gade**

**Proposal for a regulation**

**Article 3 – paragraph 3 – introductory part**

*Text proposed by the Commission*

*Amendment*

3. ***Without prejudice to paragraph 1, the national supervisory authorities shall be legally distinct and independent from any other public or private entity in terms of their organisation, functioning, legal structure and decision-making.*** ***deleted***

Or. en

**Amendment 165**

**Josianne Cutajar**

**Proposal for a regulation**

**Article 3 – paragraph 3 – introductory part**

*Text proposed by the Commission*

*Amendment*

3. Without prejudice to paragraph 1, ***the national supervisory authorities shall be legally distinct and independent from any other public or private entity in terms of their organisation, functioning, legal structure and decision-making.*** 3. Without prejudice to paragraph 1.

Or. en

**Amendment 166**

**Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider, Julie Lechanteux, Philippe Olivier**

**Proposal for a regulation**

**Article 3 – paragraph 3 – introductory part**

*Text proposed by the Commission*

*Amendment*

3. Without prejudice to paragraph 1, the national supervisory authorities shall be ***legally distinct and independent*** from any other public or private entity in terms of 3. Without prejudice to paragraph 1, the national supervisory authorities shall be ***functionally*** distinct from any other public or private entity in terms of their

their organisation, functioning, **legal structure** and decision-making.

organisation, functioning **and decision-making**.

Or. en

#### **Amendment 167**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Elsi Katainen**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 3 – introductory part**

##### *Text proposed by the Commission*

3. Without prejudice to paragraph 1, the national supervisory authorities shall be legally distinct and independent from any other public or private entity in terms of their organisation, functioning, legal structure and decision-making.

##### *Amendment*

3. Without prejudice to paragraph 1, the national supervisory authorities shall be legally distinct and independent **from a legal, budgetary and financial point of view** from any other public or private entity in terms of their organisation, functioning, legal structure and decision-making.

Or. en

#### **Amendment 168**

**Johan Van Overtveldt**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 3 – introductory part**

##### *Text proposed by the Commission*

3. Without prejudice to paragraph 1, the national supervisory authorities shall be legally distinct and independent from any other public or private entity in terms of their organisation, functioning, legal structure and decision-making.

##### *Amendment*

3. Without prejudice to paragraph 1, the national supervisory authorities shall be legally, **budgetary and financially** distinct and independent from any other public or private entity in terms of their organisation, functioning, legal structure and decision-making.

Or. en

##### *Justification*

*The independence of the NSAs is crucial.*

## Amendment 169

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

### Proposal for a regulation

#### Article 3 – paragraph 3 – introductory part

##### *Text proposed by the Commission*

3. Without prejudice to paragraph 1, the national supervisory authorities shall be legally distinct and independent from any other public or private entity in terms of their organisation, functioning, legal structure and decision-making.

##### *Amendment*

3. Without prejudice to paragraph 1, the national supervisory authorities shall be legally distinct and independent from any other public or private entity in terms of their organisation, functioning, **funding**, legal structure, **hierarchy** and decision-making.

Or. en

## Amendment 170

Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini

### Proposal for a regulation

#### Article 3 – paragraph 3 – introductory part

##### *Text proposed by the Commission*

3. ***Without prejudice to paragraph 1,*** the national supervisory authorities shall be ***legally distinct and independent from any other public or private entity*** in terms of their organisation, ***functioning***, legal structure and decision-making.

##### *Amendment*

3. The national supervisory authorities shall be independent in terms of their organisation, ***funding decisions***, legal structure and decision-making ***from any air navigation service provider***.

Or. en

##### *Justification*

*The mandatory separation of National Supervisory Authority (NSA) from "any other public or private entity" raises serious questions about the ultimate goal of the proposed change. The separation of the NSA from any other body in the state administration (legal, organizational, functional, independent decision-making) means a creation of an additional entity in the structures of the administration, which means additional administrative and organisational costs. Furthermore, it creates issues in relation to the control by the State of the policy and the activities to be performed and conducted by this authority.*

**Amendment 171**  
**Isabel García Muñoz**

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

*Text proposed by the Commission*

3. Without prejudice to paragraph 1, the national supervisory authorities shall be legally distinct and independent from any other **public or** private entity in terms of their organisation, functioning, legal structure and decision-making.

*Amendment*

3. Without prejudice to paragraph 1, the national supervisory authorities shall be legally distinct and independent from any other private entity in terms of their organisation, functioning, legal structure and decision-making.

Or. en

*Justification*

*The new proposal invites MS to separate the supervision of the economic and the safety aspects of the ANS. This is not in line with the current situation of other EASA BR remits; e.g. both supervision for airports and airlines are assigned to a single joint NSA/NCA. Additionally, this proposal is not in line either with the schema proposed for the PRB. Paragraph 3 would prevent that NSA tasks to be conferred to any other public authority, such as NCA or National Authorities for Competence.*

**Amendment 172**  
**Karima Delli**

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

*Text proposed by the Commission*

3. Without prejudice to paragraph 1, the national supervisory authorities shall be legally distinct and independent from any **other public or** private entity in terms of their organisation, functioning, legal structure and decision-making.

*Amendment*

3. Without prejudice to paragraph 1, the national supervisory authorities shall be legally distinct and independent from any private entity in terms of their organisation, functioning, legal structure and decision-making.

Or. en

**Amendment 173**  
**Isabel García Muñoz**

**Proposal for a regulation**  
**Article 3 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

The national supervisory authorities shall **also** be independent in terms of their organisation, funding decisions, legal structure and decision-making from any air navigation service provider.

*Amendment*

The national supervisory authorities shall be independent in terms of their organisation, funding decisions, legal structure and decision-making from any air navigation service provider. ***However, this shall not prevent the national supervisory authorities from exercising their tasks within the rules of organisation of national civil aviation authorities or any other public bodies.***

Or. en

*Justification*

*The new proposal invites MS to separate the supervision of the economic and the safety aspects of the ANS. This is not in line with the current situation of other EASA BR remits; e.g. both supervision for airports and airlines are assigned to a single joint NSA/NCA. Additionally, this proposal is not in line either with the schema proposed for the PRB. Paragraph 3 would prevent that NSA tasks to be conferred to any other public authority, such as NCA or National Authorities for Competence.*

**Amendment 174**  
**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**  
**Article 3 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

The national supervisory authorities shall also be independent in terms of their organisation, funding decisions, legal structure and decision-making from any air navigation service provider.

*Amendment*

The national supervisory authorities shall also be independent in terms of their organisation, funding decisions, legal structure and decision-making from any air navigation service provider ***or other entity falling within the scope of their supervision.***

Or. en



**Amendment 175**  
**Johan Van Overtveldt**

**Proposal for a regulation**  
**Article 3 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

The national supervisory authorities shall also be independent in terms of their organisation, funding decisions, legal structure and decision-making from any air navigation service provider.

*Amendment*

The national supervisory authorities shall also be independent in terms of their organisation, ***budget and financing***, funding decisions, legal structure and decision-making from any air navigation service provider.

Or. en

*Justification*

*The independence of the NSAs is crucial.*

**Amendment 176**  
**Josianne Cutajar**

**Proposal for a regulation**  
**Article 3 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

The national supervisory authorities shall ***also*** be independent in terms of their organisation, funding decisions, legal structure and decision-making from any air navigation service provider.

*Amendment*

The national supervisory authorities shall be independent in terms of their organisation, funding decisions, legal structure and decision-making from any air navigation service provider.

Or. en

**Amendment 177**  
**Robert Roos**

**Proposal for a regulation**  
**Article 3 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

The national supervisory authorities shall **also** be independent in terms of their organisation, funding decisions, legal structure and decision-making from any air navigation service provider.

*Amendment*

The national supervisory authorities shall be independent in terms of their organisation, funding decisions, legal structure and decision-making from any air navigation service provider.

Or. en

*Justification*

*An NSA should fall within the remit of the government and cannot be legally distinct and independent from any other public entity.*

**Amendment 178**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**

**Article 3 – paragraph 4**

*Text proposed by the Commission*

4. ***Member States may set up national supervisory authorities which are competent for several regulated sectors, if those integrated regulatory authorities fulfil the independence requirements set out in this Article.*** The national supervisory authority may **also** be joined in respect of its organisational structure with the national competition authority referred to in Article 11 of Council Regulation (EC) No 1/2003<sup>38</sup>, if the joint body fulfils the independence requirements set out in this Article.

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<sup>38</sup> Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).

*Amendment*

4. The national supervisory authority may be joined in respect of its organisational structure ***with another regulatory authority or*** with the national competition authority referred to in Article 11 of Council Regulation (EC) No 1/2003, if the joint body fulfils the independence requirements set out in this Article.

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<sup>38</sup> Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).

Or. en

## Amendment 179

**Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider, Julie Lechanteux, Philippe Olivier**

### Proposal for a regulation

#### Article 3 – paragraph 4

##### *Text proposed by the Commission*

4. Member States may set up national supervisory authorities which are competent for several regulated sectors, if those integrated regulatory authorities fulfil the independence requirements set out in this Article. The national supervisory authority may also be joined in respect of its organisational structure with the national competition authority referred to in Article 11 of Council Regulation (EC) No 1/2003<sup>38</sup>, if the joint body fulfils the independence requirements set out in this Article.

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<sup>38</sup> Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).

##### *Amendment*

4. Member States may set up national supervisory authorities which are competent for several regulated sectors, if those integrated regulatory authorities fulfil the independence requirements set out in this Article. The national supervisory authority may also be joined in respect of its organisational structure with the national ***competent authority and national*** competition authority referred to in Article 11 of Council Regulation (EC) No 1/2003<sup>38</sup>, if the joint body fulfils the independence requirements set out in this Article.

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<sup>38</sup> Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).

Or. en

## Amendment 180

**Josianne Cutajar**

### Proposal for a regulation

#### Article 3 – paragraph 4

##### *Text proposed by the Commission*

4. Member States may set up national supervisory authorities which are competent for several regulated sectors, if those integrated regulatory authorities fulfil

##### *Amendment*

4. Member States may set up national supervisory authorities which are competent for several regulated sectors, if those integrated regulatory authorities fulfil

the independence requirements set out in this Article. The national supervisory authority may also be joined in respect of its organisational structure with the national competition authority referred to in Article 11 of Council Regulation (EC) No 1/2003<sup>38</sup>, if the joint body fulfils the independence requirements set out in this Article.

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<sup>38</sup> Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).

the independence requirements set out in this Article. The national supervisory authority may also be joined in respect of its organisational structure with the national competition authority referred to in Article 11 of Council Regulation (EC) No 1/2003<sup>38</sup>, ***or the national transport authority***, if the joint body fulfils the independence requirements set out in this Article.

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<sup>38</sup> Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).

Or. en

## **Amendment 181**

### **Nicola Danti**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 4**

##### *Text proposed by the Commission*

4. Member States may set up national supervisory authorities which are competent for several regulated sectors, if those integrated regulatory authorities fulfil the independence requirements set out in this Article. The national supervisory authority may also be joined in respect of its organisational structure with the national competition authority referred to in Article 11 of Council Regulation (EC) No 1/2003<sup>38</sup>, if the joint body fulfils the independence requirements set out in this Article.

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<sup>38</sup> Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in

##### *Amendment*

4. Member States may set up national supervisory authorities which are competent for several regulated sectors, if those integrated regulatory authorities fulfil the independence requirements set out in this Article. The national supervisory authority may also be joined in respect of its organisational structure with the national ***competent authority and the national*** competition authority referred to in Article 11 of Council Regulation (EC) No 1/2003<sup>38</sup>, if the joint body fulfils the independence requirements set out in this Article.

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<sup>38</sup> Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in

Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).

Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).

Or. en

## **Amendment 182**

**Johan Van Overtveldt**

### **Proposal for a regulation**

#### **Article 3 – paragraph 5 – introductory part**

*Text proposed by the Commission*

*Amendment*

**5. Staff of the national supervisory authorities shall comply with the following requirements:** **deleted**

Or. en

*Justification*

*While we support the objective envisaged by the Commission and the independence of the NSAs, we believe some parts of article 3 are too prescriptive.*

## **Amendment 183**

**Johan Van Overtveldt**

### **Proposal for a regulation**

#### **Article 3 – paragraph 5 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) they shall be recruited under clear and transparent processes which ensure their independence;** **deleted**

Or. en

*Justification*

*While we support the objective envisaged by the Commission and the independence of the NSAs, we believe some parts of article 3 are too prescriptive.*

**Amendment 184**  
**Johan Van Overtveldt**

**Proposal for a regulation**  
**Article 3 – paragraph 5 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) they shall be selected on the basis of their specific qualifications, including appropriate competence and relevant experience or they shall be subject to appropriate training.** **deleted**

Or. en

*Justification*

*While we support the objective envisaged by the Commission and the independence of the NSAs, we believe some parts of article 3 are too prescriptive.*

**Amendment 185**  
**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Elsi Katainen**

**Proposal for a regulation**  
**Article 3 – paragraph 5 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

**(ba) they shall not be seconded from air navigation service providers or companies under the control of an air navigation service provider.**

Or. en

**Amendment 186**  
**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura, João Ferreira**

**Proposal for a regulation**  
**Article 3 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

Staff of national supervisory authorities shall act independently, in particular by avoiding conflicts of interest between air navigation service provision and the execution of their tasks.

*Amendment*

Staff of national supervisory authorities shall act independently, in particular by avoiding conflicts of interest between air navigation service provision and the execution of their tasks.

***Furthermore, social standards of the jobs within the national supervisory authorities shall be monitored.***

***To this end two indicators should be measured and managed:***

***(a) Job satisfaction index***

***Comparison between average salary of technical staff in operators supervised and average salary of technical staff of the NSA.***

Or. en

**Amendment 187**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**

**Article 3 – paragraph 5 – subparagraph 1**

*Text proposed by the Commission*

Staff of national supervisory authorities shall act independently, ***in particular by avoiding conflicts of interest between air navigation service provision and the execution of their tasks.***

*Amendment*

Staff of national supervisory authorities shall act independently ***and not seek or take instructions from any government or other public or private entity when carrying out its functions.***

Or. en

**Amendment 188**

**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura, João Ferreira**

**Proposal for a regulation**

**Article 3 – paragraph 5 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Furthermore, social standards of the jobs within the national supervisory authorities shall be monitored. To this end two indicators should be measured and managed :***

***(a) Job satisfaction index Comparison between average salary of technical staff in operators supervised and average salary of technical staff of the NSA.***

Or. en

**Amendment 189**

**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura, João Ferreira**

**Proposal for a regulation**

**Article 3 – paragraph 6 – introductory part**

*Text proposed by the Commission*

*Amendment*

***6. In addition to the requirements set out in paragraph 5, persons in charge of strategic decisions shall be appointed by an entity of the Member State concerned which does not directly exert ownership rights over air navigation service providers. Member States shall decide whether these persons are appointed for a fixed and renewable term, or on a permanent basis which only allows dismissal for reasons not related to their decision-making. Persons in charge of strategic decisions shall not seek or take instructions from any government or other public or private entity when carrying out their functions for the national supervisory authority and shall have full authority over the recruitment and management of its staff.***

***deleted***

Or. en



## Amendment 190

Kosma Złotowski, Tomasz Piotr Poręba

### Proposal for a regulation

#### Article 3 – paragraph 6 – introductory part

##### *Text proposed by the Commission*

6. In addition to the requirements set out in paragraph 5, persons in charge of strategic decisions shall be appointed by an entity of the Member State concerned ***which does not directly exert ownership rights over air navigation service providers***. Member States shall decide whether these persons are appointed for a fixed and renewable term, or on a permanent basis which only allows dismissal for reasons not related to their decision-making. ***Persons in charge of strategic decisions shall not seek or take instructions from any government or other public or private entity when carrying out their functions for the national supervisory authority and shall have full authority over the recruitment and management of its staff.***

##### *Amendment*

6. In addition to the requirements set out in paragraph 5, persons in charge of strategic decisions shall be appointed by an entity of the Member State concerned. Member States shall decide whether these persons are appointed for a fixed and renewable term, or on a permanent basis which only allows dismissal for reasons not related to their decision-making.

