



**2013/0186(COD)**

8.2.2021

# **AMENDMENTS**

## **330 - 707**

**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))

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## Amendment 330

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

### Proposal for a regulation

#### Article 8 – title

*Text proposed by the Commission*

*Amendment*

**Conditions regarding** the provision of CNS, AIS, ADS, MET and terminal air traffic services

The provision of CNS, AIS, ADS, MET and terminal air traffic services

Or. en

## Amendment 331

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

### Proposal for a regulation

#### Article 8 – paragraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

1. ***Where this enables cost-efficiency gains to the benefit of airspace users, air traffic service providers may decide to procure CNS, AIS, ADS or MET services under market conditions.***

***deleted***

Or. en

## Amendment 332

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

### Proposal for a regulation

#### Article 8 – paragraph 1 – introductory part

*Text proposed by the Commission*

*Amendment*

1. ***Where this enables cost-efficiency gains to the benefit of airspace users, air traffic service providers may decide to procure CNS, AIS, ADS or MET services under market conditions.***

1. Air traffic service providers ***shall*** procure CNS, AIS, ADS or MET services under market conditions, ***unless they prove to the National supervisory authorities concerned that the procurement would result in a loss of cost efficiency to the detriment of the airspace users.***

**Amendment 333**  
**Karima Delli**

**Proposal for a regulation**  
**Article 8 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Where this enables ***cost-efficiency gains to the benefit of airspace users***, air traffic service providers may decide to procure CNS, AIS, ADS or MET services under market conditions.

*Amendment*

1. Where this enables ***an improved service performance, particularly on climate and the environment, while maintaining safety***, air traffic service providers may decide to procure CNS, AIS, ADS or MET services under market conditions.

Or. en

**Amendment 334**  
**Kosma Zlotowski, Tomasz Piotr Poręba, Roberts Zile**

**Proposal for a regulation**  
**Article 8 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Where ***this enables*** cost-efficiency gains ***to the benefit of airspace users***, air traffic service providers may decide to procure CNS, AIS, ADS or MET services under market conditions.

*Amendment*

1. Where ***justified by service quality, safety considerations***, cost-efficiency ***and potential environmental*** gains, air traffic service providers may decide to procure CNS, AIS, ADS or MET services under market conditions.

Or. en

*Justification*

*Due consideration should be given not only to cost-efficiency perspective, but also to elements related to safety quality of service and environment. ‘Cost-efficiency gains’ should not be the exclusive rationale to procure certain services under market conditions. It should be decision of the Member State whether terminal services would be provided under market conditions.*

**Amendment 335**  
**Mario Furore, Laura Ferrara**

**Proposal for a regulation**  
**Article 8 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Where this enables cost-efficiency gains to the benefit of airspace users, air traffic service providers may decide to procure CNS, AIS, ADS or MET services under market conditions.

*Amendment*

1. Where this enables cost-efficiency ***as well as operational*** gains to the benefit of airspace users, air traffic service providers may decide to procure CNS, AIS, ADS or MET services under market conditions.

Or. en

*Justification*

*Terminal air traffic services for aerodrome should be liberalised on a voluntary basis as it is proposed for the CNS, AIS, ADS and MET services. Cost-efficiency should not be the only driver in deciding to move toward services under market conditions.*

**Amendment 336**  
**Johan Danielsson**

**Proposal for a regulation**  
**Article 8 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Where this enables ***cost-efficiency gains to the benefit of airspace users***, air traffic service providers may decide to procure CNS, AIS, ADS or MET services under market conditions.

*Amendment*

1. Where this enables ***an improvement of the service performance without being detrimental to safety***, air traffic service providers may decide to procure CNS, AIS, ADS or MET services under market conditions.

Or. en

**Amendment 337**  
**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**  
**Article 8 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Where this enables cost-efficiency gains *to the benefit of airspace users*, air traffic service providers may decide to procure CNS, AIS, ADS or MET services under market conditions.

*Amendment*

1. Where this enables cost-efficiency *as well as operational* gains, air traffic service providers may decide to procure, *individually or jointly*, CNS, AIS, ADS or MET services under market conditions.

Or. en

**Amendment 338**  
**Robert Roos**

**Proposal for a regulation**  
**Article 8 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. Where this enables cost-efficiency gains to the benefit of airspace users, air traffic service providers may decide to procure CNS, AIS, *ADS or MET* services under market conditions.

*Amendment*

1. Where this enables cost-efficiency gains to the benefit of airspace users, air traffic service providers may decide to procure CNS, AIS, *or ADS* services under market conditions.

Or. en

**Amendment 339**  
**Robert Roos**

**Proposal for a regulation**  
**Article 8 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

*Where this enables cost-efficiency gains to the benefit of airspace users, Member States shall allow airport operators to procure terminal air traffic services for aerodrome control under market conditions.*

*Amendment*

*deleted*

Or. en

## *Justification*

*It should remain the prerogative of Member States to decide whether air traffic services and MET are delivered under market conditions in their airspace; this responsibility cannot be transferred to (private) air traffic service providers or airport operators. It should remain with the Member States to designate the MET services, and the ATSP for an airport or to decide to introduce market conditions. Within the EU these services are not considered as economic activities under market conditions.*

### **Amendment 340**

**Bogusław Liberadzki**

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

#### **Article 8 – paragraph 1 – subparagraph 1**

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

Where this enables cost-efficiency gains to the benefit of airspace users, Member States ***shall*** allow ***airport operators to procure*** terminal air traffic services for aerodrome control under market conditions.

##### *Amendment*

Where this enables cost-efficiency gains to the benefit of airspace users, Member States ***may*** allow ***the procurement of*** terminal air traffic services for aerodrome control ***and approach control*** under market conditions.<sup>1a</sup>

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***1a The provision should consider the sovereignty of member States on such a strategic asset thus leaving them the choice to liberalize the service at is currently the case that has allowed for opening of the market in, among others, Spain, UK and Sweden.***

Or. en

### **Amendment 341**

**Karima Delli**

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

#### **Article 8 – paragraph 1 – subparagraph 1**

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

Where this enables ***cost-efficiency gains to the benefit of airspace users***, Member

##### *Amendment*

Where this enables ***an improved service performance, particularly on climate and***

States **shall** allow airport operators to procure terminal air traffic services for aerodrome control under market conditions.

***the environment, while maintaining safety***, Member States **may** allow airport operators to procure terminal air traffic services for aerodrome control under market conditions.

Or. en

## **Amendment 342**

**Mario Furore, Laura Ferrara**

### **Proposal for a regulation**

#### **Article 8 – paragraph 1 – subparagraph 1**

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

Where this enables cost-efficiency gains to the benefit of airspace users, Member States **shall** allow airport operators to procure terminal air traffic services for aerodrome control under market conditions.

##### *Amendment*

Where this enables cost-efficiency ***as well as operational*** gains to the benefit of airspace users, Member States **may** allow airport operators to procure terminal air traffic services for aerodrome control ***and approach control*** under market conditions.

Or. en

##### *Justification*

*Terminal air traffic services for aerodrome should be liberalised on a voluntary basis as it is proposed for the CNS, AIS, ADS and MET services. Cost-efficiency should not be the only driver in deciding to move toward services under market conditions.*

## **Amendment 343**

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

### **Proposal for a regulation**

#### **Article 8 – paragraph 1 – subparagraph 1**

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

***Where this enables cost-efficiency gains to the benefit of airspace users***, Member States shall allow airport operators to procure terminal air traffic services for aerodrome control under market conditions.

##### *Amendment*

***The national supervisory authorities shall be responsible for assessing and approving this proof.***



Member States shall allow airport operators to procure terminal air traffic services for aerodrome control under market conditions.

Or. en

**Amendment 344**  
**Josianne Cutajar**

**Proposal for a regulation**  
**Article 8 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Where this enables cost-efficiency gains to the benefit of airspace users, Member States *shall* allow *airport operators to procure* terminal air traffic services for aerodrome control under market conditions.

*Amendment*

Where this enables cost-efficiency, ***technical, and operational*** gains to the benefit of airspace users, Member States ***may*** allow ***the procurement of*** terminal air traffic services for aerodrome control ***and approach control*** under market conditions.

Or. en

**Amendment 345**  
**Kosma Zlotowski, Tomasz Piotr Poręba, Roberts Zile**

**Proposal for a regulation**  
**Article 8 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Where ***this enables*** cost-efficiency gains ***to the benefit of airspace users***, Member States *shall* allow airport operators to procure terminal air traffic services for aerodrome control under market conditions.

*Amendment*

Where ***justified by service quality, safety considerations,*** cost-efficiency ***and potential environmental*** gains, Member States ***may*** allow airport operators to procure terminal air traffic services for aerodrome control under market conditions.

Or. en

#### Amendment 346

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

#### Proposal for a regulation

#### Article 8 – paragraph 1 – subparagraph 1

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

Where this enables cost-efficiency gains ***to the benefit of airspace users, Member States shall allow*** airport operators to procure terminal air traffic services for aerodrome control under market conditions.

##### *Amendment*

Where this enables cost-efficiency, ***as well as operational*** gains, airport operators ***may decide*** to procure terminal air traffic services for aerodrome control ***and terminal air traffic services for approach control*** under market conditions.

Or. en

#### Amendment 347

Johan Danielsson

#### Proposal for a regulation

#### Article 8 – paragraph 1 – subparagraph 1

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

Where this enables ***cost-efficiency gains to the benefit of airspace users***, Member States ***shall*** allow airport operators to procure terminal air traffic services for aerodrome control under market conditions.

##### *Amendment*

Where this enables ***an improvement of the service performance without being detrimental to safety***, Member States ***may*** allow airport operators to procure terminal air traffic services for aerodrome control under market conditions.

Or. en

#### Amendment 348

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

#### Proposal for a regulation

#### Article 8 – paragraph 1 – subparagraph 1

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

Where this enables cost-efficiency gains to the benefit of airspace users, Member

##### *Amendment*

Where this enables cost-efficiency gains to the benefit of airspace users, Member

States ***shall*** allow ***airport operators to procure*** terminal air traffic services for aerodrome control under market conditions.

States ***may*** allow ***the procurement of*** terminal air traffic services for aerodrome control ***and approach control*** under market conditions.

Or. en

#### **Amendment 349**

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

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

#### **Article 8 – paragraph 1 – subparagraph 1**

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

Where this enables ***cost-efficiency gains to the benefit of airspace users***, Member States ***shall*** allow airport operators to procure terminal air traffic services for aerodrome control under market conditions.

##### *Amendment*

Where this enables ***better service performance while maintaining the level of safety***, Member States ***may*** allow airport operators to procure terminal air traffic services for aerodrome control under market conditions.

Or. en

#### **Amendment 350**

**Nicola Danti**

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

#### **Article 8 – paragraph 1 – subparagraph 1**

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

Where this enables cost-efficiency gains to the benefit of airspace users, Member States ***shall*** allow airport operators to procure terminal air traffic services for aerodrome control under market conditions.

##### *Amendment*

Where this enables cost-efficiency gains to the benefit of airspace users, Member States ***may*** allow airport operators to procure terminal air traffic services for aerodrome control under market conditions.

Or. en

#### **Amendment 351**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

**Proposal for a regulation**

**Article 8 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

Where this enables cost-efficiency gains to the benefit of airspace users, Member States ***shall*** allow airport operators to procure terminal air traffic services for aerodrome control under market conditions.

*Amendment*

Where this enables cost-efficiency gains to the benefit of airspace users, Member States ***may*** allow airport operators to procure terminal air traffic services for aerodrome control under market conditions.

Or. en

*Justification*

*The proposed approach to introducing market principles for air navigation services carries risks of creating a supranational monopoly environment and concentration of business in several large providers, which is contrary to the principles of free and fair competition. Ensuring a high level of safety and security in the provision of such services on a market basis requires serious and detailed analyses as well as safety assessment. In this context, such step should be accompanied by an in-depth analysis of the costs and benefits, the effect on national security and defence, as well as a concept for implementation. Such an analysis does not currently exist, and it should be presented before the proposal is accepted. Furthermore, any activities in this direction shall be preceded by detailed analysis on the provision of such services, and in particular the establishment of the cost base, the use of direct, indirect, or hidden subsidies, the allocation of overhead, etc., to avoid market distortion, dumping practices and unfair competition. The provision of terminal air traffic services for aerodrome control should not be mandatory. The application of market conditions and the award of tenders for services related to air navigation services may lead to an increase in costs instead of their reduction, as well as to unregulated hidden subsidies to the detriment of the local provider, circumstances that are contrary to the main objectives of the SES.*

**Amendment 352**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 8 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

***In addition, where this enables cost-efficiency gains to the benefit of airspace users, Member States may allow airport operators or the national supervisory authority concerned to procure terminal***

*Amendment*

***deleted***

*air traffic services for approach control  
under market conditions.*

Or. en

**Amendment 353**

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

**Proposal for a regulation**

**Article 8 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*In addition, where this enables cost-  
efficiency gains to the benefit of airspace  
users, Member States may allow airport  
operators or the national supervisory  
authority concerned to procure terminal  
air traffic services for approach control  
under market conditions.*

*deleted*

Or. en

**Amendment 354**

**Josianne Cutajar**

**Proposal for a regulation**

**Article 8 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*In addition, where this enables cost-  
efficiency gains to the benefit of airspace  
users, Member States may allow airport  
operators or the national supervisory  
authority concerned to procure terminal  
air traffic services for approach control  
under market conditions.*

*deleted*

Or. en

**Amendment 355**  
**Robert Roos**

**Proposal for a regulation**  
**Article 8 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*In addition, where this enables cost-efficiency gains to the benefit of airspace users, Member States may allow airport operators or the national supervisory authority concerned to procure terminal air traffic services for approach control under market conditions.*

*deleted*

Or. en

**Amendment 356**  
**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**  
**Article 8 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

*In addition, where this enables cost-efficiency gains to the benefit of airspace users, Member States may allow airport operators or the national supervisory authority concerned to procure terminal air traffic services for approach control under market conditions.*

*In case of a group of airports, the operators or the national supervisory authority concerned may decide that terminal air traffic services for approach control are to be procured at those airports. The national supervisory authority shall coordinate and oversee the procurement procedures, in particular for respecting the implementation of the European ATM Master Plan, the interoperability and ground/air investment coordination.*

Or. en

**Amendment 357**  
**Karima Delli**

## Proposal for a regulation

### Article 8 – paragraph 1 – subparagraph 2

#### *Text proposed by the Commission*

In addition, where this enables *cost-efficiency gains to the benefit of airspace users*, Member States may allow airport operators or the national supervisory authority concerned to procure terminal air traffic services for approach control under market conditions.

#### *Amendment*

In addition, where this enables *an improved service performance, particularly on climate and the environment, while maintaining safety*, Member States may allow airport operators or the national supervisory authority concerned to procure terminal air traffic services for approach control under market conditions

Or. en

## Amendment 358

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

## Proposal for a regulation

### Article 8 – paragraph 1 – subparagraph 2

#### *Text proposed by the Commission*

In addition, *where this enables cost-efficiency gains to the benefit of airspace users*, Member States *may* allow airport operators or the national supervisory authority concerned to procure terminal air traffic services for approach control under market conditions.

#### *Amendment*

In addition, Member States *shall* allow airport operators or the national supervisory authority concerned to procure terminal air traffic services for approach control under market conditions.

Or. en

## Amendment 359

Kosma Złotowski, Tomasz Piotr Poręba, Roberts Zile

## Proposal for a regulation

### Article 8 – paragraph 1 – subparagraph 2

#### *Text proposed by the Commission*

In addition, where *this enables* cost-efficiency gains *to the benefit of airspace*

#### *Amendment*

In addition, where *justified by service quality, safety considerations*, cost-

*users*, Member States may allow airport operators or the national supervisory authority concerned to procure terminal air traffic services for approach control under market conditions.

efficiency *and potential environmental* gains, Member States may allow airport operators or the national supervisory authority concerned to procure terminal air traffic services for approach control under market conditions.

Or. en

**Amendment 360**  
**Johan Danielsson**

**Proposal for a regulation**  
**Article 8 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

In addition, where this enables *cost-efficiency gains to the benefit of airspace users*, Member States may allow airport operators or the national supervisory authority concerned to procure terminal air traffic services for approach control under market conditions.

*Amendment*

In addition, where this enables *an improvement of the service performance without being detrimental to safety*, Member States may allow airport operators or the national supervisory authority concerned to procure terminal air traffic services for approach control under market conditions.

Or. en

**Amendment 361**  
**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura, João Ferreira**

**Proposal for a regulation**  
**Article 8 – paragraph 1 – subparagraph 2**

*Text proposed by the Commission*

In addition, where this enables *cost-efficiency gains to the benefit of airspace users*, Member States may allow airport operators or the national supervisory authority concerned to procure terminal air traffic services for approach control under market conditions.

*Amendment*

In addition, where this enables *better service performance while maintaining the level of safety*, Member States may allow airport operators or the national supervisory authority concerned to procure terminal air traffic services for approach control under market conditions.

Or. en



## **Amendment 362**

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

### **Proposal for a regulation**

#### **Article 8 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Procurement of services under market conditions shall be on the basis of equal, non-discriminatory and transparent conditions in accordance with Union law including Treaty rules on competition. The tender procedures for the procurement of the services concerned shall be designed so as to enable the effective participation of competing providers in these procedures including through regular reopening of competition.** **deleted**

Or. en

#### *Justification*

*It brings no added value to include this provision in the regulation. As stated above, all the entities obliged to apply national procurement regulations are also responsible for observing principles for open and competitive tenders defined at national and EU regulatory level.*

## **Amendment 363**

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

### **Proposal for a regulation**

#### **Article 8 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Procurement of services under market conditions shall be on the basis of equal, non-discriminatory and transparent conditions in accordance with Union law including Treaty rules on competition. The tender procedures for the procurement of the services concerned shall be designed so as to enable the effective participation of competing providers in these procedures**

**2. Procurement of services under market conditions shall be on the basis of equal, non-discriminatory and transparent conditions in accordance with Union law including Treaty rules on competition. The tender procedures for the procurement of the services concerned shall be designed so as to enable the effective participation of competing providers in these procedures**

including through regular reopening of competition.

including through regular reopening of competition. ***The period of service allocation following the tender procedure shall not exceed the reference period.***

Or. en

#### **Amendment 364**

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

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

#### **Article 8 – paragraph 2**

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

2. Procurement of services under market conditions shall be on the basis of equal, non-discriminatory and transparent conditions in accordance with Union law including Treaty rules on competition. The tender procedures for the procurement of the services concerned shall be designed so as to enable the effective participation of competing providers in these procedures ***including through regular reopening of competition.***

##### *Amendment*

2. Procurement of services under market conditions shall be on the basis of equal, non-discriminatory and transparent conditions in accordance with Union law including Treaty rules on competition. The tender procedures for the procurement of the services concerned shall be designed so as to enable the effective participation of competing providers in these procedures. ***The period of service allocation following the tender procedure shall be maximum of five years.***

Or. en

#### **Amendment 365**

**Robert Roos**

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

#### **Article 8 – paragraph 3**

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

3. ***Member States shall take all necessary measures to ensure that the provision of en route air traffic services is separated in terms of organisation from the provision of CNS, AIS, ADS, MET and terminal air traffic services and that the requirement concerning the***

##### *Amendment*

***deleted***

*separation of accounts referred to in Article 25(3) is respected.*

Or. en

*Justification*

*This provision introduces huge complexity in the organisation of the air navigation services and requires many new interfaces within and between ANSPs through these obligatory separation. The impact, including risks to safety, of this separation is not assessed. The added value of the separation is not proven compared to the current ANSPs, which are set-up and organised in an integrated manner. The ANSPs are governed via performance targets and performance plans. It should be up to them to propose how they want to organise themselves to deliver the required performance.*

**Amendment 366**

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

**Proposal for a regulation**

**Article 8 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Member States shall take all necessary measures to ensure that the provision of en route air traffic services is separated in terms of organisation from the provision of CNS, AIS, ADS, MET and terminal air traffic services and that the requirement concerning the separation of accounts referred to in Article 25(3) is respected.** **deleted**

Or. en

*Justification*

*Mandatory organisational separation would generate additional administrative costs and increase complexity, while not providing real benefits. Separation of accounts foreseen in article 25 should be considered sufficient.*

**Amendment 367**

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

**Proposal for a regulation**  
**Article 8 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. *Member States shall take all necessary measures to ensure that the provision of en route air traffic services is separated in terms of organisation from the provision of CNS, AIS, ADS, MET and terminal air traffic services and that the requirement concerning the separation of accounts referred to in Article 25(3) is respected.* **deleted**

Or. en

*Justification*

*In many Member States, ANSPs that are set-up and organised in an integrated manner function well and deliver the required performance, including in the area of safety. The proposed provision may introduce significant complexity in the organisation of the air navigation services.*

**Amendment 368**

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

**Proposal for a regulation**  
**Article 8 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. *Member States shall take all necessary measures to ensure that the provision of en route air traffic services is separated in terms of organisation from the provision of CNS, AIS, ADS, MET and terminal air traffic services and that the requirement concerning the separation of accounts referred to in Article 25(3) is respected.*

3. *Air navigation services provider shall have the obligation to ensure that the provision of en route air traffic services is functionally and organisationally separated in terms of organisation from the individually provision of CNS, AIS, ADS, MET and terminal air traffic services and that the requirement concerning the separation of individual accounts referred to in Article 25(3) is respected. Member States shall take all necessary measures to ensure that the provisions of this Paragraph are implemented.*

Or. en

## Amendment 369

Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini

### Proposal for a regulation

#### Article 8 – paragraph 3

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

3. Member States shall take all necessary measures to ensure that the provision of en route air traffic services is separated in terms of organisation from the provision of CNS, AIS, ADS, MET and terminal air traffic services and that the requirement concerning the separation of accounts referred to in Article 25(3) is respected.

##### *Amendment*

3. ***Where CNS, AIS, ADS, MET and terminal air traffic services for approach and aerodrome control are decided to be procured under market conditions***

Member States shall take all necessary measures to ensure that the provision of en route air traffic services is separated in terms of organisation from the provision of CNS, AIS, ADS, MET and terminal air traffic services and that the requirement concerning the separation of accounts referred to in Article 25(3) is respected.

Or. en

## Amendment 370

Josianne Cutajar

### Proposal for a regulation

#### Article 8 – paragraph 3

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

3. Member States shall take all necessary measures to ensure that the provision of en route air traffic services is separated in terms of ***organisation*** from the provision of CNS, AIS, ADS, MET and terminal air traffic services and that the requirement concerning the separation of accounts referred to in Article 25(3) is respected.

##### *Amendment*

3. ***On a voluntary basis,*** Member States shall take all necessary measures to ensure that the provision of en route air traffic services is separated in terms of ***accounts*** from the provision of CNS, AIS, ADS, MET and terminal air traffic services and that the requirement concerning the separation of accounts referred to in Article 25(3) is respected.

Or. en

**Amendment 371**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 8 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall take all necessary measures to ensure that the provision of en route air traffic services is separated in terms of **organisation** from the provision of CNS, AIS, ADS, MET and terminal air traffic services and that the requirement concerning the separation of accounts referred to in Article 25(3) is respected.

*Amendment*

3. Member States shall take all necessary measures to ensure that the provision of en route air traffic services is separated in terms of **accounts**<sup>1a</sup> from the provision of CNS, AIS, ADS, MET and terminal air traffic services and that the requirement concerning the separation of accounts referred to in Article 25(3) is respected.

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*<sup>1a</sup> This requirement seems to be over-prescriptive and ignores the financial, operational and technical interdependencies among these services in case an ANSP decides not to procure or sell these services under market conditions.*

Or. en

**Amendment 372**  
**Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider, Julie Lechanteux, Philippe Olivier**

**Proposal for a regulation**  
**Article 8 – paragraph 3**

*Text proposed by the Commission*

3. Member States shall take all necessary measures to ensure that the provision of en route air traffic services is separated **in terms of organisation** from the provision of CNS, AIS, ADS, MET and terminal air traffic services and that the requirement concerning the separation of accounts referred to in Article 25(3) is respected.

*Amendment*

3. Member States shall take all necessary measures to ensure that the provision of en route air traffic services is **functionally** separated from the provision of CNS, AIS, ADS, MET and terminal air traffic services and that the requirement concerning the separation of accounts referred to in Article 25(3) is respected.

**Amendment 373**

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

**Proposal for a regulation**

**Article 8 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. 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 applicable to infringements of Paragraph 3 of this article.**

Or. en

**Amendment 374**

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

**Proposal for a regulation**

**Article 8 – paragraph 4 – introductory part**

*Text proposed by the Commission*

*Amendment*

4. A provider of CNS, AIS, ADS, MET or terminal air traffic services may only be selected to provide services in a Member State, when:

4. A provider, ***individually or in a package***, of CNS, AIS, ADS, MET or terminal air traffic services may only be selected to provide services in a Member State, when:

Or. en

**Amendment 375**

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

**Proposal for a regulation**

**Article 8 – paragraph 4 – point a**

*Text proposed by the Commission*

*Amendment*

(a) it is certified in accordance with Article 6(1) and **6(2)**;

(a) it is certified in accordance with Article 6(1) and ***Article 41 of Regulation (EU) No 2018/1139***;

Or. en

**Amendment 376**

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

**Proposal for a regulation**

**Article 8 – paragraph 4 – point b**

*Text proposed by the Commission*

*Amendment*

***(b) its principal place of business is located in the territory of a Member State;***

***deleted***

Or. en

**Amendment 377**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 8 – paragraph 4 – point b**

*Text proposed by the Commission*

*Amendment*

***(b) its principal place of business is located in the territory of a Member State;***

***deleted***

Or. en

**Amendment 378**

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

**Proposal for a regulation**

**Article 8 – paragraph 4 – point c**



*Text proposed by the Commission*

*Amendment*

**(c) Member States or nationals of Member States own more than 50% of the service provider and effectively control it, whether directly or indirectly through one or more intermediate undertakings, except as provided for in an agreement with a third country to which the Union is a party; and**

**deleted**

Or. en

#### **Amendment 379**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 8 – paragraph 4 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) Member States or nationals of Member States own more than 50% of the service provider and effectively control it, whether directly or indirectly through one or more intermediate undertakings, except as provided for in an agreement with a third country to which the Union is a party; and**

**deleted**

Or. en

#### **Amendment 380**

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

**Proposal for a regulation**

**Article 8 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. Articles 14, 17 and 19 to 22 shall not apply to the terminal air traffic service providers designated as a result of a procurement procedure in accordance with**

**5. The terminal air traffic service providers designated as a result of a procurement procedure in accordance with the second and third subparagraphs of**

the second and third subparagraphs of paragraph 1. ***Those terminal air traffic service providers*** shall provide data on the performance of air navigation services in the key performance areas of safety, the environment, capacity and cost-efficiency to national supervisory authority and the Agency acting as PRB for monitoring purposes.

paragraph 1 ***shall apply Articles 14, 17 and 19 to 22 and*** shall provide data on the performance of air navigation services in the key performance areas of safety, the environment, capacity and cost-efficiency to national supervisory authority and the Agency acting as PRB for monitoring purposes.

Or. en

**Amendment 381**  
**Karima Delli**

**Proposal for a regulation**  
**Article 8 – paragraph 5**

*Text proposed by the Commission*

5. Articles 14, 17 and 19 to 22 shall not apply to the terminal air traffic service providers designated as a result of a procurement procedure in accordance with the second and third subparagraphs of paragraph 1. Those terminal air traffic service providers shall provide data on the performance of air navigation services in the key performance areas of safety, the environment, ***capacity and cost-efficiency*** to national supervisory authority and the Agency acting as PRB for monitoring purposes.

*Amendment*

5. Articles 14, 17 and 19 to 22 shall not apply to the terminal air traffic service providers designated as a result of a procurement procedure in accordance with the second and third subparagraphs of paragraph 1. Those terminal air traffic service providers shall provide data on the performance of air navigation services in the key performance areas of safety, ***climate and*** the environment to national supervisory authority and the Agency acting as PRB for monitoring purposes.

Or. en

**Amendment 382**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 8 – paragraph 5**

*Text proposed by the Commission*

5. Articles 14, 17 and 19 to 22 shall

*Amendment*

5. Articles 14, 17 and 19 to 22 shall

not apply to the terminal air traffic service providers designated as a result of a procurement procedure in accordance with the second and third subparagraphs of paragraph 1. Those terminal air traffic service providers shall provide data on the performance of air navigation services in the key performance areas of safety, the environment, capacity and cost-efficiency to national supervisory authority and the **Agency acting as** PRB for monitoring purposes.

not apply to the terminal air traffic service providers designated as a result of a procurement procedure in accordance with the second and third subparagraphs of paragraph 1. Those terminal air traffic service providers shall provide data on the performance of air navigation services in the key performance areas of safety, the environment, capacity and cost-efficiency to national supervisory authority and the PRB for monitoring purposes.

Or. en

### **Amendment 383**

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

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

#### **Article 8 – paragraph 6**

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

6. National supervisory authorities shall ensure that procurement by air traffic service providers and airport operators as referred to in paragraph 1 complies with paragraph 2, and where necessary shall apply corrective measures. In the case of terminal air traffic services, they shall be responsible for approving tender specifications for terminal air traffic services, which shall include requirements on service quality. **The** national supervisory authorities shall refer to the national competition authority referred to in Article 11 of Council Regulation (EC) No 1/2003 matters relating to the application of competition rules.

##### *Amendment*

6. National supervisory authorities shall ensure that procurement by air traffic service providers and airport operators as referred to in paragraph 1 complies with paragraph 2, and where necessary shall apply corrective **measures. In** the case of terminal air traffic services, they shall be responsible for approving tender specifications for terminal air traffic services, which shall include requirements on service quality, **in particular for respecting the implementation of the European ATM Master Plan, the interoperability and ground/air investment coordination. The** national supervisory authorities shall refer to the national competition authority referred to in Article 11 of Council Regulation (EC) No 1/2003 matters relating to the application of competition rules.

Or. en

## Amendment 384

Kosma Złotowski, Tomasz Piotr Poręba, Roberts Zile

### Proposal for a regulation

#### Article 8 – paragraph 6

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

6. National supervisory authorities ***shall ensure that procurement by air traffic service providers and airport operators as referred to in paragraph 1 complies with paragraph 2, and where necessary shall apply corrective measures. In the case of terminal air traffic services, they*** shall be responsible for approving tender specifications for terminal air traffic services, which shall include requirements on service quality. The national supervisory authorities shall refer to the national competition authority referred to in Article 11 of Council Regulation (EC) No 1/2003 matters relating to the application of competition rules.

##### *Amendment*

6. National supervisory authorities shall be responsible for approving tender specifications for terminal air traffic services, which shall include requirements on service quality. The national supervisory authorities shall refer to the national competition authority referred to in Article 11 of Council Regulation (EC) No 1/2003 matters relating to the application of competition rules.

Or. en

##### *Justification*

*The oversight of procurement requirements is regulated by national laws which foresee the involvement of competent national bodies.*

## Amendment 385

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

### Proposal for a regulation

#### Article 9 – title

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

Provision of ***common*** information ***services***

##### *Amendment*

Provision of ***UAV*** information ***service (UAVIS) for the management of unmanned aircraft traffic***

Or. en

## Amendment 386

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

### Proposal for a regulation

#### Article 9 – paragraph 1

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

1. Where common information services are provided, the data disseminated shall present the integrity and quality necessary to enable the safe provision of services for the management of traffic of unmanned aircraft.

##### *Amendment*

1. Where common information services are provided, the data disseminated shall present the integrity and quality necessary to enable the safe ***and integrated*** provision of services for the management of traffic of unmanned aircraft ***in a way that enables the shared use of the airspace together with manned aircraft.***

Or. en

## Amendment 387

Johan Van Overtveldt

### Proposal for a regulation

#### Article 9 – paragraph 1

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

1. Where common information services are provided, the data disseminated shall present the integrity and quality necessary to enable the safe provision of services for the management of traffic of unmanned aircraft.

