



2013/0186(COD)

09.2.2021

AMENDMENTS

708 - 927

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))

Amendment 708

Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini

Proposal for a regulation

Article 21 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. *Unit rates shall be set by the national supervisory authorities, after verification by the Agency acting as PRB that they comply with Article 19, Article 20 and with this Article. Where the Agency acting as PRB finds that a unit rate does not fulfill those requirements, the unit rate shall be reviewed accordingly by the national supervisory authority concerned. Where a unit rate continues to not fulfill those requirements, the Agency acting as PRB shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2), and the Commission may take action in accordance with Article 24(3).* **deleted**

Or. en

Justification

An analysis of the possibilities for achieving the desired effect is much needed before the introduction of such concept. The choice of flight path depends not only on the cost of air navigation charges, but on a number of other important factors, such as dangerous weather conditions, military zones, prices of fuels, availability of technical infrastructure of the respective airline, etc. It is unclear how revenue neutrality will be guaranteed for each provider. The introduction of a common unit rate would potentially lead to the creation of significant cross-subsidies between Member States' airspaces. The redirection of revenues between States with different unit rates and cost-effectiveness will lead to hidden compensation for inefficient countries and redistribution of revenues.

Amendment 709

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

Proposal for a regulation

Article 21 – paragraph 2 – introductory part

Text proposed by the Commission

2. Unit rates shall be set by the national supervisory authorities, after verification by the Agency acting as PRB that they comply with Article 19, Article 20 and with this Article. ***Where the Agency acting as PRB finds that a unit rate does not fulfill those requirements, the unit rate shall be reviewed accordingly by the national supervisory authority concerned. Where a unit rate continues to not fulfill those requirements, the Agency acting as PRB shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2), and the Commission may take action in accordance with Article 24(3).***

Amendment

2. Unit rates shall be set by the national supervisory authorities, after verification by the Agency acting as PRB that they comply with Article 19, Article 20 and with this Article.

Or. en

Amendment 710
Josianne Cutajar

Proposal for a regulation
Article 21 – paragraph 2 – introductory part

Text proposed by the Commission

2. Unit rates shall be set by ***the national supervisory authorities, after verification by the Agency acting as PRB that they comply*** with Article 19, Article 20 and with this Article. ***Where the Agency acting as PRB finds that a unit rate does not fulfill those requirements, the unit rate shall be reviewed accordingly by the national supervisory authority concerned. Where a unit rate continues to not fulfill those requirements, the Agency acting as PRB shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2), and the Commission may take action in accordance with Article***

Amendment

2. Unit rates shall be set by ***Member States in line with the EUROCONTROL Multilateral Agreement relating to Route Charges and in compliance*** with Article 19, Article 20 and with this Article.

24(3).

Or. en

Amendment 711

Kosma Złotowski, Tomasz Piotr Poręba

Proposal for a regulation

Article 21 – paragraph 2 – introductory part

Text proposed by the Commission

2. Unit rates shall be set by ***the national supervisory authorities, after verification by the Agency acting as PRB that they comply with Article 19, Article 20 and with this Article. Where the Agency acting as PRB finds that a unit rate does not fulfill those requirements, the unit rate shall be reviewed accordingly by the national supervisory authority concerned. Where a unit rate continues to not fulfill those requirements, the Agency acting as PRB shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2), and the Commission may take action in accordance with Article 24(3).***

Amendment

2. Unit rates shall be set by ***Member States, where applicable in line with the EUROCONTROL Multilateral Agreement relating to Route Charges and in compliance*** with Article 19, Article 20 and with this Article.

Or. en

Justification

Under EUROCONTROL provisions, en-route unit rates are approved by Member States. The proposed ex ante verification of the unit rates by the PRB not only generates additional and unnecessary workload for the entities concerned but also additional costs to be borne ultimately by the airspace users as well as further extension of the whole charges approval process.

Amendment 712

Bogusław Liberadzki

Proposal for a regulation

Article 21 – paragraph 2 – introductory part

Text proposed by the Commission

2. Unit rates shall be set by *the national supervisory authorities, after verification by the Agency acting as PRB that they comply* with Article 19, Article 20 and with this Article. *Where the Agency acting as PRB finds that a unit rate does not fulfill those requirements, the unit rate shall be reviewed accordingly by the national supervisory authority concerned. Where a unit rate continues to not fulfill those requirements, the Agency acting as PRB shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2), and the Commission may take action in accordance with Article 24(3).*

Amendment

2. Unit rates shall be set by **Member States in line with the EUROCONTROL Multilateral Agreement relating to Route Charges and in compliance** with Article 19, Article 20 and with this Article. **In order to assess the impact on the traffic forecast of each original charging zones and the impact on the total number of service units, an ex-ante impact assessment shall be conducted prior to the concept of a common unit rate being adopted into the Framework Regulation. Consultation with stakeholders shall also occur before draft Implementing Regulation, adopted in accordance with the examination procedure referred to in Article 37(3), is presented to Member States.**

Or. en

Justification

In the current system the Member States are responsible for setting the unit rates, which are verified by the Commission. This process takes place under the EUROCONTROL Multilateral Agreement relating to Route Charges (enlarged Commission). The proposed ex ante verification of the unit rates by the PRB not only generates additional and unnecessary workload for the entities concerned but also additional costs to be borne ultimately by the airspace users as well as further extension of the whole charges approval process. Whereas on the one hand there is an intention to strengthen and empower the NSAs, on the other hand the discharge of the new competence is restricted by being subject to verification by the PRB. Doubts also arise from the fact that the new PRB competence relating to unit rates assessment would cover not only en-route charges, but also NSAs are to be responsible under the performance scheme. In summary, there is no clear rationale provided to support the proposed change, and its added value is not clear.