Or. en

##### *Justification*

*The entry into force of the provisions proposed by the European Commission may force changes in the appointment procedures of managers in the NSA. The provision of paragraph 6 forbids the appointment of such persons by the entity that exercises ownership rights over ANSP. The solutions proposed by the Commission would imply wider changes in the national mechanisms related not only to the states aviation sector but also public administration procedures.*

## Amendment 191

Johan Van Overtveldt

### Proposal for a regulation

#### Article 3 – paragraph 6 – introductory part

*Text proposed by the Commission*

6. In addition to the requirements set out in paragraph 5, persons in charge of strategic decisions shall ***be appointed by an entity of the Member State concerned which does not directly exert ownership rights over air navigation service providers. Member States shall decide whether these persons are appointed for a fixed and renewable term, or on a permanent basis which only allows dismissal for reasons not related to their decision-making. Persons in charge of strategic decisions shall not seek or take instructions from any government or other public or private entity when carrying out their functions for the national supervisory authority and shall have full authority over the recruitment and management of its staff.***

*Amendment*

6. In addition to the requirements set out in paragraph 5, persons in charge of strategic decisions shall ***refrain from any direct or indirect interest that may be considered prejudicial to their independence and which may influence the performance of their functions. To that effect, they shall make an annual declaration of commitment and declaration of interests indicating any direct or indirect interests.***

Or. en

*Justification*

*While we support the objective envisaged by the Commission and the independence of the NSAs, we believe some parts of article 3 are too prescriptive.*

**Amendment 192**  
**Brice Hortefeux**

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

*Text proposed by the Commission*

6. ***In addition to the requirements set out in paragraph 5, persons in charge of strategic decisions shall be appointed by an entity of the Member State concerned which does not directly exert ownership rights over air navigation service providers. Member States shall decide whether *these* persons are appointed for a fixed and renewable term, or on a***

*Amendment*

6. Member States shall decide whether persons ***in charge of a strategic decision*** are appointed for a fixed and renewable term, or on a permanent basis which only allows dismissal for reasons not related to their decision-making. Persons in charge of strategic decisions shall not seek or take instructions from any government or other public or private

permanent basis which only allows dismissal for reasons not related to their decision-making. Persons in charge of strategic decisions shall not seek or take instructions from any government or other public or private entity when carrying out their functions for the national supervisory authority and shall have full authority over the recruitment and management of its staff.

entity when carrying out their functions for the national supervisory authority and shall have full authority over the recruitment and management of its staff.

Or. en

### *Justification*

*Most en-route ANSP in Europe are owned by the States and the "ownership rights" are exerted by Ministers in charge of Finance and of Transports. With this proposal, it would be impossible for Member States to intervene in the appointment process.*

### **Amendment 193**

**Isabel García Muñoz**

### **Proposal for a regulation**

### **Article 3 – paragraph 6 – introductory part**

#### *Text proposed by the Commission*

6. In addition to the requirements set out in paragraph 5, persons in charge of strategic decisions shall be appointed by an entity of the Member State concerned which does not directly exert ownership rights over air navigation service providers. Member States shall decide whether these persons are appointed for a fixed and renewable term, or on a permanent basis which only allows dismissal for reasons not related to their decision-making. Persons in charge of strategic decisions shall not seek or take instructions from any **government or other** public or private **entity** when carrying out their functions for the national supervisory authority **and shall have full authority over the recruitment and management of its staff.**

#### *Amendment*

6. In addition to the requirements set out in paragraph 5, persons in charge of strategic decisions shall be appointed by an entity of the Member State concerned which does not directly exert ownership rights over air navigation service providers. Member States shall decide whether these persons are appointed for a fixed and renewable term, or on a permanent basis which only allows dismissal for reasons not related to their decision-making. Persons in charge of strategic decisions shall not seek or take instructions from any public or private **air navigation service provider** when carrying out their functions for the national supervisory authority.

Or. en

### *Justification*

*For the persons in charge of strategic decisions in NSA, independence should be granted from the interests of the air navigation service providers under supervision.*

#### **Amendment 194**

**Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider, Julie Lechanteux, Philippe Olivier**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 6 – introductory part**

##### *Text proposed by the Commission*

6. In addition to the requirements set out in paragraph 5, persons in charge of strategic decisions shall be appointed by an entity of the Member State concerned ***which does not directly exert ownership rights over air navigation service providers***. Member States shall decide whether these persons are appointed for a fixed and renewable term, or on a permanent basis which only allows dismissal for reasons not related to their decision-making. Persons in charge of strategic decisions shall not seek or take instructions from any government or other public or private entity when carrying out their functions for the national supervisory authority and shall have full authority over the recruitment and management of its staff.

##### *Amendment*

6. In addition to the requirements set out in paragraph 5, persons in charge of strategic decisions shall be appointed by an entity of the Member State concerned ***through a clear and transparent procedure***. Member States shall decide whether these persons are appointed for a fixed and renewable term, or on a permanent basis which only allows dismissal for reasons not related to their decision-making. Persons in charge of strategic decisions shall not seek or take instructions from any government or other public or private entity when carrying out their functions for the national supervisory authority and shall have full authority over the recruitment and management of its staff.

Or. en

#### **Amendment 195**

**Bogusław Liberadzki**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 6 – introductory part**

##### *Text proposed by the Commission*

6. In addition to the requirements set

##### *Amendment*

6. In addition to the requirements set

out in paragraph 5, persons in charge of strategic decisions shall be appointed by an entity of the Member State concerned ***which does not directly exert ownership rights over air navigation service providers***. Member States shall decide whether these persons are appointed for a fixed and renewable term, or on a permanent basis which only allows dismissal for reasons not related to their decision-making. Persons in charge of strategic decisions shall not seek or take instructions from any government or other public or private entity when carrying out their functions for the national supervisory authority and shall have full authority over the recruitment and management of its staff.

out in paragraph 5, persons in charge of strategic decisions shall be appointed by an entity of the Member State concerned ***following a clear and transparent process***. Member States shall decide whether these persons are appointed for a fixed and renewable term, or on a permanent basis which only allows dismissal for reasons not related to their decision-making. Persons in charge of strategic decisions shall not seek or take instructions from any government or other public or private entity when carrying out their functions for the national supervisory authority and shall have full authority over the recruitment and management of its staff.

Or. en

## **Amendment 196**

### **Josianne Cutajar**

#### **Proposal for a regulation**

#### **Article 3 – paragraph 6 – introductory part**

##### *Text proposed by the Commission*

6. In addition to the requirements set out in paragraph 5, persons in charge of strategic decisions shall be appointed by an entity of the Member State concerned ***which does not directly exert ownership rights over air navigation service providers***. Member States shall decide whether these persons are appointed for a fixed and renewable term, or on a permanent basis which only allows dismissal for reasons not related to their decision-making. Persons in charge of strategic decisions shall not seek or take instructions from any government or other public or private entity when carrying out their functions for the national supervisory authority and shall have full authority over the recruitment and management of its

##### *Amendment*

6. In addition to the requirements set out in paragraph 5, persons in charge of strategic decisions shall be appointed by an entity of the Member State concerned ***following a clear and transparent process*** providers. Member States shall decide whether these persons are appointed for a fixed and renewable term, or on a permanent basis which only allows dismissal for reasons not related to their decision-making. Persons in charge of strategic decisions shall not seek or take instructions from any government or other public or private entity when carrying out their functions for the national supervisory authority and shall have full authority over the recruitment and management of its

staff.

staff. .

Or. en

**Amendment 197**

**Johan Van Overtveldt**

**Proposal for a regulation**

**Article 3 – paragraph 6 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

*They shall refrain from any direct or indirect interest that may be considered prejudicial to their independence and which may influence the performance of their functions. To that effect, they shall make an annual declaration of commitment and declaration of interests indicating any direct or indirect interests.*

*deleted*

Or. en

**Amendment 198**

**Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider, Julie Lechanteux, Philippe Olivier**

**Proposal for a regulation**

**Article 3 – paragraph 6 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

They shall refrain from any direct or indirect interest that may be considered prejudicial to their independence and which may influence the performance of their functions. To that effect, they shall make ***an annual*** declaration of commitment and declaration of interests indicating any direct or indirect interests.

They shall refrain from any direct or indirect interest that may be considered prejudicial to their independence and which may influence the performance of their functions. To that effect, they shall make ***a*** declaration of commitment and declaration of interests indicating any direct or indirect interests.

Or. en

**Amendment 199**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**

**Article 3 – paragraph 6 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Persons in non-managerial positions shall not hold any professional position or responsibility with any air navigation service provider after their term in the national supervisory authority, for at least a period of one year.***

Or. en

**Amendment 200**

**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura, João Ferreira**

**Proposal for a regulation**

**Article 3 – paragraph 6 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

***Persons in charge of strategic decisions, audits or other functions directly linked to performance targets or oversight of air navigation service providers, shall not hold any professional position or responsibility with any air navigation service provider after their term in the national supervisory authority, for at least a period of two years.*** ***deleted***

Or. en

**Amendment 201**

**Henna Virkkunen**

**Proposal for a regulation**

**Article 3 – paragraph 6 – subparagraph 2**

*Text proposed by the Commission*

Persons in charge of strategic decisions, audits or other functions directly linked to performance targets or oversight of air navigation service providers, shall not hold any professional position or responsibility with any air navigation service provider after their term in the national supervisory authority, for at least a period of two years.

*Amendment*

Persons in charge of strategic decisions, audits or other functions directly linked to performance targets or oversight of air navigation service providers, shall not hold any professional position or responsibility with any air navigation service provider after their term in the national supervisory authority for at least a period of two years, ***if their term in the national supervisory authority has lasted for more than six months, and if the position held within the period of two years may influence the performance of national supervisory authority's functions or is considered prejudicial to the independence of the national supervisory authority.***

Or. en

**Amendment 202**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Elsi Katainen**

**Proposal for a regulation**

**Article 3 – paragraph 6 – subparagraph 2**

*Text proposed by the Commission*

Persons in charge of strategic decisions, audits or other functions directly linked to performance targets or oversight of air navigation service providers, shall not hold any professional position or responsibility with any air navigation service provider after their term in the national supervisory authority, ***for*** at least ***a period of two years.***

*Amendment*

Persons in charge of strategic decisions, audits or other functions directly linked to performance targets or oversight of air navigation service providers, shall not hold any professional position or responsibility with any air navigation service provider after their term in the national supervisory authority ***of more than six months, for:***

- (i) at least 12 months for staff in managerial positions;***
- (ii) at least six months for staff in non-managerial positions.***

Or. en



**Amendment 203**  
**Josianne Cutajar**

**Proposal for a regulation**  
**Article 3 – paragraph 6 – subparagraph 2**

*Text proposed by the Commission*

Persons in charge of strategic decisions, audits or other functions directly linked to performance targets or oversight of air navigation service providers, ***shall not hold any professional position or responsibility with any air navigation service provider after their term in the national supervisory authority, for at least a period of two years.***

*Amendment*

***National legislation shall address cooling off periods for the*** persons in charge of strategic decisions, audits or other functions directly linked to performance targets or oversight of air navigation service providers.

Or. en

**Amendment 204**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 3 – paragraph 6 – subparagraph 2**

*Text proposed by the Commission*

Persons in charge of strategic decisions, audits or other functions directly linked to performance targets or oversight of air navigation service providers, ***shall not hold any professional position or responsibility with any air navigation service provider after their term in the national supervisory authority, for at least a period of two years.***

*Amendment*

***National legislation shall address cooling off periods for the*** persons in charge of strategic decisions, audits or other functions directly linked to performance targets or oversight of air navigation service providers.<sup>1a</sup>

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***<sup>1a</sup> these items should be addressed with national rules, furthermore in some smaller countries there may be a lack of people with technical expertise in the field***

Or. en

**Amendment 205**  
**Karima Delli**

**Proposal for a regulation**  
**Article 3 – paragraph 6 – subparagraph 2**

*Text proposed by the Commission*

Persons in charge of strategic decisions, audits or other functions directly linked to performance targets or oversight of air navigation service providers, shall not hold any professional position or responsibility with any air navigation service provider after their term in the national supervisory authority, for at least a period of two years.

*Amendment*

Persons in charge of strategic decisions, audits or other functions directly linked to performance targets or oversight of air navigation service providers, shall not hold any professional position or responsibility with any air navigation service provider after their term in the national supervisory authority, for at least a period of two years, ***nor have held it during the previous year.***

Or. en

**Amendment 206**  
**Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider, Julie Lechanteux, Philippe Olivier**

**Proposal for a regulation**  
**Article 3 – paragraph 6 – subparagraph 2**

*Text proposed by the Commission*

Persons in charge of strategic decisions, audits or other functions directly linked to performance targets or oversight of air navigation service providers, shall not hold any professional position or responsibility with any air navigation service provider after their term in the national supervisory authority, for ***at least*** a period ***of two years***.

*Amendment*

Persons in charge of strategic decisions, audits or other functions directly linked to performance targets or oversight of air navigation service providers, shall not hold any professional position or responsibility with any air navigation service provider after their term in the national supervisory authority, for a period ***to be defined by Member States of at least one year.***

Or. en

**Amendment 207**  
**Henna Virkkunen**

**Proposal for a regulation**

**Article 3 – paragraph 6 – subparagraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*The obligations to refrain from holding professional positions or responsibilities with air navigation service providers after a term at the national supervisory authority shall only apply if the term at the national supervisory authority has lasted for more than six months, and:*

*(a) The position or responsibility may influence the performance of national supervisory authority's functions;*

*(b) The position or responsibility is considered prejudicial to the independence of the national supervisory authority, or;*

*(c) The position or responsibility is considered otherwise harmful to the national supervisory authority.*

*The evaluation of these criteria is conducted and the approval for accepting a position or responsibility is granted by the relevant national supervisory authority. Any performance of duties for an air navigation service provider within two years after the term at the national supervisory authority has ended, and before receiving approval from the national supervisory authority, shall be considered a violation of the relevant articles of this Regulation.*

Or. en

**Amendment 208**

**Isabel García Muñoz**

**Proposal for a regulation**

**Article 3 – paragraph 7**

*Text proposed by the Commission*

7. Member States shall ensure that national supervisory authorities have the necessary financial 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 manage their staff ***based on their own appropriations***, to be set in proportion to the tasks to be fulfilled by the authority in accordance with Article 4.