##### *Amendment*

1. Where common information services are provided, the data disseminated shall present the integrity and quality necessary to enable the safe ***and integrated*** provision of services for the management of traffic of unmanned aircraft ***in a way that enables the shared use of the airspace together with manned aircraft.***

Or. en

##### *Justification*

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

## Amendment 388

Kosma Zlotowski, Tomasz Piotr Poręba, Roberts Zile

### Proposal for a regulation

#### Article 9 – paragraph 1

*Text proposed by the Commission*

1. Where common information services are provided, the data disseminated shall present the integrity and quality necessary to enable the safe provision of services for ***the management of traffic*** of unmanned aircraft.

*Amendment*

1. Where common information services are provided, the data disseminated shall present the integrity and quality necessary to enable the safe provision of services for 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 389

Jens Gieseke, Sven Schulze

### Proposal for a regulation

#### Article 9 – paragraph 2 – introductory part

*Text proposed by the Commission*

(2) The price for common information services shall be based on the fixed and variable costs of providing the service concerned and may, in addition, include a mark-up reflecting an appropriate risk-return trade-off.

*Amendment*

(2) The price for common information services shall be based on the fixed, ***underlying structural*** and variable costs of providing the service concerned and may, in addition, include a mark-up reflecting an appropriate risk-return trade-off.

Or. de

## Amendment 390

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

## Proposal for a regulation

### Article 9 – paragraph 2 – introductory part

*Text proposed by the Commission*

2. The price for common information services shall be based on the fixed and variable costs of providing the service concerned and may, in addition, include a mark-up reflecting an appropriate risk-return trade-off.

*Amendment*

2. The price for common information services shall be based **strictly** on the fixed and variable costs of providing the service concerned and may, in addition, include a **reasonable** mark-up reflecting an appropriate risk-return trade-off.

Or. en

## Amendment 391

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

## Proposal for a regulation

### Article 9 – paragraph 2 – introductory part

*Text proposed by the Commission*

2. The price for **common information services** shall be based on the fixed and variable costs of providing the service concerned and may, in addition, include a mark-up reflecting an appropriate risk-return trade-off.

*Amendment*

2. The price for **UAVIS** shall be based on the fixed and variable costs of providing the service concerned and may, in addition, include a mark-up reflecting an appropriate risk-return trade-off.

Or. en

## Amendment 392

Kosma Złotowski, Tomasz Piotr Poręba, Roberts Zile

## Proposal for a regulation

### Article 9 – paragraph 2 – subparagraph 1

*Text proposed by the Commission*

The costs referred to in the first subparagraph shall be set out in an account separate from the accounts for any other activities of the operator concerned and shall be made **publicly** available.

*Amendment*

The costs referred to in the first subparagraph shall be set out in an account separate from the accounts for any other activities of the operator concerned and shall be made available **to the national supervisory authority concerned**.

*Justification*

*A proposal to make financial accounts of an entity entrusted with task to provide CIS publicly available seems to be too far-reaching, especially given the fact that the NSA shall be responsible for approving charges for the service provision.*

**Amendment 393**

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

**Proposal for a regulation****Article 9 – paragraph 3***Text proposed by the Commission*

3. The **common information service** provider shall set the price in accordance with paragraph 2, subject to assessment and approval by the national supervisory authority concerned.

*Amendment*

3. The **UAVIS** provider shall set the price in accordance with paragraph 2, subject to assessment and approval by the national supervisory authority **concerned**.

**Amendment 394**

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

**Proposal for a regulation****Article 9 – paragraph 4 – introductory part***Text proposed by the Commission*

4. As far as operations in specific volumes of airspace designated by the Member States for unmanned aircraft operations are concerned, relevant operational data shall be made available in real-time by air navigation service providers. **Common information service** providers shall use those data only for operational purposes of the services they provide. Access to relevant operational data shall be granted to **common information service** providers, on a non-discriminatory basis, without prejudice to

*Amendment*

4. As far as operations in specific volumes of airspace designated by the Member States for unmanned aircraft operations are concerned, relevant operational data shall be made available in real-time by air navigation service providers. **UAVIS** providers shall use those data only for operational purposes of the services they provide. Access to relevant operational data shall be granted to **UAVIS** providers, on a non-discriminatory basis, without prejudice to security or defence policy interests.



security or defence policy interests.

Or. en

#### **Amendment 395**

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

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

#### **Article 9 – paragraph 4 – introductory part**

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

4. *As far as* operations in specific volumes of airspace *designated by the Member States for unmanned aircraft operations are concerned*, relevant operational data shall be made available in real-time by air navigation service *providers*. *Common information* service providers shall use those data only for operational purposes of the services they provide. Access to relevant operational data shall be granted to common information service providers, on a non-discriminatory basis, without prejudice to security or defence policy interests.

##### *Amendment*

4. *Where manned and unmanned* operations *are expected to take place* in specific volumes of airspace, relevant operational data shall be made available in real-time by air navigation service *provider to the U-Space* service *provider*. *The* providers *concerned* shall use those data only for operational purposes of the services they provide. Access to relevant operational data shall be granted to common information service providers, on a non-discriminatory basis, without prejudice to security or defence policy interests.

Or. en

#### **Amendment 396**

**Kosma Złotowski, Tomasz Piotr Poręba**

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

#### **Article 9 – paragraph 4 – subparagraph 1**

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

*Prices for access to such data shall be based on the marginal cost of making the data available.*

##### *Amendment*

*deleted*

Or. en

**Amendment 397**

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

**Proposal for a regulation**

**Article 9 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. 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 requirements for traffic management of unmanned and manned aircraft operations that supports safe and shared use of the airspace, including making available of and the access to data, and the methodology to set the prices in accordance with paragraphs 2, 3 and 4.**

Or. en

**Amendment 398**

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

**Proposal for a regulation**

**Article 9 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. The Commission shall lay down, by delegated acts referred to in Article 36, detailed requirements for traffic management of unmanned and manned aircraft operations that supports safe and shared use of the airspace, including making available of and the access to data, and the methodology to set the prices in accordance with paragraphs 2, 3 and 4.**

Or. en

**Amendment 399**

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

**Proposal for a regulation**

**Article 9 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Designation of common information services providers shall be made according to rules to be set out by the Agency.**

Or. en

**Amendment 400**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 9 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. Designation of common information services providers shall be made according to rules to be set out by the Agency.**

Or. en

*Justification*

*The definition set in article 2 of Common information services is quite generic and does not describe sufficiently by whom and how this service should be provided. It shall also be clarified who is in charge of compatibility between unmanned aircraft traffic and manned aviation.*

**Amendment 401**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 9 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

**4b. Technical requirements for common information services shall be set out by the Agency under conditions set in Regulation (EU) 2018/1139.**

Or. en

**Amendment 402**

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

**Proposal for a regulation**

**Article 9 – paragraph 4 b (new)**

*Text proposed by the Commission*

*Amendment*

**4b. Technical requirements for common information services shall be set out by the Agency under conditions set in Regulation (EU) 2018/1139.**

Or. en

**Amendment 403**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 9 – paragraph 4 c (new)**

*Text proposed by the Commission*

*Amendment*

**4c. Common information service provides shall ensure at all times compatibility of their services with services provided by air navigation service providers.**

Or. en

**Amendment 404**

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

**Proposal for a regulation**  
**Article 9 – paragraph 4 c (new)**

*Text proposed by the Commission*

*Amendment*

**4c. Common information service provides shall ensure at all times compatibility of their services with services provided by air navigation service providers.**

Or. en

**Amendment 405**  
**Robert Roos**

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

*Text proposed by the Commission*

*Amendment*

1. To improve the performance of air navigation services and network functions in the Single European Sky, a performance scheme for air navigation services and network functions shall apply in accordance with this Article and **Articles 11 to 18**.

1. To improve the performance of air navigation services and network functions in the Single European Sky, a performance scheme for air navigation services and network functions shall apply in accordance with this Article and **Article 11**.

Or. en

*Justification*

*It would be preferable to significantly reduce the text in Articles 10 to 25 to only arranging the main points. Articles 12 -18 could be deleted as these details would best be placed in the implementing rule.*

**Amendment 406**  
**Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska**

**Proposal for a regulation**  
**Article 10 – paragraph 2 – introductory part**

*Text proposed by the Commission*

2. The performance scheme shall be implemented over reference periods, which shall be a minimum of two years and a maximum of **five** years. The performance scheme shall include:

*Amendment*

2. The performance scheme shall be implemented over reference periods, which shall be a minimum of two years and a maximum of **three** years. The performance scheme shall include:

Or. en

**Amendment 407**

**Jens Gieseke, Sven Schulze**

**Proposal for a regulation**

**Article 10 – paragraph 2 – introductory part**

*Text proposed by the Commission*

(2) The performance scheme shall be implemented over **reference periods, which shall be a minimum of two years and a maximum of five years. The performance scheme shall include:**

*Amendment*

(2) The performance scheme shall be implemented over a **reference period of three** years.

Or. de

**Amendment 408**

**Karima Delli**

**Proposal for a regulation**

**Article 10 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) Union -wide performance targets in the key performance areas of the environment, **capacity** and cost-efficiency for each reference period ;

*Amendment*

(a) Union -wide performance targets in the key performance areas of **safety, climate**, the environment and cost-efficiency for each reference period ;

Or. en

## Amendment 409

Tom Berendsen, Caroline Nagtegaal, Søren Gade

### Proposal for a regulation

#### Article 10 – paragraph 2 – point a

*Text proposed by the Commission*

(a) **Union -wide** performance targets in the key performance areas of the environment, capacity and cost-efficiency for each reference period ;

*Amendment*

(a) **Union-wide** performance targets **on** in the key performance areas of **safety**, the environment, capacity and cost-efficiency for each reference period;

Or. en

## Amendment 410

Johan Van Overtveldt

### Proposal for a regulation

#### Article 10 – paragraph 2 – point a

*Text proposed by the Commission*

(a) Union -wide performance targets in the key performance areas of the environment, capacity and cost-efficiency for each reference period;

*Amendment*

(a) Union -wide performance targets in the key performance areas of **safety**, the environment, capacity and cost-efficiency for each reference period;

Or. en

### *Justification*

*We reinsert part of the existing text that was deleted by the Commission.*

## Amendment 411

Tom Berendsen, Caroline Nagtegaal, Søren Gade

### Proposal for a regulation

#### Article 10 – paragraph 2 – point b

*Text proposed by the Commission*

(b) performance plans including binding performance targets in the key performance areas mentioned in point (a)

*Amendment*

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

for each reference period ;

***ensuring consistency with the  
Community-wide*** performance targets in  
the key performance areas mentioned in  
point (a) for each reference period;

Or. en

*Justification*

*Adequate involvement of Member States in establishing the performance plans for their air  
traffic service providers, possibly in functional airspace blocs, should be ensured.*

**Amendment 412**

**Johan Van Overtveldt**

**Proposal for a regulation**

**Article 10 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) performance plans including  
binding performance targets in the key  
performance areas mentioned in point (a)  
for each reference period ;

*Amendment*

(b) ***national*** performance plans ***or  
plans for functional airspace blocks,***  
including binding performance targets in  
the key performance areas mentioned in  
point (a) for each reference period;

Or. en

*Justification*

*We reinsert part of the existing text that was deleted by the Commission.*

**Amendment 413**

**Karima Delli**

**Proposal for a regulation**

**Article 10 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) periodic review, monitoring and  
benchmarking of performance in the key  
performance areas of safety, the  
environment, ***capacity*** and cost-efficiency .

*Amendment*

(c) periodic review, monitoring and  
benchmarking of performance in the key  
performance areas of safety, ***climate,*** the  
environment and cost-efficiency.



**Amendment 414**

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

**Proposal for a regulation**

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

*Text proposed by the Commission*

*Amendment*

**(ca) the Commission may approve the performance plans in accordance with the examination procedure referred to in Article 37(3).**

Or. en

*Justification*

*Adequate involvement of Member States in establishing the performance plans for their air traffic service providers, possibly in functional airspace blocs, should be ensured.*

**Amendment 415**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 10 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

The Commission may add additional key performance areas for performance target setting or monitoring purposes, where necessary to improve performance.

The Commission may add additional key performance areas for performance target setting or monitoring purposes, where necessary to improve performance. ***This must follow a detailed impact assessment and with the involvement of operational stakeholders and be adopted by way of an Implementing Regulation adopted in accordance with the examination procedure referred to in Article 37(3).<sup>1a</sup>***

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***<sup>1a</sup> Setting a new KPA should not be done unilaterally by the Commission and, in view of the importance of the issue, an examination procedure would be needed,***

Or. en

**Amendment 416**

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

**Proposal for a regulation**

**Article 10 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

The Commission may add additional key performance areas for performance target setting or monitoring purposes, where necessary to **improve** performance.

*Amendment*

The Commission may, ***subject to consultation and recommendations of the Expert Group on the human dimension of the Single European Sky***, add additional key performance areas for performance target setting or monitoring purposes, where necessary to ***keep track of*** performance.

Or. en

**Amendment 417**

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

**Proposal for a regulation**

**Article 10 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

The Commission may add additional key performance areas for performance target setting or monitoring purposes, where necessary to improve performance.

*Amendment*

The Commission may add additional key performance areas for performance target setting or monitoring purposes, where necessary to improve performance, ***in accordance with the examination procedure referred to in Article 37(3) and on the basis of an impact assessment***.

Or. en

**Amendment 418**  
**Karima Delli**

**Proposal for a regulation**  
**Article 10 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

The Commission may add additional key performance areas for performance target setting or monitoring purposes, where necessary to improve performance.

*Amendment*

The Commission may add additional key performance areas for performance target setting or monitoring purposes, where necessary to improve performance, ***provided that those do not impact negatively on the existing ones, particularly climate and the environment.***

Or. en

**Amendment 419**  
**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

**Proposal for a regulation**  
**Article 10 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

The Commission may add additional key performance areas for performance target setting or monitoring purposes, where necessary to improve performance.

*Amendment*

The Commission may add additional key performance areas for performance target setting or monitoring purposes, where necessary to improve performance ***before each reference period in accordance with the examination procedure referred to in Article 37(3).***

Or. en

*Justification*

*In order to avoid legal uncertainty new KPAs should be defined before each reference period in accordance with the examination procedure. This would allow Member States to be able to prepare for future requirements. Addition of new KPAs in the course of action (middle of a reference period) would impose new requirements and risks which have not been taken into account when a performance plan has been prepared and therefore might not fit in the entire performance framework.*

## Amendment 420

Tom Berendsen, Caroline Nagtegaal, Søren Gade

### Proposal for a regulation

#### Article 10 – paragraph 2 – subparagraph 1

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

The Commission may add additional key performance areas for performance target setting or monitoring purposes, where necessary to improve performance.

##### *Amendment*

The Commission may, ***in accordance with the examination procedure referred to in Article 37(3), take a decision to*** add additional key performance areas for performance target setting or monitoring purposes, where necessary to improve performance.

Or. en

##### *Justification*

*Adequate involvement of Member States in establishing the performance plans for their air traffic service providers, possibly in functional airspace blocs, should be ensured.*

## Amendment 421

Kosma Zlotowski, Tomasz Piotr Poręba, Roberts Zile

### Proposal for a regulation

#### Article 10 – paragraph 2 – subparagraph 1

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

The Commission may add additional key performance areas for performance target setting or monitoring purposes, where necessary to improve performance.

##### *Amendment*

The Commission may, ***based on an impact assessment and following consultation with stakeholders concerned,*** add additional key performance areas for performance target setting or monitoring purposes, where necessary to improve performance.

Or. en

##### *Justification*

*Setting a new KPA should not be done unilaterally by the Commission but should be developed in cooperation with stakeholders concerned and should be based on an ex-ante impact assessment. In view of the importance of the issue, an examination procedure would be needed.*

**Amendment 422**  
**Johan Danielsson**

**Proposal for a regulation**  
**Article 10 – paragraph 2 – subparagraph 1**

*Text proposed by the Commission*

The Commission may add additional key performance areas for performance target setting or monitoring purposes, where necessary to **improve** performance.

*Amendment*

***After a consultation of the Expert Group on Human Dimension***, the Commission may add additional key performance areas for performance target setting or monitoring purposes, where necessary to **monitor** performance.

Or. en

**Amendment 423**  
**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura, João Ferreira**

**Proposal for a regulation**  
**Article 10 – paragraph 2 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Social standards of the jobs within the air navigation service providers shall be monitored. To this end two indicators should be measured and managed:***

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

***Benchmarking of average salary of ANSP staff compared to average salary in the country.***

Or. en

**Amendment 424**  
**Boguslaw Liberadzki**

**Proposal for a regulation**  
**Article 10 – paragraph 3 – point a**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

**Amendment 425**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 10 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) key performance ***indicators*** for target setting in the key performance areas of the environment, capacity and cost-efficiency;

*Amendment*

(b) ***one*** key performance indicator for target setting in ***each of*** the key performance areas of the environment, capacity, ***safety*** and cost-efficiency; ***the Commission shall consult operational stakeholders when developing these key performance indicators; these shall be outcome-based and take due account of:***

Or. en

**Amendment 426**

**Johan Danielsson**

**Proposal for a regulation**

**Article 10 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) key performance indicators for

*Amendment*

(b) key performance indicators for

target setting in the key performance areas of the environment, capacity and cost-efficiency;

target setting in the key performance areas of **safety**, the environment, capacity and cost-efficiency;

Or. en

**Amendment 427**  
**Karima Delli**

**Proposal for a regulation**  
**Article 10 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) key performance indicators for target setting in the key performance areas of the environment, **capacity** and cost-efficiency;

*Amendment*

(b) key performance indicators for target setting in the key performance areas of **safety, climate**, the environment and cost-efficiency;

Or. en

**Amendment 428**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 10 – paragraph 3 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) the impact of different operational stakeholders on the outcomes so that the performance assessment of the key performance indicators is limited to the activities and responsibilities of the air navigation service provider***

Or. en

**Amendment 429**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 10 – paragraph 3 – point b b (new)**

**(bb) prior monitoring as a performance indicator<sup>1a</sup>**

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**<sup>1a</sup> The key performance indicators (KPIs) should be defined by the Commission in an Implementing Regulation following examination procedure. The corresponding process should include assessment of the planned key performance indicators and metrics. The development/preparation of a new KPI should include prior monitoring as a performance indicator. The possibility should be left to adopt additional local PIs. In that way it is possible to ensure a common base for performance, as done in the past RPs, leaving anyway the possibility to implement local metrics if needed. This process gives an opportunity to reflect on how the current indicators can be improved to reflect better the performance of air traffic services providers and the accountabilities of the different actors in the system. Air traffic services providers should only be responsible for their own performance and results which derive from factors under their control. For instance: Capacity should not focus on delays but rather on a measurement of the actual capacity provided by the service provider. Environment should recognise ATM efficiency and focused on overall impact; air traffic services providers should not be made responsible for avoiding a route with temporary adverse meteorological conditions or if airlines plan a route different from the shortest. Operational stakeholders must be involved in the development of the new KPIs so that new indicators accurately capture accountability of air traffic services providers.**

Or. en



**Amendment 430**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 10 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) indicators for monitoring performance in the key performance areas of safety, the environment, capacity and cost-efficiency;

*Amendment*

(c) indicators for monitoring performance in the key performance areas of safety, the environment, capacity and cost-efficiency; ***these shall be focused on what is required to achieve the desired outcomes and limited in number;<sup>1a</sup>***

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***<sup>1a</sup> Monitoring through a limited number of performance indicators is desirable to simplify the monitoring reports. Indicators and their associated targets, when applicable, need to stay focused on what is to be achieved by the Performance and Charging Scheme***

Or. en

**Amendment 431**  
**Karima Delli**

**Proposal for a regulation**  
**Article 10 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) indicators for monitoring performance in the key performance areas of safety, the environment, ***capacity*** and cost-efficiency;

*Amendment*

(c) indicators for monitoring performance in the key performance areas of safety, the environment, ***climate*** and cost-efficiency;

Or. en

**Amendment 432**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 10 – paragraph 3 – point h**

*Text proposed by the Commission*

(h) incentive schemes including **for** financial **disincentives** applicable where an air traffic service provider does not comply with the relevant binding performance targets during the reference period **or where it has not implemented the relevant common projects referred to in Article 35.** Such financial **disincentives** shall **in particular take account of the deterioration in the level of service quality provided by that provider, as a result of not complying with the performance targets or not implementing the common projects, and the impact thereof on the network;**

*Amendment*

(h) **balanced and symmetrical** incentive schemes including financial **bonuses** applicable where an air traffic service provider **achieves a performance exceeding binding performance targets and penalties where it** does not comply with the relevant binding performance targets during the reference period. Such financial **incentives** shall **be proportionate to the magnitude of the variation between the achieved performance and the target.** **The determination of the financial incentive shall take into account to the greatest extent possible effects attributable to air navigation service providers and include adjustment for any 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.**

#### Amendment 433

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

#### Proposal for a regulation

#### Article 10 – paragraph 3 – point h

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

(h) incentive schemes including **for** financial disincentives applicable **where** an air traffic service provider does not comply with the relevant binding performance targets during the reference period or where it has not implemented the relevant common projects referred to in Article 35. **Such** financial disincentives shall in particular take account of the deterioration in the level of service quality provided by that provider, as a result of not complying with the performance targets or not implementing the common projects, and the impact thereof on the network;

##### *Amendment*

(h) **balanced and symmetrical** incentive schemes including financial **bonus and** disincentives applicable **whether** an air traffic service provider **achieves a performance exceeding binding targets or whether it** does not comply with the relevant binding performance targets during the reference period or where it has not implemented the relevant common projects referred to in Article 35. **The** financial disincentives shall in particular take account of the deterioration in the level of service quality provided by that provider, as a result of not complying with the performance targets or not implementing the common projects, and the impact thereof on the network;

Or. en

#### Amendment 434

**Kosma Złotowski, Tomasz Piotr Poręba**

#### Proposal for a regulation

#### Article 10 – paragraph 3 – point h

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

(h) incentive schemes including **for** financial **disincentives** applicable where an air traffic service provider does not comply with the relevant binding performance targets during the reference period **or where it has not implemented the relevant**

##### *Amendment*

(h) **balanced and symmetrical** incentive schemes including financial **bonuses** applicable where an air traffic service provider **achieves a performance exceeding binding performance targets and penalties where it** does not comply

*common projects referred to in Article 35. Such financial **disincentives** shall **in particular take account** of the **deterioration in the level of service quality provided by that provider, as a result of not complying with the performance targets or not implementing the common projects, and the impact thereof on the network**;*

with the relevant binding performance targets during the reference period. Such financial **incentives** shall **be proportionate to the magnitude** of the **variation between the achieved** performance and the **target and shall take into account to the greatest extent possible effects attributable to air traffic service providers and include adjustment for any impacts stemming from actions of other stakeholders**;

Or. en

#### *Justification*

*To be fair, incentives should be symmetrical and proportionate to deviation of actual performance from the target. Due consideration should be given to the extent to which air traffic service provider has control over the actual performance.*

#### **Amendment 435**

**Kosma Zlotowski, Tomasz Piotr Poręba**

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

#### **Article 10 – paragraph 3 – point k**

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

(k) a methodology for the allocation of costs common to **en route** and terminal air navigation services between the two categories of services;

##### *Amendment*

(k) a methodology for the allocation of costs common to **en-route** and terminal air navigation services between the two categories of services, **which shall respect local circumstances**;

Or. en

#### *Justification*

*It must be considered that the terminal services are significantly influenced by local conditions, hence the introduction of universal rules applicable to all services in the SES area does not seem appropriate. It may have a significant impact on the amount of terminal charges. It might also make it more difficult to encourage provision of terminal services under market conditions.*

#### **Amendment 436**

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

**Proposal for a regulation**  
**Article 10 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. The Commission shall be assisted by the Agency acting as Performance Review Body (PRB) and national supervisory authorities in the implementation of the performance scheme referred to in paragraph 1 and the charging scheme referred to in Article 19 to 23 in accordance with the provisions of this Regulation and [ Regulation PRB ].**

Or. en

**Amendment 437**  
**Clare Daly, Anne-Sophie Pelletier, Johan Van Overtveldt, Elena Kountoura**

**Proposal for a regulation**  
**Article 10 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 10a**

**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, in the implementation of the Single European Sky.**

Or. en

**Amendment 438**  
**Karima Delli**

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

*Text proposed by the Commission*

1. The Commission shall adopt the Union-wide performance targets for en route air navigation services and for terminal air navigation services in the key performance areas of environment, **capacity** and cost-efficiency for each reference period, in accordance with the advisory procedure referred to in Article 37(2) and with paragraphs 2 to 3 of this Article. In conjunction with the Union-wide performance targets, the Commission may define complementary baseline values, breakdown values or benchmark groups, for the purpose of enabling the assessment and approval of draft performance plans in accordance with the criteria referred to in Article 13(3).

*Amendment*

1. The Commission shall adopt the Union-wide performance targets for en route air navigation services and for terminal air navigation services in the key performance areas of **climate**, environment and cost-efficiency for each reference period, in accordance with the advisory procedure referred to in Article 37(2) and with paragraphs 2 to 3 of this Article. In conjunction with the Union-wide performance targets, **particularly the timely emission reductions established in the European Climate Law, and the objectives of the European Green Deal**, the Commission may define complementary baseline values, breakdown values or benchmark groups, for the purpose of enabling the assessment and approval of draft performance plans in accordance with the criteria referred to in Article 13(3).

Or. en

**Amendment 439**

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

**Proposal for a regulation**

**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. The Commission shall adopt the Union-wide performance targets for en route air navigation services and for terminal air navigation services in the key performance areas of environment, capacity and cost-efficiency for each reference period, in accordance with the **advisory** procedure referred to in Article 37(2) and with paragraphs 2 to 3 of this Article. In conjunction with the Union-wide performance targets, the Commission may define complementary baseline

*Amendment*

1. The Commission shall adopt the Union-wide performance targets for en route air navigation services and for terminal air navigation services in the key performance areas of **safety**, environment, capacity and cost-efficiency for each reference period, in accordance with the **examination** procedure referred to in Article 37(2) and with paragraphs 2 to 3 of this Article. In conjunction with the Union-wide performance targets, the Commission may define complementary baseline

values, breakdown values or benchmark groups, for the purpose of enabling the assessment and approval of draft performance plans in accordance with the criteria referred to in Article 13(3).

values, breakdown values or benchmark groups, for the purpose of enabling the assessment and approval of draft performance plans in accordance with the criteria referred to in Article 13(3).

Or. en

*Justification*

*Setting the Union-wide performance targets should be jointly formulated by the EC and the Member States.*

**Amendment 440**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 11 – paragraph 1**

*Text proposed by the Commission*

1. The Commission shall adopt the Union-wide performance targets for en route air navigation services **and for terminal air navigation services** in the key performance areas of environment, capacity and cost-efficiency for each reference period, in accordance with the **advisory** procedure referred to in Article 37(2) and with paragraphs 2 to 3 of this Article. In conjunction with the Union-wide performance targets, the Commission may define complementary baseline values, breakdown values or benchmark groups, for the purpose of enabling the assessment and approval of draft performance plans in accordance with the criteria referred to in Article 13(3).

*Amendment*

1. The Commission shall adopt the Union-wide performance targets for en route air navigation services in the key performance areas of environment, capacity and cost-efficiency for each reference period, in accordance with the **examination** procedure referred to in Article 37(3) and with paragraphs 2 to 3 of this Article **and following consultation with stakeholders**. In conjunction with the Union-wide performance targets, the Commission may define complementary baseline values, breakdown values or benchmark groups, for the purpose of enabling the assessment and approval of draft performance plans in accordance with the criteria referred to in Article 13(3).

Or. en

*Justification*

*The situation in many terminal areas in the network is highly diverse with a multitude of local drivers influencing performance and feasibility of improvements. Moreover, EU targets would limit the ability of the national supervisory authorities to establish targets that accurately reflect local conditions, i.e. with regards to the specific airport or terminal area in question.*

## Amendment 441

Kosma Zlotowski, Tomasz Piotr Poręba

### Proposal for a regulation

#### Article 11 – paragraph 1

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

1. The Commission shall adopt the Union-wide performance targets for en route ***air navigation services and for terminal*** air navigation services in the key performance areas of environment, capacity and cost-efficiency for each reference period, in accordance with the ***advisory*** procedure referred to in Article 37(2) and with paragraphs 2 to 3 of this Article. In conjunction with the Union-wide performance targets, the Commission may define complementary baseline values, breakdown values or benchmark groups, for the purpose of enabling the assessment and approval of draft performance plans in accordance with the criteria referred to in Article 13(3).

##### *Amendment*

1. The Commission shall adopt the Union-wide performance targets for en route air navigation services in the key performance areas of environment, capacity and cost-efficiency for each reference period, in accordance with the ***examination*** procedure referred to in Article 37(3) and with paragraphs 2 to 3 of this Article ***and following consultation with stakeholders***. In conjunction with the Union-wide performance targets, the Commission may define complementary baseline values, breakdown values or benchmark groups, for the purpose of enabling the assessment and approval of draft performance plans in accordance with the criteria referred to in Article 13(3).

Or. en

##### *Justification*

*The situation in terminal areas in the network is highly diverse with a multitude of local drivers influencing performance and feasibility of improvements. Moreover, EU targets would limit the ability of the national supervisory authorities to establish targets that accurately reflect local conditions, i.e. with regards to the specific airport or terminal area in question. The setting of targets must follow a thorough stakeholder consultation process to verify if the targets are realistic and achievable and would not lead to unintended consequences.*

## Amendment 442

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

### Proposal for a regulation

#### Article 11 – paragraph 1



*Text proposed by the Commission*

1. The Commission shall adopt the Union-wide performance targets for en route ***air navigation services and for terminal*** air navigation services in the key performance areas of environment, capacity and cost-efficiency for each reference period, in accordance with the ***advisory*** procedure referred to in Article 37(2) and with paragraphs 2 to 3 of this Article. In conjunction with the Union-wide performance targets, the Commission may define complementary baseline values, breakdown values or benchmark groups, for the purpose of enabling the assessment and approval of draft performance plans in accordance with the criteria referred to in Article 13(3).

*Amendment*

1. The Commission shall adopt the Union-wide performance targets for en route air navigation services in the key performance areas of environment, capacity and cost-efficiency for each reference period, in accordance with the ***examination*** procedure referred to in Article 37(3) and with paragraphs 2 to 3 of this Article. In conjunction with the Union-wide performance targets, the Commission may define complementary baseline values, breakdown values or benchmark groups, for the purpose of enabling the assessment and approval of draft performance plans in accordance with the criteria referred to in Article 13(3). .

Or. en

**Amendment 443**

**Jens Gieseke, Sven Schulze**

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

*Text proposed by the Commission*

(1) The Commission shall adopt the Union-wide performance targets for en route ***air navigation services and for terminal*** air navigation services in the key performance areas of environment, capacity and cost-efficiency for each reference period, in accordance with the advisory procedure referred to in Article 37(2) and with paragraphs 2 to 3 of this Article. In conjunction with the Union-wide performance targets, the Commission may define complementary baseline values, breakdown values or benchmark groups, for the purpose of enabling the assessment and approval of draft performance plans in accordance with the

*Amendment*

(1) The Commission shall adopt the Union-wide performance targets for en route air navigation services in the key performance areas of environment, capacity and cost-efficiency for each reference period, in accordance with the advisory procedure referred to in Article 37(2) and with paragraphs 2 to 3 of this Article. In conjunction with the Union-wide performance targets, the Commission may define complementary baseline values, breakdown values or benchmark groups, for the purpose of enabling the assessment and approval of draft performance plans in accordance with the

criteria referred to in Article 13(3).

criteria referred to in Article 13(3).