*Amendment*

7. Member States shall ensure that national supervisory authorities have the necessary financial 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 manage their staff ***according to relevant national law and procedures***, to be set in proportion to the tasks to be fulfilled by the authority in accordance with Article 4.

Or. en

*Justification*

*The required level of harmonization should always be compatible with national law regarding administrative, managing and recruiting procedures for public entities staff, in order not to impose any additional administrative burden or unjustified complexity.*

**Amendment 209**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**

**Article 3 – paragraph 7**

*Text proposed by the Commission*

7. Member States shall ensure that national supervisory authorities have the necessary financial 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 manage their staff based on their own appropriations, to be set in proportion to the tasks to be fulfilled by the authority in accordance with Article 4.

*Amendment*

7. Member States shall ensure that national supervisory authorities have the necessary ***public*** financial 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 manage their staff based on their own appropriations, to be set in proportion to the tasks to be fulfilled by the authority in accordance with Article 4.

Or. en

## Amendment 210

Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Elsi Katainen

### Proposal for a regulation

#### Article 3 – paragraph 7

##### *Text proposed by the Commission*

7. Member States shall ensure that national supervisory authorities have the necessary financial 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 manage their staff based on their own appropriations, to be set in ***proportion to*** the tasks to be fulfilled by the authority in accordance with Article 4.

##### *Amendment*

7. Member States shall ensure that national supervisory authorities have the necessary financial 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 manage their staff based on their own appropriations, to be set in ***accordance with*** the tasks to be fulfilled by the authority in accordance with Article 4

Or. en

## Amendment 211

Bogusław Liberadzki

### Proposal for a regulation

#### Article 3 – paragraph 8 – introductory part

##### *Text proposed by the Commission*

8. A Member State may request the ***Agency acting as*** Performance Review Body (PRB), to carry out the tasks related to the implementation of the performance and charging schemes laid down in Articles 14, 17, 19, 20, 21, 22 and 25, and in the implementing acts referred to in Articles 18 and 23 and for which the national supervisory authority of that Member State is responsible under this Regulation and the delegated and implementing acts adopted on the basis thereof.

##### *Amendment*

8. A Member State may request the Performance Review Body (PRB), to carry out the tasks related to the implementation of the performance and charging schemes laid down in Articles 14, 17, 19, 20, 21, 22 and 25, and in the implementing acts referred to in Articles 18 and 23 and for which the national supervisory authority of that Member State is responsible under this Regulation and the delegated and implementing acts adopted on the basis thereof.

Or. en

**Amendment 212**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 3 – paragraph 8 – subparagraph 1**

*Text proposed by the Commission*

Once the ***Agency acting as*** PRB accepts such a request, it shall become the supervisory authority responsible for the tasks covered by that request and the national supervisory authority of the requesting Member State shall be relieved of the responsibility for those tasks. The rules contained in Regulation (EU) 2018/1139 and pertaining to the ***Agency acting as*** PRB shall apply to the performance of these tasks, including as regards the levying of fees and charges.

*Amendment*

Once the PRB accepts such a request, it shall become the supervisory authority responsible for the tasks covered by that request and the national supervisory authority of the requesting Member State shall be relieved of the responsibility for those tasks. The rules contained in Regulation (EU) 2018/1139 and pertaining to the PRB shall apply to the performance of these tasks, including as regards the levying of fees and charges.

Or. en

**Amendment 213**  
**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Elsi Katainen**

**Proposal for a regulation**  
**Article 3 – paragraph 8 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The Member State may reobtain the responsibility of the tasks of the national supervisory authority which the Agency acting as Performance Review Body (PRB) was requested to carry out subject to:***

- (i) the submission of proof that the national supervisory authority is capable of performing the reobtained tasks;***
- (ii) the reallocation of tasks starting from the beginning of a given reference period.***

**Amendment 214**  
**Johan Van Overtveldt**

**Proposal for a regulation**  
**Article 3 – paragraph 10**

*Text proposed by the Commission*

*Amendment*

**10. The Commission shall establish detailed rules laying down the modalities of recruitment and selection procedures referred to in paragraph 5, points (a) and (b). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).** **deleted**

Or. en

*Justification*

*While we support the objective envisaged by the Commission on the independence of the NSA, we believe some parts of article 3 are too prescriptive.*

**Amendment 215**  
**Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider, Julie Lechanteux, Philippe Olivier**

**Proposal for a regulation**  
**Article 3 – paragraph 10**

*Text proposed by the Commission*

*Amendment*

**10. The Commission shall establish detailed rules laying down the modalities of recruitment and selection procedures referred to in paragraph 5, points (a) and (b). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).** **deleted**

Or. en

## Amendment 216

Kosma Zlotowski, Tomasz Piotr Poręba

### Proposal for a regulation

#### Article 3 – paragraph 10

##### *Text proposed by the Commission*

10. The Commission shall establish detailed **rules** laying down the modalities of recruitment and selection procedures referred to in paragraph 5, points (a) and (b). ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).***

##### *Amendment*

10. The Commission shall establish detailed **guidance materials** laying down the modalities of recruitment and selection procedures referred to in paragraph 5, points (a) and (b).

Or. en

##### *Justification*

*The NSA is a part of the state administration – in some Member States national legislation defines provisions for the selection process of employees in the public administration, which is also applicable to the NSA. The rules applicable to the recruitment and selection process should still remain the national competence of Member States. What is more, as the practice has shown, it is a long process to train a qualified inspector and almost never it is the case to attract a fully trained one from the market.*

## Amendment 217

Isabel García Muñoz

### Proposal for a regulation

#### Article 3 – paragraph 10

##### *Text proposed by the Commission*

10. The Commission shall establish detailed **rules laying down** the modalities of recruitment and selection procedures referred to in paragraph 5, points (a) and (b). ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).***

##### *Amendment*

10. The Commission shall establish detailed **guidance material to ensure sufficient standardisation of** the modalities of recruitment and selection procedures referred to in paragraph 5, points (a) and (b).



### *Justification*

*The requirements set for the recruitment, selection and management of the personnel in art. 3.5 to 3.7 will add unnecessary complexity to the selection procedures, which must be in line with national law for the recruitment of public and civil servants. In this context, instead of implementing measures, the Commission may establish guidance material if a certain level of harmonization is needed as per art. 3.10, supported by standardization inspections by EASA as it is done nowadays.*

### **Amendment 218**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Elsi Katainen**

### **Proposal for a regulation Article 3 – paragraph 10**

#### *Text proposed by the Commission*

10. The Commission shall establish detailed rules laying down the modalities of recruitment and selection procedures referred to in paragraph 5, points (a) and (b). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).

#### *Amendment*

10. The Commission shall establish detailed rules laying down the modalities of recruitment ***criteria*** and selection procedures referred to in paragraph 5, points (a) and (b). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).

### **Amendment 219**

**Kosma Złotowski, Tomasz Piotr Poręba**

### **Proposal for a regulation Article 4 – paragraph 1 – introductory part**

#### *Text proposed by the Commission*

1. The national supervisory authorities referred to in Article 3 shall:

#### *Amendment*

1. The national supervisory authorities referred to in Article 3 shall ***apply the performance and charging schemes set out in Articles 10 to 17 and 19 to 22 and the implementing acts referred to in Articles 18 and 23, within the limits of***

*their tasks defined in those articles and acts, and oversee the application of the Regulation regarding the transparency of accounts of designated air traffic service providers in accordance with Article 25;*

Or. en

*Justification*

*Financial, liability, insurance shall be covered by the single certificate meeting requirements of IR 2017/373 on Common requirements. The fact that the NSA is to be granted the power to interfere in the process of awarding public contracts by entities providing air traffic services and managing airports is in contradiction with the responsibility of ANSPs' managers, who are responsible for efficient and purposeful management of funds.*

**Amendment 220**

**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

*(a) conduct the activities necessary for the issuance of the economic certificates referred to in Article 6, including the oversight of the holders of those economic certificates;* *deleted*

Or. en

**Amendment 221**

**Josianne Cutajar**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) oversee the correct application of procurement requirements in accordance with Article 8(6);* *deleted*

Or. en

**Amendment 222**

**Kosma Zlotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) oversee the correct application of procurement requirements in accordance with Article 8(6);** **deleted**

Or. en

**Amendment 223**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

**(b) oversee the correct application of procurement requirements in accordance with Article 8(6);** **deleted**

Or. en

**Amendment 224**

**Kosma Zlotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**

**Article 4 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) apply the performance and charging schemes set out in in Articles 10 to 17 and 19 to 22 and the implementing acts referred to in Articles 18 and 23, within the limits of their tasks defined in those articles and acts, and oversee the application of the Regulation regarding** **deleted**

*the transparency of accounts of designated air traffic service providers in accordance with Article 25.*

Or. en

#### **Amendment 225**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Elsi Katainen**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point c**

##### *Text proposed by the Commission*

(c) ***apply*** the performance and charging schemes set out in in Articles 10 to 17 and 19 to 22 and the implementing acts referred to in Articles 18 and 23, within the limits of their tasks defined in those articles and acts, and oversee the application of the Regulation regarding the transparency of accounts of designated air traffic service providers in accordance with Article 25.

##### *Amendment*

(c) ***implement*** the performance and charging schemes set out in in Articles 10 to 17 and 19 to 22 and the implementing acts referred to in Articles 18 and 23, within the limits of their tasks defined in those articles and acts, and oversee the application of the Regulation regarding the transparency of accounts of designated air traffic service providers in accordance with Article 25.

Or. en

#### **Amendment 226**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 1 – point c**

##### *Text proposed by the Commission*

(c) apply the performance and charging schemes set out in in Articles 10 to 17 and 19 to 22 and the implementing acts referred to in Articles 18 and 23, within the limits of their tasks defined in those articles and acts, and oversee the application of the Regulation regarding the transparency of accounts of ***designated*** air traffic service

##### *Amendment*

(c) apply the performance and charging schemes set out in in Articles 10 to 17 and 19 to 22 and the implementing acts referred to in Articles 18 and 23, within the limits of their tasks defined in those articles and acts, and oversee the application of the Regulation regarding the transparency of accounts of air traffic service providers in

providers in accordance with Article 25.

accordance with Article 25.

Or. en

#### **Amendment 227**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 2**

##### *Text proposed by the Commission*

2. The national supervisory authorities shall be responsible for assessing and approving the price setting for the provision of the *common information service*, in accordance with Article 9.

##### *Amendment*

2. The national supervisory authorities shall be responsible for assessing and approving the price setting for the provision of the *UAVIS*, in accordance with Article 9.

Or. en

#### **Amendment 228**

**Bogusław Liberadzki**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 3 – subparagraph 1**

##### *Text proposed by the Commission*

*It shall take all necessary enforcement measures which may, where appropriate, include the amendment, limitation, suspension or revocation of economic certificates issued by them in accordance with Article 6.*

##### *Amendment*

*deleted*

Or. en

#### **Amendment 229**

**Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider, Julie Lechanteux, Philippe Olivier**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

***It shall take all necessary enforcement measures which may, where appropriate, include the amendment, limitation, suspension or revocation of economic certificates issued by them in accordance with Article 6.***

***deleted***

Or. en

#### **Amendment 230**

**Kosma Złotowski, Tomasz Piotr Poręba**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

It shall take all necessary enforcement measures ***which may, where appropriate, include the amendment, limitation, suspension or revocation of economic certificates issued by them in accordance with Article 6.***

It shall take all necessary enforcement measures.

Or. en

#### *Justification*

*Amendment, limitation, suspension or revocation of certificates should take place in case when requirements for obtaining that certificate are not met – not when other legal provisions not linked to certificate conditions are not met.*

#### **Amendment 231**

**Josianne Cutajar**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 3 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

It shall take all necessary enforcement measures ***which may, where appropriate,***

It shall take all necessary enforcement measures.

*include the amendment, limitation, suspension or revocation of economic certificates issued by them in accordance with Article 6.*

Or. en

#### **Amendment 232**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 3 – subparagraph 1**

##### *Text proposed by the Commission*

It shall take all necessary enforcement measures which may, where appropriate, include the amendment, limitation, suspension or revocation of economic certificates issued by them in accordance with Article 6.

##### *Amendment*

It shall take all necessary enforcement measures which may, where appropriate, include ***fines or periodic penalties and/or*** the amendment, limitation, suspension or revocation of economic certificates issued by them in accordance with Article 6.

Or. en

#### **Amendment 233**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica**

#### **Proposal for a regulation**

#### **Article 4 – paragraph 3 – subparagraph 1**

##### *Text proposed by the Commission*

It shall take all necessary enforcement measures which may, where appropriate, ***include the amendment, limitation, suspension or revocation of economic certificates issued by them*** in accordance with Article 6.

##### *Amendment*

It shall take all necessary enforcement measures which may, where appropriate, ***including fines and periodic penalty payments for the purpose of its tasks*** in accordance with ***paragraph 1***.

Or. en

#### **Amendment 234**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**

**Article 4 – paragraph 3 – subparagraph 2**

*Text proposed by the Commission*

The air navigation service providers, airport operators and the **common information service** providers concerned shall comply with the measures taken by the national supervisory authorities to this effect.

*Amendment*

The air navigation service providers, airport operators and the **UAVIS** providers concerned shall comply with the measures taken by the national supervisory authorities to this effect.

Or. en

**Amendment 235**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**

**Article 4 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. Member States shall ensure that decisions taken by the national supervisory authority pursuant to this Article are subject to judicial review.**

Or. en

**Amendment 236**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**

**Article 4 – paragraph 3 b (new)**

*Text proposed by the Commission*

*Amendment*

**3b. The Commission shall be empowered to adopt delegated acts in accordance with Article 36 with regard to the imposition of fines and periodic penalty payments in accordance with this Article and Articles 8(3a), 13(11), 14(10). Those delegated acts shall lay down:**



*(a) detailed criteria and a detailed methodology for establishing the amounts of the fines and periodic penalty payments;*

*(b) detailed rules for enquiries, associated measures and reporting, as well as decision-making, including provisions on rights of defence, access to file, legal representation, confidentiality and temporary provisions; and*

*(c) procedures for the collection of the fines and periodic penalty payments.*

Or. en

**Amendment 237**  
**Johan Van Overtveldt**

**Proposal for a regulation**  
**Article 5 – paragraph 3**

*Text proposed by the Commission*

3. National supervisory authorities shall facilitate the provision of cross-border services by air navigation service providers for the purpose of improving network performance. In the case of provision of air navigation services in an airspace falling under the responsibility of two or more Member States, the Member States concerned shall conclude an agreement on the supervision to be carried out by them under this Regulation, of the air navigation service providers concerned. The national supervisory authorities concerned may establish a plan specifying the implementation of their co-operation with a view to giving effect to that agreement.