Or. de

**Amendment 444**

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

**Proposal for a regulation**

**Article 11 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) they shall ***drive gradual, continuous improvements in respect of the*** operational and economic performance of air navigation services;

(a) they shall ***ensure*** operational and economic performance of air navigation services;

Or. en

**Amendment 445**

**Johan Danielsson**

**Proposal for a regulation**

**Article 11 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) they shall ***drive gradual, continuous improvements in respect of the*** operational and economic performance of air navigation services;

(a) they shall ***ensure adequate*** operational and economic performance of air navigation services;

Or. en

**Amendment 446**

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

**Proposal for a regulation**

**Article 11 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) they shall drive gradual, continuous **improvements** in respect of the operational and economic performance of air navigation services;

*Amendment*

(a) they shall drive gradual, continuous **evolution** in respect of the operational and economic performance of air navigation services;

Or. en

**Amendment 447**  
**Karima Delli**

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

*Text proposed by the Commission*

(b) they shall ***be realistic and achievable during the reference period concerned, whilst*** fostering longer term structural and technological developments enabling the efficient, sustainable and resilient provision of air navigation services.

*Amendment*

(b) they shall ***contribute*** fostering longer term structural and technological developments enabling the efficient, sustainable and resilient provision of air navigation services.

Or. en

**Amendment 448**  
**Bogusław Liberadzki**

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

*Text proposed by the Commission*

3. For the purposes of preparing its decisions on Union-wide performance targets, the Commission shall collect any necessary input from stakeholders. Upon request of the Commission, the ***Agency acting as*** PRB shall provide assistance to the Commission for the analysis and preparation of those decisions, by way of an opinion.

*Amendment*

3. For the purposes of preparing its decisions on Union-wide performance targets ***and the potential complementary baseline values and breakdown values***, the Commission shall collect any necessary input from stakeholders ***and the relevant national regulators (national supervisory authorities / national competent authorities)***. Upon request of the

Commission, the PRB shall provide assistance to the Commission for the analysis and preparation of those decisions, by way of an opinion.

Or. en

*Justification*

*The national regulators are familiar with the local needs, specificities, setups and constraints of their specific regulated entities. Those aspects need to be taken into consideration in the development/adoption of EU targets, as well as potential complementary baseline values, breakdown values or benchmark groups.*

**Amendment 449**

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

**Proposal for a regulation**

**Article 11 – paragraph 3**

*Text proposed by the Commission*

3. For the purposes of preparing its decisions on Union-wide performance targets, the Commission shall collect any necessary input from stakeholders. Upon request of the Commission, the Agency acting as PRB shall provide assistance to the Commission for the analysis and preparation of those decisions, by way of an opinion.

*Amendment*

3. For the purposes of preparing its decisions on Union-wide performance targets ***and the potential complementary baseline values and breakdown values***, the Commission shall collect any necessary input from stakeholders ***and the relevant national regulators (national supervisory authorities / national competent authorities)***. Upon request of the Commission, the Agency acting as PRB shall provide assistance to the Commission for the analysis and preparation of those decisions, by way of an opinion.

Or. en

*Justification*

*The national regulators are familiar with the local needs, specificities, setups and constraints of their specific regulated entities. Those aspects need to be taken into consideration in the development/adoption of EU targets, as well as potential complementary baseline values, breakdown values.*

#### **Amendment 450**

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

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

#### **Article 11 – paragraph 3**

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

3. For the purposes of preparing its decisions on Union-wide performance targets, the Commission shall collect any necessary input from stakeholders. Upon request of the Commission, the Agency acting as PRB shall provide assistance to the Commission for the analysis and preparation of those decisions, by way of an opinion.

##### *Amendment*

3. For the purposes of preparing its decisions on Union-wide performance targets, the Commission shall collect any necessary input from stakeholders ***and from the relevant national regulators (national supervisory authorities and national competent authorities)***. Upon request of the Commission, the Agency acting as PRB shall provide assistance to the Commission for the analysis and preparation of those decisions, by way of an opinion.

Or. en

#### **Amendment 451**

**Kosma Zlotowski, Tomasz Piotr Poręba**

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

#### **Article 12**

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

##### ***Article 12***

##### ***Classification of en route and terminal air navigation services***

***1. Before the start of each reference period, each Member State shall notify to the Commission which air navigation services to be provided during that period in the airspace under their responsibility it intends to classify as en route air navigation services and as terminal air navigation services respectively. At the same time, each Member State shall notify the Commission of the designated air traffic service providers of those***

##### *Amendment*

***deleted***

*respective services.*

**2. *In due time before the start of the relevant reference period, the Commission, shall adopt implementing decisions addressed to each Member State as to whether the intended classification of the services concerned complies with the criteria set out in points (28) and (55) of Article 2. Upon request of the Commission, the Agency acting as PRB shall provide assistance to the Commission for the analysis and preparation of those decisions, by way of an opinion.***

**3. *Where a decision adopted under paragraph 2 finds that the intended classification does not comply with the criteria set out in points (28) and (55) of Article 2, the Member State concerned shall, having regard to that decision, submit a new notification whose terms comply with those criteria. The Commission shall take a decision on this notification in accordance with paragraph 2.***

**4. *The designated air traffic service providers concerned shall base their draft performance plans for en route and terminal air navigation services on the classifications the Commission has found to be in compliance with the criteria set out in points (28) and (55) of Article 2. The Agency acting as PRB shall base itself on those same classifications when assessing the allocation of costs between en route and terminal air navigation services under Article 13(3).***

Or. en

#### *Justification*

*The proposed provision seems to constitute a relatively far-reaching interference of the EU in shaping the scope of providing services in individual Member States. The process appears to be quite complex, creating additional administrative burden and prolonging the process of preparation of the performance plans, overlapping with the previous reference period, limiting the flexibility of States (e.g. in case of changes in the airport market).*

**Amendment 452**  
**Robert Roos**

**Proposal for a regulation**  
**Article 12**

*Text proposed by the Commission*

*Amendment*

**Article 12**

**deleted**

***Classification of en route and terminal air navigation services***

***1. Before the start of each reference period, each Member State shall notify to the Commission which air navigation services to be provided during that period in the airspace under their responsibility it intends to classify as en route air navigation services and as terminal air navigation services respectively. At the same time, each Member State shall notify the Commission of the designated air traffic service providers of those respective services.***

***2. In due time before the start of the relevant reference period, the Commission, shall adopt implementing decisions addressed to each Member State as to whether the intended classification of the services concerned complies with the criteria set out in points (28) and (55) of Article 2. Upon request of the Commission, the Agency acting as PRB shall provide assistance to the Commission for the analysis and preparation of those decisions, by way of an opinion.***

***3. Where a decision adopted under paragraph 2 finds that the intended classification does not comply with the criteria set out in points (28) and (55) of Article 2, the Member State concerned shall, having regard to that decision, submit a new notification whose terms comply with those criteria. The Commission shall take a decision on this***

*notification in accordance with paragraph 2.*

**4.** *The designated air traffic service providers concerned shall base their draft performance plans for en route and terminal air navigation services on the classifications the Commission has found to be in compliance with the criteria set out in points (28) and (55) of Article 2. The Agency acting as PRB shall base itself on those same classifications when assessing the allocation of costs between en route and terminal air navigation services under Article 13(3).*

Or. en

#### *Justification*

*It would be preferable to significantly reduce the text in Articles 10 to 25 to only arranging the main points. Articles 12 -18 could be deleted as these details would best be placed in the implementing rule.*

#### **Amendment 453**

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

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

**Article 12 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**1a.** *In case of justified circumstances occurred during the reference period, Member States may modify the notification referred to in paragraph 1.*

Or. en

#### **Amendment 454**

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

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

**Article 12 – paragraph 2**



*Text proposed by the Commission*

*Amendment*

**2. In due time before the start of the relevant reference period, the Commission, shall adopt implementing decisions addressed to each Member State as to whether the intended classification of the services concerned complies with the criteria set out in points (28) and (55) of Article 2. Upon request of the Commission, the Agency acting as PRB shall provide assistance to the Commission for the analysis and preparation of those decisions, by way of an opinion.** *deleted*

Or. en

#### **Amendment 455**

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

#### **Proposal for a regulation Article 12 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. In due time before the start of the relevant reference period, the Commission, shall adopt implementing decisions addressed to each Member State as to whether the intended classification of the services concerned complies with the criteria set out in points (28) and (55) of Article 2. Upon request of the Commission, the Agency acting as PRB shall provide assistance to the Commission for the analysis and preparation of those decisions, by way of an opinion.** *deleted*

Or. en

## **Amendment 456**

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

### **Proposal for a regulation**

#### **Article 12 – paragraph 2**

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

2. In due time before the start of the relevant reference period, the Commission, shall adopt implementing decisions addressed to each Member State as to whether the intended classification of the services concerned complies with the criteria set out in points (28) and (55) of Article 2. Upon request of the Commission, the Agency acting as PRB shall provide assistance to the Commission for the analysis and preparation of those decisions, by way of an opinion.

##### *Amendment*

2. In due time before the start of the relevant reference period, the Commission, shall adopt implementing decisions addressed to each Member State as to whether the intended classification of the services concerned complies with the criteria set out in points (29) and (55) of Article 2. Upon request of the Commission, the Agency acting as PRB shall provide assistance to the Commission for the analysis and preparation of those decisions, by way of an opinion.

Or. en

## **Amendment 457**

**Bogusław Liberadzki**

### **Proposal for a regulation**

#### **Article 12 – paragraph 2**

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

2. In due time before the start of the relevant reference period, the Commission, shall adopt implementing decisions addressed to each Member State as to whether the intended classification of the services concerned complies with the criteria set out in points (28) and (55) of Article 2. Upon request of the Commission, the **Agency acting as** PRB shall provide assistance to the Commission for the analysis and preparation of those decisions, by way of an opinion.

##### *Amendment*

2. In due time before the start of the relevant reference period, the Commission, shall adopt implementing decisions addressed to each Member State as to whether the intended classification of the services concerned complies with the criteria set out in points (28) and (55) of Article 2. Upon request of the Commission, the PRB shall provide assistance to the Commission for the analysis and preparation of those decisions, by way of an opinion.

Or. en

#### Amendment 458

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

#### Proposal for a regulation

#### Article 12 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. *Where a decision adopted under paragraph 2 finds that the intended classification does not comply with the criteria set out in points (28) and (55) of Article 2, the Member State concerned shall, having regard to that decision, submit a new notification whose terms comply with those criteria. The Commission shall take a decision on this notification in accordance with paragraph 2.*

*deleted*

Or. en

#### Amendment 459

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

#### Proposal for a regulation

#### Article 12 – paragraph 3

*Text proposed by the Commission*

*Amendment*

3. Where a decision adopted under paragraph 2 *finds* that the intended classification does not comply with the criteria set out in points (28) and (55) of Article 2, the Member State concerned shall, having regard to that decision, submit a new notification whose terms comply with those criteria. The Commission shall take a decision on this notification in accordance with paragraph 2.

3. Where a decision adopted under paragraph 2 *states* that the intended classification does not comply with the criteria set out in points (29) and (55) of Article 2, the Member State concerned shall, having regard to that decision, submit a new notification whose terms comply with those criteria. The Commission shall take a decision on this notification in accordance with paragraph 2.

Or. en

#### Amendment 460

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

#### Proposal for a regulation

#### Article 12 – paragraph 4

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

4. The designated air traffic service providers concerned shall base ***their draft performance plans for*** en route and terminal air navigation services on the classifications ***the Commission has found to be in compliance with the criteria set out in points (28) and (55) of Article 2.*** The Agency acting as PRB shall base itself on those same classifications when assessing the allocation of costs between en route and terminal air navigation services under Article 13(3).

##### *Amendment*

4. The designated air traffic service providers concerned shall base en route and terminal air navigation services on the classifications ***referred to in paragraph 1.*** The Agency acting as PRB shall base itself on those same classifications when assessing the allocation of costs between en route and terminal air navigation services under Article 13(3).

Or. en

#### Amendment 461

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

#### Proposal for a regulation

#### Article 12 – paragraph 4

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

4. The designated air traffic service providers concerned shall base their draft performance plans for en route and terminal air navigation services on the classifications the Commission has found to be in compliance with the criteria set out in points (28) and (55) of Article 2. The Agency acting as PRB shall base itself on those same classifications when assessing the allocation of costs between en route and terminal air navigation services under Article 13(3).

##### *Amendment*

4. The designated air traffic service providers concerned shall base their draft performance plans for en route and terminal air navigation services on the classifications the Commission has found to be in compliance with the criteria set out in points (29) and (55) of Article 2. The Agency acting as PRB shall base itself on those same classifications when assessing the allocation of costs between en route and terminal air navigation services under Article 13(4).

Or. en

**Amendment 462**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 12 – paragraph 4**

*Text proposed by the Commission*

4. The designated air traffic service providers concerned shall base their draft performance plans for en route and terminal air navigation services on the classifications the Commission has found to be in compliance with the criteria set out in points (28) and (55) of Article 2. The ***Agency acting as*** PRB shall base itself on those same classifications when assessing the allocation of costs between en route and terminal air navigation services under Article 13(3).

*Amendment*

4. The designated air traffic service providers concerned shall base their draft performance plans for en route and terminal air navigation services on the classifications the Commission has found to be in compliance with the criteria set out in points (28) and (55) of Article 2. The PRB shall base itself on those same classifications when assessing the allocation of costs between en route and terminal air navigation services under Article 13(3).

Or. en

**Amendment 463**  
**Robert Roos**

**Proposal for a regulation**  
**Article 13**

*Text proposed by the Commission*

***[...]***

*Amendment*

***deleted***

Or. en

*Justification*

*It would be preferable to significantly reduce the text in Articles 10 to 25 to only arranging the main points. Articles 12 -18 could be deleted as these details would best be placed in the implementing rule.*

**Amendment 464**  
**Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider,**

**Julie Lechanteux, Philippe Olivier**

**Proposal for a regulation**  
**Article 13 – title**

*Text proposed by the Commission*

*Amendment*

Performance plans and performance targets  
for en route air navigation services *of*  
*designated air traffic service providers*

Performance plans and performance targets  
for en route air navigation services

Or. en

**Amendment 465**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

**Proposal for a regulation**  
**Article 13 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. *The designated air traffic service providers for en route air traffic services shall, for each reference period, adopt draft performance plans in respect of all the en route air navigation services which they provide and, where applicable, procure from other providers.*

1. *National Supervisory Authorities shall draw up for each reference period, performance plans.*

Or. en

*Justification*

*The development of two separate Performance plans for en route ANS and for terminal ANS of designated ATSPs would lead to additional administrative burden and financial issues. Complex processes that could lead to micromanagement and operational ambiguities should be avoided. Overlapping of activities by several institutions, both at local (ATSP, NSA, Member State, other ANSPs) and EU level (PRB, EASA, Commission) should be avoided. A complete separation of the target setting process in en-route and terminal areas is not the right approach. These services are closely interrelated (common investments, staff, administration. etc.) in respect of all phases of flights (en-route, approach, aerodrome) and they cannot be totally separated. The current system seems to be more relevant. Article 13 and 14 should be merged.*

#### Amendment 466

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

#### Proposal for a regulation

#### Article 13 – paragraph 1 – introductory part

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

1. The *designated air traffic service providers for en route air traffic services* shall, for each reference period, adopt *draft* performance plans in respect of all the en route air navigation services *which they provide and, where applicable, procure from other providers*.

##### *Amendment*

1. The *national supervisory authority* shall, for each reference period, adopt *the* performance plans *drafted by air traffic service providers* in respect of all the en route air navigation services.

Or. en

#### Amendment 467

Johan Van Overtveldt

#### Proposal for a regulation

#### Article 13 – paragraph 1 – subparagraph 1

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

The draft performance plans shall be adopted after the setting of Union-wide performance targets and before the start of the reference period concerned. They shall contain performance targets for en route air navigation services in the key performance areas of the environment, capacity and cost-efficiency, consistent with the Union-wide performance targets. Those draft performance plans shall take account of the European ATM Master Plan. The draft performance plans shall be made publicly available.

##### *Amendment*

The draft performance plans shall be adopted after the setting of Union-wide performance targets and before the start of the reference period concerned. They shall contain performance targets for en route air navigation services in the key performance areas of the environment, capacity and cost-efficiency, consistent with the Union-wide performance targets. Those draft performance plans shall take account of the European ATM Master Plan. The draft performance plans shall be made publicly available. *In order to ensure the uniform, transparent and independent compliance with this article, airspace users shall always be involved in the development of performance plans and performance targets for en route air navigation services of designated air traffic service providers.*

*Justification*

*The airspace users should be involved.*

**Amendment 468**

**Karima Delli**

**Proposal for a regulation****Article 13 – paragraph 1 – subparagraph 1***Text proposed by the Commission*

The draft performance plans shall be adopted after the setting of Union-wide performance targets and before the start of the reference period concerned. They shall contain performance targets for en route air navigation services in the key performance areas of the environment, **capacity** and cost-efficiency, consistent with the Union-wide performance targets. Those draft performance plans shall take account of the European ATM Master Plan. The draft performance plans shall be made publicly available.

*Amendment*

The draft performance plans shall be adopted after the setting of Union-wide performance targets and before the start of the reference period concerned. They shall contain performance targets for en route air navigation services in the key performance areas of **safety, climate**, the environment and cost-efficiency, consistent with the Union-wide performance targets, **particularly the timely emission reductions established in the European Climate Law, and the full alignment with the objectives of the European Green Deal**. Those draft performance plans shall take account of the European ATM Master Plan. The draft performance plans shall be made publicly available.

Or. en

**Amendment 469**

**Bogusław Liberadzki**

**Proposal for a regulation****Article 13 – paragraph 1 – subparagraph 1***Text proposed by the Commission*

The draft performance plans shall be adopted after the setting of Union-wide performance targets and before the start of

*Amendment*

The draft performance plans shall be adopted **by the national supervisory authorities** after the setting of Union-wide



the reference period concerned. They shall contain performance targets for en route air navigation services in the key performance areas of the environment, capacity and cost-efficiency, consistent with the Union-wide performance targets. Those draft performance plans shall take account of the European ATM Master Plan. The draft performance plans shall be made publicly available.

performance targets and before the start of the reference period concerned. They shall contain performance targets for en route air navigation services in the key performance areas of the environment, capacity and cost-efficiency, consistent with the Union-wide performance targets. Those draft performance plans shall take account of the European ATM Master Plan. The draft performance plans shall be made publicly available.

Or. en *Justification*

*In order to ensure adequate recognition of local needs, specifications, setups and constraints, the national regulators (NSAs) need to be in charge and responsible for the adoption, assessment and approval of en-route performance plans. The PRB will have to assess and approve national contributions on their formal correctness and will use them in their European reporting and benchmarking activities.*

#### **Amendment 470**

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

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

#### **Article 13 – paragraph 1 – subparagraph 1**

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

The draft performance plans shall be adopted after the setting of Union-wide performance targets and before the start of the reference period concerned. They shall contain performance targets for en route air navigation services in the key performance areas of the environment, capacity and cost-efficiency, consistent with the Union-wide performance targets. Those draft performance plans shall **take account** of the European ATM Master Plan. The draft performance plans shall be made publicly available.

##### *Amendment*

The draft performance plans shall be adopted after the setting of Union-wide performance targets and before the start of the reference period concerned. They shall contain performance targets for en route air navigation services in the key performance areas of the environment, capacity and cost-efficiency, consistent with the Union-wide performance targets. Those draft performance plans shall **contribute to the implementation** of the European ATM Master Plan. The draft performance plans shall be made publicly available.

Or. en

## **Amendment 471**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

### **Proposal for a regulation**

#### **Article 13 – paragraph 1 – subparagraph 1**

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

The draft performance plans shall be adopted after the setting of Union-wide performance targets and before the start of the reference period concerned. They shall contain performance targets *for en route air navigation services* in the key performance areas of the environment, capacity and cost-efficiency, consistent with the Union-wide performance targets. Those draft performance plans shall take account of the European ATM Master Plan. The draft performance plans shall be made publicly available.

##### *Amendment*

The draft performance plans shall be adopted after the setting of Union-wide performance targets and before the start of the reference period concerned. They shall contain performance targets in the key performance areas of the environment, capacity and cost-efficiency, consistent with the Union-wide performance targets. Those draft performance plans shall take account of the European ATM Master Plan. The draft performance plans shall be made publicly available.

Or. en

## **Amendment 472**

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

### **Proposal for a regulation**

#### **Article 13 – paragraph 1 – subparagraph 1**

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

The draft performance plans shall be adopted after the setting of Union-wide performance targets and before the start of the reference period concerned. They shall contain performance targets for en route air navigation services in the key performance areas of the environment, capacity and cost-efficiency, consistent with the Union-wide performance targets. Those draft performance plans shall take account of the European ATM Master Plan. The draft performance plans shall be made publicly available.

##### *Amendment*

The draft performance plans shall be adopted after the setting of Union-wide performance targets and before the start of the reference period concerned. They shall contain performance targets for en route air navigation services in the key performance areas of the environment, capacity and cost-efficiency, consistent with the Union-wide performance targets. Those draft performance plans shall take account of the European ATM Master Plan. The draft performance plans shall be made publicly available.

**Amendment 473**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

**Proposal for a regulation**

**Article 13 – paragraph 2**

*Text proposed by the Commission*

2. The draft performance plans ***for en route air navigation services*** referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft plans, ***designated air traffic service providers*** shall consult airspace users' representatives and, where relevant, military authorities, airport operators and airport coordinators. ***The designated air traffic service providers shall also submit those plans to the national competent authority responsible for their certification, which shall verify the compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.***

*Amendment*

2. The draft performance plans referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft plans, ***the National Supervisory Authorities*** shall consult airspace users' representatives and, where relevant, military authorities, airport operators and airport coordinators.

**Amendment 474**

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

**Proposal for a regulation**

**Article 13 – paragraph 2**

*Text proposed by the Commission*

2. The draft performance plans for en route air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft

*Amendment*

2. The draft performance plans for en route air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft

plans, *designated air traffic service providers* shall consult airspace users' representatives and, where relevant, military authorities, airport operators and airport coordinators. *The designated air traffic service providers shall also submit those plans to the national competent authority responsible for their certification, which shall verify the compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.*

plans, *national supervisory authorities* shall consult airspace users' representatives and, where relevant, military authorities, airport operators and airport coordinators.

Or. en

#### Amendment 475

Kosma Zlotowski, Tomasz Piotr Poręba

#### Proposal for a regulation

#### Article 13 – paragraph 2

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

2. The draft performance plans for en route air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft plans, designated air traffic service providers shall consult airspace users' representatives and, where relevant, military authorities, airport operators and airport coordinators. *The designated air traffic service providers shall also submit those plans to the national competent authority responsible for their certification, which shall verify the compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.*

##### *Amendment*

2. The draft performance plans for en route air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft plans, designated air traffic service providers shall consult airspace users' representatives and, where relevant, military authorities, airport operators and airport coordinators.

Or. en

### *Justification*

*As indicated in AM 29, it is proposed not to separate NSAs from NCAs. NSAs would be responsible for assessing and approving en-route performance plans.*

#### **Amendment 476**

**Bogusław Liberadzki**

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

#### **Article 13 – paragraph 2**

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

2. The draft performance plans for en route air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft plans, ***designated air traffic*** service providers ***shall consult*** airspace users' representatives and, where relevant, military authorities, airport operators and airport coordinators. ***The designated air traffic service providers shall also submit those plans to the national competent authority responsible for their certification, which shall verify the compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.***

##### *Amendment*

2. The draft performance plans for en route air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft plans, ***national supervisory authorities shall consult air navigation*** service providers, ***ANSP staff representatives*** airspace users' representatives and, where relevant, military authorities, airport operators and airport coordinators.

Or. en

### *Justification*

*In order to ensure adequate recognition of local needs, specifications, setups and constraints, the national regulators (NSAs) need to be in charge and responsible for the adoption, assessment and approval of en-route performance plans. The PRB will have to assess and approve national contributions on their formal correctness and will use them in their European reporting and benchmarking activities. We not support the separation between NCA and NSA – also there is lack of rationale to add the reference to NCA verification of performance plans. NCA function as described in EASA BR is about the ability of an ANSP to perform services, not about the required parameters within performance scheme, especially when there will be no safety targets within the performance scheme system.*

**Amendment 477**  
**Karima Delli**

**Proposal for a regulation**  
**Article 13 – paragraph 2**

*Text proposed by the Commission*

2. The draft performance plans for en route air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft plans, designated air traffic service providers shall consult airspace users' representatives **and**, where relevant, military authorities, airport operators and airport coordinators. The designated air traffic service providers shall also submit those plans to the national competent authority responsible for their certification, which shall verify the compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.

*Amendment*

2. The draft performance plans for en route air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft plans, designated air traffic service providers shall consult airspace users' representatives, ***ANSP staff representatives, scientific experts in the domains of climate and environment as well as***, where relevant, military authorities, airport operators and airport coordinators. The designated air traffic service providers shall also submit those plans to the national competent authority responsible for their certification, which shall verify the compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.

Or. en

**Amendment 478**  
**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura**

**Proposal for a regulation**  
**Article 13 – paragraph 2**

*Text proposed by the Commission*

2. The draft performance plans for en route air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft plans, designated air traffic service providers shall consult airspace users' representatives and, where relevant,

*Amendment*

2. The draft performance plans for en route air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft plans, designated air traffic service providers shall consult airspace users' ***representatives, ANSP workers'***

military authorities, airport operators and airport coordinators. The designated air traffic service providers shall also submit those plans to the national competent authority responsible for their certification, which shall verify the compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.

representatives and, where relevant, military authorities, airport operators and airport coordinators. The designated air traffic service providers shall also submit those plans to the national competent authority responsible for their certification, which shall verify the compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.

Or. en

**Amendment 479**  
**Johan Danielsson**

**Proposal for a regulation**  
**Article 13 – paragraph 2**

*Text proposed by the Commission*

2. The draft performance plans for en route air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft plans, designated air traffic service providers shall consult airspace users' representatives and, where relevant, military authorities, airport operators and airport coordinators. The designated air traffic service providers shall also submit those plans to the national competent authority responsible for their certification, which shall verify the compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.

*Amendment*

2. The draft performance plans for en route air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft plans, designated air traffic service providers shall consult airspace users' **representatives, ANSP staff** representatives and, where relevant, military authorities, airport operators and airport coordinators. The designated air traffic service providers shall also submit those plans to the national competent authority responsible for their certification, which shall verify the compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.

Or. en

**Amendment 480**  
**Jens Gieseke, Sven Schulze**



**Proposal for a regulation**  
**Article 13 – paragraph 2**

*Text proposed by the Commission*

(2) The draft performance plans for en route air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft plans, designated air traffic service providers shall consult airspace users' representatives and, **where relevant, military authorities, airport operators and airport coordinators**. The designated air traffic service providers shall also submit those plans to the national competent authority responsible for their certification, which shall verify the compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.

*Amendment*

(2) The draft performance plans for en route air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft plans, designated air traffic service providers shall consult airspace users' representatives, **airport operators and airport coordinators**. Military **bodies will also be consulted, where appropriate**. The designated air traffic service providers shall also submit those plans to the national competent authority responsible for their certification, which shall verify the compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.

Or. de

**Amendment 481**  
**Dominique Riquet, Pierre Karleskind, Nathalie Loiseau**

**Proposal for a regulation**  
**Article 13 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. Draft performance plans for en route air navigation services shall contain performance targets for en route air navigation services that are consistent with the respective Union-wide performance targets in all key performance areas and fulfil the additional conditions laid down in the third subparagraph.

*Amendment*

3. Draft performance plans for en route air navigation services shall contain performance targets for en route air navigation services that are consistent with the respective Union-wide performance targets in all key performance areas and fulfil the additional conditions laid down in the third subparagraph. **Military training and operations shall not be taken as criteria in the assessment of performance objectives.**

Or. fr



**Amendment 482**  
**Brice Hortefeux**

**Proposal for a regulation**  
**Article 13 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. Draft performance plans for en route air navigation services shall contain performance targets for en route air navigation services that are consistent with the respective Union-wide performance targets in all key performance areas and fulfil the additional conditions laid down in the third subparagraph.

*Amendment*

3. Draft performance plans for en route air navigation services shall contain performance targets for en route air navigation services that are consistent with the respective Union-wide performance targets in all key performance areas and fulfil the additional conditions laid down in the third subparagraph.

***Military operations and training shall not be considered as a criteria when assessing the performance targets.***

Or. en

**Amendment 483**  
**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

**Proposal for a regulation**  
**Article 13 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. Draft performance plans ***for en route air navigation services*** shall contain performance targets ***for en route air navigation services*** that are consistent with the respective Union-wide performance targets in all key performance areas ***and fulfil the additional conditions laid down in the third subparagraph.***

*Amendment*

3. Draft Performance plans shall contain performance targets that are consistent with the respective Union-wide performance targets in all key performance areas.

Or. en

**Amendment 484**  
**Karima Delli**

## Proposal for a regulation

### Article 13 – paragraph 3 – introductory part

#### *Text proposed by the Commission*

3. Draft performance plans for en route air navigation services shall contain performance targets for en route air navigation services that are consistent with the respective Union-wide performance targets in all key performance areas and fulfil the additional conditions laid down in the third subparagraph.

#### *Amendment*

3. Draft performance plans for en route air navigation services shall contain performance targets for en route air navigation services that are consistent with the respective Union-wide performance targets in all key performance areas, ***particularly regarding climate and environment, such as the different climate-impacting emissions***, and fulfil the additional conditions laid down in the third subparagraph.

Or. en

## Amendment 485

Jens Gieseke, Sven Schulze

## Proposal for a regulation

### Article 13 – paragraph 3 – introductory part

#### *Text proposed by the Commission*

(3) ***Draft performance plans for en route air navigation services shall contain performance targets for en route air navigation services that are consistent with the respective Union-wide performance targets in all key performance areas and fulfil the additional conditions laid down in the third subparagraph.***

#### *Amendment*

(3) ***The performance targets for terminal air navigation services included in the draft performance plans shall comply with the following conditions:***

Or. de

## Amendment 486

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

**Proposal for a regulation**

**Article 13 – paragraph 3 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

Consistency of performance targets for en route air navigation service with Union-wide performance targets shall be established according to the following criteria:

Consistency of performance targets for en route air navigation service with Union-wide performance targets shall be established according to ***at least one of*** the following criteria:

Or. en

**Amendment 487**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

**Proposal for a regulation**

**Article 13 – paragraph 3 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

Consistency of performance targets ***for en route air navigation service*** with Union-wide performance targets shall be established ***according to*** the following criteria:

Consistency of performance targets with Union-wide performance targets shall be established ***when one of*** the following criteria ***is met***:

Or. en

**Amendment 488**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

**Proposal for a regulation**

**Article 13 – paragraph 3 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

***(a) where breakdown values have been established in conjunction with Union-wide performance targets, comparison of the performance targets contained in the draft performance plan with those breakdown values;***

***deleted***

Or. en

**Amendment 489**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

**Proposal for a regulation**

**Article 13 – paragraph 3 – subparagraph 1 – point b**

*Text proposed by the Commission*

(b) evaluation of performance improvements ***over time***, for the reference period covered by the performance plan, ***and additionally for the overall period comprising both the preceding reference period and the reference period covered by the performance plan***;

*Amendment*

(b) evaluation of performance improvements for the reference period covered by the performance plan;

Or. en

**Amendment 490**

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

**Proposal for a regulation**

**Article 13 – paragraph 3 – subparagraph 1 – point b**

*Text proposed by the Commission*

(b) evaluation of performance improvements over time, for the reference period covered by the performance plan, ***and additionally*** for the overall period comprising both the preceding reference period and the reference period covered by the performance plan;

*Amendment*

(b) evaluation of performance improvements over time, for the reference period covered by the performance plan, ***or*** for the overall period comprising both the preceding reference period and the reference period covered by the performance plan;

Or. en

**Amendment 491**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

**Proposal for a regulation**

**Article 13 – paragraph 3 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) comparison of the planned level of performance of the air **traffic** service provider concerned with other air **traffic** service providers being part of the same benchmark group.