*Amendment*

3. National supervisory authorities shall facilitate the provision of cross-border services by air navigation service providers for the purpose of improving network performance ***and in respect of the voluntary continuation of functional airspace blocks***. In the case of provision of air navigation services in an airspace falling under the responsibility of two or more Member States, the Member States concerned shall conclude an agreement on the supervision to be carried out by them under this Regulation, of the air navigation service providers concerned. The national supervisory authorities concerned may establish a plan specifying the implementation of their co-operation with a view to giving effect to that agreement.

Or. en

## *Justification*

*Functional Airspace Blocks should remain possible on a voluntary basis.*

### **Amendment 238**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica**

#### **Proposal for a regulation**

#### **Article 5 – paragraph 3**

##### *Text proposed by the Commission*

3. National supervisory authorities shall facilitate the provision of cross-border services by air navigation service providers for the purpose of improving network performance. In the case of provision of air navigation services in an airspace falling under the responsibility of two or more Member States, the Member States concerned shall conclude an agreement on the supervision to be carried out by them under this Regulation, of the air navigation service providers concerned. The national supervisory authorities concerned *may* establish a plan specifying the implementation of their co-operation with a view to giving effect to that agreement.

##### *Amendment*

3. National supervisory authorities shall facilitate the provision of cross-border services by air navigation service providers for the purpose of improving network performance. In the case of provision of air navigation services in an airspace falling under the responsibility of two or more Member States, the Member States concerned shall conclude an agreement on the supervision to be carried out by them under this Regulation, of the air navigation service providers concerned. The national supervisory authorities concerned ***shall*** establish a plan specifying the implementation of their co-operation with a view to giving effect to that agreement.

Or. en

### **Amendment 239**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

#### **Proposal for a regulation**

#### **Article 5 – paragraph 4**

##### *Text proposed by the Commission*

4. ***In the case of provision of air navigation services in an airspace falling under the responsibility of another Member State***, the agreements referred to in paragraph 3 shall provide for the mutual recognition of the discharge, by each of the

##### *Amendment*

4. The agreements referred to in paragraph 3 shall provide for the mutual recognition of the discharge, by each of the authorities, of the supervisory tasks set out in this Regulation and of the results of the discharge of these tasks. They shall also

authorities, of the supervisory tasks set out in this Regulation and of the results of the discharge of these tasks. They shall also specify which national supervisory authority shall be in charge of the economic certification set out in Article 6.

specify which national supervisory authority shall be in charge of the economic certification set out in Article 6.

Or. en

#### **Amendment 240**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica**

#### **Proposal for a regulation Article 5 – paragraph 5**

##### *Text proposed by the Commission*

5. Where permitted by national law and with a view to regional cooperation, national supervisory authorities *may* also conclude agreements on the division of responsibilities regarding the supervisory tasks. They shall notify the Commission of these agreements.

##### *Amendment*

5. Where permitted by national law and with a view to regional cooperation, national supervisory authorities *shall* also conclude agreements on the division of responsibilities regarding the supervisory tasks. They shall notify the Commission of these agreements.

Or. en

#### **Amendment 241**

**Karima Delli**

#### **Proposal for a regulation Article 5 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

##### *Article 5a*

##### *Consultation of stakeholders*

*The Member States, acting in accordance with their national legislation, shall establish consultation mechanisms for appropriate involvement of stakeholders, including professional staff representative bodies and scientific experts in the domains of climate and environment, in*

*the implementation of the single European sky. The outcome of such consultations shall be made publicly available.*

Or. en

*Justification*

*Keeping former article 10, providing for stakeholder consultation, and updating it with the due need to involve also scientific experts in order to ensure the best actions, in order to effectively contributing to the emission reduction targets, as well as with the necessary transparency provisions.*

**Amendment 242**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation  
Chapter 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***CHAPTER IIa - Performance Review  
Body***

Or. en

**Amendment 243**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation  
Article 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***Article 5a***

***Agency acting as Performance Review  
Body***

***1. A Performance Review Body shall be established with the competence to implement various tasks notably in respect of the performance and charging***

*schemes. A permanent structure shall be established with the European Union Aviation Safety Agency (EASA) in a manner that separates the discharge of the tasks regarding the performance and charging schemes of the Single European Sky, functionally and hierarchically, from the Agency's activity as a safety authority.*

*2. To carry out its tasks, the Agency acting as PRB shall have the required expertise, shall be independent from public or private interests and shall rely on dedicated resources. Governance for its integration within the existing structure of the Agency shall be in accordance with [Regulation PRB].*

Or. en

#### **Amendment 244**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

#### **Proposal for a regulation Article 5 b (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 5b**

##### ***Structure of the Agency acting as PRB***

***For carrying out its tasks on performance review, the Agency acting as PRB shall have:***

- (a) A Regulatory Board for Performance Review;***
- (b) A Director for Performance Review;***
- (c) An Advisory Board for Performance Review;***
- (d) Appeal Board for Performance Review.***

Or. en

**Amendment 245**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation  
Article 5 c (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5c**

***Functions of the Regulatory Board for  
Performance Review***

***1. The Regulatory Board for  
Performance Review shall:***

- (a) provide opinions and, where appropriate, comments on and amendments to the text of the Director for Performance Review's proposals for draft opinions, recommendations and decisions related to the tasks listed in this Regulation as well as those referred to in Article 5aa which are considered for adoption;***
- (b) within its field of competence, provide guidance to the Director for Performance Review in the execution of his or her tasks;***
- (c) provide an opinion to the Commission on the candidate to be appointed as Director for Performance Review in accordance with Article 5g(2), and where applicable his or her removal from office in accordance with Article 5g(6);***
- (d) approve the section on performance review activities of the programming document to be submitted by the Director for Performance Review to the Executive Director in accordance with point (g) of Article 5h(3) and Article 117a of [Regulation PRB];***
- (e) decide, after obtaining the agreement of the Commission, and as regards the revenue and expenditure in***

*respect of performance review, whether to accept any legacies, donations or grants from other Union sources or any voluntary contribution from the Member States or from the national supervisory authorities referred to in Article 3 of this Regulation;*

*(f) approve the independent section on regulatory activities of the section on performance review of the consolidated annual activity report to be submitted by the Director for Performance Review to the Executive Director of the Agency in accordance with point (i) of Article 5h(3) and Article 118a of [Regulation PRB];*

*(g) elaborate and approve the procedures for issuing opinions, recommendations and decisions by the Agency acting as PRB in accordance with Article 5u(4);*

*(h) on the basis of a proposal by the Director for Performance Review, adopt and regularly update the communication and dissemination plans on performance review referred to Article 5u(5);*

*(i) on the basis of a proposal by the Director for Performance Review, adopt the establishment or modification of the internal structures concerning performance review;*

*(j) authorise the conclusion of working arrangements in accordance with Article 5aa(3).*

*(k) exercise disciplinary authority over the Director for Performance Review;*

*(l) provide an opinion to the Management Board of the Agency on the conclusion of working arrangements in accordance with 5aa(3);*

*(m) on the basis of a proposal by the Director for Performance Review, establish mechanisms and procedures for consultation of stakeholders referred to in Article 38 and Article 5u of this*

***Regulation.***

***(n) provide an opinion to the Commission on the candidates to be appointed as members of the Appeal Board for Performance Review in accordance with Article 5l. That opinion shall not be binding.***

Or. en

**Amendment 246**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation  
Article 5 d (new)**

*Text proposed by the Commission*

*Amendment*

***Article 5d***

***Composition and independence of the  
Regulatory Board for Performance  
Review***

***1. The Regulatory Board for Performance Review shall be composed of 9 voting members and one non-voting representative of the Commission. Each member shall have an alternate. One of the members shall be the Chairperson of the Advisory Board for Performance Review. A member of the Management Board of the Agency shall not be a member of the Regulatory Board for Performance Review. The term of office for members and their alternates shall be five years, and that term shall be extendable.***

***2. The members of the Regulatory Board for Performance Review and their alternates shall be formally appointed by the Commission after consultation of Eurocontrol, following a public call for expression of interest. The members of the Regulatory Board for Performance Review shall be appointed on the basis of***



*merit as well as skills and experience relevant to the air traffic management or economic regulation of network industries.*

**3. When carrying out the tasks conferred upon it by this Regulation, the Regulatory Board for Performance Review shall act independently and shall not seek or follow instructions from any government of a Member State, from the Commission, or from another public or private entity.**

Or. en

**Amendment 247**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation  
Article 5 e (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5e**

***Chairperson of the Regulatory Board for Performance Review***

- 1. The Regulatory Board for Performance Review shall elect a Chairperson and a Deputy Chairperson from among its members with voting rights by a two-thirds majority. The Deputy Chairperson shall replace the Chairperson if the latter is not in a position to perform his or her duties.***
- 2. The term of office of the Chairperson and of the Deputy Chairperson shall be two-and-a-half years and shall be renewable. If their membership of the Regulatory Board for Performance Review ceases at any time during their term of office, their term of office shall automatically expire on that date.***

**Amendment 248**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation  
Article 5 f (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5f**

***Meetings of the Regulatory Board for  
Performance Review***

- 1. Meetings of the Regulatory Board for Performance Review shall be convened by its Chairperson.***
- 2. The Regulatory Board for Performance Review shall hold at least two ordinary meetings a year. In addition, it shall meet at the request of the Chairperson, of the Commission or of at least one third of its members.***
- 3. The Director for Performance Review shall take part in the deliberations, without the right to vote.***
- 4. The Regulatory Board for Performance Review may invite any person whose opinion might be of interest to attend its meetings with observer status.***
- 5. The Agency shall provide the secretariat for the Regulatory Board for Performance Review.***

Or. en

**Amendment 249**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation  
Article 5 g (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5g**

***Voting rules of the Regulatory Board for Performance Review***

- 1. Unless otherwise specified in this Regulation, the Regulatory Board for Performance Review shall take decisions by a simple majority of the members with voting rights.***
- 2. Each member with voting rights appointed pursuant to Article 5c(2) shall have one vote. In the absence of a member, his or her alternate shall be entitled to exercise his or her right to vote. Neither observers nor the Director for Performance Review shall have the right to vote.***
- 3. The Regulatory Board for Performance Review shall adopt its rules of procedure, which shall set out in greater detail the arrangements governing voting.***

Or. en

**Amendment 250**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation  
Article 5 h (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5h**

***Director for Performance Review***

- 1. The Director for Performance Review shall be engaged as a temporary agent of the Agency under Article 2, point (a) of the Conditions of Employment of Other Servants.***

*2. The Director for Performance Review shall be appointed by the Commission following a favourable opinion of the Regulatory Board for Performance Review, on the basis of merit as well as skills and experience relevant to the aeronautical industry or economic regulation of network industries, and following an open and transparent selection procedure. For the purpose of concluding the contract with the Director for Performance Review, the Agency shall be represented by the Chairperson of the Management Board of the Agency.*

*3. The Director for Performance Review's term of office shall be five years. In the course of the nine months preceding the end of that period, the Commission shall undertake an assessment. In the assessment, the Commission shall examine in particular:*

*(a) the performance of the Director for Performance Review;*

*(b) the duties and requirements concerning performance review in the following years.*

*4. The Commission giving the utmost consideration to the assessment referred to in paragraph 3 and following a favourable opinion of the Regulatory Board for Performance Review, may extend the term of office of the Director for Performance Review once by no more than five years. A Director for Performance Review whose term of office has been extended shall not participate in another selection procedure for the same post at the end of the extended period.*

*5. If his or her term of office is not extended, the Director for Performance Review shall remain in office until the appointment of his or her successor.*

*6. The Director for Performance Review may be removed from office only upon a decision of the Commission after having obtained a favourable opinion of*

*the Regulatory Board for Performance Review.*

*7. The Director for Performance Review shall not hold any professional position or responsibility with any air navigation service provider after his or her term as Director for Performance Review, for at least a period of two years.*

Or. en

**Amendment 251**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation  
Article 5 i (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5i**

***Responsibilities of the Director for  
Performance Review***

*1. The Director for Performance Review shall be accountable to the Management Board only with respect to administrative and budgetary matters, but shall remain fully independent concerning his or her tasks under paragraph 3. Without prejudice to the respective roles of the Management Board and the Regulatory Board for Performance Review in relation to the tasks of the Director for Performance Review, the Director for Performance Review shall neither seek nor follow any instruction from any government, from the Union institutions, or from any other public or private entity or person.*

*2. The Director for Performance Review may attend the meetings of the Regulatory Board for Performance Review as an observer.*

*3. The Director for Performance Review shall be responsible for the*

*implementation of the tasks regarding performance review carried out in accordance with this Regulation. The Director for Performance Review shall take account of the guidance referred to in Article 5b(1), point (b) and, where provided for in this Regulation, the opinions of the Regulatory Board for Performance Review. In particular, the Director for Performance Review shall be responsible for:*

- (a) ensuring the legal representation of the Agency in matters of performance review;*
- (b) carrying out the day-to-day administration of the work on performance review, including exercising appointing authority powers as regard members of the staff whose posts are attributed to the function of Agency acting as PRB.*
- (c) with respect to areas directly or indirectly linked to the work on performance review, preparing the work of the Management Board, participating, without having the right to vote, in the work of the Management Board and implementing the decisions adopted by the Management Board on areas related to the function of the Agency acting as PRB;*
- (d) drafting, consulting, adopting and publishing opinions, recommendations and decisions in respect of the tasks laid out in this Regulation and in respect of the tasks referred to in Article 5aa;*
- (e) implementing the section on performance review activities of the programming document referred to in Article 117a of the [Regulation PRB];*
- (f) taking the necessary measures, in particular as regards adopting internal administrative instructions and publishing notices, to ensure the functioning of Agency's work on performance review in accordance with this Regulation.*

*(g) each year, preparing the section on performance review activities of the programming document referred to in Article 117a of the [Regulation PRB] which shall be submitted to the Executive Director of the Agency and integrated in the Agency's draft programming document. Any change to the input related to performance review shall only be made upon approval of the Director for Performance Review;*

*(h) the section of the annual work programme on performance review in the programming document shall comprise detailed objectives and expected results, including performance indicators. It shall also contain a description of the actions to be financed and an indication of the financial and human resources allocated to each action, in accordance with the principles of activity-based budgeting and management. The section on performance review of the annual work programme shall be coherent with the section on performance review of the multi-annual work programme referred to in paragraph 4. It shall clearly indicate the tasks that have been added, changed or deleted in comparison with the previous financial year.*

*(i) the section on performance review of the multi-annual work programme in the programming document shall set out the overall strategic programming, including objectives, expected results and performance indicators. It shall also set out resource programming, including the multi-annual budget and staff. The resource programming shall be updated annually. The strategic programming shall be updated where appropriate, in particular to address the outcome of the evaluation referred to in Article 5z(1).*

*(j) drawing up a provisional draft estimate of the revenue and expenditure in respect of performance review in accordance with Article 120a(7) of the*

*[Regulation PRB] and submitting it to the Executive Director of the Agency and implement the revenue and expenditure in respect of performance. Any change to the input related to performance review shall only be made upon approval of the Director for Performance Review;*

*(k) preparing annually the draft section on performance review of the consolidated annual activity report including an independent section on the regulatory activities related to performance review and a section on financial and administrative matters, and submitting it to the Executive Director of the Agency for its integration in the consolidated annual activity report. Any change to the input on performance review shall only be made upon approval of the Director for Performance Review;*

*(l) the section on performance review of the consolidated annual activity report shall include an independent section on regulatory activities and a section on financial and administrative matters. The Regulatory Board for Performance Review shall approve the independent section on regulatory activities prior to the submission to the Executive Director of the Agency, in accordance with Article 5b(1), point (e).*

*(j) where activities of the Agency acting as PRB are concerned, preparing, in coordination with the Executive Director of the Agency, an action plan following up on the conclusions of internal or external audit reports and evaluations, as well as on investigations by OLAF, and reporting on progress twice a year to the Commission and report regularly on progress to the Management Board;*

*(k) preparing a proposal for mechanisms and procedures for consultation of stakeholders referred to in Article 38 of this Regulation to be submitted for adoption to the Regulatory*



***Board for Performance Review;***

***(l) proposing for adoption by the Regulatory Board for Performance Review the establishment or modification of the internal structures concerning performance review.***

***(m) preparing the draft communication and dissemination plans concerning performance review referred to Article 5u(5), to be submitted to the Management Board for adoption following the favourable opinion of the Regulatory Board for Performance Review.***

***(n) deciding whether it is necessary for the purpose of carrying out the work of the Agency acting as PRB in an efficient and effective manner to establish one or more local offices in one or more Member States. The decisions referred to in the first subparagraphs require the prior consent of the Regulatory Board for Performance Review and, where applicable, the Member State where the local office is to be established. Those decisions shall specify the scope of the activities to be carried out at that local office or by that co-located staff in a manner that avoids unnecessary costs and duplication of administrative functions of the Agency.***

***4. For the purposes paragraph 3, point (d), opinions, recommendations and decisions of the Agency acting as PRB referred to in this Regulation shall be adopted only after having obtained the favourable opinion of the Regulatory Board for Performance Review. Before submitting draft opinions, recommendations or decisions to a vote by the Regulatory Board for Performance Review, the Director for Performance Review shall submit proposals for the draft opinions, recommendations or decisions to the relevant working group for consultation sufficiently in advance.***

*The Director for Performance Review shall take the comments and amendments of the Regulatory Board for Performance Review into account and shall resubmit the revised draft opinion, recommendation or decision to the Regulatory Board for Performance Review for a favourable opinion. Where the Director for Performance Review deviates from or rejects the comments and amendments received from the Regulatory Board for Performance Review, the Director for Performance Review shall also provide a duly justified written explanation. The Director for Performance Review may withdraw submitted draft opinions, recommendations or decisions provided that he/she submits a duly justified written explanation where he/she disagrees with the amendments submitted by the Regulatory Board for Performance Review. In the case of a withdrawal of a draft opinion, recommendation or decision, the Director for Performance Review may issue a new draft opinion, recommendation or decision following the procedure set out in Article 5b(1), point (a) and in the second subparagraph of this paragraph.*

*If the Regulatory Board for Performance Review does not give a favourable opinion on the resubmitted text of the draft opinion, recommendation or decision because its comments and amendments were not adequately reflected in the resubmitted text, the Director for Performance Review may revise the text of the draft opinion, recommendation or decision further in accordance with the amendments and comments proposed by the Regulatory Board for Performance Review in order to obtain its favourable opinion, without having to provide additional written reasons.*

Or. en

**Amendment 252**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**

**Article 5 j (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5j**

***Functions and operations of the Advisory Board for Performance Review***

***1. The Advisory Board for Performance Review shall:***

***(a) exchange information about the work of national supervisory authorities and decision-making principles, best practices and procedures as well as with regard to the application of this Regulation.***

***(b) provide opinions and recommendations on guidance material to be issued by the Agency acting as PRB. The opinions and recommendations of the Advisory Board for Performance Review shall not be binding.***

***2. The Advisory Board for Performance Review shall meet at regular intervals, in order to ensure that national supervisory authorities consult and work together in a network.***

***3. The Chairperson of the Regulatory Board for Performance Review and the Director for Performance Review may participate in meetings of the Advisory Board for Performance Review and may make recommendations to national supervisory authorities convened as the Advisory Board for Performance Review, as appropriate, on matters related to their expertise on the performance and charging scheme referred to in this Regulation.***

**4. Subject to the rules on data provided for in Article 31 of [Amended SES2+] and in Regulation (EU) 2018/1725 of the European Parliament and of the Council, the Agency shall provide the secretariat to the Advisory Board for Performance Review and shall support the exchange of the information referred to in paragraph 1 among the members of the Advisory Board for Performance Review, respecting the confidentiality of commercially sensitive information of air navigation service providers.**

Or. en

**Amendment 253**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation  
Article 5 k (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5k**

**Composition of the Advisory Board for  
Performance Review**

**1. The Advisory Board for  
Performance Review shall be composed  
of:**

**(a) one senior representative per  
Member State from the national  
supervisory authorities referred to in  
Article 3 of this Regulation and one  
alternate per Member State from the  
current senior staff of those authorities,  
both nominated by the national  
supervisory authority.**

**(b) one non-voting representative of  
the Commission, and one alternate.**

**(c) three non-voting representative of  
Air Navigation Services Providers,  
commercial and non-commercial civil**

*airspace users and of the airport operators.*

*2. The Advisory Board for Performance Review shall elect a Chairperson and a Deputy-Chairperson from among its members. The Deputy-Chairperson shall replace the Chairperson if the latter is not in a position to perform his or her duties. The term of office of the Chairperson and of the Deputy-Chairperson shall be two-and-a-half years and shall be renewable. If their membership of the Advisory Board for Performance Review ceases at any time during their term of office, their term of office shall automatically expire on that date.*

Or. en

**Amendment 254**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation  
Article 51 (new)**

*Text proposed by the Commission*

*Amendment*

**Article 51**

**Powers of the Appeal Board for  
Performance Review**

*1. The Appeal Board for Performance Review shall be responsible for deciding on appeals against the decisions referred to in this Regulation. The Appeal Board for Performance Review shall be convened as necessary.*

*2. The decisions of the Appeal Board for Performance Review shall be adopted by a majority of at least four of its six members.*

Or. en

**Amendment 255**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation  
Article 5 m (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5m**

***Members of the Appeal Board for  
Performance Review***

- 1. The Appeal Board for Performance Review shall be composed of six members and six alternates selected from among current or former senior staff of the national supervisory authorities referred to in Article 3 of this Regulation; competition authorities or other Union or national institutions with relevant experience in the aviation sector. The Appeal Board for Performance Review shall designate its Chairperson.***
- 2. The members of the Appeal Board for Performance Review shall be formally appointed by the Commission, following a public call for expression of interest, after consulting the Regulatory Board for Performance Review.***
- 3. The members of the Appeal Board for Performance Review shall undertake to act independently and in the public interest. For that purpose, they shall make a written declaration of commitments and a written declaration of interests indicating either the absence of any interest which might be considered prejudicial to their independence or indicating any direct or indirect interest which might be considered prejudicial to their independence. Those declarations shall be made public annually.***
- 4. The term of office of the members of the Appeal Board for Performance Review shall be five years. That term shall***

*be renewable once.*

***5. The members of the Appeal Board for Performance Review shall be independent in making their decisions. They shall not be bound by any instructions. They shall not perform any other duties in the Agency, in its Management Board or in the Advisory Board for Performance Review. A member of the Appeal Board for Performance Review shall not be removed during his or her term of office, unless he or she has been found guilty of serious misconduct, and the Commission, after receiving the opinion of the Management Board, has taken a decision to that effect.***

***6. The Appeal Board for Performance Review shall adopt and publish its rules of procedure. Those rules shall set out in detail the arrangements governing the organisation and functioning of the Appeal Board for Performance Review and the rules applicable to appeals before the Appeal Board for Performance Review pursuant to Articles 5k to 5s. The Appeal Board for Performance Review shall notify the Commission of its draft rules of procedure as well as any significant change to those rules. The Commission may provide an opinion on those rules within three months of the date of receipt of the notification.***

Or. en

**Amendment 256**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation  
Article 5 n (new)**

**Article 5n**

***Exclusion and objection in the Appeal Board for Performance Review***

- 1. The members of the Appeal Board for Performance Review shall not take part in any appeal proceedings if they have any personal interest therein, if they have previously been involved as representatives of one of the parties to the proceedings or if they participated in the adoption of the decision under appeal.***
- 2. If, for one of the reasons listed in paragraph 1 or for any other reason, a member of the Appeal Board for Performance Review considers that he or she should not take part in any appeal proceeding, he or she shall inform the Appeal Board for Performance Review accordingly.***
- 3. Any party to the appeal proceedings may object to any member of the Appeal Board for Performance Review on any of the grounds given in paragraph 1, or if the member is suspected of partiality. Any such objection shall not be admissible if, while being aware of a reason for objecting, the party to the appeal proceedings has taken a procedural step. No objection may be based on the nationality of members.***
- 4. The Appeal Board for Performance Review shall decide as to the action to be taken in the cases specified in paragraphs 2 and 3 without the participation of the member concerned. For the purposes of taking this decision, the member concerned shall be replaced on the Appeal Board for Performance Review by his or her alternate. If the alternate finds him or herself in a similar situation to that of the member, the Chairperson shall designate a replacement from among the available***



*alternates.*

Or. en

**Amendment 257**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**

**Article 5 o (new)**

*Text proposed by the Commission*

*Amendment*

***Article 5o***

***Decisions issued by the Agency acting as PRB subject to appeal***

- 1. An appeal may be brought against decisions of the Agency acting as PRB taken pursuant to this Regulation.***
- 2. An appeal lodged pursuant to paragraph 1 shall not have suspensory effect. The Appeal Board for Performance Review may, however, if it considers that circumstances so require, suspend the application of the contested decision.***
- 3. The Agency acting as PRB shall publish the decisions taken by the Appeal Board for Performance Review.***

Or. en

**Amendment 258**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**

**Article 5 p (new)**

*Text proposed by the Commission*

*Amendment*

***Article 5p***

***Persons entitled to appeal***

*Any natural or legal person may appeal against a decision issued by the Agency acting as PRB addressed to that person, or against a decision issued by the Agency acting as PRB which, although in the form of a decision addressed to another person, is of direct and individual concern to the former. The parties to proceedings may be party to the appeal proceedings.*

Or. en

**Amendment 259**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation  
Article 5 q (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5q**

***Time limit and form***

*The appeal shall include a statement of the grounds for appeal and shall be filed in writing to the Agency acting as PRB within two months of the notification of the decision to the person concerned, or, in the absence thereof, within two months of the date on which the Agency acting as PRB published its decision. The Appeal Board for Performance Review shall decide upon the appeal within four months of the lodging of the appeal.*

Or. en

**Amendment 260**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation  
Article 5 r (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5r**

***Interlocutory revision***

***1. Before examining the appeal, the Appeal Board for Performance Review shall give the Agency acting as PRB the opportunity to review its decision. If the Director for Performance Review considers the appeal to be well founded, he or she shall rectify the decision within two months from being notified by the Appeal Board for Performance Review. That shall not apply where the appellant is opposed to another party to the appeal proceedings.***

***2. If the decision is not rectified, the Appeal Board for Performance Review shall forthwith decide whether or not to suspend the application of the decision pursuant to Article 114n(2).***

Or. en

**Amendment 261**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation  
Article 5 s (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5s**

***Examination of appeals***

***1. The Appeal Board for Performance Review shall assess whether the appeal is admissible and well founded.***

***2. When examining the appeal pursuant to paragraph 1, the Appeal Board for Performance Review shall act expeditiously.***

*It shall as often as necessary invite the parties to the appeal proceedings to file, within specified time limits, written observations on notifications issued by itself or on communications from other parties to the appeal proceedings. The Appeal Board for Performance Review may decide to hold an oral hearing, either of its own motion or at the substantiated request of one of the parties to the appeal.*

Or. en

**Amendment 262**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation  
Article 5 t (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5t**

**Decisions on appeal**

*Where the Appeal Board for Performance Review finds that the appeal is not admissible or that the grounds for appeal are not founded, it shall reject the appeal. Where the Appeal Board for Performance Review finds that the appeal is admissible and that the grounds for appeal are founded, it shall remit the case to the Agency acting as PRB. The Agency acting as PRB shall take a new reasoned decision taking into account the decision by the Appeal Board for Performance Review.*

Or. en

**Amendment 263**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**  
**Article 5 u (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5u**

***Actions before the Court of Justice***

- 1. Actions for the annulment of a decision issued by the Agency acting as PRB pursuant to this Regulation and actions for failure to act within the applicable time limits may be brought before the Court of Justice only after the exhaustion of the appeal procedure referred to in Articles 5k to 5s.***
- 2. The Agency acting as PRB shall take the necessary measures to comply with the judgments of the Court of Justice.***

Or. en

**Amendment 264**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**  
**Article 5 v (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5v**

***Transparency, communication and procedures for issuing opinions, recommendations and decisions by the Agency acting as PRB***

- 1. In carrying out its tasks, the Agency acting as PRB shall extensively consult at an early stage the stakeholders listed in Article 38(3) of this Regulation and, where relevant, competition authorities, without prejudice to their respective competence, in an open and transparent manner. In accordance with Article 38 of this Regulation the Agency***

*acting as PRB shall establish consultation mechanisms for appropriate involvement of those stakeholders. For this purpose, the Director for Performance Review shall draft a proposal for those mechanisms and, after having obtained the favourable opinion of the Regulatory Board for Performance Review on the draft, shall submit it to the Management Board for adoption.*

*2. The Agency acting as PRB shall ensure that the public and any interested parties are, where appropriate, given objective, reliable and easily accessible information, in particular with regard to the results of its work. All documents and minutes of consultation meetings shall be made public.*

*3. The Agency acting as PRB shall make public, on its website, at least the agenda, the background documents and, where appropriate, the minutes of the meetings of the Regulatory Board for Performance Review and of the Appeal Board for Performance Review.*

*4. The Agency acting as PRB shall adopt and publish adequate and proportionate procedures for issuing opinions, recommendations and decisions by the Agency acting as PRB, in accordance with the procedure set out in Article 5b(1) point (f). Those procedures shall: (a) ensure that the Agency acting as PRB publishes documents and widely consults interested parties, in accordance with a timetable and a procedure which includes an obligation on the Agency acting as PRB to give a written response to the consultation process; (b) ensure that before taking any individual decision as provided for in this Regulation and in this Regulation, the Agency acting as PRB informs any party concerned of its intention to adopt that decision, and shall set a time limit within which the party concerned may express its views on the matter, taking full account of the urgency,*

*complexity and potential consequences of the matter; (c) ensure that individual decisions of the Agency acting as PRB states the reasons on which they are based for the purpose of allowing an appeal on the merits; (d) where the Agency acting as PRB issues a decision, provide for the natural or legal person to whom the decision is addressed, and any other parties to proceedings, to be informed of the legal remedies available to them under this Regulation; (e) specify the conditions under which decisions are notified to the persons concerned, including information on the available appeal procedures as provided for in this Regulation.*