(c) comparison of the planned level of performance of the air **navigation** service provider concerned with other air **navigation** service providers being part of the same benchmark group.

Or. en

**Amendment 492**

**Kosma Zlotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**

**Article 13 – paragraph 3 – subparagraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) consideration of relevant local circumstances that have a potential impact on the achievement of performance targets by the air traffic service provider**

Or. en

*Justification*

*Local circumstances play a crucial role in determination of local targets for ATSPs – therefore should be considered in the assessment.*

**Amendment 493**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

**Proposal for a regulation**

**Article 13 – paragraph 3 – subparagraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

In addition, the draft performance plan **must comply with the following conditions:**

In addition, the draft performance plan **shall take into account the key assumptions applied as a basis for target setting and measures intended to achieve the targets during the reference period**

*and shall be complete in terms of data and supporting material.*

Or. en

**Amendment 494**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

**Proposal for a regulation**

**Article 13 – paragraph 3 – subparagraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

*(a) key assumptions applied as a basis for target setting and measures intended to achieve the targets during the reference period, including baseline values, traffic forecasts and economic assumptions used, must be accurate, adequate and coherent;* *deleted*

Or. en

**Amendment 495**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

**Proposal for a regulation**

**Article 13 – paragraph 3 – subparagraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) the draft performance plan must be complete in terms of data and supporting material;* *deleted*

Or. en

**Amendment 496**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

**Proposal for a regulation**

**Article 13 – paragraph 3 – subparagraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

**(c) cost bases for charges must comply with Article 20.** *deleted*

Or. en

**Amendment 497**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

**Proposal for a regulation**

**Article 13 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. The allocation of costs between en route and terminal air navigation services shall be assessed by the Agency acting as PRB on the basis of the methodology referred to in Article 10(3)(k) and the classification of the different services as assessed by the Commission pursuant to Article 12.** *deleted*

Or. en

**Amendment 498**

**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**

**Article 13 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. The allocation of costs between en route and terminal air navigation services shall be assessed by the Agency acting as PRB on the basis of the methodology referred to in Article 10(3)(k) and the classification of the different services as assessed by the Commission pursuant to Article 12.**

**4. The allocation of costs between en route and terminal air navigation services shall be assessed by the national supervisory authority on the basis of the methodology referred to in Article 10(3)(k).**

Or. en

### *Justification*

*Local circumstances play a crucial role in determination of cost allocation between en-route and terminal services. Therefore assessment of this allocation should be made by NSAs, not by the PRB.*

#### **Amendment 499**

**Bogusław Liberadzki**

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

#### **Article 13 – paragraph 4**

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

4. The allocation of costs between en route and terminal air navigation services shall be assessed by the ***Agency acting as PRB*** on the basis of the methodology referred to in Article 10(3)(k) and the classification of the different services as assessed by the Commission pursuant to Article 12.

##### *Amendment*

4. The allocation of costs between en route and terminal air navigation services shall be assessed by the ***national supervisory authority*** on the basis of the methodology referred to in Article 10(3)(k) and the classification of the different services as assessed by the Commission pursuant to Article 12.

*Or. enJustification*

*In order to ensure adequate recognition of local needs, specifications, setups and constraints, the national regulators (NSAs) need to be in charge and responsible for the adoption, assessment and approval of en-route performance plans. The PRB will have to assess and approve national contributions on their formal correctness and will use them in their European reporting and benchmarking activities.*

#### **Amendment 500**

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

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

#### **Article 13 – paragraph 4**

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

4. The allocation of costs between en route and terminal air navigation services shall be assessed by the Agency acting as PRB on the basis of the methodology referred to in Article 10(3)(k) and the

##### *Amendment*

4. The allocation of costs between en route and terminal air navigation services shall be assessed by the Agency acting as PRB on the basis of the methodology referred to in Article 10(3)(k) and the



classification of the different services *as assessed by the Commission pursuant to Article 12.*

classification of the different services.

Or. en

#### **Amendment 501**

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

#### **Proposal for a regulation Article 13 – paragraph 5**

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

5. The draft performance plans for en route air navigation services referred to in paragraph 1, including where relevant the allocation of costs between en route and terminal air navigation services, shall be submitted to the Agency acting as PRB for assessment and approval.

##### *Amendment*

5. The draft performance plans for en route air navigation services referred to in paragraph 1, including where relevant the allocation of costs between en route and terminal air navigation services, shall be submitted to the Agency acting as PRB *to assess the compliance with the Performance and Charging Schemes and the consistency with EU targets and to the national supervisory authority* for assessment and approval.

Or. en

#### **Amendment 502**

**Bogusław Liberadzki**

#### **Proposal for a regulation Article 13 – paragraph 5**

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

5. The draft performance plans for en route air navigation services referred to in paragraph 1, including where relevant the allocation of costs between en route and terminal air navigation services, shall be submitted to *the Agency acting as* PRB for assessment and approval.

##### *Amendment*

5. The draft performance plans for en route air navigation services referred to in paragraph 1, including where relevant the allocation of costs between en route and terminal air navigation services, shall be submitted to *national supervisory authority for assessment and approval, as well as to the* PRB for assessment and

approval *of formal correctness and European reporting and benchmarking.*

Or. en

*Justification*

*In order to ensure adequate recognition of local needs, specifications, setups and constraints, the national regulators (NSAs) need to be in charge and responsible for the adoption, assessment and approval of en-route performance plans. The PRB will have to assess and approve national contributions on their formal correctness and will use them in their European reporting and benchmarking activities.*

**Amendment 503**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

**Proposal for a regulation**

**Article 13 – paragraph 5**

*Text proposed by the Commission*

5. The draft performance plans ***for en route air navigation services*** referred to in paragraph 1, ***including where relevant the allocation of costs between en route and terminal air navigation services***, shall be submitted to the ***Agency acting as*** PRB for assessment ***and approval.***

*Amendment*

5. The draft performance plans referred to in paragraph 1, shall be submitted to the PRB for assessment.

Or. en

**Amendment 504**

**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**

**Article 13 – paragraph 5**

*Text proposed by the Commission*

5. The draft performance plans for en route air navigation services referred to in paragraph 1, including where relevant the allocation of costs between en route and terminal air navigation services, shall be submitted to the ***Agency acting as PRB*** for

*Amendment*

5. The draft performance plans for en route air navigation services referred to in paragraph 1, including where relevant the allocation of costs between en route and terminal air navigation services, shall be submitted to the ***national supervisory***

assessment and approval.

**authority** for assessment and approval.

Or. en

*Justification*

*In order to ensure adequate recognition of local needs, specifications, setups and constraints, the national regulators (NSAs) need to be in charge and responsible for the assessment and approval of en-route performance plans. During the approval they shall duly consider PRB assessment of consistency of local targets with Union-wide targets (see subsequent proposed amendments).*

**Amendment 505**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

**Proposal for a regulation**

**Article 13 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**6. In the case of a designated air traffic service provider providing both en route air navigation services and terminal air navigation services, the Agency acting as PRB shall first assess the allocation of costs between the respective services in accordance with paragraph 4.** **deleted**

***Where the Agency acting as PRB finds that the allocation of costs does not comply with the methodology or with the classification referred to in paragraph 4, the designated air traffic service provider concerned shall present a new draft performance plan complying with that methodology and with that classification.***

***Where the Agency acting as PRB finds that the allocation of costs complies with that methodology and with that classification, it shall take a decision to that effect, notifying the designated air traffic service provider and national supervisory authority concerned. The national supervisory authority shall be bound by the conclusions of that decision in respect of the allocation of costs for the purposes of the assessment of the draft***

*performance plan for terminal air navigation services referred to in Article 14.*

Or. en

**Amendment 506**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 13 – paragraph 6 – introductory part**

*Text proposed by the Commission*

6. In the case of a designated air traffic service provider providing both en route air navigation services and terminal air navigation services, *the Agency acting as PRB* shall first assess the allocation of costs between the respective services in accordance with paragraph 4.

*Amendment*

6. In the case of a designated air traffic service provider providing both en route air navigation services and terminal air navigation services, *in order to guarantee consistency within the Performance Plans, the national supervisory authority, in coordination with the PRB* shall first assess the allocation of costs between the respective services in accordance with paragraph 4.

Or. en

**Amendment 507**  
**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**  
**Article 13 – paragraph 6 – introductory part**

*Text proposed by the Commission*

6. In the case of a designated air traffic service provider providing both en route air navigation services and terminal air navigation services, the *Agency acting as PRB* shall first assess the allocation of costs between the respective services in accordance with paragraph 4.

*Amendment*

6. In the case of a designated air traffic service provider providing both en route air navigation services and terminal air navigation services, the *national supervisory authority* shall first assess the allocation of costs between the respective services in accordance with paragraph 4.

Or. en

### *Justification*

*In order to ensure adequate recognition of local needs, specifications, setups and constraints, the national regulators (NSAs) need to be in charge and responsible for the assessment of en-route /terminal air navigation services cost allocation in case of provision these two types of services by single entity.*

#### **Amendment 508**

**Bogusław Liberadzki**

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

#### **Article 13 – paragraph 6 – subparagraph 1**

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

Where the *Agency acting as PRB* finds that the allocation of costs does not comply with the methodology or with the classification referred to in paragraph 4, the designated air traffic service provider concerned shall present a new draft performance plan complying with that methodology and with that classification.

##### *Amendment*

Where the ***national supervisory authority and the PRB*** finds that the allocation of costs does not comply with the methodology or with the classification referred to in paragraph 4, the designated air traffic service provider concerned shall present a new draft performance plan complying with that methodology and with that classification.

Or. en

#### **Amendment 509**

**Kosma Złotowski, Tomasz Piotr Poręba**

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

#### **Article 13 – paragraph 6 – subparagraph 1**

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

Where the *Agency acting as PRB* finds that the allocation of costs does not comply with the methodology ***or with the classification*** referred to in paragraph 4, the designated air traffic service provider concerned shall present a new draft performance plan complying with that methodology ***and with that classification***.

##### *Amendment*

Where the ***national supervisory authority*** finds that the allocation of costs does not comply with the methodology referred to in paragraph 4, the designated air traffic service provider concerned shall present a new draft performance plan complying with that methodology.

Or. en

### *Justification*

*In order to ensure adequate recognition of local needs, specifications, setups and constraints, the national regulators (NSAs) need to be in charge and responsible for the assessment of en-route /terminal air navigation services cost allocation in case of provision these two types of services by single entity.*

#### **Amendment 510**

**Bogusław Liberadzki**

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

#### **Article 13 – paragraph 6 – subparagraph 2**

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

Where the *Agency acting as* PRB finds that the allocation of costs complies with that methodology and with that classification, *it* shall take a decision to that effect, notifying the designated air traffic service provider *and national supervisory authority concerned*. The national supervisory authority shall *be bound by* the conclusions of that decision *in respect of the allocation of costs for the purposes of the assessment of the draft performance plan for terminal air navigation services referred to in Article 14*.

##### *Amendment*

Where the *national supervisory authority and the* PRB finds that the allocation of costs complies with that methodology and with that classification, *the PRB* shall take a decision to that effect, notifying the designated air traffic service provider. The national supervisory authority shall *ensure compliance to* the conclusions of that decision.

Or. en

#### **Amendment 511**

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

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

#### **Article 13 – paragraph 6 – subparagraph 2**

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

Where the Agency acting as PRB finds that the allocation of costs complies with that methodology and with that classification, it shall take a decision to that effect, notifying the designated air traffic service

##### *Amendment*

Where the Agency acting as PRB finds that the allocation of costs complies with that methodology and with that classification, it shall take a decision to that effect, notifying the designated air traffic service

provider and national supervisory authority concerned. The national supervisory authority shall ***be bound by*** the conclusions of that decision ***in respect of the allocation of costs for the purposes of the assessment of the draft performance plan for terminal air navigation services referred to in Article 14.***

provider and national supervisory authority concerned. The national supervisory authority shall ***ensure the compliance to*** the conclusions of that decision.

Or. en

## Amendment 512

Kosma Złotowski, Tomasz Piotr Poręba

### Proposal for a regulation

#### Article 13 – paragraph 6 – subparagraph 2

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

Where the ***Agency acting as PRB*** finds that the allocation of costs complies with that methodology ***and with that classification***, it shall take a decision to that effect, notifying the designated air traffic service provider ***and national supervisory authority concerned. The national supervisory authority*** shall be bound by the conclusions of that decision in respect ***of the allocation of costs for the purposes of the assessment*** of the draft performance plan for terminal air navigation services referred to in Article 14.

##### *Amendment*

Where the ***national supervisory authority*** finds that the allocation of costs complies with that methodology, it shall take a decision to that effect, notifying the designated air traffic service provider. ***The designated air traffic service provider*** shall be bound by the conclusions of that decision in respect of the draft performance plan for terminal air navigation services referred to in Article 14.

Or. en

##### *Justification*

*In order to ensure adequate recognition of local needs, specifications, setups and constraints, the national regulators (NSAs) need to be in charge and responsible for the assessment of en-route /terminal air navigation services cost allocation in case of provision these two types of services by single entity.*

## Amendment 513

Kosma Złotowski, Tomasz Piotr Poręba

**Proposal for a regulation**  
**Article 13 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**6a. The national supervisory authority shall submit the draft performance plan to the Agency acting as PRB for assessment of consistency of performance targets for en route air navigation services with Union-wide performance targets and assessment of compliance of the performance plan with the Union performance and charging schemes.**

**Where paragraph 6 applies, this submission shall take place after a decision on the allocation of costs has been taken by the national supervisory authority in accordance with the third subparagraph of paragraph 6.**

**The Agency acting as PRB shall assess the performance targets for en-route air navigation services according to the criteria set out in paragraph 3. Following the assessment, the Agency acting as PRB shall provide the national supervisory authority with recommendations to approve the performance targets, in case when the Agency acting as PRB considers the targets consistent with Union-wide targets and the plan is considered compliant with Union performance and charging schemes, or to deny the approval, when the Agency acting as PRB considers the targets not consistent with Union-wide targets or the plan not compliant with Union performance and charging schemes. The Agency acting as PRB shall justify its assessment for each of the performance targets, considering also interdependencies between key performance areas.**

Or. en



### *Justification*

*The PRB shall be responsible for assessing consistency of local targets with Union-wide targets. It shall provide its recommendations to the NSA, who shall duly consider them in the process of approving or denying approval of ATSPs' performance plans. In justification of its findings the PRB should also refer to interdependencies between KPAs.*

#### **Amendment 514**

**Bogusław Liberadzki**

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

#### **Article 13 – paragraph 7 – introductory part**

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

7. The **Agency acting as** PRB shall assess the performance targets for en route air navigation services and the performance plans according to the criteria and conditions set out in paragraph 3. Where paragraph 6 applies, this assessment shall take place after a decision on the allocation of costs has been taken in accordance with the fourth subparagraph of paragraph 6.

##### *Amendment*

7. The PRB ***shall assess the formal correctness of the implementation of the European regulatory requirements. The national supervisory authority*** shall assess the performance targets for en route air navigation services and the performance plans according to the criteria and conditions set out in paragraph 3. Where paragraph 6 applies, this assessment shall take place after a decision on the allocation of costs has been taken in accordance with the fourth subparagraph of paragraph 6.

***Where the PRB finds that the European regulatory requirements are met, it shall approve them.***

***Where the PRB finds that the European regulatory requirements are not met, it shall deny their approval.***

Or. en

#### **Amendment 515**

**Karima Delli**

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

#### **Article 13 – paragraph 7 – introductory part**

*Text proposed by the Commission*

7. The Agency acting as PRB shall assess the performance targets for en route air navigation services and the performance plans according to the criteria and conditions set out in paragraph 3. Where paragraph 6 applies, this assessment shall take place after a decision on the allocation of costs has been taken in accordance with the fourth subparagraph of paragraph 6.

*Amendment*

7. The Agency acting as PRB shall assess the performance targets for en route air navigation services and the performance plans according to the criteria and conditions set out in paragraph 3, ***particularly regarding climate and environment, in order to ensure their full alignment with the emissions reduction targets within the European Climate Law and the objectives of the European Green Deal.*** Where paragraph 6 applies, this assessment shall take place after a decision on the allocation of costs has been taken in accordance with the fourth subparagraph of paragraph 6.

Or. en

**Amendment 516**

**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**

**Article 13 – paragraph 7 – introductory part**

*Text proposed by the Commission*

7. The ***Agency acting as PRB*** shall assess the performance targets for en route air navigation services and the performance plans according to the criteria and conditions set out in paragraph 3. Where paragraph 6 applies, this assessment shall take place after a decision on the allocation of costs has been taken in accordance with the ***fourth*** subparagraph of paragraph 6.

*Amendment*

7. The ***national supervisory authority*** shall assess the performance targets for en route air navigation services and the performance plans according to the criteria and conditions set out in paragraph 3, ***duly considering interdependencies between key performance areas. In its assessment the national supervisory authority shall take into account the recommendations provided by the Agency acting as PRB referred to in paragraph 6a.*** Where paragraph 6 applies, this assessment shall take place after a decision on the allocation of costs has been taken in accordance with the ***third*** subparagraph of paragraph 6

Or. en

## Justification

*NSAs must be responsible for assessing local performance targets of ATSPs. They have the best knowledge of local specificities and constraints – no one-size-fits-all approach should be pursued. In its assessment the NSA shall duly consider interdependencies between KPAs and shall take into account the recommendations provided by the PRB.*

### Amendment 517

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

#### Proposal for a regulation

#### Article 13 – paragraph 7 – introductory part

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

7. The **Agency acting as** PRB shall assess the performance targets ***for en route air navigation services*** and the performance plans according to the criteria ***and conditions*** set out in paragraph 3. ***Where paragraph 6 applies, this assessment shall take place after a decision on the allocation of costs has been taken in accordance with the fourth subparagraph of paragraph 6.***

##### *Amendment*

7. The PRB shall assess the performance targets and the performance plans according to the criteria set out in paragraph 3 ***and subject to the provisions of Article 14 and Article 15 of Commission Implementing Regulation (EU) 2019/317.***

Or. en

### Amendment 518

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

#### Proposal for a regulation

#### Article 13 – paragraph 7 – introductory part

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

7. The Agency acting as PRB shall assess the performance targets for en route air navigation services and the performance plans according to the criteria and conditions set out in paragraph 3. ***Where paragraph 6 applies, this assessment shall take place after a decision on the allocation of costs has been taken in***

##### *Amendment*

7. The Agency acting as PRB shall assess the performance targets for en route air navigation services and the performance plans according to the criteria and conditions set out in paragraph 3. ***Where the Agency acting as PRB finds that the draft performance plan meets those criteria and conditions, it shall notify it to***

*accordance with the fourth subparagraph of paragraph 6.*

*the national supervisory authority.*

Or. en

#### **Amendment 519**

**Bogusław Liberadzki**

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

#### **Article 13 – paragraph 7 – subparagraph 1**

*Text proposed by the Commission*

Where the *Agency acting as PRB* finds that the draft performance plan meets those criteria and conditions, it shall approve it.

*Amendment*

Where the *national supervisory authority* finds that the draft performance plan meets those criteria and conditions *set out in paragraph 3*, it shall approve it.

Or. en

#### **Amendment 520**

**Kosma Złotowski, Tomasz Piotr Poręba**

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

#### **Article 13 – paragraph 7 – subparagraph 1**

*Text proposed by the Commission*

Where the *Agency acting as PRB* finds that the draft performance plan meets those criteria and conditions, it shall approve it.

*Amendment*

Where the *national supervisory authority* finds that the draft performance plan meets those criteria and conditions, it shall approve it.

Or. en

#### **Amendment 521**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

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

#### **Article 13 – paragraph 7 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Where the Agency acting as PRB finds that the draft performance plan meets those criteria and conditions, it shall approve it.

***deleted***

Or. en

#### **Amendment 522**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

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

#### **Article 13 – paragraph 7 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

***Where the Agency acting as PRB finds that one or several performance targets for en route air navigation services are not consistent with the Union-wide performance targets or the performance plan does not meet the additional conditions set out in paragraph 3, it shall deny the approval.***

***deleted***

Or. en

#### **Amendment 523**

**Kosma Złotowski, Tomasz Piotr Poręba**

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

#### **Article 13 – paragraph 7 – subparagraph 2**

*Text proposed by the Commission*

*Amendment*

Where the ***Agency acting as PRB*** finds that one or several performance targets for en route air navigation services are not consistent with the Union-wide performance targets or the performance plan does not meet the additional conditions set out in paragraph 3, it shall deny the approval.

Where the ***national supervisory authority*** finds that one or several performance targets for en route air navigation services are not consistent with the Union-wide performance targets or the performance plan does not meet the additional conditions set out in paragraph 3, it shall deny the approval.

*In each case, the national supervisory authority shall justify its decision and how it has taken the assessment of the Agency acting as PRB into account.*

Or. en

**Amendment 524**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 13 – paragraph 7 – subparagraph 2**

*Text proposed by the Commission*

Where the *Agency acting as PRB* finds that one or several performance targets for en route air navigation services are not consistent with the Union-wide performance targets or the performance plan does not meet the additional conditions set out in paragraph 3, it shall deny the approval.

*Amendment*

Where the *national supervisory authority* finds that one or several performance targets for en route air navigation services are not consistent with the Union-wide performance targets or the performance plan does not meet the additional conditions set out in paragraph 3, it shall deny the approval.

Or. en

*Justification*

*In order to ensure adequate recognition of local needs, specifications, setups and constraints, the national regulators (NSAs) need to be in charge and responsible for the adoption, assessment and approval of en-route performance plans. The PRB will have to assess and approve national contributions on their formal correctness and will use them in their European reporting and benchmarking activities.*

**Amendment 525**

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

**Proposal for a regulation**

**Article 13 – paragraph 7 – subparagraph 2**

*Text proposed by the Commission*

Where the Agency acting as PRB finds that one or several performance targets for en

*Amendment*

Where the Agency acting as PRB finds that one or several performance targets for en

route air navigation services are not consistent with the Union-wide performance targets or the performance plan does not meet the additional conditions set out in paragraph 3, it shall *deny the approval*.

route air navigation services are not consistent with the Union-wide performance targets or the performance plan does not meet the additional conditions set out in paragraph 3, it shall *notify the national supervisory authority*.

Or. en

#### **Amendment 526**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

#### **Proposal for a regulation Article 13 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

**8. Where the Agency acting as PRB has denied approval of a draft performance plan in accordance with paragraph 7, a revised draft performance plan shall be presented by the designated air traffic service provider concerned, including where necessary revised targets.**

**deleted**

Or. en

#### **Amendment 527**

**Karima Delli**

#### **Proposal for a regulation Article 13 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

**8. Where the Agency acting as PRB has denied approval of a draft performance plan in accordance with paragraph 7, a revised draft performance plan shall be presented by the designated air traffic service provider concerned, including where necessary revised targets.**

**8. Where the Agency acting as PRB has denied approval of a draft performance plan in accordance with paragraph 7, a revised draft performance plan shall be presented by the designated air traffic service provider concerned, including where necessary revised targets, *particularly regarding the climate and environment areas, in order to ensure full alignment with the emissions reduction***

*targets within the European Climate Law and the objectives of the European Green Deal.*

Or. en

#### **Amendment 528**

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

#### **Proposal for a regulation Article 13 – paragraph 8**

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

8. Where the Agency acting as PRB has ***denied approval*** of a draft performance plan in accordance with paragraph 7, a revised draft performance plan shall be presented by the designated air traffic service provider concerned, including where necessary revised targets.

##### *Amendment*

8. Where the Agency acting as PRB has ***issued a negative assessment*** of a draft performance plan in accordance with paragraph 7, a revised draft performance plan shall be presented by the designated air traffic service provider concerned, including where necessary revised targets.

Or. en

#### **Amendment 529**

**Kosma Zlotowski, Tomasz Piotr Poręba**

#### **Proposal for a regulation Article 13 – paragraph 8**

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

8. Where the ***Agency acting as PRB*** has denied approval of a draft performance plan in accordance with paragraph 7, a revised draft performance plan shall be presented by the designated air traffic service provider concerned, including where necessary revised targets.

##### *Amendment*

8. Where the ***national supervisory authority*** has denied approval of a draft performance plan in accordance with paragraph 7, a revised draft performance plan shall be presented by the designated air traffic service provider concerned, including where necessary revised targets.

Or. en



### *Justification*

*In order to ensure adequate recognition of local needs, specifications, setups and constraints, the national regulators (NSAs) need to be in charge and responsible for the assessment and approval of en-route performance plans.*

#### **Amendment 530**

**Bogusław Liberadzki**

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

#### **Article 13 – paragraph 8**

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

8. Where the *Agency acting as PRB* has denied approval of *a draft performance plan* in accordance with paragraph 7, a revised draft performance plan shall be presented by the designated air traffic service provider concerned, *including where necessary revised targets*.

##### *Amendment*

8. Where the *national supervisory authority* has denied approval of *the correct implementation of European regulatory requirements* in accordance with paragraph 7, a revised draft performance plan shall be presented by the designated air traffic service provider concerned.

Or. en

#### **Amendment 531**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

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

#### **Article 13 – paragraph 9**

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

9. [...]

##### *Amendment*

*deleted*

Or. en

#### **Amendment 532**

**Kosma Zlotowski, Tomasz Piotr Poręba**

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

#### **Article 13 – paragraph 9 – introductory part**

*Text proposed by the Commission*

9. The ***Agency acting as PRB*** shall assess the revised draft performance plan referred to in paragraph 8 in accordance with the criteria and conditions set out in paragraph 3. Where a revised draft performance plan meets those criteria and conditions, the ***Agency acting as PRB*** shall approve it.

*Amendment*

9. The ***national supervisory authority*** shall assess the revised draft performance plan referred to in paragraph 8 in accordance with the criteria and conditions set out in paragraph 3. ***The Agency acting as PRB shall support the national supervisory authority by assessing the revised draft performance plan referred to in paragraph 8 on its compliance with the Union performance and charging schemes as well as on consistency of performance targets with Union-wide targets. The PRB shall submit a revised recommendations to the national supervisory authority.*** Where a revised draft performance plan meets those criteria and conditions, the ***national supervisory authority*** shall approve it.

Or. en

*Justification*

*In order to ensure adequate recognition of local needs, specifications, setups and constraints, the national regulators (NSAs) need to be in charge and responsible for the assessment and approval of en-route performance plans. The conditions set out in the third subparagraph of paragraph 3 include also traffic and macroeconomic assumptions.*

**Amendment 533**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 13 – paragraph 9 – introductory part**

*Text proposed by the Commission*

9. The ***Agency acting as PRB*** shall assess the revised draft performance plan referred to in paragraph 8 in accordance with the criteria and conditions set out in paragraph 3. Where a revised draft performance plan meets those criteria and conditions, the ***Agency acting as PRB*** shall approve it.

*Amendment*

9. The PRB shall assess the revised draft performance plan referred to in paragraph 8 in accordance with the criteria and conditions set out in paragraph 3. Where a revised draft performance plan meets those criteria and conditions, the PRB shall approve it.

*The national supervisory authority shall assess the revised draft performance plan referred to in paragraph 8 in accordance with the criteria and conditions set out in paragraph 3. Where a revised draft performance plan meets those criteria and conditions, the national supervisory authority shall approve it.*

Or. en

**Amendment 534**

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

**Proposal for a regulation**

**Article 13 – paragraph 9 – introductory part**

*Text proposed by the Commission*

9. The Agency acting as PRB shall assess the revised draft performance plan referred to in paragraph 8 in accordance with the criteria and conditions set out in paragraph 3. Where a revised draft performance plan meets those criteria and conditions, the Agency acting as PRB shall *approve it*.

*Amendment*

9. The Agency acting as PRB shall assess the revised draft performance plan referred to in paragraph 8 in accordance with the criteria and conditions set out in paragraph 3. Where a revised draft performance plan meets those criteria and conditions, the Agency acting as PRB shall *notify the national supervisory authority*.

Or. en

**Amendment 535**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 13 – paragraph 9 – subparagraph 1**

*Text proposed by the Commission*

Where a revised draft performance plan does not meet those criteria and conditions, the *Agency acting as* PRB shall deny its approval and shall require the designated air traffic service provider to present a final

*Amendment*

Where a revised draft performance plan does not meet *the European regulatory requirements or* those criteria and conditions *referred to in paragraph 8*, the PRB, *in respect of the European regulatory requirements, or the national*

draft performance plan.

***supervisory authority, in respect of the performance plan assessment***, shall deny its approval and shall require the designated air traffic service provider to present a final draft performance plan.

Or. en

#### **Amendment 536**

**Kosma Złotowski, Tomasz Piotr Poręba**

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

#### **Article 13 – paragraph 9 – subparagraph 1**

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

Where a revised draft performance plan does not meet those criteria and conditions, the ***Agency acting as PRB*** shall deny its approval and shall require the designated air traffic service provider to present a final draft performance plan.

##### *Amendment*

Where a revised draft performance plan does not meet those criteria and conditions, the ***national supervisory authority*** shall deny its approval and shall require the designated air traffic service provider to present a final draft performance plan.

Or. en

#### **Amendment 537**

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

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

#### **Article 13 – paragraph 9 – subparagraph 1**

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

Where a revised draft performance plan does not meet those criteria and conditions, the Agency acting as PRB shall ***deny its approval and shall*** require the designated air traffic service provider to present a final draft performance plan.

##### *Amendment*

Where a revised draft performance plan does not meet those criteria and conditions, the Agency acting as PRB shall require the designated air traffic service provider to present a final draft performance plan.

Or. en

**Amendment 538**  
**Karima Delli**

**Proposal for a regulation**  
**Article 13 – paragraph 9 – subparagraph 2**

*Text proposed by the Commission*

Where the revised draft performance plan submitted in accordance with paragraph 8 is denied because it contains performance targets for en route air navigation services that are not consistent with the Union-wide performance targets, the Agency acting as PRB shall establish performance targets in consistency with the Union-wide performance targets for the designated air traffic service provider concerned, taking into account the findings made in the decision referred to in paragraph 7. The final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets thus established by the Agency acting as PRB, as well as the measures to achieve those targets.

*Amendment*

Where the revised draft performance plan submitted in accordance with paragraph 8 is denied because it contains performance targets for en route air navigation services that are not consistent with the Union-wide performance targets, ***particularly regarding the full alignment with the emissions reduction targets within the European Climate Law and the objectives of the European Green Deal***, the Agency acting as PRB shall establish performance targets in consistency with the Union-wide performance targets for the designated air traffic service provider concerned, taking into account the findings made in the decision referred to in paragraph 7. The final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets thus established by the Agency acting as PRB, as well as the measures to achieve those targets, ***particularly regarding the climate and environment areas***.

Or. en

**Amendment 539**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 13 – paragraph 9 – subparagraph 2**

*Text proposed by the Commission*

Where the revised draft performance plan submitted ***in accordance with paragraph 8*** is denied because ***it contains performance targets for en route air navigation services***

*Amendment*

Where the revised draft performance plan submitted is denied because ***of incorrect implementation of European regulatory requirements, the*** PRB shall establish

*that are not consistent with the Union-wide performance targets, the Agency acting as PRB shall establish **performance targets in consistency with the Union-wide performance targets** for the designated air traffic service provider concerned, taking into account the findings made in the decision referred to in paragraph 7. The final draft performance plan to be presented by the designated air traffic service provider concerned shall **include the performance targets thus** established by the **Agency acting as PRB, as well as the measures to achieve those targets.***

*conformity with those requirements* for the designated air traffic service provider concerned, taking into account the findings made in the decision referred to in paragraph 7. The final draft performance plan to be presented by the designated air traffic service provider concerned shall **address those requirements** established by the **PRB**.