*5. The Agency acting as PRB may engage in communication activities on its own initiative within its field of competence on performance review, and in doing so shall be represented by the Director for Performance Review. The allocation of resources to communication activities shall not be detrimental to the effective exercise of the tasks and powers referred to in this Regulation. Communication activities shall be carried out in accordance with relevant communication and dissemination plans adopted by the Management Board in accordance with point (g) of Article 5b(1)';*

Or. en

**Amendment 265**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation  
Article 5 w (new)**

*Text proposed by the Commission*

*Amendment*

*Article 5w*

***Budget of the Agency for its functions as  
PRB***

- 1. The Agency shall account the revenue and expenditure for performance review separately from other revenue and expenditure. Such revenue and expenditure shall be in balance, in accordance with and subject to paragraph 2.***
- 2. Surpluses shown in the account referred to in paragraph 1 shall be transferred to the reserve fund established in accordance with paragraph 6. Losses shown in the account referred to in Article paragraph 1 shall be covered through transfers from that reserve fund. Where a significant positive or negative budget result becomes recurrent, the level of fees and charges referred to in paragraph 3 points (a) and (d) and Article 5y shall be revised***
- 3. The revenues of the Agency for its functions as PRB shall comprise:***
  - (a) fees levied by the Agency acting as PRB on designated air traffic service providers for services related to performance plan assessment, target-setting and monitoring;***
  - (b) annual contributions from designated air traffic service providers, based on the annual estimated expenditure relating to the activities on performance review to be carried out by the Agency acting as PRB as required by this Regulation for each category of designated air traffic service providers;***
  - (c) any voluntary financial contribution from the Member States or the national supervisory authorities referred to in Article 3 of this Regulation***
  - (d) charges for publications and any other service provided by the Agency acting as PRB;***
  - (e) any contribution from third countries or other entities, provided that***



*such a contribution does not compromise the independence and impartiality of the Agency acting as PRB.*

*4. All revenue and expenditure of the Agency for its functions as PRB shall be the subject of forecasts for each financial year, coinciding with the calendar year, and shall be entered in its budget.*

*5. The revenue received by the Agency for its functions as PRB shall not compromise its neutrality, independence or objectivity.*

*6. The Agency acting as PRB shall establish a reserve fund covering one year of its operational expenditure to ensure the continuity of its operations and the execution of its tasks. It shall be reviewed each year to ensure that it is limited to annual needs.*

*7. The Director for Performance Review shall draw up each year a draft estimate of the revenue and expenditure for performance review for the following year together with the list of posts for performance review and shall submit them to the Executive Director for its integration in the draft statement of estimates of the Agency's revenue and expenditure referred to in paragraph 6;*

*8. The annual contributions referred to in paragraph 3, point (b) shall be collected for five financial years. To this effect, they shall be due for the first time by 31 March [XXXX - year] – OP please insert the first financial year beginning after the entry into force of this Regulation)], in respect of that financial year, and on 31 March of each of the four subsequent financial years, for those financial years respectively. The Commission shall be empowered to adopt delegated acts in accordance with Article 36 and Article 5z to supplement certain non-essential elements of the legislative act, with regard to the calculation of annual contribution by designated air traffic service providers provided in this*

*paragraph.*

Or. en

**Amendment 266**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**

**Article 5 x (new)**

*Text proposed by the Commission*

*Amendment*

***Article 5x***

***Evaluation***

- 1. In conjunction with the evaluation referred to in Article 43 of this Regulation, the Commission shall, by the deadline defined in that Regulation, carry out an evaluation to assess the Agency's performance as PRB in relation to its objectives, tasks and powers. The evaluation shall in particular address the possible need to modify the tasks and powers of the Agency acting as PRB, and the financial implications of any such modification.***
- 2. Where the Commission considers that the continued existence of the PRB function is no longer justified with regard to its assigned objectives, tasks and powers, it may propose that this Regulation and [Regulation PRB ] be amended accordingly.***
- 3. The Commission shall forward the evaluation findings related to the activity of the Agency acting as PRB, together with its conclusions, to the European Parliament, the Council and the Management Board. The findings of the evaluation and the recommendations shall be made public.***

Or. en

**Amendment 267**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**

**Article 5 y (new)**

*Text proposed by the Commission*

*Amendment*

**Article 5y**

***Fees and charges of the Agency acting as PRB***

***1. Fees of the Agency acting as PRB shall be levied for:***

***(a) the assessment of the allocation of costs between en route and terminal air navigation services, in accordance with Article 13(6) of this Regulation.***

***(b) the assessment, for each initial or revised draft performance plan presented to the Agency acting as PRB, carried out in accordance with Article 13(7) to (9) of this Regulation;***

***(c) where the Agency acts as a supervisory authority in accordance with Article 3(8) of this Regulation, the assessment, for each initial or revised draft performance plan presented to the Agency acting as PRB, carried out in accordance with Article 14(6) to (8) of this Regulation;***

***(d) the establishment of performance targets of designated air traffic service providers in accordance with Article 13(9) of this Regulation;***

***(e) where the Agency acts as a supervisory authority in accordance with Article 3(8) of this Regulation, the establishment of performance targets of designated air traffic service providers in accordance with Article 14(8) of this Regulation;***

***(f) the assessment of requests for***

*permissions to revise targets and performance plans of air traffic service providers in accordance with Article 17(3) and (4) of this Regulation;*

*(g) the verification of unit rates in preparation of the setting of those rates by the national supervisory authorities, in accordance with Article 21 of this Regulation;*

*(h) the issuance of reports, in respect of individual air traffic service providers, on the monitoring of performance in accordance with Article 13(11) of this Regulation and, where the Agency acts as a supervisory authority in accordance with Article 3(8) of this Regulation in accordance with Article 14(10) of this Regulation;*

*(i) the adoption of corrective measures in accordance with Article 13(11) of this Regulation and, where the Agency acts as a supervisory authority in accordance with Article 3(8) of this Regulation, in accordance with Article 14(10) of that Regulation;*

*(j) the processing of appeals.*

*2. The charges levied for publications and the provision of any other service by the Agency acting as PRB as referred to in Article 5v(3) shall reflect the actual cost of each individual service provided.*

*3. The amount of the fees and charges shall be fixed by the Commission in accordance with paragraph 4. They shall be fixed at such a level as to ensure that the revenue in respect thereof covers the full cost of the activities related to the services delivered, and to avoid a significant accumulation of surplus. All expenditure regarding members of staff whose posts are dedicated to the function of the Agency acting as PRB, in particular the employer's pro-rata contribution to the pension scheme, shall be reflected in that cost. The fees and*

*charges shall be assigned revenues for the Agency acting as PRB for activities related to services for which fees and charges are due.*

*4. The Commission shall be empowered to adopt delegated acts in accordance with Article 36 to supplement certain non-essential elements of the legislative act, with regard to the fees and charges levied by the Agency for its function as PRB. Those delegated acts shall lay down detailed criteria and a detailed methodology with regard to the amount of fees and charges and the way in which they are paid.*

Or. en

#### **Amendment 268**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

#### **Proposal for a regulation Article 5 z (new)**

*Text proposed by the Commission*

*Amendment*

#### *Article 5z*

*Calculation of annual contribution by designated air traffic service providers*

*The Commission shall be empowered to adopt delegated acts in accordance with Article 36 and Article 5v(8) to supplement certain non-essential elements of the legislative act, with regard to the calculation of annual contribution by designated air traffic service providers provided in this paragraph.*

*Those delegated acts shall lay down:*

*(a) a methodology to allocate the estimated expenditure to categories of designated air traffic service providers, as a basis for determining the share of contributions to be made by designated air*

*traffic service providers of each category;*

*(b) appropriate and objective criteria to determine the annual contributions payable by individual designated air traffic service providers based on their size so as to approximately reflect their importance in the market.*

*The categories referred to in point (a) of the first paragraph shall be firstly en route air traffic service providers, secondly terminal air traffic service providers subject to the oversight of the Agency acting as PRB, and thirdly providers offering both types of services. The criteria to be established in accordance with point (b) shall in particular ensure equal treatment of the providers concerned, in respect of each type of service. The size of the air traffic service providers shall be calculated based on the amount of actual revenues produced by the provision of air navigation services over the reference period preceding the reference period during which this Regulation enters into force.*

Or. en

#### **Amendment 269**

**Marian-Jean Marinescu, Bogusław Liberadzki, Jan-Christoph Oetjen, Elżbieta Katarzyna Łukacijewska**

#### **Proposal for a regulation**

#### **Article 5 aa (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 5aa**

#### **Cooperation agreements on performance review**

**1. Insofar as the activities of the Agency acting as PRB are concerned, the Agency shall be open to the participation of third countries which have concluded**

*agreements with the Union and which have adopted and are applying the relevant rules of Union law in the field of air traffic management including, in particular, the rules on independent national supervisory authorities and on performance scheme and charging scheme.*

*2. Subject to the conclusion of an agreement to that effect between the Union and third countries as referred to in paragraph 1, the Agency acting as PRB may also exercise its tasks under [Amended SES2+] with regard to third countries, provided that those third countries have adopted and apply the relevant rules in accordance with paragraph 1 and have mandated the Agency acting as PRB to coordinate the activities of their national supervisory authorities with those of the national supervisory authorities of Member States.*

*3. The agreements referred to in paragraph 1 shall specify the nature, scope and procedural aspects of the involvement of those countries in the work of the Agency acting as PRB and shall include provisions relating to financial contributions and to staff. Those agreements may provide for the establishment of working arrangements.*

Or. en

**Amendment 270**

**Robert Roos**

**Proposal for a regulation**

**Article 6**

*Text proposed by the Commission*

*Amendment*

*[...]*

*deleted*

Or. en

### *Justification*

*This certificate is unnecessary and is an additional administrative burden on the ANSPs and on the national certifying authorities. The ANSPs already need a certificate on safety based on IR 2017/373 of 1 March 2017 laying down common requirements for providers of air traffic management/air navigation services and other air traffic management network functions and their oversight. Furthermore this IR also has requirements on financial strength for ANSPs in provision ATM/ANS.OR.D.015:*

#### **Amendment 271**

**Karima Delli**

#### **Proposal for a regulation**

##### **Article 6**

*Text proposed by the Commission*

*Amendment*

**[...]**

***deleted***

Or. en

### *Justification*

*The regulation should not be leading in terms of how air navigation service providers should be organised or managed, this is dictated by the subsidiarity principle. Furthermore no evidence of difficulties with existing regulation is provided. No demonstration of any sort of benefit is made either.*

#### **Amendment 272**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

#### **Proposal for a regulation**

##### **Article 6**

*Text proposed by the Commission*

*Amendment*

**[...]**

***deleted***

Or. en

### *Justification*

*The introduction of ANSP economic certification overlaps with existing requirements under Regulations (EC) 550/2004 and (EU) 2017/373, where financial stability (financial stability, liability and insurance cover) is part of the requirements for obtaining an ANSP certificate. The provision has no clear added value, leading to unnecessary duplication and increasing*



*administrative burden. All references in this regard should be deleted.*

#### **Amendment 273**

**Kosma Zlotowski, Tomasz Piotr Poręba, Roberts Zile**

#### **Proposal for a regulation**

##### **Article 6**

*Text proposed by the Commission*

*Amendment*

**[...]**

***deleted***

Or. en

#### *Justification*

*ANSPs shall be required to hold a single certificate – meeting requirements of IR 2017/373 on Common requirements, which also includes financial/liability/insurance requirements. This would allow to reduce further complexity of the system.*

#### **Amendment 274**

**Bogusław Liberadzki**

#### **Proposal for a regulation**

##### **Article 6 – title**

*Text proposed by the Commission*

*Amendment*

Economic certification and requirements for *air navigation service* providers

Economic certification and requirements for providers *of CNS, AIS, ADS, MET or terminal air traffic services*

Or. en

#### **Amendment 275**

**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura, João Ferreira**

#### **Proposal for a regulation**

##### **Article 6 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. Air navigation *service providers shall, in addition to the certificates they*

1. *The provision of all* air navigation *services within the Community* shall be

*are required to hold pursuant to Article 41 of Regulation (EU) No 2018/1139, hold an economic certificate. This economic certificate shall be issued upon application, when the applicant has demonstrated sufficient financial robustness and has obtained appropriate liability and insurance cover.*

*subject to certification by Member States*

Or. en

#### **Amendment 276**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

#### **Proposal for a regulation**

#### **Article 6 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. Air navigation service providers shall, in addition to the certificates they are required to hold pursuant to Article 41 of Regulation (EU) No 2018/1139, hold an economic certificate. This economic certificate shall be issued upon application, when the applicant has demonstrated sufficient financial robustness and has obtained appropriate liability and insurance cover.

##### *Amendment*

1. Air navigation service providers shall, in addition to the certificates they are required to hold pursuant to Article 41 of Regulation (EU) No 2018/1139, hold an economic certificate. This economic certificate shall be issued upon application, when the applicant has demonstrated sufficient financial robustness and has obtained appropriate liability and insurance cover. ***The applicants shall also demonstrate that they have policies and processes in place to ensure compliance with Treaty rules on competition.***

Or. en

#### **Amendment 277**

**Bogusław Liberadzki**

#### **Proposal for a regulation**

#### **Article 6 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. ***Air navigation service*** providers shall, in addition to the certificates they are

##### *Amendment*

1. Providers ***of CNS, AIS, ADS, MET or terminal air traffic services*** shall, in

required to hold pursuant to Article 41 of Regulation (EU) No 2018/1139, hold an economic certificate. This economic certificate shall be issued upon application, when the applicant has demonstrated sufficient financial robustness and has obtained appropriate liability and insurance cover.

addition to the certificates they are required to hold pursuant to Article 41 of Regulation (EU) No 2018/1139, hold an economic certificate. This economic certificate shall be issued upon application, when the applicant has demonstrated sufficient financial robustness and has obtained appropriate liability and insurance cover.

Or. en

#### **Amendment 278**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica**

#### **Proposal for a regulation**

#### **Article 6 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

1. Air navigation service providers shall, in addition to the certificates they are required to hold pursuant to Article 41 of Regulation (EU) No 2018/1139, hold an economic certificate. This economic certificate shall be issued upon application, when the applicant has demonstrated **sufficient** financial robustness and has obtained appropriate liability and insurance cover.

##### *Amendment*

1. Air navigation service providers shall, in addition to the certificates they are required to hold pursuant to Article 41 of Regulation (EU) No 2018/1139, hold an economic certificate. This economic certificate shall be issued upon application, when the applicant has demonstrated financial robustness and has obtained appropriate liability and insurance cover.

Or. en

#### **Amendment 279**

**Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider, Julie Lechanteux, Philippe Olivier**

#### **Proposal for a regulation**

#### **Article 6 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

***The economic certificate referred to in this paragraph may be limited, suspended or revoked when the holder no longer***

##### *Amendment*

***deleted***

*complies with the requirements for issuing and maintaining such certificate.*

Or. en

#### **Amendment 280**

**Johan Van Overtveldt**

#### **Proposal for a regulation**

#### **Article 6 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

The economic certificate referred to in this paragraph may be limited, suspended or revoked when the holder no longer complies with the requirements for issuing and maintaining such certificate.

##### *Amendment*

The economic certificate referred to in this paragraph may be limited, suspended or revoked when the holder no longer complies with the requirements for issuing and maintaining such certificate. ***The NSA shall develop a contingency plan in collaboration with the Network Manager and the Agency acting as PRB in case of limitation, suspension or revocation of the economic certificate to ensure business continuation.***

Or. en

##### *Justification*

*In the context of provisions of article 6, the development of a contingency plan is necessary.*

#### **Amendment 281**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

#### **Proposal for a regulation**

#### **Article 6 – paragraph 1 – subparagraph 1**

##### *Text proposed by the Commission*

The economic certificate referred to in this paragraph may be limited, suspended or revoked when the holder no longer complies with the requirements for issuing and maintaining such certificate.

##### *Amendment*

The economic certificate referred to in this paragraph may be ***amended***, limited, suspended or revoked when the holder no longer complies with the requirements for issuing and maintaining such certificate.

**Amendment 282**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**

**Article 6 – paragraph 1 – subparagraph 1 – point a (new)**

*Text proposed by the Commission*

*Amendment*

**(a) In case of limitation, suspension or revocation of the economic certificate the national supervisory authority shall apply a contingency plan to ensure business continuation.**

**Amendment 283**

**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura, João Ferreira**

**Proposal for a regulation**

**Article 6 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. An entity that holds an economic certificate referred to in paragraph 1 and a certificate referred to in Article 41 of Regulation (EU) No 2018/1139 shall be entitled to provide within the Union air navigation services for airspace users, under non-discriminatory conditions, without prejudice to Article 7(2).**

**2. Applications for certification shall be submitted to the national supervisory authority of the Member State where the applicant has its principal place of operation and, if any, its registered office.**

**Amendment 284**

**Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider, Julie Lechanteux, Philippe Olivier**

**Proposal for a regulation**

**Article 6 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**2a. In order to avoid unnecessary administrative burden for small organisations, certain air navigation service providers may be exempted from the requirement provided for by paragraph 1 of this Article. Detailed rules shall be adopted in accordance with the examination procedure referred to in Article 37 (3).**

Or. en

**Amendment 285**

**Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider, Julie Lechanteux, Philippe Olivier**

**Proposal for a regulation**

**Article 6 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. The economic certificate referred to in paragraph 1 and the certificate referred to in Article 41 of Regulation (EU) No 2018/1139 may be subject to one or several conditions set out in Annex I. Such conditions shall be objectively justified, non-discriminatory, proportionate and transparent. The Commission shall be empowered to adopt delegated acts in accordance with Article 36 in order to amend the list set out in Annex I for the purposes of providing for an economic level playing field and resilience of service provision.**

**deleted**

Or. en

**Amendment 286**

**Johan Van Overtveldt**

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

*Text proposed by the Commission*

3. The economic certificate referred to in paragraph 1 and the certificate referred to in Article 41 of Regulation (EU) No 2018/1139 may be subject to one or several conditions set out in Annex I. Such conditions shall be objectively justified, non-discriminatory, proportionate and transparent. The Commission shall ***be empowered to adopt delegated acts in accordance with Article 36 in order to*** amend the list set out in Annex I for the purposes of providing for an economic level playing field and resilience of service provision.

*Amendment*

3. The economic certificate referred to in paragraph 1 and the certificate referred to in Article 41 of Regulation (EU) No 2018/1139 may be subject to one or several conditions set out in Annex I. Such conditions shall be objectively justified, non-discriminatory, proportionate and transparent. The Commission shall amend the list set out in Annex I for the purposes of providing for an economic level playing field and resilience of service provision.

Or. en

*Justification*

*Limit delegation of power to non-essential parts of the legislation.*

**Amendment 287**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

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

*Text proposed by the Commission*

3. The economic certificate referred to in paragraph 1 ***and the certificate referred to in Article 41 of Regulation (EU) No 2018/1139*** may be subject to one or several conditions set out in Annex I. Such conditions shall be objectively justified, non-discriminatory, proportionate and transparent. The Commission shall be empowered to adopt delegated acts in accordance with Article 36 in order to amend the list set out in Annex I for the purposes of providing for an economic level playing field and resilience of service

*Amendment*

3. The economic certificate referred to in paragraph 1 may be subject to one or several conditions set out in Annex I. Such conditions shall be objectively justified, non-discriminatory, proportionate and transparent. The Commission shall be empowered to adopt delegated acts in accordance with Article 36 in order to amend the list set out in Annex I for the purposes of providing for an economic level playing field and ***financial*** resilience of service provision.

provision.

Or. en

#### **Amendment 288**

**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura, João Ferreira**

#### **Proposal for a regulation**

#### **Article 6 – paragraph 3**

##### *Text proposed by the Commission*

3. *The economic certificate referred to in paragraph 1 and the certificate referred to in Article 41 of Regulation (EU) No 2018/1139 may be subject to one or several conditions set out in Annex I. Such conditions shall be objectively justified, non-discriminatory, proportionate and transparent. The Commission shall be empowered to adopt delegated acts in accordance with Article 36 in order to amend the list set out in Annex I for the purposes of providing for an economic level playing field and resilience of service provision.*

##### *Amendment*

3. *National supervisory authorities shall issue certificates to air navigation service providers where they comply with the common requirements referred to in Article 6. Certificates may be issued individually for each type of air navigation service as defined in Article 2 of the framework Regulation, or for a bundle of such services, inter alia, where a provider of air traffic services, whatever its legal status, operates and maintains its own communication, navigation and surveillance systems. The certificates shall be checked on a regular basis.*

Or. en

#### **Amendment 289**

**Bogusław Liberadzki**

#### **Proposal for a regulation**

#### **Article 6 – paragraph 3**

##### *Text proposed by the Commission*

3. The economic certificate referred to in paragraph 1 and the certificate referred to in Article 41 of Regulation (EU) No 2018/1139 may be subject to one or several conditions set out in Annex I. Such conditions shall be objectively justified, non-discriminatory, proportionate and transparent. The Commission shall be

##### *Amendment*

3. The economic certificate referred to in paragraph 1 and the certificate referred to in Article 41 of Regulation (EU) No 2018/1139 may be subject to one or several conditions set out in Annex I. Such conditions shall be objectively justified, non-discriminatory, proportionate and transparent. The Commission shall be



empowered to adopt *delegated* acts in accordance with Article 36 in order to amend the list set out in Annex I for the purposes of providing for an economic level playing field and resilience of service provision.

empowered to adopt *implementing* acts in accordance with Article 37 (3) in order to amend the list set out in Annex I for the purposes of providing for an economic level playing field and resilience of service provision.

Or. en

#### **Amendment 290**

**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura, João Ferreira**

#### **Proposal for a regulation Article 6 – paragraph 4**

##### *Text proposed by the Commission*

4. *The national supervisory authorities of the Member State where the natural or legal person applying for the economic certificate has its principal place of business or, if that person has no principal place of business, where it has its place of residence or place of establishment, shall be responsible for the tasks set out in this Article in respect of the economic certificates. In the case of provision of air navigation services in an airspace falling under the responsibility of two or more Member States, the national supervisory authorities responsible shall be those specified in accordance with Article 5(4).*

##### *Amendment*

4. Certificates *shall specify the rights and obligations* of air navigation service providers, *including non-discriminatory access to services for airspace users, with particular regard to safety. Certification may be subject only to the conditions set out in Annex II. Such conditions* shall be *objectively justified, non-discriminatory, proportionate and transparent.*

Or. en

#### **Amendment 291**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

#### **Proposal for a regulation Article 6 – paragraph 4**

##### *Text proposed by the Commission*

4. The national supervisory

##### *Amendment*

4. The national supervisory *authority*

**authorities** of the Member State where the natural or legal person applying for the economic certificate has its principal place of business or, if that person has no principal place of business, where it has its place of residence or place of establishment, shall be responsible for the tasks set out in this Article in respect of the economic certificates. In the case of provision of air navigation services in an airspace falling under the responsibility of two or more Member States, the national supervisory authorities responsible shall be those specified in accordance with Article 5(4).

of the Member State where the natural or legal person applying for the economic certificate has its principal place of business or, if that person has no principal place of business, where it has its place of residence or place of establishment, shall be responsible for the tasks set out in this Article in respect of the economic certificates. In the case of provision of air navigation services in an airspace falling under the responsibility of two or more Member States, the national supervisory authorities responsible shall be those specified in accordance with Article 5(4).

Or. en

#### **Amendment 292**

**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura, João Ferreira**

#### **Proposal for a regulation**

#### **Article 6 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. For the purpose of paragraph 1, the national supervisory authorities shall:**

**deleted**

**(a) receive and assess the applications made to them, and, where applicable, issue or renew economic certificates;**

**(b) perform oversight of holders of economic certificates.**

Or. en

#### **Amendment 293**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica**

#### **Proposal for a regulation**

#### **Article 6 – paragraph 5 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) take enforcement measures which may, where appropriate, include fines and periodic penalty payments, the amendment, limitation, suspension or revocation of economic certificates.***

Or. en

**Amendment 294**

**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura, João Ferreira**

**Proposal for a regulation**

**Article 6 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

***5a. Notwithstanding paragraph 1, Member States may allow the provision of air navigation services in all or part of the airspace under their responsibility without certification in cases where the provider of such services offers them primarily to aircraft movements other than general air traffic. In those cases, the Member State concerned shall inform the Commission and the other Member States of its decision and of the measures taken to ensure maximum compliance with the common requirements.***

Or. en

**Amendment 295**

**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**

**Article 6 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

***6. The Commission shall adopt, in accordance with the examination***

***6. . In order to ensure the uniform implementation of and compliance with***

*procedure referred to in Article 37(3), implementing rules regarding detailed requirements on financial robustness, in particular financial strength and financial resilience, as well as in respect of liability and insurance cover.* In order to ensure the uniform implementation of and compliance with paragraphs (1), (4) and (5) of this Article, the Commission shall adopt implementing acts, in accordance with the examination procedure referred to in Article 37(3), laying down detailed provisions concerning the rules and procedures for **certification** and for conducting the investigations, inspections, audits and other monitoring activities necessary to ensure effective oversight by the national supervisory authority of the entities subject to this Regulation.

paragraphs (1), **(1a)**, (4) and (5) of this Article the Commission shall, **with a view to achieving the objectives set out in Article 1**, adopt implementing acts, in accordance with the examination procedure referred to in Article 37(3), laying down detailed provisions concerning: **a) the rules and procedures for issuing, maintaining, amending, limiting, suspending or revoking the certificates referred to in Article 6 paragraph 1; b) the rules and procedures** for conducting the investigations, inspections, audits and other monitoring activities, **referred to in Article 6 paragraph 5 and Article 4 paragraph 3**, necessary to ensure effective oversight by the national supervisory authority of the entities subject to this Regulation **c) the rules and procedures for developing contingency plans in case of limitation, suspension or revocation of the economic certificate, referred to in Article 6 paragraph 1a;**

Or. en

#### Amendment 296

Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura, João Ferreira

#### Proposal for a regulation Article 6 – paragraph 6

##### *Text proposed by the Commission*

6. *The Commission shall adopt, in accordance with the examination procedure referred to in Article 37(3), implementing rules regarding detailed requirements on financial robustness, in particular financial strength and financial resilience, as well as in respect of liability and insurance cover. In order to ensure the uniform implementation of and compliance with paragraphs (1), (4) and (5) of this Article, the Commission shall adopt implementing acts, in accordance with the examination*

##### *Amendment*

6. *National supervisory authorities shall monitor compliance with the common requirements and with the conditions attached to the certificates. Details of such monitoring shall be included in the annual reports to be submitted by Member States pursuant to Article 12(1) of the framework Regulation. If a national supervisory authority finds that the holder of a certificate no longer satisfies such requirements or conditions, it shall take appropriate measures while ensuring*

*procedure referred to in Article 37(3), laying down detailed provisions concerning the rules and procedures for certification and for conducting the investigations, inspections, audits and other monitoring activities necessary to ensure effective oversight by the national supervisory authority of the entities subject to this Regulation.*

*continuity of services on condition that safety is not compromised. Such measures may include the revocation of the certificate.*

Or. en

#### **Amendment 297**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica, Elsi Katainen**

#### **Proposal for a regulation Article 6 – paragraph 6**

##### *Text proposed by the Commission*

6. The Commission shall adopt, in accordance with the examination procedure referred to in Article 37(3), implementing rules regarding detailed requirements on financial robustness, in particular financial strength and financial resilience, as well as in respect of liability and insurance cover. In order to ensure the uniform implementation of and compliance with paragraphs (1), (4) and (5) of this Article, the Commission shall adopt implementing acts, in accordance with the examination procedure referred to in Article 37(3), laying down detailed provisions concerning the rules and procedures for certification and for conducting the investigations, inspections, audits and other monitoring activities necessary to ensure effective oversight by the national supervisory authority of the entities subject to this Regulation.

##### *Amendment*

6. The Commission shall adopt, in accordance with the examination procedure referred to in Article 37(3), implementing rules regarding detailed requirements on financial robustness, in particular financial strength and financial resilience, as well as in respect of liability and insurance cover. In order to ensure the uniform implementation of and compliance with paragraphs (1), (4) and (5) of this Article, the Commission shall adopt implementing acts, in accordance with the examination procedure referred to in Article 37(3), laying down detailed provisions concerning the rules and procedures for certification and for conducting the investigations, inspections, audits and other monitoring activities necessary to ensure effective oversight **and enforcement** by the national supervisory authority of the entities subject to this Regulation.