Or. en

#### **Amendment 540**

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

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

#### **Article 13 – paragraph 9 – subparagraph 2**

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

Where the revised draft performance plan submitted in accordance with paragraph 8 is denied because it contains performance targets for en route air navigation services that are not consistent with the Union-wide performance targets, the Agency acting as PRB shall **establish performance targets in consistency with the Union-wide performance targets for the designated air traffic service provider concerned, taking into account the findings made in the decision referred to in paragraph 7. The final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets thus established by the Agency acting as PRB, as well as the measures to achieve those targets.**

##### *Amendment*

Where the revised draft performance plan submitted in accordance with paragraph 8 is denied because it contains performance targets for en route air navigation services that are not consistent with the Union-wide performance targets, the Agency acting as PRB shall **agree with the air traffic service provider's national supervisory authority achievable** performance targets **and** measures to achieve those targets. **If this cannot be achieved then the matter will be referred to the relevant judicial appeal process.**

Or. en

## Amendment 541

Kosma Zlotowski, Tomasz Piotr Poręba

### Proposal for a regulation

#### Article 13 – paragraph 9 – subparagraph 2

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

Where the revised draft performance plan submitted in accordance with paragraph 8 is denied because it contains performance targets for en route air navigation services that are not consistent with the Union-wide performance targets, the ***Agency acting as PRB*** shall establish performance targets in consistency with the Union-wide performance targets for the designated air traffic service provider concerned, taking into account the findings made in the decision referred to in paragraph 7. The final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets thus established by the ***Agency acting as PRB***, as well as the measures to achieve those targets.

##### *Amendment*

Where the revised draft performance plan submitted in accordance with paragraph 8 is denied because it contains performance targets for en route air navigation services that are not consistent with the Union-wide performance targets, the ***national supervisory authority*** shall establish performance targets in consistency with the Union-wide performance targets for the designated air traffic service provider concerned, taking into account the findings made in the decision referred to in paragraph 7. The final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets thus established by the ***national supervisory authority***, as well as the measures to achieve those targets.

Or. en

## Amendment 542

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

### Proposal for a regulation

#### Article 13 – paragraph 9 – subparagraph 2

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

Where the revised draft performance plan submitted in accordance with paragraph 8 ***is denied because it*** contains performance targets for en route air navigation services that are not consistent with the Union-wide performance targets, the Agency acting as PRB shall establish performance targets in consistency with the Union-wide

##### *Amendment*

Where the revised draft performance plan submitted in accordance with paragraph 8 contains performance targets for en route air navigation services that are not consistent with the Union-wide performance targets, the Agency acting as PRB shall establish performance targets in consistency with the Union-wide

performance targets for the designated air traffic service provider concerned, taking into account the findings made in the decision referred to in paragraph 7. The final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets thus established by the *Agency acting as PRB*, as well as the measures to achieve those targets.

performance targets for the designated air traffic service provider concerned, taking into account the findings made in the decision referred to in paragraph 7. The final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets thus established by the *national supervisory authority*, as well as the measures to achieve those targets.

Or. en

**Amendment 543**  
**Karima Delli**

**Proposal for a regulation**  
**Article 13 – paragraph 9 – subparagraph 3**

*Text proposed by the Commission*

Where approval of the revised draft performance plan submitted in accordance with paragraph 8 is denied only because it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets contained in the draft performance plan and found to be consistent with the Union-wide performance targets by the Agency acting as PRB, and shall contain the amendments necessary in view of the conditions the Agency acting as PRB has found not being met.

*Amendment*

Where approval of the revised draft performance plan submitted in accordance with paragraph 8 is denied only because it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets contained in the draft performance plan and found to be consistent with the Union-wide performance targets by the Agency acting as PRB, and shall contain the amendments necessary in view of the conditions the Agency acting as PRB has found not being met, *particularly regarding the climate and environment areas, in order to ensure full alignment with the emissions reduction targets within the European Climate Law and the objectives of the European Green Deal.*

Or. en



**Amendment 544**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 13 – paragraph 9 – subparagraph 3**

*Text proposed by the Commission*

Where **approval of** the revised draft performance plan submitted in accordance with paragraph 8 is denied **only** because it **does not comply** with the **conditions set out** in the **third subparagraph of** paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets **contained in the draft performance plan and found to be consistent with the Union-wide performance targets by the Agency acting as PRB, and shall contain the amendments necessary in view of the conditions the Agency acting as PRB has found not being met.**

*Amendment*

Where the revised draft performance plan submitted in accordance with paragraph 8 is denied because it **contains performance targets for en route air navigation services that are not consistent** with the **Union-wide performance targets, national supervisory authority shall establish performance targets in consistency with the Union-wide performance targets for the designated air traffic service provider concerned, taking into account the findings made in the decision referred to in** paragraph 7. The final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets **thus established by the national supervisory authority, as well as the measures to achieve those** targets.

Or. en

**Amendment 545**  
**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**  
**Article 13 – paragraph 9 – subparagraph 3**

*Text proposed by the Commission*

Where approval of the revised draft performance plan submitted in accordance with paragraph 8 is denied only because it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets contained in the

*Amendment*

Where approval of the revised draft performance plan submitted in accordance with paragraph 8 is denied only because it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall **contain the amendments necessary in view of the**

draft performance plan and found to be consistent with the Union-wide performance targets by *the Agency acting as PRB, and shall contain* the amendments *necessary in view of the conditions the Agency acting as PRB has found not being met.*

*conditions the national supervisory authority has found not being met. It shall include the performance targets contained in the draft performance plan and found to be consistent with the Union-wide performance targets by national supervisory authority, unless the amendments to the assumptions have direct impact on the targets concerned.*

Or. en

#### **Amendment 546**

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

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

#### **Article 13 – paragraph 9 – subparagraph 3**

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

Where *approval* of the revised draft performance plan submitted in accordance with paragraph 8 is *denied* only because it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets contained in the draft performance plan and found to be consistent with the Union-wide performance targets by the Agency acting as PRB, and shall contain the amendments necessary in view of the conditions the Agency acting as PRB has found not being met.

##### *Amendment*

Where *the assessment* of the revised draft performance plan submitted in accordance with paragraph 8 is *negative* only because it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets contained in the draft performance plan and found to be consistent with the Union-wide performance targets by the Agency acting as PRB, and shall contain the amendments necessary in view of the conditions the Agency acting as PRB has found not being met.

Or. en

#### **Amendment 547**

**Karima Delli**

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

#### **Article 13 – paragraph 9 – subparagraph 4**

*Text proposed by the Commission*

Where approval of the revised draft performance plan submitted in accordance with paragraph 8 is denied because it contains performance targets for en route air navigation services that are not consistent with the Union-wide performance targets and because, in addition, it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets established by the Agency acting as PRB in accordance with the third subparagraph and the measures to achieve those targets and shall and shall contain the amendments necessary in view of the conditions the Agency acting as PRB has found not being met.

*Amendment*

Where approval of the revised draft performance plan submitted in accordance with paragraph 8 is denied because it contains performance targets for en route air navigation services that are not consistent with the Union-wide performance targets and because, in addition, it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets established by the Agency acting as PRB in accordance with the third subparagraph and the measures to achieve those targets and shall and shall contain the amendments necessary in view of the conditions the Agency acting as PRB has found not being met, ***particularly regarding the climate and environment areas, in order to ensure full alignment with the emissions reduction targets within the European Climate Law and the objectives of the European Green Deal.***

Or. en

**Amendment 548**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 13 – paragraph 9 – subparagraph 4**

*Text proposed by the Commission*

Where approval of the revised draft performance plan submitted in accordance with paragraph 8 is denied ***because it contains performance targets for en route air navigation services that are not consistent with the Union-wide performance targets and*** because, in addition, it does not comply with the

*Amendment*

Where approval of the revised draft performance plan submitted in accordance with paragraph 8 is denied ***only*** because it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include

conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets ***established by the Agency acting as PRB in accordance with the third subparagraph and the measures to achieve those*** targets ***and shall*** and shall contain the amendments necessary in view of the conditions the ***Agency acting as PRB*** has found not being met.

the performance targets ***contained in the draft performance plan and found to be consistent*** with the ***Union-wide performance targets by the national supervisory authority*** and shall contain the amendments necessary in view of the conditions the ***national supervisory authority*** has found not being met.

Or. en*Justification*

*In order to ensure adequate recognition of local needs, specifications, setups and constraints, the national regulators (NSAs) need to be in charge and responsible for the adoption, assessment and approval of en-route performance plans. The PRB will have to assess and approve national contributions on their formal correctness and will use them in their European reporting and benchmarking activities.*

#### **Amendment 549**

**Kosma Złotowski, Tomasz Piotr Poręba**

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

#### **Article 13 – paragraph 9 – subparagraph 4**

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

Where approval of the revised draft performance plan submitted in accordance with paragraph 8 is denied ***because it contains performance targets for en route air navigation services that are not consistent with the Union-wide performance targets and*** because, ***in addition***, it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall ***include the performance targets established by the Agency acting as PRB in accordance with the third subparagraph and the measures to achieve those targets and shall*** and shall contain the amendments necessary in view

##### *Amendment*

Where approval of the revised draft performance plan submitted in accordance with paragraph 8 is denied ***only*** because it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall contain the amendments necessary in view of the conditions the ***national supervisory authority*** has found not being met. ***It shall include the performance targets contained in the draft performance plan and found to be consistent with the Union-wide performance targets by national supervisory authority, unless the amendments to the assumptions have***

of the conditions the *Agency acting as PRB* has found not being met.

*direct impact on the targets concerned.*

Or. en

#### **Amendment 550**

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

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

#### **Article 13 – paragraph 9 – subparagraph 4**

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

Where ***approval*** of the revised draft performance plan submitted in accordance with paragraph 8 is ***denied*** because it contains performance targets for en route air navigation services that are not consistent with the Union-wide performance targets and because, in addition, it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets established by the ***Agency acting as PRB*** in accordance with the third subparagraph and the measures to achieve those targets and shall contain the amendments necessary in view of the conditions the Agency acting as PRB has found not being met.

##### *Amendment*

Where ***the assessment*** of the revised draft performance plan submitted in accordance with paragraph 8 is ***negative*** because it contains performance targets for en route air navigation services that are not consistent with the Union-wide performance targets and because, in addition, it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets established by the ***national supervisory authority*** in accordance with the third subparagraph and the measures to achieve those targets and shall contain the amendments necessary in view of the conditions the Agency acting as PRB has found not being met.

Or. en

#### **Amendment 551**

**Kosma Złotowski, Tomasz Piotr Poręba**

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

#### **Article 13 – paragraph 9 – subparagraph 4**

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

Where approval of the revised draft

##### *Amendment*

Where approval of the revised draft

performance plan submitted in accordance with paragraph 8 is denied because it contains performance targets for en route air navigation services that are not consistent with the Union-wide performance targets and because, in addition, it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets established by the *Agency acting as PRB* in accordance with the third subparagraph and the measures to achieve those targets **and shall and shall** contain the amendments necessary in view of the conditions the *Agency acting as PRB* has found not being met.

performance plan submitted in accordance with paragraph 8 is denied because it contains performance targets for en route air navigation services that are not consistent with the Union-wide performance targets and because, in addition, it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets established by the *national supervisory authority* in accordance with the third subparagraph and the measures to achieve those targets contain the amendments necessary in view of the conditions the *national supervisory authority* has found not being met.

Or. en

#### **Amendment 552**

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

#### **Proposal for a regulation Article 13 – paragraph 10**

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

10. Draft performance plans approved by the Agency acting as PRB shall be adopted by the designated air traffic service providers concerned as definitive plans, and shall be made publicly available.

##### *Amendment*

10. Draft performance plans approved **by the national supervisory authority and assessed** by the Agency acting as PRB shall be adopted by the designated air traffic service providers concerned as definitive plans, and shall be made publicly available.

Or. en

#### **Amendment 553**

**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**  
**Article 13 – paragraph 10**

*Text proposed by the Commission*

10. Draft performance plans approved by the ***Agency acting as PRB*** shall be adopted by the designated air traffic service providers concerned as definitive plans, and shall be made publicly available.

*Amendment*

10. Draft performance plans approved by the ***national supervisory authority*** shall be adopted by the designated air traffic service providers concerned as definitive plans, and shall be made publicly available.

Or. en

*Justification*

*In order to ensure adequate recognition of local needs, specifications, setups and constraints, the national regulators (NSAs) need to be in charge and responsible for the assessment and approval of en-route performance plans.*

**Amendment 554**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 13 – paragraph 10**

*Text proposed by the Commission*

10. Draft performance plans approved by the ***Agency acting as PRB*** shall be adopted by the ***designated air traffic service providers*** concerned as definitive plans, and shall be made publicly available.

*Amendment*

10. Draft performance plans approved by the PRB shall be adopted by the ***national supervisory authority*** concerned as definitive plans, and shall be made publicly available.

Or. en

*Justification*

*In order to ensure adequate recognition of local needs, specifications, setups and constraints, the national regulators (NSAs) need to be in charge and responsible for the adoption, assessment and approval of en-route performance plans. The PRB will have to assess and approve national contributions on their formal correctness and will use them in their European reporting and benchmarking activities.*

**Amendment 555**  
**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**



**Proposal for a regulation**  
**Article 13 – paragraph 10**

*Text proposed by the Commission*

10. Draft performance plans approved by the *Agency acting as PRB* shall be adopted by the *designated air traffic service providers* concerned as definitive plans, and shall be made publicly available.

*Amendment*

10. Draft performance plans approved by the **Commission** shall be adopted by the **National Supervisory Authority** concerned as definitive plans, and shall be made publicly available.

Or. en

**Amendment 556**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 13 – paragraph 11 – introductory part**

*Text proposed by the Commission*

11. The *Agency acting as PRB* shall issue regular reports, within the time limits referred to in the implementing acts to be adopted in accordance with Article 18, on the monitoring of performance of en route air navigation services **and network functions**, including regular assessments of the achievement of the **en route Union-wide performance targets and** of performance targets for en route air navigation services for air traffic service providers and making the results of those assessments publicly available.

*Amendment*

11. The **national supervisory authority** shall issue regular reports, within the time limits referred to in the implementing acts to be adopted in accordance with Article 18, on the monitoring of performance of en route air navigation services, including regular assessments of the achievement of the **national** performance targets for en route air navigation services for air **navigation** traffic service providers and making the results of those assessments publicly available.

***The PRB shall issue regular European overview reports, within the time limits referred to in the implementing acts to be adopted in accordance with Article 18, on the performance of en route air navigation services and network functions, including regular reports of the achievement of the en route Union-wide performance targets and making the results of those assessments publicly available.***



**Amendment 557**  
**Karima Delli**

**Proposal for a regulation**  
**Article 13 – paragraph 11 – introductory part**

*Text proposed by the Commission*

11. The Agency acting as PRB shall issue regular reports, within the time limits referred to in the implementing acts to be adopted in accordance with Article 18, on the monitoring of performance of en route air navigation services and network functions, including regular assessments of the achievement of the en route Union-wide performance targets and of performance targets for en route air navigation services for air traffic service providers and making the results of those assessments publicly available.

*Amendment*

11. The Agency acting as PRB shall issue regular reports, within the time limits referred to in the implementing acts to be adopted in accordance with Article 18, on the monitoring of performance of en route air navigation services and network functions, including regular assessments of the achievement of the en route Union-wide performance targets and of performance targets for en route air navigation services for air traffic service providers, ***particularly regarding the full alignment with the emissions reduction targets within the European Climate Law and the objectives of the European Green Deal***, and making the results of those assessments publicly available.

**Amendment 558**  
**Johan Van Overtveldt**

**Proposal for a regulation**  
**Article 13 – paragraph 11 – introductory part**

*Text proposed by the Commission*

11. The Agency acting as PRB shall issue regular reports, within the time limits referred to in the implementing acts to be adopted in accordance with Article 18, on the monitoring of performance of en route air navigation services and network functions, including regular assessments of

*Amendment*

11. The Agency acting as PRB shall issue regular reports, within the time limits referred to in the implementing acts to be adopted in accordance with Article 18, on the monitoring of performance of en route air navigation services and network functions, including regular assessments of

the achievement of the en route Union-wide performance targets and of performance targets for en route air navigation services for air traffic service providers and making the results of those assessments publicly available.

the achievement of the en route Union-wide performance targets and of performance targets for en route air navigation services for air traffic service providers and making the results of those assessments publicly available ***after consultation of the airspace users.***

Or. en

*Justification*

*The airspace users should be involved.*

**Amendment 559**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

**Proposal for a regulation**

**Article 13 – paragraph 11 – introductory part**

*Text proposed by the Commission*

11. The ***Agency acting as*** PRB shall issue regular reports, within the time limits referred to in the implementing acts to be adopted in accordance with Article 18, on the monitoring of performance of ***en route*** air navigation services and network functions, including regular assessments of the achievement of the ***en route*** Union-wide performance targets ***and of performance targets for en route*** air navigation ***services for air traffic*** service providers and making the results of those assessments publicly available.

*Amendment*

11. The PRB shall issue regular reports, within the time limits referred to in the implementing acts to be adopted in accordance with Article 18, on the monitoring of performance of air navigation services and network functions, including regular assessments of the achievement of the Union-wide performance targets for air navigation service providers and making the results of those assessments publicly available.

Or. en

**Amendment 560**

**Mario Furore, Laura Ferrara**

**Proposal for a regulation**

**Article 13 – paragraph 11 – introductory part**

*Text proposed by the Commission*

11. The **Agency acting as PRB** shall issue regular reports, within the time limits referred to in the implementing acts to be adopted in accordance with Article 18, on the monitoring of performance of en route air navigation **services and network functions**, including regular assessments of the achievement of **the en route Union-wide performance targets and of performance targets for en route air navigation services for air traffic service providers** and making the results of those assessments publicly available.

*Amendment*

11. The **national supervisory authority** shall issue regular reports, within the time limits referred to in the implementing acts to be adopted in accordance with Article 18, on the monitoring of performance of **their national** en route air navigation **service providers**, including regular assessments of the achievement of **their national** performance targets and making the results of those assessments publicly available. **It shall take due account of the monitoring reports published by the PRB and shall refer to them in its own report.**

Or. en

*Justification*

*The national regulators are familiar with the local needs, specificities, setups and constraints of their specific regulated entities. Those aspects need to be taken into consideration when corrective measures are being developed to address performance targets that are not being met by the ANSP. If the NSA in this context is envisaging the delegation of air traffic services to another ANSP as corrective measure, the decision on its potential implementation remains the sole responsibility of the corresponding Member State.*

**Amendment 561**  
**Josianne Cutajar**

**Proposal for a regulation**  
**Article 13 – paragraph 11 – introductory part**

*Text proposed by the Commission*

11. The **Agency acting as PRB** shall issue regular reports, within the time limits referred to in the implementing acts to be adopted in accordance with Article 18, on the monitoring of performance of en route air navigation services and network functions, including regular assessments of the achievement of the **en route Union-wide performance targets and of performance targets for en route air navigation services for air traffic service**

*Amendment*

11. The **national supervisory authority** shall issue regular reports, within the time limits referred to in the implementing acts to be adopted in accordance with Article 18, on the monitoring of performance of en route air navigation services and network functions, including regular assessments of the achievement of the **national** performance targets for en route air navigation services for air **navigation service providers** and making the results of

providers and making the results of those assessments publicly available.

those assessments publicly available.

Or. en

## **Amendment 562**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

### **Proposal for a regulation**

#### **Article 13 – paragraph 11 – subparagraph 1**

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

***The designated air traffic service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues.***

Where performance targets are not reached or the performance plan is not correctly implemented, the ***Agency acting as PRB*** shall issue decisions requiring corrective measures to be implemented by the air ***traffic*** service providers. ***These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider. Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented or where corrective measures imposed are not or not properly applied, the Agency acting as PRB shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2). The Commission may take action in accordance with Article 24(3).***

##### *Amendment*

Where performance targets are not reached or the performance plan is not correctly implemented, the ***National Supervisory Authority*** shall issue decisions requiring corrective measures to be implemented by the air ***navigation*** service providers.

Or. en

##### *Justification*

*The development of two separate Performance plans for en route ANS and for terminal ANS of designated ATSPs would lead to additional administrative burden and financial issues.*

*Complex processes that could lead to micromanagement and operational ambiguities should be avoided. Overlapping of activities by several institutions, both at local (ATSP, NSA, Member State, other ANSPs) and EU level (PRB, EASA, Commission) should be avoided. A complete separation of the target setting process in en-route and terminal areas is not the right approach. These services are closely interrelated (common investments, staff, administration. etc.) in respect of all phases of flights (en-route, approach, aerodrome) and they cannot be totally separated. The current system seems to be more relevant. Article 13 and 14 should be merged.*

## **Amendment 563**

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

### **Proposal for a regulation**

#### **Article 13 – paragraph 11 – subparagraph 1**

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

The designated air traffic service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues. Where performance targets are not reached or the performance plan is not correctly implemented, the Agency acting as PRB shall issue decisions requiring corrective measures to be implemented by the air traffic service providers. These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider. Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented or where corrective measures imposed are not or not properly applied, the Agency acting as PRB shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2). The Commission may take action in accordance with Article 24(3).

##### *Amendment*

***The Agency acting as PRB shall issue regular reports, within the time limits referred to in the implementing acts to be adopted in accordance with Article 18, on the monitoring of performance of en route air navigation services and network functions, including regular assessments of the achievement of the en route Union-wide performance targets and of performance targets for en route air navigation services for air traffic service providers and making the results of those assessments publicly available.*** The designated air traffic service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues. Where performance targets are not reached or the performance plan is not correctly implemented, the Agency acting as PRB shall issue decisions requiring corrective measures, ***including fines and periodic penalty payments in accordance with Article 42a of this Regulation and Article 84a of Regulation [EASA-PRB],*** to be implemented by the air traffic service providers. These corrective measures may include, where objectively necessary, a requirement for an air traffic

service provider to delegate the provision of the relevant services to another air traffic service provider. Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented or where corrective measures imposed are not or not properly applied, the Agency acting as PRB shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2). The Commission may take action in accordance with Article 24(3).

Or. en

**Amendment 564**  
**Karima Delli**

**Proposal for a regulation**  
**Article 13 – paragraph 11 – subparagraph 1**

*Text proposed by the Commission*

The designated air traffic service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues. Where performance targets are not reached or the performance plan is not correctly implemented, the Agency acting as PRB shall issue decisions requiring corrective measures to be implemented by the air traffic service providers. These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider. Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented or where corrective measures imposed are not or not properly applied, the Agency acting as PRB shall conduct an investigation and

*Amendment*

The designated air traffic service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues. Where performance targets are not reached or the performance plan is not correctly implemented, ***particularly within the climate and environment areas***, the Agency acting as PRB shall issue decisions requiring corrective measures to be implemented by the air traffic service providers. These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider. Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented or where corrective measures imposed are not or not

provide an opinion to the Commission in accordance with Article 24(2). The Commission may take action in accordance with Article 24(3).

properly applied, *particularly regarding the climate and environment areas in order to ensure full alignment with the emissions reduction targets within the European Climate Law and the objectives of the European Green Deal*, the Agency acting as PRB shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2). The Commission may take action in accordance with Article 24(3).

Or. en

**Amendment 565**  
**Mario Furore, Laura Ferrara**

**Proposal for a regulation**  
**Article 13 – paragraph 11 – subparagraph 1**

*Text proposed by the Commission*

The designated air **traffic** service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues. Where performance targets are not reached or the performance plan is not correctly implemented, the **Agency acting as PRB** shall issue decisions requiring **corrective measures to be implemented by the air traffic service providers. These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider.** Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented or where corrective measures imposed are not or not properly applied, the **Agency acting as PRB** shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2). The

*Amendment*

The designated air **navigation** service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues. Where performance targets are not reached or the performance plan is not correctly implemented, the **national supervisory** shall issue decisions requiring the air **navigation** service provider to **implement corrective measures**. Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented or where corrective measures imposed are not or not properly applied, the PRB shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2). The Commission may take action in accordance with Article 24(3).



Commission may take action in accordance with Article 24(3).

Or. en

### *Justification*

*The national regulators are familiar with the local needs, specificities, setups and constraints of their specific regulated entities. Those aspects need to be taken into consideration when corrective measures are being developed to address performance targets that are not being met by the ANSP. If the NSA in this context is envisaging the delegation of air traffic services to another ANSP as corrective measure, the decision on its potential implementation remains the sole responsibility of the corresponding Member State.*

## **Amendment 566** **Andor Deli**

### **Proposal for a regulation** **Article 13 – paragraph 11 – subparagraph 1**

#### *Text proposed by the Commission*

The designated air traffic service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues. Where performance targets are not reached or the performance plan is not correctly implemented, the Agency acting as PRB shall issue decisions requiring corrective measures to be implemented by the air traffic service providers. ***These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider.*** Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented or where corrective measures imposed are not or not properly applied, the Agency acting as PRB shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2). The

#### *Amendment*

The designated air traffic service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues. Where performance targets are not reached or the performance plan is not correctly implemented, the Agency acting as PRB shall issue decisions requiring corrective measures to be implemented by the air traffic service providers. Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented or where corrective measures imposed are not or not properly applied, the Agency acting as PRB shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2). The Commission may take action in accordance with Article 24(3).



Commission may take action in accordance with Article 24(3).

Or. en

*Justification*

*Under the Chicago Convention, the Member States have a responsibility to provide air navigation infrastructure and services in their airspace as well as to ensure the safety of flights. It should remain the responsibility of the Member States in what manner they wish to provide such services, including the choice of the service provider. Transferring this responsibility to an economic regulator would require complex arrangements including for the allocation of liability.*

**Amendment 567**  
**Josianne Cutajar**

**Proposal for a regulation**  
**Article 13 – paragraph 11 – subparagraph 1**

*Text proposed by the Commission*

The designated air **traffic** service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues. Where performance targets are not reached or the performance plan is not correctly implemented, the **Agency acting as PRB** shall issue decisions requiring **corrective measures to be implemented by the air traffic service providers. These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider.** Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented or where corrective measures imposed are not or not properly applied, the Agency acting as PRB shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2). The

*Amendment*

The designated air **navigation** service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues. Where performance targets are not reached or the performance plan is not correctly implemented, the **national supervisory authority** shall issue decisions requiring the air **navigation** service provider to **implement corrective measures.** Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented or where corrective measures imposed are not or not properly applied, the Agency acting as PRB shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2). The Commission may take action in accordance with Article 24(3).

Commission may take action in accordance with Article 24(3).

Or. en

## Amendment 568

Bogusław Liberadzki

### Proposal for a regulation

#### Article 13 – paragraph 11 – subparagraph 1

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

The designated air traffic service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues. Where performance targets are not reached or the performance plan is not correctly implemented, the *Agency acting as PRB* shall issue decisions requiring *corrective measures to be implemented by the air traffic service providers. These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider.* Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented or where corrective measures imposed are not or not properly applied, the *Agency acting as PRB* shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2). The Commission may take action in accordance with Article 24(3).

##### *Amendment*

The designated air **navigation** traffic service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues. Where performance targets are not reached or the performance plan is not correctly implemented, the **national supervisory authority** shall issue decisions requiring the air **navigation** service provider to **implement corrective measures**. Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented or where corrective measures imposed are not or not properly applied, the **s PRB** shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2). The Commission may take action in accordance with Article 24(3).

Or. en

##### *Justification*

*The national regulators are familiar with the local needs, specificities, setups and constraints of their specific regulated entities. Those aspects need to be taken into consideration when*

*corrective measures are being developed to address performance targets that are not being met by the ANSP. If the NSA in this context is envisaging the delegation of air traffic services to another ANSP as corrective measure, the decision on its potential implementation remains the sole responsibility of the corresponding Member State.*

#### **Amendment 569**

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

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

#### **Article 13 – paragraph 11 – subparagraph 1**

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

The designated air traffic service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues. Where performance targets are not reached or the performance plan is not correctly implemented, the Agency acting as PRB shall issue decisions requiring corrective measures *to be implemented by the air traffic service providers. These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider.* Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented or where corrective measures imposed are not or not properly applied, the Agency acting as PRB shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2). *The Commission may take action in accordance with Article 24(3).*

##### *Amendment*

The designated air traffic service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues. Where performance targets are not reached or the performance plan is not correctly implemented, the Agency acting as PRB shall issue decisions requiring corrective measures, *after consultation with the Network Manager, the Member States and the operational stakeholders through the Cooperative Decision Making (CDM) process.* Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented or where corrective measures imposed are not or not properly applied, the Agency acting as PRB shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2).

Or. en

## Amendment 570

Kosma Złotowski, Tomasz Piotr Poręba

### Proposal for a regulation

#### Article 13 – paragraph 11 – subparagraph 1

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

The designated air traffic service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs **and revenues**. Where performance targets are not reached or the performance plan is not correctly implemented, the **Agency acting as PRB** shall issue decisions requiring corrective measures to be implemented by the air traffic service providers. **These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider.** Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented or where corrective measures imposed are not or not properly applied, the Agency acting as PRB shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2). The Commission may take action in accordance with Article 24(3).

##### *Amendment*

The designated air traffic service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services **to the national supervisory authority**. This shall include information and data related to actual costs. **National supervisory authority shall – on an annual basis - report to the Agency acting as PRB on achievement of performance targets by the designated air traffic service providers for the purpose of the regular reports referred to in the first subparagraph.** Where performance targets are not reached or the performance plan is not correctly implemented, the **national supervisory authority** shall issue decisions requiring corrective measures to be implemented by the air traffic service providers. Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented or where corrective measures imposed are not or not properly applied, the Agency acting as PRB shall, **in cooperation with national supervisory authority**, conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2). The Commission may take action in accordance with Article 24(3).

Or. en

##### *Justification*

*Ongoing performance monitoring shall be conducted at national level by NSAs. For the purpose of monitoring performance at EU level and assessing achievement of Union-wide targets NSAs shall on an annual basis report to the PRB on performance achieved by ATSPs. As economic regulation under the Performance Scheme focuses on costs and not revenues, data on costs should be provided by the ATSPs. Delegation of ATS is closely related to designation to be issued by the Members States and linked to execution of States' rights under*

*the Chicago Convention. Therefore no decisions on delegation of ATS can be made by the PRB or the NSA.*

#### **Amendment 571**

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

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

#### **Article 13 – paragraph 11 – subparagraph 1**

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

The designated air traffic service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues. Where performance targets are not reached or the performance plan is not correctly implemented, the Agency acting as PRB shall issue decisions requiring corrective measures to be implemented by the air traffic service providers. These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider. Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented or where corrective measures imposed are not or not properly applied, the Agency acting as PRB shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2). The Commission may take action in accordance with Article 24(3).

##### *Amendment*

The designated air traffic service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues. Where performance targets are not reached or the performance plan is not correctly implemented, the Agency acting as PRB shall issue decisions requiring corrective measures ***including fines and periodic penalty payments***, to be implemented by the air traffic service providers. These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider. Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented or where corrective measures imposed are not or not properly applied, the Agency acting as PRB shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2). The Commission may take action in accordance with Article 24(3).

Or. en

#### **Amendment 572**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

**Proposal for a regulation**  
**Article 14**

*Text proposed by the Commission*

*Amendment*

**[...]**

***deleted***

Or. en

*Justification*

*The development of two separate Performance plans for en route ANS and for terminal ANS of designated ATSPs would lead to additional administrative burden and financial issues. Complex processes that could lead to micromanagement and operational ambiguities should be avoided. Overlapping of activities by several institutions, both at local (ATSP, NSA, Member State, other ANSPs) and EU level (PRB, EASA, Commission) should be avoided. A complete separation of the target setting process in en-route and terminal areas is not the right approach. These services are closely interrelated (common investments, staff, administration. etc.) in respect of all phases of flights (en-route, approach, aerodrome) and they cannot be totally separated. The current system seems to be more relevant. Article 13 and 14 should be merged.*

**Amendment 573**  
**Robert Roos**

**Proposal for a regulation**  
**Article 14**

*Text proposed by the Commission*

*Amendment*

**[...]**

***deleted***

Or. en

*Justification*

*It would be preferable to significantly reduce the text in Articles 10 to 25 to only arranging the main points. Articles 12 -18 could be deleted as these details would best be placed in the implementing rule.*

**Amendment 574**  
**Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider, Julie Lechanteux, Philippe Olivier**

**Proposal for a regulation**  
**Article 14 – title**

*Text proposed by the Commission*

Performance plans and performance targets  
for terminal air navigation services *of*  
*designated air traffic service providers*

*Amendment*

Performance plans and performance targets  
for terminal air navigation services

Or. en

**Amendment 575**  
**Karima Delli**

**Proposal for a regulation**  
**Article 14 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The draft performance plans shall be adopted after the setting of Union-wide performance targets and before the start of the reference period concerned. They shall contain performance targets for terminal air navigation services in the key performance areas of environment, *capacity* and cost-efficiency, consistent with the Union-wide performance targets. Those draft performance plans shall take account of the European ATM Master Plan. The draft performance plans shall be made publicly available.

*Amendment*

The draft performance plans shall be adopted after the setting of Union-wide performance targets and before the start of the reference period concerned. They shall contain performance targets for terminal air navigation services in the key performance areas of *safety, climate*, environment and cost-efficiency, consistent with the Union-wide performance targets, *particularly the timely emission reductions established in the European Climate Law, and the full alignment with the objectives of the European Green Deal*. Those draft performance plans shall take account of the European ATM Master Plan. The draft performance plans shall be made publicly available.

Or. en

**Amendment 576**  
**Jens Gieseke, Sven Schulze**

**Proposal for a regulation**  
**Article 14 – paragraph 1 – subparagraph 1**



*Text proposed by the Commission*

The draft performance plans shall be adopted ***after the setting of Union-wide performance targets and*** before the start of the reference period concerned. They shall contain performance targets for terminal air navigation services in the key performance areas of environment, capacity and cost-efficiency, ***consistent with the Union-wide performance targets***. Those draft performance plans shall take account of the European ATM Master Plan. The draft performance plans shall be made publicly available.

*Amendment*

The draft performance plans shall be adopted before the start of the reference period concerned. They shall contain performance targets for terminal air navigation services in the key performance areas of environment, capacity and cost-efficiency. Those draft performance plans shall take account of the European ATM Master Plan. The draft performance plans shall be made publicly available.

Or. de

**Amendment 577**

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

**Proposal for a regulation**

**Article 14 – paragraph 1 – subparagraph 1**

*Text proposed by the Commission*

The draft performance plans shall be adopted ***after the setting of Union-wide performance targets and*** before the start of the reference period concerned. They shall contain performance targets for terminal air navigation services in the key performance areas of environment, capacity and cost-efficiency, ***consistent with the Union-wide performance targets***. Those draft performance plans shall take account of the European ATM Master Plan. The draft performance plans shall be made publicly available.

*Amendment*

The draft performance plans shall be adopted before the start of the reference period concerned. They shall contain performance targets for terminal air navigation services in the key performance areas of environment, capacity and cost-efficiency. Those draft performance plans shall take account of the European ATM Master Plan. The draft performance plans shall be made publicly available.

Or. en



## Amendment 578

Kosma Zlotowski, Tomasz Piotr Poręba

### Proposal for a regulation

#### Article 14 – paragraph 1 – subparagraph 1

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

The draft performance plans shall be adopted ***after the setting of Union-wide performance targets and*** before the start of the reference period concerned. They shall contain performance targets for terminal air navigation services in the key performance areas of environment, capacity and cost-efficiency, ***consistent with the Union-wide performance targets***. Those draft performance plans shall take account of the European ATM Master Plan. The draft performance plans shall be made publicly available.

##### *Amendment*

The draft performance plans shall be adopted before the start of the reference period concerned. They shall contain performance targets for terminal air navigation services in the key performance areas of environment, capacity and cost-efficiency. Those draft performance plans shall take account of the European ATM Master Plan. The draft performance plans shall be made publicly available.

Or. en

##### *Justification*

*The situation in terminal areas in the network is highly diverse with a multitude of local drivers influencing performance and feasibility of improvements. Moreover, EU targets would limit the ability of the national supervisory authorities to establish targets that accurately reflect local conditions, i.e. with regards to the specific airport or terminal area in question.*

## Amendment 579

Bogusław Liberadzki

### Proposal for a regulation

#### Article 14 – paragraph 1 – subparagraph 1

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

The draft performance plans shall be adopted ***after the setting of Union-wide performance targets and*** before the start of the reference period concerned. They shall contain performance targets for terminal air navigation services in the key performance areas of environment, capacity and cost-efficiency, ***consistent with the Union-wide***

##### *Amendment*

The draft performance plans shall be adopted before the start of the reference period concerned. They shall contain performance targets for terminal air navigation services in the key performance areas of environment, capacity and cost-efficiency. Those draft performance plans shall take account of the European ATM

**performance targets.** Those draft performance plans shall take account of the European ATM Master Plan. The draft performance plans shall be made publicly available.

Master Plan. The draft performance plans shall be made publicly available.

Or. en

#### *Justification*

*The situation in the many terminal areas in the network is highly diverse with a multitude of local drivers influencing performance and feasibility of improvements. Moreover, EU targets would limit the ability of the national supervisory authorities to establish targets that accurately reflect local conditions, i.e. with regards to the specific airport or terminal area in question.*

#### **Amendment 580**

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

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

#### **Article 14 – paragraph 1 – subparagraph 1**

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

The draft performance plans shall be adopted after the setting of Union-wide performance targets and before the start of the reference period concerned. They shall contain performance targets for terminal air navigation services in the key performance areas of environment, capacity and cost-efficiency, consistent with the Union-wide performance targets. Those draft performance plans shall **take account** of the European ATM Master Plan. The draft performance plans shall be made publicly available.

##### *Amendment*

The draft performance plans shall be adopted after the setting of Union-wide performance targets and before the start of the reference period concerned. They shall contain performance targets for terminal air navigation services in the key performance areas of environment, capacity and cost-efficiency, consistent with the Union-wide performance targets. Those draft performance plans shall **contribute to the implementation** of the European ATM Master Plan. The draft performance plans shall be made publicly available.

Or. en

#### **Amendment 581**

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

**Proposal for a regulation**  
**Article 14 – paragraph 2**

*Text proposed by the Commission*

2. The draft performance plans for terminal air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft plans, designated air traffic service providers shall consult airspace users' representatives and, where relevant, military authorities, airport operators and airport coordinators. The designated air traffic service providers shall also submit those plans to the national ***competent authority responsible for their certification, which shall verify the compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.***

*Amendment*

2. The draft performance plans for terminal air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft plans, designated air traffic service providers shall consult airspace users' representatives and, where relevant, military authorities, airport operators and airport coordinators. The designated air traffic service providers shall also submit those plans to the national ***supervisory*** authority.

Or. en

**Amendment 582**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 14 – paragraph 2**

*Text proposed by the Commission*

2. The draft performance plans for terminal air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft plans, designated air traffic service providers shall consult airspace users' representatives and, where relevant, military authorities, airport operators and airport coordinators. The designated air traffic service providers shall also submit those plans to the national ***competent authority responsible for their***

*Amendment*

2. The draft performance plans for terminal air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft plans, designated air traffic service providers shall consult airspace users' representatives and, where relevant, military authorities, airport operators and airport coordinators. The designated air traffic service providers shall also submit those plans to the national ***supervisory***

*certification, which shall verify the compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.*

authority.

Or. en

#### **Amendment 583**

**Karima Delli**

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

#### **Article 14 – paragraph 2**

*Text proposed by the Commission*

2. The draft performance plans for terminal air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft plans, designated air traffic service providers shall consult airspace users' representatives *and*, where relevant, military authorities, airport operators and airport coordinators. The designated air traffic service providers shall also submit those plans to the national competent authority responsible for their certification, which shall verify the compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.

*Amendment*

2. The draft performance plans for terminal air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft plans, designated air traffic service providers shall consult airspace users' representatives, *ANSP staff representatives, scientific experts in the domains of climate and environment as well as*, where relevant, military authorities, airport operators and airport coordinators. The designated air traffic service providers shall also submit those plans to the national competent authority responsible for their certification, which shall verify the compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.

Or. en

#### **Amendment 584**

**Jens Gieseke, Sven Schulze**

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

#### **Article 14 – paragraph 2**

*Text proposed by the Commission*

(2) The draft performance plans for terminal air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft plans, designated air traffic service providers shall consult airspace users' representatives and, ***where relevant, military authorities, airport operators and airport coordinators.*** The designated air traffic service providers shall also submit those plans to the national competent authority responsible for their certification, which shall verify the compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.

*Amendment*

(2) The draft performance plans for terminal air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager. Before adopting those draft plans, designated air traffic service providers shall consult airspace users' representatives, ***airport operators and airport coordinators.*** Military ***bodies will also be consulted, where appropriate.*** The designated air traffic service providers shall also submit those plans to the national competent authority responsible for their certification, which shall verify the compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.

Or. de

**Amendment 585**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 14 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. Draft performance plans for terminal air navigation services shall contain performance targets for terminal air navigation services ***that are consistent with the respective Union-wide performance targets in all key performance areas and fulfil the additional conditions laid down in the third subparagraph.***

*Amendment*

3. Draft performance plans for terminal air navigation services shall contain performance targets for terminal air navigation services.

Or. en

#### **Amendment 586**

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

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

#### **Article 14 – paragraph 3 – introductory part**

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

3. Draft performance plans for terminal air navigation services shall contain performance targets for terminal air navigation services *that are consistent with the respective Union-wide performance targets in all key performance areas and fulfil the additional conditions laid down in the third subparagraph.*

##### *Amendment*

3. Draft performance plans for terminal air navigation services shall contain performance targets for terminal air navigation services.

Or. en

#### **Amendment 587**

**Karima Delli**

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

#### **Article 14 – paragraph 3 – introductory part**

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

3. Draft performance plans for terminal air navigation services shall contain performance targets for terminal air navigation services that are consistent with the respective Union-wide performance targets in all key performance areas and fulfil the additional conditions laid down in the third subparagraph.

##### *Amendment*

3. Draft performance plans for terminal air navigation services shall contain performance targets for terminal air navigation services that are consistent with the respective Union-wide performance targets in all key performance areas, *particularly regarding climate and environment, such as the different climate-impacting emissions*, and fulfil the additional conditions laid down in the third subparagraph.

Or. en

#### **Amendment 588**

**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**

**Article 14 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. Draft performance plans for terminal air navigation services shall contain performance targets for terminal air navigation services ***that are consistent with the respective Union-wide performance targets in all key performance areas and*** fulfil the ***additional*** conditions ***laid down in the third subparagraph.***

*Amendment*

3. Draft performance plans for terminal air navigation services shall contain performance targets for terminal air navigation services. ***The draft*** performance ***plans shall*** fulfil the ***following*** conditions:

Or. en

*Justification*

*The situation in terminal areas in the network is highly diverse with a multitude of local drivers influencing performance and feasibility of improvements. Moreover, EU targets would limit the ability of the national supervisory authorities to establish targets that accurately reflect local conditions, i.e. with regards to the specific airport or terminal area in question.*

**Amendment 589**

**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**

**Article 14 – paragraph 3 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

***Consistency of performance targets for terminal air navigation service with Union-wide performance targets shall be established according to the following criteria:***

*Amendment*

***deleted***

Or. en

**Amendment 590**

**Jens Gieseke, Sven Schulze**

**Proposal for a regulation**

**Article 14 – paragraph 3 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

***Consistency of performance targets for terminal air navigation service with Union-wide performance targets shall be established according to the following criteria:***

***deleted***

Or. de

**Amendment 591**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 14 – paragraph 3 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

***Consistency of performance targets for terminal air navigation service with Union-wide performance targets shall be established according to the following criteria:***

Following criteria:

Or. en

**Amendment 592**

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

**Proposal for a regulation**

**Article 14 – paragraph 3 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

Consistency of performance targets for terminal air navigation service with Union-wide performance targets shall be established according to the following criteria:

Consistency of performance targets for terminal air navigation service with Union-wide performance targets shall be established according to ***at least one of*** the following criteria:

Or. en



**Amendment 593**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 14 – paragraph 3 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

*(a) where breakdown values have been established in conjunction with Union-wide performance targets, comparison of the performance targets contained in the draft performance plan with those breakdown values;* *deleted*

Or. en

**Amendment 594**  
**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**  
**Article 14 – paragraph 3 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

*(a) where breakdown values have been established in conjunction with Union-wide performance targets, comparison of the performance targets contained in the draft performance plan with those breakdown values;* *deleted*

Or. en

**Amendment 595**  
**Jens Gieseke, Sven Schulze**

**Proposal for a regulation**  
**Article 14 – paragraph 3 – subparagraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

*(a) where breakdown values have* *deleted*

*been established in conjunction with Union-wide performance targets, comparison of the performance targets contained in the draft performance plan with those breakdown values;*

Or. de

**Amendment 596**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 14 – paragraph 3 – subparagraph 1 – point b**

*Text proposed by the Commission*

(b) evaluation of performance improvements over time, for the reference period covered by the performance plan, and additionally for the overall period comprising both the preceding reference period and the reference period covered by the performance plan;

*Amendment*

(b) ***provide an*** evaluation of performance improvements over time, for the reference period covered by the performance plan, and additionally for the overall period comprising both the preceding reference period and the reference period covered by the performance plan, ***with due consideration of the local circumstances;***

Or. en

**Amendment 597**  
**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**  
**Article 14 – paragraph 3 – subparagraph 1 – point b**

*Text proposed by the Commission*

(b) evaluation of performance improvements over time, for the reference period covered by the performance plan, and additionally for the overall period comprising both the preceding reference period and the reference period covered by the performance plan;

*Amendment*

(b) ***plans shall provide an*** evaluation of performance improvements over time, for the reference period covered by the performance plan, and additionally for the overall period comprising both the preceding reference period and the reference period covered by the performance plan;

**Amendment 598**  
**Jens Gieseke, Sven Schulze**

**Proposal for a regulation**  
**Article 14 – paragraph 3 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

*(c) comparison of the planned level of performance of the air traffic service provider concerned with other air traffic service providers being part of the same benchmark group. deleted*

Or. de

**Amendment 599**  
**Kosma Zlotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**  
**Article 14 – paragraph 3 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

*(c) comparison of the planned level of performance of the air traffic service provider concerned with other air traffic service providers being part of the same benchmark group. deleted*

Or. en

**Amendment 600**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 14 – paragraph 3 – subparagraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

*(c) comparison of the planned level of deleted*

*performance of the air traffic service  
provider concerned with other air traffic  
service providers being part of the same  
benchmark group.*

Or. en

**Amendment 601**

**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**

**Article 14 – paragraph 3 – subparagraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

*In addition, the draft performance plan  
must comply with the following  
conditions:* *deleted*

Or. en

**Amendment 602**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 14 – paragraph 3 – subparagraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

*In addition, the draft performance plan  
must comply with the following  
conditions:* *deleted*

Or. en

**Amendment 603**

**Jens Gieseke, Sven Schulze**

**Proposal for a regulation**

**Article 14 – paragraph 3 – subparagraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

***In addition, the draft performance plan must comply with the following conditions:***

***deleted***

Or. de

#### **Amendment 604**

**Bogusław Liberadzki**

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

#### **Article 14 – paragraph 3 – subparagraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

(a) key assumptions applied as a basis for target setting and measures intended to achieve the targets during the reference period, including baseline values, traffic forecasts and economic assumptions used, must be accurate, adequate and coherent;

(a) ***include*** key assumptions applied as a basis for target setting and measures intended to achieve the targets during the reference period, including baseline values, traffic forecasts and economic assumptions used, must be accurate, adequate and coherent;

Or. en

#### **Amendment 605**

**Bogusław Liberadzki**

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

#### **Article 14 – paragraph 3 – subparagraph 2 – point b**

*Text proposed by the Commission*

*Amendment*

(b) ***the draft performance plan must*** be complete in terms of data and supporting material;

(b) be complete in terms of data and supporting material;

Or. en

#### **Amendment 606**

**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**

**Article 14 – paragraph 3 – subparagraph 2 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) description of how the plan and targets within it contribute to the overall objectives of the Single European Sky referred to in Article 1(1).*

Or. en

**Amendment 607**

**Kosma Zlotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**

**Article 14 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. In the case of a designated air traffic service provider providing both en route air navigation services and terminal air navigation services, the draft performance plan for terminal air navigation services to be submitted to the national supervisory authority shall be the plan subject to a positive decision on the allocation of costs taken by the *Agency acting as PRB* in accordance with the third subparagraph of Article 13(6).

5. In the case of a designated air traffic service provider providing both en route air navigation services and terminal air navigation services, the draft performance plan for terminal air navigation services to be submitted to the national supervisory authority shall be the plan subject to a positive decision on the allocation of costs taken by the *national supervisory authority* in accordance with the third subparagraph of Article 13(6).

Or. en

*Justification*

*Cost allocation should be decided by the NSA, also to ensure that local circumstances are duly considered.*

**Amendment 608**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 14 – paragraph 5**

*Text proposed by the Commission*

5. In the case of a designated air traffic service provider providing both en route air navigation services and terminal air navigation services, the draft performance plan for terminal air navigation services to be submitted to the national supervisory authority shall be the plan subject to a positive decision on the allocation of costs taken by the **Agency acting as** PRB in accordance with the third subparagraph of Article 13(6).

*Amendment*

5. In the case of a designated air traffic service provider providing both en route air navigation services and terminal air navigation services, the draft performance plan for terminal air navigation services to be submitted to the national supervisory authority shall be the plan subject to a positive decision on the allocation of costs taken by the PRB in accordance with the third subparagraph of Article 13(6).

Or. en

**Amendment 609**  
**Karima Delli**

**Proposal for a regulation**  
**Article 14 – paragraph 6 – introductory part**

*Text proposed by the Commission*

6. The national supervisory authority shall assess the performance targets for terminal air navigation services and the performance plans according to the criteria and conditions set out in paragraph 3. Where paragraph 5 applies, the national supervisory authority shall base its assessment on the conclusions of the decision taken by the Agency acting as PRB in respect of the allocation of costs.

*Amendment*

6. The national supervisory authority shall assess the performance targets for terminal air navigation services and the performance plans according to the criteria and conditions set out in paragraph 3, ***particularly regarding climate and environment, in order to ensure their full alignment with the emissions reduction targets within the European Climate Law and the objectives of the European Green Deal.*** Where paragraph 5 applies, the national supervisory authority shall base its assessment on the conclusions of the decision taken by the Agency acting as PRB in respect of the allocation of costs.

Or. en

**Amendment 610**  
**Kosma Złotowski, Tomasz Piotr Poręba**

## Proposal for a regulation

### Article 14 – paragraph 6 – introductory part

#### *Text proposed by the Commission*

6. The national supervisory authority shall assess the performance targets for terminal air navigation services and the performance plans according to the criteria and conditions set out in paragraph 3. Where paragraph 5 applies, the national supervisory authority shall ***base its assessment on the conclusions of the decision taken by the Agency acting as PRB in respect of the allocation of costs.***

#### *Amendment*

6. The national supervisory authority shall assess the performance targets for terminal air navigation services and the performance plans according to the criteria and conditions set out in paragraph 3. Where paragraph 5 applies, the national supervisory authority shall ***consider its earlier decision on cost*** allocation.

Or. en

#### *Justification*

*The situation in terminal areas in the network is highly diverse with a multitude of local drivers influencing performance and feasibility of improvements. Moreover, EU targets would limit the ability of the national supervisory authorities to establish targets that accurately reflect local conditions, i.e. with regards to the specific airport or terminal area in question.*

## Amendment 611

**Bogusław Liberadzki**

## Proposal for a regulation

### Article 14 – paragraph 6 – introductory part

#### *Text proposed by the Commission*

6. The national supervisory authority shall assess the performance targets for terminal air navigation services and the performance plans according to the criteria and conditions set out in paragraph 3. Where paragraph 5 applies, the national supervisory authority shall base its assessment on the conclusions of the decision taken by the ***Agency acting as*** PRB in respect of the allocation of costs.

#### *Amendment*

6. The national supervisory authority shall assess the performance targets for terminal air navigation services and the performance plans according to the criteria and conditions set out in paragraph 3. Where paragraph 5 applies, the national supervisory authority shall base its assessment on the conclusions of the decision taken by the PRB in respect of the allocation of costs.

Or. en



**Amendment 612**

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

**Proposal for a regulation**

**Article 14 – paragraph 6 – subparagraph 2**

*Text proposed by the Commission*

Where the national supervisory authority finds that ***one or several performance targets for terminal air navigation services are not consistent with the Union-wide performance targets*** or the performance plan does not meet the ***additional*** conditions set out in paragraph 3, it shall deny the approval.

*Amendment*

Where the national supervisory authority finds that the performance plan does not meet the conditions set out in paragraph 3, it shall deny the approval

Or. en

**Amendment 613**

**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**

**Article 14 – paragraph 6 – subparagraph 2**

*Text proposed by the Commission*

Where the national supervisory authority finds that ***one or several performance targets for terminal air navigation services are not consistent with the Union-wide performance targets*** or the performance plan does not meet the ***additional*** conditions set out in paragraph 3, it shall deny the approval.

*Amendment*

Where the national supervisory authority finds that the performance plan does not meet the conditions set out in paragraph 3, it shall deny the approval.

Or. en

**Amendment 614**

**Bogusław Liberadzki**

## Proposal for a regulation

### Article 14 – paragraph 6 – subparagraph 2

#### *Text proposed by the Commission*

Where the national supervisory authority finds that ***one or several performance targets for terminal air navigation services are not consistent with the Union-wide performance targets*** or the performance plan does not meet the ***additional*** conditions set out in paragraph 3, it shall deny the approval.

#### *Amendment*

Where the national supervisory authority finds that the performance plan does not meet the conditions set out in paragraph 3 ***from (a) to (c)***, it shall deny the approval.

Or. en

#### *Justification*

*The situation in the many terminal areas in the network is highly diverse with a multitude of local drivers influencing performance and feasibility of improvements. Moreover, EU targets would limit the ability of the national supervisory authorities to establish targets that accurately reflect local conditions, i.e. with regards to the specific airport or terminal area in question.*

## Amendment 615

Karima Delli

## Proposal for a regulation

### Article 14 – paragraph 7

#### *Text proposed by the Commission*

7. Where the national supervisory authority has denied approval of a draft performance plan in accordance with paragraph 6, a revised draft performance plan shall be presented by the designated air traffic service provider concerned, including where necessary revised targets.

#### *Amendment*

7. Where the national supervisory authority has denied approval of a draft performance plan in accordance with paragraph 6, a revised draft performance plan shall be presented by the designated air traffic service provider concerned, including where necessary revised targets, ***particularly regarding climate and environment, in order to ensure their full alignment with the emissions reduction targets within the European Climate Law and the objectives of the European Green Deal.***

Or. en

**Amendment 616**  
**Karima Delli**

**Proposal for a regulation**  
**Article 14 – paragraph 8 – subparagraph 2**

*Text proposed by the Commission*

Where the revised draft performance plan submitted in accordance with paragraph 7 is denied because it contains performance targets for terminal air navigation services that are not consistent with the Union-wide performance targets, the national supervisory authority shall establish performance targets in consistency with the Union-wide performance targets for the designated air traffic service provider concerned, taking into account the findings made in the decision referred to in paragraph 6. The final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets thus established by the national supervisory authority as well as the measures to achieve those targets.

*Amendment*

Where the revised draft performance plan submitted in accordance with paragraph 7 is denied because it contains performance targets for terminal air navigation services that are not consistent with the Union-wide performance targets, ***particularly regarding the full alignment with the emissions reduction targets within the European Climate Law and the objectives of the European Green Deal***, the national supervisory authority shall establish performance targets in consistency with the Union-wide performance targets for the designated air traffic service provider concerned, taking into account the findings made in the decision referred to in paragraph 6. The final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets thus established by the national supervisory authority as well as the measures to achieve those targets, ***particularly regarding the climate and environment areas***.

Or. en

**Amendment 617**  
**Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider, Julie Lechanteux, Philippe Olivier**

**Proposal for a regulation**  
**Article 14 – paragraph 8 – subparagraph 2**

*Text proposed by the Commission*

Where the revised draft performance plan submitted in accordance with paragraph 7 is denied because it contains performance targets for terminal air navigation services that are not consistent with the ***Union-wide performance targets***, the national supervisory authority shall establish ***performance targets in consistency with the Union-wide*** performance targets for the designated air traffic service provider concerned, taking into account the findings made in the decision referred to in paragraph 6. The final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets thus established by the national supervisory authority as well as the measures to achieve those targets.

*Amendment*

Where the revised draft performance plan submitted in accordance with paragraph 7 is denied because it contains performance targets for terminal air navigation services that are not consistent with the ***conditions set out in paragraph 3***, the national supervisory authority shall establish performance targets for the designated air traffic service provider concerned, taking into account the findings made in the decision referred to in paragraph 6. The final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets thus established by the national supervisory authority as well as the measures to achieve those targets.

Or. en

**Amendment 618**

**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**

**Article 14 – paragraph 8 – subparagraph 2**

*Text proposed by the Commission*

Where the revised draft performance plan submitted in accordance with paragraph 7 is denied because it contains performance targets for terminal air navigation services that are not consistent with the ***Union-wide performance targets***, the national supervisory authority shall establish ***performance targets in consistency with the Union-wide*** performance targets for the designated air traffic service provider concerned, taking into account the findings made in the decision referred to in paragraph 6. The final draft performance plan to be presented by the designated air

*Amendment*

Where the revised draft performance plan submitted in accordance with paragraph 7 is denied because it contains performance targets for terminal air navigation services that are ***still*** not consistent with the ***conditions described in paragraph 3***, the national supervisory authority shall establish performance targets for the designated air traffic service provider concerned, taking into account the findings made in the decision referred to in paragraph 6. The final draft performance plan to be presented by the designated air traffic service provider concerned shall

traffic service provider concerned shall include the performance targets thus established by the national supervisory authority as well as the measures to achieve those targets.

include the performance targets thus established by the national supervisory authority as well as the measures to achieve those targets.

Or. en

#### *Justification*

*The situation in terminal areas in the network is highly diverse with a multitude of local drivers influencing performance and feasibility of improvements. Moreover, EU targets would limit the ability of the national supervisory authorities to establish targets that accurately reflect local conditions, i.e. with regards to the specific airport or terminal area in question.*

#### **Amendment 619**

**Bogusław Liberadzki**

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

#### **Article 14 – paragraph 8 – subparagraph 2**

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

Where the revised draft performance plan submitted in accordance with paragraph 7 is denied because it contains performance targets for terminal air navigation services that are not consistent with the ***Union-wide performance targets***, the national supervisory authority shall establish ***performance targets in consistency with the Union-wide*** performance targets for the designated air traffic service provider concerned, taking into account the findings made in the decision referred to in paragraph 6. The final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets thus established by the national supervisory authority as well as the measures to achieve those targets.

##### *Amendment*

Where the revised draft performance plan submitted in accordance with paragraph 7 is denied because it contains performance targets for terminal air navigation services that are ***still*** not consistent with the, ***conditions set out in paragraph 3a, 3b and 3c*** the national supervisory authority shall establish performance targets for the designated air traffic service provider concerned, taking into account the findings made in the decision referred to in paragraph 6. The final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets thus established by the national supervisory authority as well as the measures to achieve those targets.

Or. en

**Amendment 620**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 14 – paragraph 8 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

*Where approval of the revised draft performance plan submitted in accordance with paragraph 7 is denied only because it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets contained in the draft performance plan and found to be consistent with the Union-wide performance targets by the national supervisory authority, and shall contain the amendments necessary in view of the conditions the national supervisory authority has found not being met.*

*deleted*

Or. en

**Amendment 621**  
**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**  
**Article 14 – paragraph 8 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

*Where approval of the revised draft performance plan submitted in accordance with paragraph 7 is denied only because it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets contained in the draft performance plan and found to be consistent with the*

*deleted*

*Union-wide performance targets by the national supervisory authority, and shall contain the amendments necessary in view of the conditions the national supervisory authority has found not being met.*

Or. en

**Amendment 622**

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

**Proposal for a regulation**

**Article 14 – paragraph 8 – subparagraph 3**

*Text proposed by the Commission*

*Amendment*

*Where approval of the revised draft performance plan submitted in accordance with paragraph 7 is denied only because it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets contained in the draft performance plan and found to be consistent with the Union-wide performance targets by the national supervisory authority, and shall contain the amendments necessary in view of the conditions the national supervisory authority has found not being met.*

*deleted*

Or. en

**Amendment 623**

**Karima Delli**

**Proposal for a regulation**

**Article 14 – paragraph 8 – subparagraph 3**

*Text proposed by the Commission*

Where approval of the revised draft performance plan submitted in accordance with paragraph 7 is denied only because it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets contained in the draft performance plan and found to be consistent with the Union-wide performance targets by the national supervisory authority, and shall contain the amendments necessary in view of the conditions the national supervisory authority has found not being met.

*Amendment*

Where approval of the revised draft performance plan submitted in accordance with paragraph 7 is denied only because it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets contained in the draft performance plan and found to be consistent with the Union-wide performance targets by the national supervisory authority, and shall contain the amendments necessary in view of the conditions the national supervisory authority has found not being met, ***particularly regarding the climate and environment areas, in order to ensure full alignment with the emissions reduction targets within the European Climate Law and the objectives of the European Green Deal.***

Or. en

**Amendment 624**

**Karima Delli**

**Proposal for a regulation**

**Article 14 – paragraph 8 – subparagraph 4**

*Text proposed by the Commission*

Where approval of the revised draft performance plan submitted in accordance with paragraph 7 is denied because it contains performance targets for terminal air navigation services that are not consistent with the Union-wide performance targets and because, in addition, it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air

*Amendment*

Where approval of the revised draft performance plan submitted in accordance with paragraph 7 is denied because it contains performance targets for terminal air navigation services that are not consistent with the Union-wide performance targets and because, in addition, it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air



traffic service provider concerned shall include the performance targets established by the national supervisory authority in accordance with the third subparagraph and the measures to achieve those targets and shall contain the amendments necessary in view of the conditions the national supervisory authority has found not being met.

traffic service provider concerned shall include the performance targets established by the national supervisory authority in accordance with the third subparagraph and the measures to achieve those targets and shall contain the amendments necessary in view of the conditions the national supervisory authority has found not being met, ***particularly regarding the climate and environment areas, in order to ensure full alignment with the emissions reduction targets within the European Climate Law and the objectives of the European Green Deal.***

Or. en

#### **Amendment 625**

**Kosma Zlotowski, Tomasz Piotr Poręba**

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

#### **Article 14 – paragraph 8 – subparagraph 4**

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

Where approval of the revised draft performance plan submitted in accordance with paragraph 7 is denied because it contains performance targets for terminal air navigation services that are not consistent with the ***Union-wide*** performance targets ***and because, in addition, it does not comply with the conditions set out in the third subparagraph of paragraph 3,*** the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets established by the national supervisory authority ***in accordance with the third subparagraph and the measures to achieve those targets*** and shall contain the amendments necessary in view of the conditions the national supervisory authority has found not being met.