Or. en

**Amendment 298**  
**Isabel García Muñoz**

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

*Text proposed by the Commission*

*Amendment*

**6a. Notwithstanding paragraphs 1 and 2, Member States may allow the provision of air navigation services in all or part of the airspace under their responsibility without certification in cases where the provider of such services offers them primarily to aircraft movements other than general air traffic. In those cases, the Member State concerned shall inform the Commission and the other Member States of its decision and of the measures taken to ensure maximum compliance with the common requirements.**

Or. en

*Justification*

*In order to avoid excluding those military providers from the services that they are currently providing.*

**Amendment 299**  
**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura, João Ferreira**

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

*Text proposed by the Commission*

*Amendment*

**6a. A Member State shall recognise any certificate issued in another Member State in accordance with this Article.**

Or. en

**Amendment 300**  
**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura**

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

*Text proposed by the Commission*

*Amendment*

**6b. In exceptional circumstances, Member States may postpone compliance with this Article beyond the date resulting from Article 19(2) by six months. Member States shall notify the Commission of such postponement, giving their reasons therefor.**

Or. en

**Amendment 301**  
**Karima Delli**

**Proposal for a regulation**  
**Article 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 6a**

***Economic certification and requirements  
for air navigation service providers***

- 1. The provision of all air navigation services within the Community shall be subject to certification by Member States .**
- 2. Applications for certification shall be submitted to the national supervisory authority of the Member State where the applicant has its principal place of operation and, if any, its registered office.**
- 3. National supervisory authorities shall issue certificates to air navigation service providers where they comply with the common requirements referred to in Article 6. Certificates may be issued individually for each type of air navigation service as defined in Article 2 of the framework Regulation, or for a bundle of such services, inter alia, where a provider of air traffic services, whatever**

*its legal status, operates and maintains its own communication, navigation and surveillance systems. The certificates shall be checked on a regular basis.*

*4. Certificates shall specify the rights and obligations of air navigation service providers, including non-discriminatory access to services for airspace users, with particular regard to safety. Certification may be subject only to the conditions set out in Annex II. Such conditions shall be objectively justified, non-discriminatory, proportionate and transparent.*

*5. Notwithstanding paragraph 1, Member States may allow the provision of air navigation services in all or part of the airspace under their responsibility without certification in cases where the provider of such services offers them primarily to aircraft movements other than general air traffic. In those cases, the Member State concerned shall inform the Commission and the other Member States of its decision and of the measures taken to ensure maximum compliance with the common requirements.*

*6. National supervisory authorities shall monitor compliance with the common requirements and with the conditions attached to the certificates. Details of such monitoring shall be included in the annual reports to be submitted by Member States pursuant to Article 12(1) of the framework Regulation. If a national supervisory authority finds that the holder of a certificate no longer satisfies such requirements or conditions, it shall take appropriate measures while ensuring continuity of services on condition that safety is not compromised. Such measures may include the revocation of the certificate*

*7. A Member State shall recognise any certificate issued in another Member State in accordance with this Article.*



8. *In exceptional circumstances, Member States may postpone compliance with this Article beyond the date resulting from Article 19(2) by six months. Member States shall notify the Commission of such postponement, giving their reasons therefor.*

Or. en

*Justification*

*Restoring the original provision (corresponding former article 7 of Regulation 550/2004) as the new Commission's proposal is leading to effectively forbidding certain models for setting up air navigation service provision. For example, it is difficult for a public administration to demonstrate financial robustness, appropriate liability and/or insurance cover.*

**Amendment 302**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica**

**Proposal for a regulation**

**Article 7 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Member States shall ensure the provision of air traffic services on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility. For this purpose, Member States shall individually or collectively, designate one or more air traffic service provider(s). The air traffic service providers shall **fulfill** the following conditions:

*Amendment*

1. Member States shall ensure the provision of air traffic services on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility. For this purpose, Member States shall individually or collectively, designate **on the basis of a competitive tendering procedure in accordance with Article 35a (new) of this Regulation** one or more air traffic service provider(s). The air traffic service providers shall **fulfil** the following conditions:

Or. en

**Amendment 303**

**Isabel García Muñoz**

**Proposal for a regulation**

**Article 7 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Member States shall ensure the provision of air traffic services on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility. For this purpose, Member **States** shall individually or collectively, designate one or more air traffic service provider(s). The air traffic service providers shall **fulfill** the following conditions:

*Amendment*

1. **Without prejudice to article 30,** Member States shall ensure the provision of air traffic services on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility. For this purpose, Member shall, individually or collectively, designate one or more air traffic service provider(s). The air traffic service providers shall **fulfil** the following conditions: [...]

Or. en

*Justification*

*Written agreements (or equivalent legal arrangements) between the competent civil and military authorities should prevent from the need to designate military ATSP.*

**Amendment 304**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

**Proposal for a regulation**

**Article 7 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Member States shall ensure the provision of air traffic services on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility. For this purpose, Member States shall **individually or collectively**, designate **one or more** air traffic service provider(s). The air traffic service providers shall **fulfill** the following conditions:

*Amendment*

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

Or. en

**Amendment 305**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

## Proposal for a regulation

### Article 7 – paragraph 1 – point a

*Text proposed by the Commission*

(a) they shall hold a valid certificate or a valid declaration as referred to in Article 41 of Regulation (EU) 2018/1139 **and an economic certificate in accordance with Article 6(1).**

*Amendment*

(a) they shall hold a valid certificate or a valid declaration as referred to in Article 41 of Regulation (EU) 2018/1139.

Or. en

*Justification*

*The State should be able to exercise control over the provider it has designated. This is logical having in mind that under the Chicago Convention the State bears the whole responsibility for ensuring the safety of flight in its airspace. In this regard the State should be able to impose requirements regarding the ownership of the providers, their place of registration, the infrastructure used, the management of responsibilities. Provisions that would create a serious prerequisite for the entry of global companies such as Google, Amazon and others - similar to the "market" for air traffic data (ADS) and other ancillary services (CNS, MET, etc.) should be avoided. This represents a serious threat to the NSA economic model, significantly reduces the economic benefits for the State and, last but not least, represents a potential threat to the national security. The deleted text of Article 7 should be reinstated.*

## Amendment 306

**Kosma Złotowski, Tomasz Piotr Poręba, Roberts Zile**

## Proposal for a regulation

### Article 7 – paragraph 1 – point a

*Text proposed by the Commission*

(a) they shall hold a valid certificate or a valid declaration as referred to in Article 41 of Regulation (EU) 2018/1139 **and an economic certificate in accordance with Article 6(1).**

*Amendment*

(a) they shall hold a valid certificate or a valid declaration as referred to in Article 41 of Regulation (EU) 2018/1139.

Or. en

*Justification*

*ANSPs shall be required to hold a single certificate – meeting requirements of IR 2017/373 on Common requirements, which includes also financial/liability/insurance requirements.*

*This would allow to reduce further complexity to the system.*

**Amendment 307**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica**

**Proposal for a regulation**

**Article 7 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) they shall fulfil the requirements on service quality in consistence with the Union wide performance targets;***

Or. en

**Amendment 308**

**Johan Van Overtveldt**

**Proposal for a regulation**

**Article 7 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

***Each decision to designate an air traffic service provider shall be valid for a maximum of ten years. Member States may decide to renew the designation of an air traffic service provider.***

***deleted***

Or. en

*Justification*

*The designation of an ANSP falls within the competence of the Member States.*

**Amendment 309**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 7 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

*Each decision to designate an air traffic service provider shall be valid for a maximum of ten years. Member States may decide to renew the designation of an air traffic service provider.* *deleted*

Or. en

**Amendment 310**

**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura, João Ferreira**

**Proposal for a regulation**

**Article 7 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

*Each decision to designate an air traffic service provider shall be valid for a maximum of ten years. Member States may decide to renew the designation of an air traffic service provider.* *deleted*

Or. en

**Amendment 311**

**Robert Roos**

**Proposal for a regulation**

**Article 7 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

*Each decision to designate an air traffic service provider shall be valid for a maximum of ten years. Member States may decide to renew the designation of an air traffic service provider.* *deleted*

Or. en

### *Justification*

*The prerogative to designate an ANSP is with the Member State. MS govern and assess the performance of an ANSP on a regular (quarterly and yearly) basis and put in place measures if needed. It is unclear what the added value of a limited designation is on the top of this already well established governance process. Furthermore this provision could introduce the risk that an ANSP stops investing and/or stops training and recruiting new air traffic controllers when the end of the limited designation period is nearing. This behaviour could show an artificially improved cost-efficiency performance, but put at huge risk the continuation of the service provision.*

### **Amendment 312**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

#### **Proposal for a regulation**

#### **Article 7 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

*Each decision to designate an air traffic service provider shall be valid for a maximum of ten years. Member States may decide to renew the designation of an air traffic service provider.*

*deleted*

Or. en

### **Amendment 313**

**Mario Furore, Laura Ferrara**

#### **Proposal for a regulation**

#### **Article 7 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

*Each decision to designate an air traffic service provider shall be valid for a maximum of ten years. Member States may decide to renew the designation of an air traffic service provider.*

*deleted*

Or. en

### *Justification*

*Regulation 550/2204, art. 8 states that Member States shall ensure the provision of air traffic services on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility. For this purpose, Member States shall designate an air traffic service provider holding a valid certificate in the Community. 10 years are not consistent with any training or investment plans nor with performance schemes.*

#### **Amendment 314**

**Nicola Danti**

#### **Proposal for a regulation**

#### **Article 7 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

*Each decision to designate an air traffic service provider shall be valid for a maximum of ten years. Member States may decide to renew the designation of an air traffic service provider.* **deleted**

Or. en

#### **Amendment 315**

**Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider, Julie Lechanteux, Philippe Olivier**

#### **Proposal for a regulation**

#### **Article 7 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

*Each decision to designate an air traffic service provider shall be valid for a maximum of ten years. Member States may decide to renew the designation of an air traffic service provider.* **deleted**

Or. en

#### **Amendment 316**

**Marian-Jean Marinescu**

**Proposal for a regulation**

**Article 7 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Each decision to designate an air traffic service provider shall be valid for a maximum of **ten** years. Member States may decide to renew the designation of an air traffic service provider.

*Amendment*

Each decision to designate an air traffic service provider shall be valid for a maximum of **five** years. Member States may decide to renew the designation of an air traffic service provider.

Or. en

**Amendment 317**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica**

**Proposal for a regulation**

**Article 7 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The duration of an air traffic service contract shall not exceed the length of the reference period.***

Or. en

**Amendment 318**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

**Proposal for a regulation**

**Article 7 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. For the provision of cross-border services, Member States shall ensure that compliance with this Article and Article 18 10(3) is not prevented by their national legal system requiring that air traffic service providers providing services in the airspace under the responsibility of that Member State***



# Amendment 319

**Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider, Julie Lechanteux, Philippe Olivier**

## Proposal for a regulation

### Article 7 – paragraph 2

*Text proposed by the Commission*

*Amendment*

**2. The designation of the air traffic service providers shall not be subject to any condition requiring those providers to :** **deleted**

**(a) be owned directly or through a majority holding by the designating Member State or its nationals;**

**(b) have their principal place of operation or registered office in the territory of the designating Member State;**

**(c) use only facilities in the designating Member State.**

# Amendment 320

**Bogusław Liberadzki**

## Proposal for a regulation

### Article 7 – paragraph 2 – introductory part

*Text proposed by the Commission*

*Amendment*

**2. The designation of the air traffic service providers shall not be subject to any condition requiring those providers to :**

**2. Member States shall ensure the provision of air traffic services on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility. For this purpose, Member States shall designate an air traffic service provider holding a valid certificate within the Union.<sup>1a</sup> The designation of the air traffic service providers shall not be subject to any**

condition requiring those providers to :

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***1<sup>a</sup> The provision related to the 10-year designation of ATSPs by the Member States raises concerns on its compatibility with the Chicago Convention, which gives the States discretionary powers on the designation of the ATSP. From a management perspective, 10 years would not be consistent with crucial issues such as training, investment cycles or the Performance Plans as foreseen by the proposal itself.***

Or. en

#### **Amendment 321**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

#### **Proposal for a regulation**

#### **Article 7 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) be owned directly or through a majority holding by **the** designating Member State or its nationals;

*Amendment*

(a) be owned directly or through a majority holding by **that** designating Member State or its nationals;

Or. en

#### **Amendment 322**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

#### **Proposal for a regulation**

#### **Article 7 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) have their principal place of operation or registered office in the territory of **the designating** Member State;

*Amendment*

(b) have their principal place of operation or registered office in the territory of **that** Member State;

Or. en

#### Amendment 323

Petar Vitanov, Ismail Ertug, Maria Grapini, Rovana Plumb

#### Proposal for a regulation

##### Article 7 – paragraph 2 – point c

*Text proposed by the Commission*

(c) use only facilities in ***the*** designating Member State.

*Amendment*

(c) use only facilities in ***that*** designating Member State.

Or. en

#### Amendment 324

Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider, Julie Lechanteux, Philippe Olivier

#### Proposal for a regulation

##### Article 7 – paragraph 3

*Text proposed by the Commission*

3. Member States shall specify the rights and obligations to be met by the air traffic service providers, designated individually or jointly. The obligations shall include conditions for making available relevant data enabling all aircraft movements to be identified in the airspace under their responsibility.

*Amendment*

3. Member States ***shall have discretionary powers in choosing an air traffic provider and*** shall specify the rights and obligations to be met by the air traffic service providers, designated individually or jointly. The obligations shall include conditions for making available relevant data enabling all aircraft movements to be identified in the airspace under their ***responsibility***.

Or. en

#### Amendment 325

Bogusław Liberadzki

#### Proposal for a regulation

##### Article 7 – paragraph 3

*Text proposed by the Commission*

3. Member States shall specify the rights and obligations to be met by the air traffic service providers , designated individually or jointly. The obligations shall include conditions for making available relevant data enabling all aircraft movements to be identified in the airspace under their responsibility.

*Amendment*

3. Member States ***shall have discretionary powers in choosing an air traffic providers and*** shall specify the rights and obligations to be met by the air traffic service providers , designated individually or jointly. The obligations shall include conditions for making available relevant data enabling all aircraft movements to be identified in the airspace under their responsibility.

Or. en

**Amendment 326**

**Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica**

**Proposal for a regulation**

**Article 7 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall specify the rights and obligations to be met by the air traffic service providers , designated individually or jointly. The obligations shall include conditions for making available relevant data enabling all aircraft movements to be identified in the airspace under their responsibility.

*Amendment*

3. Member States shall specify ***in the air traffic service contract*** the rights and obligations to be met by the air traffic service providers , designated individually or jointly. The obligations shall include conditions for making available relevant data enabling all aircraft movements to be identified in the airspace under their responsibility

Or. en

**Amendment 327**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

**Proposal for a regulation**

**Article 7 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall specify the

*Amendment*

3. Member States shall specify the

rights and obligations to be met by the air traffic service providers , ***designated individually or jointly***. The obligations shall include conditions for making available relevant data enabling all aircraft movements to be identified in the airspace under their responsibility.

rights and obligations to be met by the air traffic service providers. The obligations shall include conditions for making available relevant data enabling all aircraft movements to be identified in the airspace under their responsibility.

Or. en

## **Amendment 328**

**Mario Furore, Laura Ferrara**

### **Proposal for a regulation**

#### **Article 7 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Member States shall have discretionary powers in choosing an air traffic service provider.***

Or. en

#### *Justification*

*State's discretionary power should be reinstated as it is already the case with Regulation 550/2204, art. 8 according to which Member States shall ensure the provision of air traffic services on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility. For this purpose, Member States shall designate an air traffic service provider holding a valid certificate.*

## **Amendment 329**

**Kosma Złotowski, Tomasz Piotr Poręba**

### **Proposal for a regulation**

#### **Article 7 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 7a***

##### ***Relations between service providers***

***1. Air traffic service providers may avail themselves of the air traffic services***

*of other service providers that have been certified in the Union.*

*2. Air traffic service providers shall formalise their working relationships by means of written agreements or equivalent legal arrangements, setting out the specific duties and functions assumed by each provider and allowing for the exchange of operational data between all service providers in so far as general air traffic is concerned. Those arrangements shall be notified to the national supervisory authority or authorities concerned. The approval of the Member States concerned shall be required.*

Or. en

*Justification*

*Draft regulation does not include any specific provision allowing air traffic service provider (ATSP) to delegate air traffic services to another entity which has been certified under the EU law, which under current setup is regulated in article 10 of Regulation (EC) no 550/2004.*