##### *Amendment*

Where approval of the revised draft performance plan submitted in accordance with paragraph 7 is denied because it contains performance targets for terminal air navigation services that are not consistent with the performance targets ***established by the national supervisory authority,*** the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets established by the national supervisory authority and shall contain the amendments necessary in view of the conditions the national supervisory authority has found not being met.

**Amendment 626**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 14 – paragraph 8 – subparagraph 4**

*Text proposed by the Commission*

Where approval of the revised draft performance plan submitted in accordance with paragraph 7 is denied because it contains performance targets for terminal air navigation services that are not consistent with the *Union-wide* performance targets **and because, in addition, it does not comply with the conditions set out in the third subparagraph of paragraph 3**, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets established by the national supervisory authority **in accordance with the third subparagraph and the measures to achieve those targets** and shall contain the amendments necessary in view of the conditions the national supervisory authority has found not being met.

*Amendment*

Where approval of the revised draft performance plan submitted in accordance with paragraph 7 is denied because it contains performance targets for terminal air navigation services that are not consistent with the performance targets **established by the national supervisory authority**, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets established by the national supervisory authority and shall contain the amendments necessary in view of the conditions the national supervisory authority has found not being met.

*Justification*

*The situation in the many terminal areas in the network is highly diverse with a multitude of local drivers influencing performance and feasibility of improvements. Moreover, EU targets would limit the ability of the national supervisory authorities to establish targets that accurately reflect local conditions, i.e. with regards to the specific airport or terminal area in question.*

**Amendment 627**  
**Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider, Julie Lechanteux, Philippe Olivier**

## Proposal for a regulation

### Article 14 – paragraph 8 – subparagraph 4

#### *Text proposed by the Commission*

Where approval of the revised draft performance plan submitted in accordance with paragraph 7 is denied because it contains performance targets for terminal air navigation services that are not consistent with the *Union-wide* performance targets *and because, in addition, it does not comply with the conditions set out in the third subparagraph of paragraph 3*, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets established by the national supervisory authority in accordance with the third subparagraph and the measures to achieve those targets and shall contain the amendments necessary in view of the conditions the national supervisory authority has found not being met.

#### *Amendment*

Where approval of the revised draft performance plan submitted in accordance with paragraph 7 is denied because it contains performance targets for terminal air navigation services that are not consistent with the performance targets, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets established by the national supervisory authority in accordance with the third subparagraph and the measures to achieve those targets and shall contain the amendments necessary in view of the conditions the national supervisory authority has found not being met.

Or. en

## Amendment 628

Karima Delli

## Proposal for a regulation

### Article 14 – paragraph 10 – introductory part

#### *Text proposed by the Commission*

10. The national supervisory authority concerned shall issue regular reports on the monitoring of performance of terminal air navigation services, including regular assessments of the achievement of the performance targets for terminal air navigation services for air traffic service providers and making the results of those assessments publicly available.

#### *Amendment*

10. The national supervisory authority concerned shall issue regular reports on the monitoring of performance of terminal air navigation services, including regular assessments of the achievement of the performance targets for terminal air navigation services for air traffic service providers, *particularly regarding the full alignment with the emissions reduction targets within the European Climate Law and the objectives of the European Green*

***Deal***, and making the results of those assessments publicly available.

Or. en

## **Amendment 629**

**Mario Furore, Laura Ferrara**

### **Proposal for a regulation**

#### **Article 14 – paragraph 10 – introductory part**

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

10. The national supervisory authority concerned shall issue regular reports on the monitoring of performance of terminal air navigation services, including regular assessments of the achievement of the performance targets for terminal air navigation services for air ***traffic*** service providers and making the results of those assessments publicly available.

##### *Amendment*

10. The national supervisory authority concerned shall issue regular reports on the monitoring of performance of terminal air navigation services, including regular assessments of the achievement of the performance targets for terminal air navigation services for air ***navigation*** service providers and making the results of those assessments publicly available.

Or. en

##### *Justification*

*The national regulators are familiar with the local needs, specificities, setups and constraints of their specific regulated entities. Those aspects need to be taken into consideration when corrective measures are being developed to address performance targets that are not being met by the ANSP. If the NSA in this context is envisaging the delegation of air traffic services to another ANSP as corrective measure, the decision on its potential implementation remains the sole responsibility of the corresponding Member State.*

## **Amendment 630**

**Bogusław Liberadzki**

### **Proposal for a regulation**

#### **Article 14 – paragraph 10 – introductory part**

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

10. The national supervisory authority concerned shall issue regular reports on the monitoring of performance of terminal air

##### *Amendment*

10. The national supervisory authority concerned shall issue regular reports on the monitoring of performance of terminal air

navigation services, including regular assessments of the achievement of the performance targets for terminal air navigation services for air **traffic** service providers and making the results of those assessments publicly available.

navigation services, including regular assessments of the achievement of the performance targets for terminal air navigation services for air **navigation** service providers and making the results of those assessments publicly available.

Or. en

**Amendment 631**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 14 – paragraph 10 – subparagraph 1**

*Text proposed by the Commission*

The designated air **traffic** service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues.

*Amendment*

The designated air **navigation** service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues.

Or. en

**Amendment 632**  
**Josianne Cutajar**

**Proposal for a regulation**  
**Article 14 – paragraph 10 – subparagraph 1**

*Text proposed by the Commission*

The designated air **traffic** service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues.

*Amendment*

The designated air **navigation** service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues.

Or. en

**Amendment 633**  
**Mario Furore, Laura Ferrara**

**Proposal for a regulation**  
**Article 14 – paragraph 10 – subparagraph 1**

*Text proposed by the Commission*

The designated air **traffic** service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues.

*Amendment*

The designated air **navigation** service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues.

Or. en

*Justification*

*The national regulators are familiar with the local needs, specificities, setups and constraints of their specific regulated entities. Those aspects need to be taken into consideration when corrective measures are being developed to address performance targets that are not being met by the ANSP. If the NSA in this context is envisaging the delegation of air traffic services to another ANSP as corrective measure, the decision on its potential implementation remains the sole responsibility of the corresponding Member State.*

**Amendment 634**  
**Karima Delli**

**Proposal for a regulation**  
**Article 14 – paragraph 10 – subparagraph 2**

*Text proposed by the Commission*

Where performance targets are not reached or the performance plan is not correctly implemented, the national supervisory authority shall issue decisions requiring corrective measures to be implemented by the air traffic service providers. These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider. Where the performance targets continue to be missed, or where the performance plan

*Amendment*

Where performance targets are not reached or the performance plan is not correctly implemented, **particularly within the climate and environment areas**, the national supervisory authority shall issue decisions requiring corrective measures to be implemented by the air traffic service providers. These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider. Where the performance

continues to be incorrectly implemented, or where corrective measures imposed are not or not properly applied, the national supervisory authority shall request the Agency acting as PRB to conduct an investigation in accordance with Article 24(2), and the Commission may take action in accordance with Article 24(3).

targets continue to be missed, or where the performance plan continues to be incorrectly implemented, or where corrective measures imposed are not or not properly applied, ***particularly regarding the climate and environment areas in order to ensure full alignment with the emissions reduction targets within the European Climate Law and the objectives of the European Green Deal***, the national supervisory authority shall request the Agency acting as PRB to conduct an investigation in accordance with Article 24(2), and the Commission may take action in accordance with Article 24(3).

Or. en

## **Amendment 635**

### **Josianne Cutajar**

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

#### **Article 14 – paragraph 10 – subparagraph 2**

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

Where performance targets are not reached or the performance plan is not correctly implemented, the national supervisory authority shall issue decisions requiring ***corrective measures to be implemented by the air traffic service providers. These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider.*** Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented, or where corrective measures imposed are not or not properly applied, the national supervisory authority ***shall request the Agency acting as*** PRB to conduct an investigation in accordance with Article 24(2), and the Commission may take action

##### *Amendment*

Where performance targets are not reached or the performance plan is not correctly implemented, the national supervisory authority shall issue decisions requiring the air ***navigation*** service provider to ***implement corrective measures.*** Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented, or where corrective measures imposed are not or not properly applied, the national supervisory authority ***may*** request PRB to conduct an investigation in accordance with Article 24(2), and the Commission may take action in accordance with Article 24(3).



in accordance with Article 24(3).

Or. en

## **Amendment 636**

**Mario Furore, Laura Ferrara**

### **Proposal for a regulation**

#### **Article 14 – paragraph 10 – subparagraph 2**

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

Where performance targets are not reached or the performance plan is not correctly implemented, the national supervisory authority shall issue decisions requiring ***corrective measures to be implemented by the air traffic service providers. These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider.*** Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented, or where corrective measures imposed are not or not properly applied, the national supervisory authority shall request the ***Agency acting as*** PRB to conduct an investigation in accordance with Article 24(2), and the Commission may take action in accordance with Article 24(3).

##### *Amendment*

Where performance targets are not reached or the performance plan is not correctly implemented, the national supervisory authority shall issue decisions requiring the air ***navigation*** service provider to ***implement corrective measures.*** Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented, or where corrective measures imposed are not or not properly applied, the national supervisory authority shall request the PRB to conduct an investigation in accordance with Article 24(2), and the Commission may take action in accordance with Article 24(3).

Or. en

##### *Justification*

*The national regulators are familiar with the local needs, specificities, setups and constraints of their specific regulated entities. Those aspects need to be taken into consideration when corrective measures are being developed to address performance targets that are not being met by the ANSP. If the NSA in this context is envisaging the delegation of air traffic services to another ANSP as corrective measure, the decision on its potential implementation remains the sole responsibility of the corresponding Member State.*



## Amendment 637

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

### Proposal for a regulation

#### Article 14 – paragraph 10 – subparagraph 2

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

Where performance targets are not reached or the performance plan is not correctly implemented, the national supervisory authority shall issue decisions requiring corrective measures to be implemented by the air traffic service providers. ***These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider.*** Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented, or where corrective measures imposed are not or not properly applied, the national supervisory authority ***shall*** request the Agency acting as PRB to conduct an investigation in accordance with Article 24(2), and the Commission may take action in accordance with Article 24(3).

##### *Amendment*

Where performance targets are not reached or the performance plan is not correctly implemented, the national supervisory authority shall issue decisions requiring corrective measures to be implemented by the air traffic service providers. Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented, or where corrective measures imposed are not or not properly applied, the national supervisory authority ***may*** request the Agency acting as PRB to conduct an investigation in accordance with Article 24(2), and the Commission may take action in accordance with Article 24(3).

Or. en

## Amendment 638

Bogusław Liberadzki

### Proposal for a regulation

#### Article 14 – paragraph 10 – subparagraph 2

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

Where performance targets are not reached or the performance plan is not correctly implemented, the national supervisory authority shall issue decisions requiring ***corrective measures to be implemented by the air traffic service providers. These***

##### *Amendment*

Where performance targets are not reached or the performance plan is not correctly implemented, the national supervisory authority shall issue decisions requiring the air ***navigation*** service provider to ***implement corrective measures***. Where the

*corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to **delegate the provision of the relevant services to another air traffic service provider**.* Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented, or where corrective measures imposed are not or not properly applied, the national supervisory authority **shall** request the **Agency acting as** PRB to conduct an investigation in accordance with Article 24(2), and the Commission may take action in accordance with Article 24(3).

performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented, or where corrective measures imposed are not or not properly applied, the national supervisory authority **may** request the PRB to conduct an investigation in accordance with Article 24(2), and the Commission may take action in accordance with Article 24(3).

Or. en

#### *Justification*

*The national regulators are familiar with the local needs, specificities, setups and constraints of their specific regulated entities. Those aspects need to be taken into consideration when corrective measures are being developed to address performance targets that are not being met by the ANSP. If the NSA in this context is envisaging the delegation of air traffic services to another ANSP as corrective measure, the decision on its potential implementation remains the sole responsibility of the corresponding Member State.*

#### **Amendment 639**

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

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

#### **Article 14 – paragraph 10 – subparagraph 2**

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

Where performance targets are not reached or the performance plan is not correctly implemented, the national supervisory authority shall issue decisions requiring corrective measures to be implemented by the air traffic service providers. These corrective measures **may** include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider. Where the performance targets continue to be

##### *Amendment*

Where performance targets are not reached or the performance plan is not correctly implemented, the national supervisory authority shall issue decisions requiring corrective measures to be implemented by the air traffic service providers. These corrective measures **shall** include ***mechanisms, such as fines and periodic penalty payments, and/or***, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to

missed, or where the performance plan continues to be incorrectly implemented, or where corrective measures imposed are not or not properly applied, the national supervisory authority shall request the Agency acting as PRB to conduct an investigation in accordance with Article 24(2), and the Commission may take action in accordance with Article 24(3).

another air traffic service provider. Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented, or where corrective measures imposed are not or not properly applied, the national supervisory authority shall request the Agency acting as PRB to conduct an investigation in accordance with Article 24(2), and the Commission may take action in accordance with Article 24(3).

Or. en

#### **Amendment 640**

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

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

#### **Article 14 – paragraph 10 – subparagraph 2**

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

Where performance targets are not reached or the performance plan is not correctly implemented, the national supervisory authority shall issue decisions requiring corrective measures to be implemented by the air traffic service providers. These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider. Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented, or where corrective measures imposed are not or not properly applied, the national supervisory authority shall request the Agency acting as PRB to conduct an investigation in accordance with Article 24(2), and the Commission may take action in accordance with Article 24(3).

##### *Amendment*

Where performance targets are not reached or the performance plan is not correctly implemented, the national supervisory authority shall issue decisions requiring corrective measures, ***including fines and periodic penalty payments*** to be implemented by the air traffic service providers. These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider. Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented, or where corrective measures imposed are not or not properly applied, the national supervisory authority shall request the Agency acting as PRB to conduct an investigation in accordance with Article 24(2), and the Commission may take action in accordance with Article 24(3).

**Amendment 641****Kosma Złotowski, Tomasz Piotr Poręba****Proposal for a regulation****Article 14 – paragraph 10 – subparagraph 2***Text proposed by the Commission*

Where performance targets are not reached or the performance plan is not correctly implemented, the national supervisory authority shall issue decisions requiring corrective measures to be implemented by the air traffic service providers. These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider. Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented, or where corrective measures imposed are not or not properly applied, the national supervisory authority *shall* request the Agency acting as PRB to conduct an investigation in accordance with Article 24(2), and the Commission may take action in accordance with Article 24(3).

*Amendment*

Where performance targets are not reached or the performance plan is not correctly implemented, the national supervisory authority shall issue decisions requiring corrective measures to be implemented by the air traffic service providers. These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider. Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented, or where corrective measures imposed are not or not properly applied, the national supervisory authority *may* request the Agency acting as PRB to conduct an investigation in accordance with Article 24(2), and the Commission may take action in accordance with Article 24(3).

Or. en

*Justification*

*As terminal targets are proposed to be set at local level, any States' requests to PRB can be only voluntary.*

**Amendment 642****Bogusław Liberadzki****Proposal for a regulation****Article 14 – paragraph 12**

*Text proposed by the Commission*

12. Where the ***Agency acting as PRB*** carries out the tasks of a national supervisory authority in accordance with Article 3(8), the draft performance plans for terminal air navigation services shall be submitted to the ***Agency acting as PRB*** together with the draft performance plans for en route air navigation services. Where the Agency has taken a decision in respect of the allocation of costs as referred to in the third subparagraph of Article 13(6), this decision shall be binding on it for the purposes of the assessment of the draft performance plans for terminal air navigation services.

*Amendment*

12. Where the PRB carries out the tasks of a national supervisory authority in accordance with Article 3(8), the draft performance plans for terminal air navigation services shall be submitted to the PRB together with the draft performance plans for en route air navigation services. Where the Agency has taken a decision in respect of the allocation of costs as referred to in the third subparagraph of Article 13(6), this decision shall be binding on it for the purposes of the assessment of the draft performance plans for terminal air navigation services.

Or. en

**Amendment 643**

**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**

**Article 15**

*Text proposed by the Commission*

***Article 15***

***Role of the Agency acting as PRB as regards the monitoring of Union-wide performance targets for terminal air navigation services***

***1. The Agency acting as PRB shall on a regular basis establish a Union-wide overview of the performance of terminal air navigation services and of how it relates to Union-wide performance targets.***

***2. For the purpose of the preparation of the overview referred to in point 1, the national supervisory authorities shall notify their reports referred to in Article 14(10) to the Agency acting as PRB and shall provide any other information the***

*Amendment*

***deleted***

***Agency acting as PRB may request for those purposes.***

Or. en

*Justification*

*The situation in many terminal areas in the network is highly diverse with a multitude of local drivers influencing performance and feasibility of improvements. Moreover, EU targets would limit the ability of the national supervisory authorities to establish targets that accurately reflect local conditions, i.e. with regards to the specific airport or terminal area in question.*

**Amendment 644**

**Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini**

**Proposal for a regulation**

**Article 15**

*Text proposed by the Commission*

*Amendment*

***Article 15***

***deleted***

***Role of the Agency acting as PRB as regards the monitoring of Union-wide performance targets for terminal air navigation services***

***1. The Agency acting as PRB shall on a regular basis establish a Union-wide overview of the performance of terminal air navigation services and of how it relates to Union-wide performance targets.***

***2. For the purpose of the preparation of the overview referred to in point 1, the national supervisory authorities shall notify their reports referred to in Article 14(10) to the Agency acting as PRB and shall provide any other information the Agency acting as PRB may request for those purposes.***

Or. en

*Justification*

*Union-wide targets for the terminal area should not be established due to the high diversity of service provision at terminal level across Europe. Moreover, EU targets would limit the*

ability of the National Supervisory Authorities to establish targets that accurately reflect local conditions.

**Amendment 645**

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

**Proposal for a regulation**

**Article 15**

*Text proposed by the Commission*

*Amendment*

**Article 15**

**deleted**

***Role of the Agency acting as PRB as regards the monitoring of Union-wide performance targets for terminal air navigation services***

***1. The Agency acting as PRB shall on a regular basis establish a Union-wide overview of the performance of terminal air navigation services and of how it relates to Union-wide performance targets.***

***2. For the purpose of the preparation of the overview referred to in point 1, the national supervisory authorities shall notify their reports referred to in Article 14(10) to the Agency acting as PRB and shall provide any other information the Agency acting as PRB may request for those purposes.***

Or. en

**Amendment 646**

**Robert Roos**

**Proposal for a regulation**

**Article 15**

*Text proposed by the Commission*

*Amendment*

**Article 15**

**deleted**

***Role of the Agency acting as PRB as regards the monitoring of Union-wide performance targets for terminal air navigation services***

***1. The Agency acting as PRB shall on a regular basis establish a Union-wide overview of the performance of terminal air navigation services and of how it relates to Union-wide performance targets.***

***2. For the purpose of the preparation of the overview referred to in point 1, the national supervisory authorities shall notify their reports referred to in Article 14(10) to the Agency acting as PRB and shall provide any other information the Agency acting as PRB may request for those purposes.***

Or. en

***Justification***

*It would be preferable to significantly reduce the text in Articles 10 to 25 to only arranging the main points. Articles 12 -18 could be deleted as these details would best be placed in the implementing rule.*

**Amendment 647**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 15 – title**

***Text proposed by the Commission***

Role of the ***Agency acting as*** PRB as regards the monitoring of Union-wide performance targets for terminal air navigation services

***Amendment***

Role of the PRB as regards the monitoring of Union-wide performance targets for terminal air navigation services

Or. en

**Amendment 648**  
**Karima Delli**



**Proposal for a regulation**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

1. The Agency acting as PRB shall on a regular basis establish a Union-wide overview of the performance of terminal air navigation services and of how it relates to Union-wide performance targets.

*Amendment*

1. The Agency acting as PRB shall on a regular basis establish a Union-wide overview of the performance of terminal air navigation services and of how it relates to Union-wide performance targets, ***particularly regarding the timely emission reductions established in the European Climate Law, and the full alignment with the objectives of the European Green Deal.***

Or. en

**Amendment 649**

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

**Proposal for a regulation**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

1. The Agency acting as PRB shall on a regular basis establish a Union-wide overview of the performance of terminal air navigation services and of how it relates to Union-wide performance targets.

*Amendment*

1. . The Agency acting as PRB shall on a regular basis, ***once per year,*** establish a Union-wide overview of the performance of terminal air navigation services and of how it relates to Union-wide performance targets.

Or. en

**Amendment 650**

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

**Proposal for a regulation**  
**Article 15 – paragraph 1**

*Text proposed by the Commission*

1. The Agency acting as PRB shall on a regular basis establish a Union-wide overview of the performance of terminal air navigation services and of how it relates to Union-wide performance targets.

*Amendment*

1. The Agency acting as PRB shall on a regular basis, ***once per year***, establish a Union-wide overview of the performance of terminal air navigation services and of how it relates to Union-wide performance targets.

Or. en

**Amendment 651**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 15 – paragraph 1**

*Text proposed by the Commission*

1. The ***Agency acting as*** PRB shall on a regular basis establish a Union-wide overview of the performance of terminal air navigation services and of how it relates to Union-wide performance targets.

*Amendment*

1. The PRB shall on a regular basis establish a Union-wide overview of the performance of terminal air navigation services and of how it relates to Union-wide performance targets.

Or. en

**Amendment 652**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 15 – paragraph 2**

*Text proposed by the Commission*

2. For the purpose of the preparation of the overview referred to in point 1, the national supervisory authorities shall notify their reports referred to in Article 14(10) to the ***Agency acting as*** PRB and shall provide any other information the ***Agency acting as*** PRB may request for those purposes.

*Amendment*

2. For the purpose of the preparation of the overview referred to in point 1, the national supervisory authorities shall notify their reports referred to in Article 14(10) to the PRB and shall provide any other information the PRB may request for those purposes.

**Amendment 653**  
**Robert Roos**

**Proposal for a regulation**  
**Article 16**

*Text proposed by the Commission*

*Amendment*

**Article 16**

*deleted*

***Network Performance Plan***

***1. The Network Manager shall, for each reference period, draw up a draft Network Performance Plan in respect of all the network functions which it delivers.***

***The draft Network Performance Plan shall be drawn up after the setting of Union-wide performance targets and before the start of the reference period concerned. It shall contain performance targets in the key performance areas of the environment, capacity and cost-efficiency.***

***2. The draft Network Performance Plan shall be submitted to the Agency acting as PRB and to the Commission.***

***The Agency acting as PRB shall, upon request from the Commission, deliver an opinion to the Commission on the draft Network Performance Plan based on the following essential criteria:***

***(a) consideration of performance improvements over time, for the reference period covered by the performance plan, and additionally for the timeframe comprising both the preceding reference period and the reference period covered by the performance plan;***

***(b) completeness of the draft Network Performance Plan in terms of data and supporting materials.***

***Where the Commission finds that the draft Network Performance Plan is complete and shows adequate performance improvements, it shall adopt the draft Network Performance Plan as a definitive plan. Otherwise, the Commission may request the Network Manager to submit a revised draft Network Performance Plan.***

Or. en

*Justification*

*It would be preferable to significantly reduce the text in Articles 10 to 25 to only arranging the main points. Articles 12 -18 could be deleted as these details would best be placed in the implementing rule.*

**Amendment 654**

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

**Proposal for a regulation**

**Article 16 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The Network Manager shall, for each reference period, draw up a draft Network Performance Plan in respect of all the network functions which it delivers.

*Amendment*

1. The Network Manager shall, for each reference period, draw up a draft Network Performance Plan in respect of all the network functions which it ***supports and*** delivers.

Or. en

**Amendment 655**

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

**Proposal for a regulation**

**Article 16 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The Network Manager shall, for each reference period, draw up a draft

*Amendment*

1. The Network Manager shall, for each reference period, draw up a draft

Network Performance Plan in respect of all the network functions which it **delivers**.

Network Performance Plan in respect of all the network functions which it **supports**.

Or. en

**Amendment 656**  
**Johan Danielsson**

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

*Text proposed by the Commission*

The draft Network Performance Plan shall be drawn up after the setting of Union-wide performance targets and before the start of the reference period concerned. It shall contain performance targets in the key performance areas of **the** environment, capacity and cost-efficiency.

*Amendment*

The draft Network Performance Plan shall be drawn up after the setting of Union-wide performance targets and before the start of the reference period concerned. It shall contain **specific** performance targets in the key performance areas of **safety**, environment, capacity and cost-efficiency.

Or. en

**Amendment 657**  
**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura**

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

*Text proposed by the Commission*

The draft Network Performance Plan shall be drawn up after the setting of Union-wide performance targets and before the start of the reference period concerned. It shall contain performance targets in the key performance areas of **the** environment, capacity and cost-efficiency.

*Amendment*

The draft Network Performance Plan shall be drawn up after the setting of Union-wide performance targets and before the start of the reference period concerned. It shall contain **specific** performance targets in the key performance areas of environment, capacity, **safety** and cost-efficiency.

Or. en

**Amendment 658**  
**Bogusław Liberadzki**

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

*Text proposed by the Commission*

The draft Network Performance Plan shall be drawn up after the setting of Union-wide performance targets and before the start of the reference period concerned. It shall contain performance targets in the key performance areas of *the* environment, capacity and cost-efficiency.

*Amendment*

The draft Network Performance Plan shall be drawn up after the setting of Union-wide performance targets and before the start of the reference period concerned. It shall contain *specific* performance targets in the key performance areas of environment, *safety*, capacity and cost-efficiency.

Or. en

**Amendment 659**  
**Karima Delli**

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

*Text proposed by the Commission*

The draft Network Performance Plan shall be drawn up after the setting of Union-wide performance targets and before the start of the reference period concerned. It shall contain performance targets in the key performance areas of *the* environment, *capacity* and cost-efficiency.

*Amendment*

The draft Network Performance Plan shall be drawn up after the setting of Union-wide performance targets and before the start of the reference period concerned. It shall contain *specific* performance targets in the key performance areas of *safety*, *climate*, environment and cost-efficiency.

Or. en

**Amendment 660**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 16 – paragraph 2 – introductory part**

*Text proposed by the Commission*

*Amendment*

2. The draft Network Performance Plan shall be submitted to the **Agency acting as** PRB and to the Commission.

2. The draft Network Performance Plan shall be submitted to the PRB and to the Commission.

Or. en

## **Amendment 661**

**Bogusław Liberadzki**

### **Proposal for a regulation**

#### **Article 16 – paragraph 2 – subparagraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

The **Agency acting as** PRB shall, upon request from the Commission, deliver an opinion to the Commission on the draft Network Performance Plan based on the following essential criteria:

The PRB shall, upon request from the Commission, deliver an opinion to the Commission on the draft Network Performance Plan based on the following essential criteria:

Or. en

## **Amendment 662**

**Robert Roos**

### **Proposal for a regulation**

#### **Article 17**

*Text proposed by the Commission*

*Amendment*

#### **Article 17**

**deleted**

#### ***Revision of performance targets and performance plans during a reference period***

***1. Where, during a reference period, Union-wide performance targets are no longer adequate, in light of significantly changed circumstances, and where the revision of targets is necessary and proportionate, the Commission shall revise those Union-wide performance***

*targets. Article 11 shall apply to such decision. Subsequent to such revision, designated air traffic service providers shall adopt new draft performance plans, to which Articles 13 and 14 shall apply. The Network Manager shall draw up a new draft Network Performance Plan, to which Article 16 shall apply.*

*2. The decision on the revised Union-wide performance targets referred to in paragraph 1 shall include transitional provisions for the time period until the definitive performance plans adopted pursuant to Article 13(6) and Article 14(6) become applicable.*

*3. Designated air traffic service providers may request permission from the Agency acting as PRB as regards en route air navigation services, or from national supervisory authority concerned as regards terminal air navigation services, to revise one or several performance targets during a reference period. Such a request can be made where alert thresholds are reached, or where the designated air traffic service providers demonstrate that the initial data, assumptions and rationales underpinning the performance targets are to a significant and lasting extent no longer accurate due to circumstances that were unforeseeable at the time of the adoption of the performance plan.*

*4. The Agency acting as PRB as regards en route air navigation services, or the national supervisory authority concerned as regards terminal air navigation services, shall authorise the designated air traffic service provider concerned to proceed with the intended revision only if it is necessary and proportionate, and where the revised performance targets ensure that consistency with the Union-wide performance targets is maintained. Where the revision has been authorised, designated air traffic service providers*



***shall adopt new draft performance plans,  
in accordance with the procedures set out  
in Articles 13 and 14.***

Or. en

*Justification*

*It would be preferable to significantly reduce the text in Articles 10 to 25 to only arranging the main points. Articles 12 -18 could be deleted as these details would best be placed in the implementing rule.*

**Amendment 663**

**Karima Delli**

**Proposal for a regulation**

**Article 17 – paragraph 1**

*Text proposed by the Commission*

1. Where, during a reference period, Union-wide performance targets are no longer adequate, in light of significantly changed circumstances, and where the revision of targets is necessary and proportionate, the Commission shall revise those Union-wide performance targets. Article 11 shall apply to such decision. Subsequent to such revision, designated air traffic service providers shall adopt new draft performance plans, to which Articles 13 and 14 shall apply. The Network Manager shall draw up a new draft Network Performance Plan, to which Article 16 shall apply.

*Amendment*

1. Where, during a reference period, Union-wide performance targets are no longer adequate, in light of significantly changed circumstances, and where the revision of targets is necessary and proportionate, the Commission shall revise those Union-wide performance targets, ***particularly so as to ensure the timely emission reductions established in the European Climate Law, and the full alignment with the objectives of the European Green Deal.*** Article 11 shall apply to such decision. Subsequent to such revision, designated air traffic service providers shall adopt new draft performance plans, to which Articles 13 and 14 shall apply. The Network Manager shall draw up a new draft Network Performance Plan, to which Article 16 shall apply.

Or. en

**Amendment 664**

**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**  
**Article 17 – paragraph 3**

*Text proposed by the Commission*

3. Designated air traffic service providers may request permission from the ***Agency acting as PRB as regards en route air navigation services, or from*** national supervisory authority ***concerned as regards terminal air navigation services,*** to revise one or several performance targets during a reference period. Such a request can be made where alert thresholds are reached, or where the designated air traffic service providers demonstrate that the initial data, assumptions and rationales underpinning the performance targets are to a significant and lasting extent no longer accurate due to circumstances that were unforeseeable at the time of the adoption of the performance plan.

*Amendment*

3. Designated air traffic service providers may request permission from the national supervisory authority to revise one or several performance targets during a reference period. Such a request can be made where alert thresholds are reached, or where the designated air traffic service providers demonstrate that the initial data, assumptions and rationales underpinning the performance targets are to a significant and lasting extent no longer accurate due to circumstances that were unforeseeable at the time of the adoption of the performance plan.

Or. en

*Justification*

*Local NSAs are best placed to consider if the revision is justified.*

**Amendment 665**  
**Karima Delli**

**Proposal for a regulation**  
**Article 17 – paragraph 4**

*Text proposed by the Commission*

4. The Agency acting as PRB as regards en route air navigation services, or the national supervisory authority concerned as regards terminal air navigation services, shall authorise the designated air traffic service provider concerned to proceed with the intended revision only if it is necessary and proportionate, and where the revised

*Amendment*

4. The Agency acting as PRB as regards en route air navigation services, or the national supervisory authority concerned as regards terminal air navigation services, shall authorise the designated air traffic service provider concerned to proceed with the intended revision only if it is necessary and proportionate, and where the revised

performance targets ensure that consistency with the Union-wide performance targets is maintained. Where the revision has been authorised, designated air traffic service providers shall adopt new draft performance plans, in accordance with the procedures set out in Articles 13 and 14.

performance targets ensure that consistency with the Union-wide performance targets is maintained, ***particularly regarding the timely emission reductions established in the European Climate Law, and the full alignment with the objectives of the European Green Deal.*** Where the revision has been authorised, designated air traffic service providers shall adopt new draft performance plans, in accordance with the procedures set out in Articles 13 and 14.

Or. en

#### **Amendment 666**

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

#### **Proposal for a regulation Article 17 – paragraph 4**

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

4. The Agency acting as PRB as regards en route air navigation services, or the national supervisory authority concerned as regards terminal air navigation services, shall authorise the designated air traffic service provider concerned to proceed with the intended revision only if it is necessary and proportionate, ***and where the revised performance targets ensure that consistency with the Union-wide performance targets is maintained.*** Where the revision has been authorised, designated air traffic service providers shall adopt new draft performance plans, in accordance with the procedures set out in Articles 13 and 14.

##### *Amendment*

4. The Agency acting as PRB as regards en route air navigation services, or the national supervisory authority concerned as regards terminal air navigation services, shall authorise the designated air traffic service provider concerned to proceed with the intended revision only if it is necessary and proportionate. Where the revision has been authorised, designated air traffic service providers shall adopt new draft performance plans, in accordance with the procedures set out in Articles 13 and 14.

Or. en

## Amendment 667

Kosma Złotowski, Tomasz Piotr Poręba

### Proposal for a regulation

#### Article 17 – paragraph 4

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

4. ***The Agency acting as PRB as regards en route air navigation services, or*** the national supervisory authority concerned ***as regards terminal air navigation services,*** shall authorise the designated air traffic service provider concerned to proceed with the intended revision only if it is necessary and proportionate, and where the revised performance targets ***ensure that consistency*** with the Union-wide performance targets ***is maintained.*** Where the revision has been authorised, designated air traffic service providers shall adopt new draft performance plans, ***in accordance with the procedures set out in Articles 13 and 14.***

##### *Amendment*

4. The national supervisory authority concerned shall authorise the designated air traffic service provider concerned to proceed with the intended revision only if it is necessary and proportionate, and ***when en route services are concerned*** where ***it is demonstrated that*** the revised performance targets ***are consistent*** with the Union-wide performance targets ***to the maximum extent possible.*** Where the revision has been authorised, designated air traffic service providers shall adopt new draft performance plans.

Or. en

##### *Justification*

*Local NSAs are best placed to consider if the revision is justified. The revision procedure should be simplified and accelerated.*

## Amendment 668

Bogusław Liberadzki

### Proposal for a regulation

#### Article 17 – paragraph 4

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

4. The ***Agency acting as*** PRB as regards en route air navigation services, or the national supervisory authority concerned as regards terminal air navigation services, shall authorise the designated air traffic service provider

##### *Amendment*

4. The PRB as regards en route air navigation services, or the national supervisory authority concerned as regards terminal air navigation services, shall authorise the designated air traffic service provider concerned to proceed with the

concerned to proceed with the intended revision only if it is necessary and proportionate, and where the revised performance targets ensure that consistency with the Union-wide performance targets is maintained. Where the revision has been authorised, designated air traffic service providers shall adopt new draft performance plans, in accordance with the procedures set out in Articles 13 and 14.

intended revision only if it is necessary and proportionate, and where the revised performance targets ensure that consistency with the Union-wide performance targets is maintained. Where the revision has been authorised, designated air traffic service providers shall adopt new draft performance plans, in accordance with the procedures set out in Articles 13 and 14.

Or. en

**Amendment 669**  
**Robert Roos**

**Proposal for a regulation**  
**Article 18**

*Text proposed by the Commission*

*Amendment*

***Article 18***

***deleted***

***Implementation of the performance scheme***

***For the implementation of the performance scheme, the Commission shall adopt detailed requirements and procedures in respect of Articles 10(3), 11, 12, 13, 14, 15, 16 as well as 17, in particular as regards the development of draft performance plans, the setting of performance targets, the criteria and conditions for their assessment, the methodology for allocation of costs between en route and terminal air navigation services, the monitoring of performance and issuance of corrective measures, and the timetables for all procedures. Those requirements and procedures shall be set out in an implementing act adopted in accordance with the advisory procedure referred to in Article 37(2).***

Or. en

## *Justification*

*It would be preferable to significantly reduce the text in Articles 10 to 25 to only arranging the main points. Articles 12 -18 could be deleted as these details would best be placed in the implementing rule.*

### **Amendment 670**

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

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

#### **Article 18 – paragraph 1**

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

*For the* implementation of *the performance scheme*, the Commission shall adopt detailed *requirements and procedures in respect of Articles 10(3), 11, 12, 13, 14, 15, 16 as well as 17, in particular as regards* the development of draft performance plans, the setting of performance targets, the criteria and conditions for their assessment, the methodology for allocation of costs between en route and terminal air navigation services, the monitoring of performance and issuance of corrective measures, *and* the timetables for all procedures. *Those requirements and procedures shall be set out in an implementing act adopted in accordance with the advisory procedure* referred to in Article 37(2).

##### *Amendment*

*In order to ensure the uniform* implementation of *and compliance with the requirements referred to in Articles 10 to 17*, the Commission shall, *with a view to achieving the objectives set out in Article 1*, adopt, *in accordance with the advisory procedure referred to in Article 37(2)*, *implementing acts laying down* detailed *provisions concerning*:

*a) the rules, procedures and methodology for the development, assessment, monitoring and revision of the draft performance plans for air navigation services and network functions, including incentive schemes and risk sharing mechanism as referred to in Articles 10(3), 13, 14 and 16 ;*

*b) the rules and procedures for the setting of performance targets, the criteria and conditions for their assessment, as referred to in Articles 10(3), 13 and 14 ;*

*c) the rules and procedures for classification of en route and terminal air navigation services, as referred to in Article 12;*

*d) the rules and procedures for elaboration of the methodology for allocation of costs between en route and terminal air navigation services, as referred to in Articles 10(3), 13 and 14 ;*

*e) the rules and procedures for the monitoring of performance plans, alert mechanisms for revision of performance plans and targets and for the revision of Union-wide performance targets during the course of a reference period and targets and issuance of corrective measures as referred to in Articles 10(3), 13, 14, 15 and 17;*

*f) the rules and procedures for the timetables for all procedures as referred in Article 10(3);*

*g) the rules and procedures for a mechanism to address unforeseeable and significant events as referred to in Article 10(3).*

*h) rules and procedures for the collection, validation, examination, evaluation and dissemination of relevant data related to the performance of air navigation services and network functions; i) rules and procedures for the setting of key performance indicators and indicators for monitoring*

Or. en

#### **Amendment 671**

**Kosma Zlotowski, Tomasz Piotr Poręba**

#### **Proposal for a regulation Article 18 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

For the implementation of the performance

For the implementation of the performance

scheme, the Commission shall adopt detailed requirements and procedures in respect of Articles 10(3), 11, 12, 13, 14, 15, 16 as well as 17, in particular as regards the development of draft performance plans, the setting of performance targets, the criteria and conditions for their assessment, the methodology for allocation of costs between en route and terminal air navigation services, the monitoring of performance and issuance of corrective measures, and the timetables for all procedures. Those requirements and procedures shall be set out in an implementing act adopted in accordance with the **advisory** procedure referred to in Article 37(2).

scheme, the Commission shall adopt detailed requirements and procedures in respect of Articles **10(2)**, 10(3), 11, 12, 13, 14, 15, 16 as well as 17, in particular as regards the development of draft performance plans, the setting of performance targets, the criteria and conditions for their assessment, the methodology for allocation of costs between en route and terminal air navigation services, the monitoring of performance and issuance of corrective measures, **the revision of performance plans and targets** and the timetables for all procedures. Those requirements and procedures shall be set out in an implementing act adopted in accordance with the **examination** procedure referred to in Article 37(3).

Or. en

#### *Justification*

*The performance scheme has significant impact on ATS provision in the Member States. The detailed design and implementation of the performance and charging scheme requires careful consideration and explicit approval by Member States due to the fundamental impact on their Chicago Convention obligations to provide ANS. The implementing act should therefore be adopted under examination procedure, not advisory procedure. The revision procedure should be simplified and accelerated – therefore should be explicitly mentioned in Article 18.*

#### **Amendment 672**

**Bogusław Liberadzki**

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

#### **Article 18 – paragraph 1**

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

For the implementation of the performance scheme, the Commission shall adopt detailed requirements and procedures in respect of Articles 10(3), 11, 12, 13, 14, 15, 16 as well as 17, in particular as regards the development of draft performance plans, the setting of performance targets, the criteria and

##### *Amendment*

For the implementation of the performance scheme, the Commission shall adopt detailed requirements and procedures in respect of Articles **10(2)**, 10(3), 11, 12, 13, 14, 15, 16 as well as 17, in particular as regards the development of draft performance plans, the setting of performance targets, the criteria and



conditions for their assessment, the methodology for allocation of costs between en route and terminal air navigation services, the monitoring of performance and issuance of corrective measures, and the timetables for all procedures. Those requirements and procedures shall be set out in an implementing act adopted in accordance with the **advisory** procedure referred to in Article 37(2).

conditions for their assessment, the methodology for allocation of costs between en route and terminal air navigation services, the monitoring of performance and issuance of corrective measures, and the timetables for all procedures. Those requirements and procedures shall be set out in an implementing act adopted in accordance with the **examination** procedure referred to in Article 37(3).

Or. enJustification

*The performance scheme has significant impact on ATS provision in the Member States. The detailed design and implementation of the performance and charging scheme requires careful consideration and explicit approval by Member States due to the fundamental impact their Chicago Convention obligations to provide ANS. The implementing act should therefore be adopted under examination procedure, not advisory procedure. Correspondingly, Art. 37(2) should be amended to refer to Article 5 of the Regulation 182/2011 instead of Article 4).*

#### **Amendment 673**

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

#### **Proposal for a regulation Article 18 – paragraph 1**

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

For the implementation of the performance scheme, the Commission shall adopt detailed requirements and procedures in respect of Articles 10(3), 11, 12, 13, 14, 15, 16 as well as 17, in particular as regards the development of draft performance plans, the setting of performance targets, the criteria and conditions for their assessment, the methodology for allocation of costs between en route and terminal air navigation services, the monitoring of performance and issuance of corrective measures, and the timetables for all procedures. Those requirements and procedures shall be set out in an implementing act adopted in accordance

##### *Amendment*

For the implementation of the performance scheme, the Commission shall adopt detailed requirements and procedures in respect of Articles 10(3), 11, 12, 13, 14, 15, 16 as well as 17, in particular as regards the development of draft performance plans, the setting of performance targets, the criteria and conditions for their assessment, the methodology for allocation of costs between en route and terminal air navigation services, the monitoring of performance and issuance of corrective measures, and the timetables for all procedures. Those requirements and procedures shall be set out in an implementing act adopted in accordance

with the **advisory** procedure referred to in Article 37(2).

with the **examination** procedure referred to in Article 37(3).

Or. en

#### Amendment 674

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

#### Proposal for a regulation Article 19 – paragraph 1

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

1. Without prejudice to the possibility for Member States to finance the provision of air traffic services covered in this Article through public funds, charges for air navigation services shall be determined, imposed and enforced on airspace users.

##### *Amendment*

1. Without prejudice to the possibility for Member States to finance the provision of air traffic services covered in this Article through public funds, charges for air navigation services shall be determined, imposed and enforced on airspace users.  
***With respect to route charges, the charging scheme shall be consistent with the Eurocontrol Route Charges System.***

Or. en

#### Amendment 675

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

#### Proposal for a regulation Article 19 – paragraph 1

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

1. Without prejudice to the possibility for Member States to finance the provision of air **traffic** services **covered in this Article** through public funds, charges for air navigation services shall be determined, imposed and enforced on airspace users.

##### *Amendment*

1. Without prejudice to the possibility for Member States to finance the provision of air **navigation** services through public funds, **in so far as it is in line with Treaty rules on competition**, charges for air navigation services shall be determined, imposed and enforced on airspace users.

Or. en

**Amendment 676**  
**Johan Van Overtveldt**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

1. Without prejudice to the possibility for Member States to finance the provision of air traffic services covered in this Article through public funds, charges for air navigation services shall be determined, imposed and enforced on airspace users.

*Amendment*

1. Without prejudice to the possibility for Member States to finance the provision of air traffic services covered in this Article through public funds, charges for air navigation services shall be determined, imposed and enforced on airspace users ***for the use of airspace navigation services only***.

Or. en

*Justification*

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

**Amendment 677**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

1. Without prejudice to the possibility for Member States to finance the provision of air ***traffic*** services covered in this Article through public funds, charges for air navigation services shall be determined, imposed and enforced on airspace users.

*Amendment*

1. Without prejudice to the possibility for Member States to finance the provision of air ***navigation*** services covered in this Article through public funds, charges for air navigation services shall be determined, imposed and enforced on airspace users.

Or. en

**Amendment 678**  
**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**  
**Article 19 – paragraph 1**

*Text proposed by the Commission*

1. Without prejudice to the possibility for Member States to finance the provision of air **traffic** services covered in this Article through public funds, charges for air navigation services shall be determined, imposed and enforced on airspace users.

*Amendment*

1. Without prejudice to the possibility for Member States to finance the provision of air **navigation** services covered in this Article through public funds, charges for air navigation services shall be determined, imposed and enforced on airspace users.

Or. en

*Justification*

*It should be possible to finance also other air navigation services that ATS (naturally provided that any such support would respect public aid rules).*

**Amendment 679**

**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**

**Article 19 – paragraph 2**

*Text proposed by the Commission*

2. Charges shall be based on the costs of air traffic service providers **in respect of** services and functions delivered for **the benefit of** airspace users over fixed reference periods as defined in Article 10(2). Those costs may include a reasonable return on assets to contribute towards necessary capital improvements.

*Amendment*

2. Charges shall be based on the costs of air traffic service providers **incurred either directly or indirectly in relation to the provision of** services and functions delivered **to or ultimately beneficial** for airspace users over fixed reference periods as defined in Article 10(2). Those costs may include a reasonable return on assets to contribute towards necessary capital improvements.

Or. en

*Justification*

*The scope of the costs should be more aligned with ICAO principles (Doc 9082) and EUROCONTROL principles (Doc N° 20.60.01).*

**Amendment 680**

**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 19 – paragraph 2**

*Text proposed by the Commission*

2. Charges shall be based on the costs of air traffic service providers ***in respect of*** services and functions delivered ***for the benefit of*** airspace users over fixed reference periods as defined in Article 10(2). Those costs may include a reasonable return on assets to contribute towards necessary capital improvements.

*Amendment*

2. Charges shall be based on the costs of air traffic service providers ***incurred either directly or indirectly in relation to the provision of*** services and functions delivered ***to the*** airspace users over fixed reference periods as defined in Article 10(2). Those costs may include a reasonable return on assets to contribute towards necessary capital improvements.

Or. en

*Justification*

*The proposal would narrow the scope of services which can possibly be subject to charges by referring to services and functions delivered for the benefit of airspace users. This is contrary to the basic principles of the Performance Scheme that ‘charges shall be set for the availability of air navigation services’ (Regulation 550/2004 Article ...) and of performance planning ahead of fixed reference periods based on estimated, planned cost and traffic figures. Under the performance scheme ATSPs establish their costs based on planned needs of the airspace users, reflected in medium-term traffic forecasts. The Charging Scheme should be compatible with the Performance Scheme and duly recognise that the charges are based on planned cost and traffic figures. This is in line with ICAO principles (Doc 9082) and EUROCONTROL principles (Doc N° 20.60.01).*

**Amendment 681**

**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**  
**Article 19 – paragraph 3**

*Text proposed by the Commission*

3. Charges shall encourage the safe, efficient, effective and sustainable provision of air navigation services ***with a view to achieving a high level of safety and cost-efficiency and meeting the performance targets and they shall stimulate integrated service provision, whilst reducing the environmental impact***

*Amendment*

3. Charges shall encourage the safe, efficient, effective and sustainable provision of air navigation services.

*of aviation.*

Or. en

*Justification*

*It is unclear how the Charging Scheme would stimulate integrated service provision or effectively reduce the environmental impact of aviation. This article should be reconsidered to avoid duplication and foster simplification and clarity of the text.*

**Amendment 682**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 19 – paragraph 3**

*Text proposed by the Commission*

3. Charges shall encourage the safe, efficient, effective and sustainable provision of air navigation services ***with a view to achieving a high level of safety and cost-efficiency and meeting the performance targets and they shall stimulate integrated service provision, whilst reducing the environmental impact of aviation.***

*Amendment*

3. Charges shall encourage the safe, efficient, effective and sustainable provision of air navigation services.

Or. en*Justification*

*It is unclear how the Charging Scheme would stimulate integrated service provision or effectively reduce the environmental impact of aviation. This article should be reconsidered and duplication avoided to foster simplification and clarity of the text.*

**Amendment 683**

**Karima Delli**

**Proposal for a regulation**

**Article 19 – paragraph 3**

*Text proposed by the Commission*

3. Charges shall encourage the safe, efficient, effective and sustainable provision of air navigation services with a

*Amendment*

3. Charges shall encourage the safe, efficient, effective and sustainable provision of air navigation services with a

view to achieving a high level of safety and **cost-efficiency and** meeting the performance targets and they shall stimulate integrated service provision, whilst reducing the environmental **impact** of aviation.

view to achieving a high level of safety and meeting the performance targets, **particularly the timely emission reductions established in the European Climate Law, their full alignment with the objectives of the European Green Deal** and they shall stimulate integrated service provision, whilst reducing the environmental **and climate impacts** of aviation.

Or. en

#### **Amendment 684**

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

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

#### **Article 19 – paragraph 5**

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

5. Revenues from charges imposed on airspace users in accordance with this Article shall not be used to finance services which **are provided** under market conditions in accordance with Article 8.

##### *Amendment*

5. Revenues **received by an air traffic service provider** from charges imposed on airspace users in accordance with this Article shall not be used to finance services which **that air traffic service provider may provide** under market conditions in accordance with Article 8 **or any other commercial activity performed by that provider**.

Or. en

#### **Amendment 685**

**Kosma Złotowski, Tomasz Piotr Poręba**

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

#### **Article 19 – paragraph 5**

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

5. Revenues from charges imposed on airspace users in accordance with this Article shall not be used to finance services which are provided under market

##### *Amendment*

5. Revenues from charges imposed on airspace users in accordance with this Article shall not be used to finance **terminal air navigation** services which are

conditions in accordance with Article 8.

provided under market conditions in accordance with Article 8

Or. en

*Justification*

*It should be possible for ATSPs to finance all services – including the non-terminal air navigation services (ANS) purchased on market conditions – with the revenues from air navigation charges. Therefore paragraph 5 should, if needed, be limited to terminal services provided under market conditions.*

**Amendment 686**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 19 – paragraph 5**

*Text proposed by the Commission*

5. Revenues from charges imposed on airspace users in accordance with this Article shall not be used to finance services which are provided under market conditions in accordance with Article 8.

*Amendment*

5. Revenues from charges imposed on airspace users in accordance with this Article shall not be used to finance ***air navigation*** services which are provided under market conditions in accordance with Article 8.

Or. en

**Amendment 687**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 19 – paragraph 6**

*Text proposed by the Commission*

6. Financial data on determined costs, actual costs ***and revenues*** of designated air traffic service providers shall be reported to national supervisory authorities and the ***Agency acting as PRB and*** shall be made publicly available.

*Amendment*

6. Financial data on determined costs, actual costs of designated air traffic service providers shall be reported to national supervisory authorities and, ***when en-route services are concerned, to*** the PRB.

***Without prejudice to protection of confidential or sensitive data, including***



***data on services provided under market conditions, this information on costs*** shall be made publicly available.

Or. en

*Justification*

*Any sensitive/confidential data relating to financials (costs/revenues) must be duly protected – this should be reflected in the requirements for making data publicly available under the Charging Scheme.*

**Amendment 688**

**Kosma Złotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**

**Article 19 – paragraph 6**

*Text proposed by the Commission*

6. Financial data on determined costs, actual costs **and revenues** of designated air traffic service providers shall be reported to national supervisory authorities and the Agency acting as PRB **and** shall be made publicly available.

*Amendment*

6. Financial data on determined costs, **and** actual costs of designated air traffic service providers shall be reported to national supervisory authorities and **when en-route services are concerned to** the Agency acting as PRB. **Without prejudice to protection of confidential or sensitive data, including data on services provided under market conditions, this information on costs** shall be made publicly available.

Or. en

*Justification*

*Any sensitive/confidential data relating to financials (costs/revenues) must be duly protected – this should be reflected in the requirements for making data publicly available under the Charging Scheme.*

**Amendment 689**

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

**Proposal for a regulation**

**Article 19 – paragraph 6**

*Text proposed by the Commission*

6. Financial data on determined costs, actual costs and revenues of designated air traffic service providers shall be reported to national supervisory authorities and the Agency acting as PRB and shall be made publicly available.

*Amendment*

6. Financial data on determined costs, actual costs and revenues of designated air traffic service providers shall be reported to national supervisory authorities, ***Eurocontrol*** and the Agency acting as PRB and shall be made publicly available.

Or. en

**Amendment 690**

**Johan Van Overtveldt**

**Proposal for a regulation**

**Article 20 – paragraph 2**

*Text proposed by the Commission*

2. The determined costs referred to in paragraph 1 shall include the costs of ***relevant*** facilities and services, appropriate amounts for interest on capital investment and depreciation of assets, as well as the costs of maintenance, operation, management and administration.

*Amendment*

2. The determined costs referred to in paragraph 1 shall ***cost-efficiently*** include the ***eligible and unavoidable*** costs of ***the use of necessary*** facilities and services, appropriate amounts for interest on capital investment and depreciation of assets, as well as the costs of maintenance, operation, management and administration.

Or. en

*Justification*

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

**Amendment 691**

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

**Proposal for a regulation**

**Article 20 – paragraph 3 – point a**

*Text proposed by the Commission*

***(a) costs incurred by the air traffic***

*Amendment*

***deleted***

*service providers for fees and charges  
paid to the Agency acting as PRB;*

Or. en

**Amendment 692**

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

**Proposal for a regulation**

**Article 20 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) costs incurred by the air traffic service providers for fees and charges paid to the Agency acting as PRB;

*Amendment*

(a) costs incurred by the air traffic service providers for fees and charges ***and annual contributions*** paid to the Agency acting as PRB;

Or. en

*Justification*

*As long as PRB is to be financed through ATSPs, it should be possible to include these costs in the cost base for air navigation charges. The current principle where all Member State costs, including Eurocontrol contributions, can be financed through user charges, should be maintained and explicitly integrated in the basic regulation.*

**Amendment 693**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 20 – paragraph 3 – point a**

*Text proposed by the Commission*

(a) costs incurred by the air traffic service providers for fees ***and*** charges paid to the ***Agency acting as*** PRB;

*Amendment*

(a) costs incurred by the air traffic service providers for fees, charges ***and annual contributions*** paid to the PRB;

Or. en

**Amendment 694**

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

**Proposal for a regulation**

**Article 20 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) costs or parts thereof incurred by the air traffic service providers, in relation to their oversight and certification by national supervisory authorities, unless other financial resources are used by Member States to cover such costs;

*Amendment*

(b) costs or parts thereof incurred by the air traffic service providers, in relation to their oversight and certification by national ***competent authority and national*** supervisory authorities, unless other financial resources are used by Member States to cover such costs;

Or. en

**Amendment 695**

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

**Proposal for a regulation**

**Article 20 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) costs or parts thereof incurred by the air traffic service providers, in relation to their oversight and certification by national ***supervisory*** authorities, unless other financial resources are used by Member States to cover such costs;

*Amendment*

(b) costs or parts thereof incurred by the air traffic service providers, in relation to their oversight and certification by national authorities, unless other financial resources are used by Member States to cover such costs;

Or. en

**Amendment 696**

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

**Proposal for a regulation**

**Article 20 – paragraph 3 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

***(ca) costs of Eurocontrol, unless other financial resources are used by Member States to cover these costs.***

**Amendment 697**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 20 – paragraph 3 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

**(ca) costs of Eurocontrol, unless other financial resources are used by Member States to cover these costs**

Or. en

**Amendment 698**  
**Bogusław Liberadzki**

**Proposal for a regulation**  
**Article 20 – paragraph 3 – point c b (new)**

*Text proposed by the Commission*

*Amendment*

**(cb) costs of Network Manager.**

Or. enJustification

*If the principle of PRB financing by air traffic services providers (ATSPs) is accepted (the user pays principle), ATSPs should be allowed to recover all related costs through charges. Otherwise, the extra costs and the administrative burden of additional charging would run counter to the ambition for a cost-effective SES. It would also undermine the ambition to give more responsibility to ATSPs through making them have their own performance plans. The system of financing as proposed would punish airspace users, as they would have to pay more in a situation where an ATSP would require more intervention from the PRB. Having a specific cost element related to the Network Manager would allow for more transparency in its activities while also be coherent with proposed recital 13 a new.*

**Amendment 699**  
**Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider, Julie Lechanteux, Philippe Olivier**

**Proposal for a regulation**  
**Article 20 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. other costs incurred by the Member States in relation to the provision of air navigation services such as the costs stemming from international agreements, if such costs are not covered by other financial resources.**

Or. en

**Amendment 700**  
**Karima Delli**

**Proposal for a regulation**  
**Article 20 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

**3a. a common standard climate and environmental levy per each flight operated;**

Or. en

*Justification*

*Higher levels of emissions take place in take-off and landing, hence making short-haul flights much more polluting per km. Such a base levy common to all flights aims at dissuading short-haul flights overall, for which less emitting alternative travel modes exist;*

**Amendment 701**  
**Kosma Zlotowski, Tomasz Piotr Poręba**

**Proposal for a regulation**  
**Article 20 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. Determined costs shall not include the costs of penalties imposed by Member States referred to in Article 42 **nor the**

4. Determined costs shall not include the costs of penalties imposed by Member States referred to in Article 42.

*costs of any corrective measures referred to in Article 13(11) and Article 14(10).*

Or. en

*Justification*

*Costs for corrective measures should be eligible for integration in the determined costs. Indeed, these are not penalties but actions or investments that are required to reach the performance targets.*

**Amendment 702**

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

**Proposal for a regulation**

**Article 20 – paragraph 6**

*Text proposed by the Commission*

6. Designated air traffic service providers shall provide details of their cost base to the Agency acting as PRB, the national supervisory authorities, and the Commission. To this end, costs shall be broken down in line with the separation of accounts referred to in Article 25(3), and by distinguishing staff costs, operating costs other than staff costs, depreciation costs, cost of capital, costs incurred for fees and charges paid to the Agency acting as PRB, **and** exceptional costs.

*Amendment*

6. Designated air traffic service providers shall provide details of their cost base to the Agency acting as PRB, the national supervisory authorities, and the Commission. To this end, costs shall be broken down in line with the separation of accounts referred to in Article 25(3), and by distinguishing staff costs, operating costs other than staff costs, depreciation costs, cost of capital, costs incurred for fees and charges paid to the Agency, **fees and charges paid to the Agency acting as PRB, costs incurred for fees and charges paid to national supervisory authorities and national competent authorities and** exceptional costs.

Or. en

**Amendment 703**

**Bogusław Liberadzki**

**Proposal for a regulation**

**Article 20 – paragraph 6**

*Text proposed by the Commission*

6. Designated air traffic service providers shall provide details of their cost base to the ***Agency acting as PRB, the*** national supervisory authorities, ***and*** the Commission. To this end, costs shall be broken down in line with the separation of accounts referred to in Article 25(3), and by distinguishing staff costs, operating costs other than staff costs, depreciation costs, cost of capital, costs ***incurred for fees and charges paid to the Agency acting as PRB,*** and exceptional costs.

*Amendment*

6. Designated air traffic service providers shall provide details of their cost base to the national supervisory authorities, the Commission ***and, when en-route services are concerned, to the PRB.*** To this end, costs shall be broken down in line with the separation of accounts referred to in Article 25(3), and by distinguishing staff costs, operating costs other than staff costs, depreciation costs, cost of capital, costs ***referred to in Article 20(3),*** and exceptional costs.

Or. en

*Justification*

*The PRB will only receive draft Performance Plans for en route air navigation services, not for terminal air navigation services. If the principle of PRB financing by air traffic services providers (ATSPs) is accepted (the user pays principle), ATSPs should be allowed to recover all related costs through charges. See proposed changes to Article 20(3).*

**Amendment 704**

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

**Proposal for a regulation  
Article 20 – paragraph 6**

*Text proposed by the Commission*

6. Designated air traffic service providers shall provide details of their cost base to the Agency acting as PRB, the national supervisory authorities, and the Commission. To this end, costs shall be broken down in line with the separation of accounts referred to in Article 25(3), and by distinguishing staff costs, operating costs other than staff costs, depreciation costs, cost of capital, costs incurred for fees and charges paid to the Agency acting as PRB, and exceptional costs.

*Amendment*

6. Designated air traffic service providers shall provide details of their cost base to the Agency acting as PRB, the national supervisory authorities, ***Eurocontrol*** and the Commission. To this end, costs shall be broken down in line with the separation of accounts referred to in Article 25(3), and by distinguishing staff costs, operating costs other than staff costs, depreciation costs, cost of capital, costs incurred for fees and charges paid to the Agency acting as PRB, and exceptional costs.



## Amendment 705

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

### Proposal for a regulation

#### Article 20 – paragraph 6

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

6. Designated air traffic service providers shall provide details of their cost base to the Agency acting as PRB, the national supervisory authorities, and the Commission. To this end, costs shall be broken down in line with the separation of accounts referred to in Article 25(3), and by distinguishing staff costs, operating costs other than staff costs, depreciation costs, cost of capital, costs incurred for fees and charges paid to the Agency acting as PRB, and exceptional costs.

##### *Amendment*

6. Designated air traffic service providers shall provide **full** details of their cost base to the Agency acting as PRB, the national supervisory authorities, and the Commission. To this end, costs shall be broken down in line with the separation of accounts referred to in Article 25(3), and by distinguishing staff costs, operating costs other than staff costs, depreciation costs, cost of capital, costs incurred for fees and charges paid to the Agency acting as PRB, and exceptional costs.

## Amendment 706

Kosma Złotowski, Tomasz Piotr Poręba

### Proposal for a regulation

#### Article 20 – paragraph 6

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

6. Designated air traffic service providers shall provide details of their cost base to the **Agency acting as PRB, the** national supervisory authorities, **and** the Commission. To this end, costs shall be broken down in line with the separation of accounts referred to in Article 25(3), and by distinguishing staff costs, operating costs other than staff costs, depreciation costs, cost of capital, costs **incurred for fees and charges paid to the Agency acting as PRB**, and exceptional costs.

##### *Amendment*

6. Designated air traffic service providers shall provide details of their cost base to the national supervisory authorities, the Commission **and, when en route services are concerned, to the Agency acting as PRB**. To this end, costs shall be broken down in line with the separation of accounts referred to in Article 25(3), and by distinguishing staff costs, operating costs other than staff costs, depreciation costs, cost of capital, costs **referred to in Article 20(3)** and exceptional costs.

*Justification*

*For transparency, the charging scheme should provide for identification of all cost items referred to in article 20(3) (PRB, national authorities, Network Manager/EUROCONTROL) and not only PRB. As regulation of terminal services is to be performed by local NSAs, terminal data should not be reported by the PRB.*

**Amendment 707**

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

**Proposal for a regulation****Article 20 – paragraph 6***Text proposed by the Commission*

6. Designated air traffic service providers shall provide details of their cost base to the Agency acting as PRB, the national supervisory authorities, and the Commission. To this end, costs shall be broken down in line with the separation of accounts referred to in Article 25(3), ***and by distinguishing staff costs***, operating ***costs other than staff costs***, depreciation costs, cost of capital, costs incurred for fees and charges paid to the Agency acting as PRB, and exceptional costs.

*Amendment*

6. Designated air traffic service providers shall provide details of their cost base to the Agency acting as PRB, the national supervisory authorities, and the Commission. To this end, costs shall be broken down in line with the separation of accounts referred to in Article 25(3), operating costs, depreciation costs, cost of capital, costs incurred for fees and charges paid to the Agency acting as PRB, and exceptional costs.