Amendment 713
Josianne Cutajar

Proposal for a regulation
Article 21 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

For charging purposes, and when congestion causes significant network problems including deterioration of environmental performance, the Commission may define, by way of an Implementing Regulation adopted in accordance with the examination procedure referred to in Article 37(3), a common unit rate for en route air navigation services across the Single European Sky airspace, and detailed rules and procedures for its application. The common unit rate referred to in the first subparagraph shall be calculated on the basis of a weighted average of the different unit rates of the air navigation service providers concerned. The proceeds of the common unit rate shall be reallocated so as to achieve revenue neutrality for those air traffic service providers concerned.

deleted

Or. en

Amendment 714

Johan Van Overtveldt

Proposal for a regulation

Article 21 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

For charging purposes, and when congestion causes significant network problems including deterioration of environmental performance, the Commission may define, by way of an Implementing Regulation adopted in accordance with the examination procedure referred to in Article 37(3), a common unit rate for en route air navigation services across the Single European Sky airspace, and detailed rules and procedures for its application. The

deleted

common unit rate referred to in the first subparagraph shall be calculated on the basis of a weighted average of the different unit rates of the air navigation service providers concerned. The proceeds of the common unit rate shall be reallocated so as to achieve revenue neutrality for those air traffic service providers concerned.

Or. en

Justification

A common unit rate is likely to increase the prices. Moreover, the scheme risks being burdensome.

Amendment 715

Kosma Złotowski, Tomasz Piotr Poręba

Proposal for a regulation

Article 21 – paragraph 2 – subparagraph 1

Text proposed by the Commission

For charging purposes, and when congestion causes significant network problems including deterioration of environmental performance, the Commission may define, by way of an Implementing Regulation adopted in accordance with the examination procedure referred to in Article 37(3), a common unit rate for en route air **navigation** services across the Single European Sky airspace, and detailed rules and procedures for its application. The common unit rate referred to in the first subparagraph shall be calculated on the basis of a weighted average of the different unit rates of the air **navigation** service providers concerned. The proceeds of the common unit rate shall be reallocated so as to achieve revenue neutrality for those air traffic service providers concerned.

Amendment

For charging purposes, and when congestion causes significant network problems including deterioration of environmental performance, the Commission may define, by way of an Implementing Regulation adopted in accordance with the examination procedure referred to in Article 37(3), a common unit rate for en route air **traffic** services across the Single European Sky airspace, and detailed rules and procedures for its application. ***In order to assess the impact on the traffic forecast of each original charging zones and the impact on the total number of service units, an ex-ante impact assessment shall be conducted prior to the concept of a common unit rate being proposed by the Commission in accordance with the preceding subparagraph. The Commission shall also conduct consultation with stakeholders before any draft implementing regulation***

is presented in accordance with the preceding subparagraph. The common unit rate referred to in the first subparagraph shall be calculated on the basis of a weighted average of the different unit rates of the air **traffic** service providers concerned. The proceeds of the common unit rate shall be reallocated so as to achieve revenue neutrality for those air traffic service providers concerned.

Or. en

Amendment 716
Bogusław Liberadzki

Proposal for a regulation
Article 21 – paragraph 2 – subparagraph 1

Text proposed by the Commission

For charging purposes, and when congestion causes significant network problems including deterioration of environmental performance, the Commission may define, by way of an Implementing Regulation adopted in accordance with the examination procedure referred to in Article 37(3), a common unit rate for en route air navigation services across the Single European Sky airspace, and detailed rules and procedures for its application. The common unit rate ***referred to in the first subparagraph*** shall be calculated on the basis of a weighted average of the different unit rates of the air navigation service providers concerned. The proceeds of the common unit rate shall be reallocated so as to achieve revenue neutrality for those air traffic service providers concerned.

Amendment

The common unit rate shall be calculated on the basis of a weighted average of the different unit rates of the air navigation service providers concerned. The proceeds of the common unit rate shall be reallocated so as to achieve revenue neutrality for those air traffic service providers concerned.

Or. en

Justification

No common unit rate should be introduced unless there is evidence to demonstrate that it

would have a positive impact on congestion and environmental performance. This should include the requirement for an ex-ante impact assessment and stakeholder consultation process.

Amendment 717

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

Proposal for a regulation

Article 21 – paragraph 2 – subparagraph 1

Text proposed by the Commission

For charging purposes, and when congestion causes significant network problems including deterioration of environmental performance, the Commission may define, by way of an Implementing Regulation adopted in accordance with the examination procedure referred to in Article 37(3), a common unit rate for en route air navigation services across the Single European Sky airspace, and detailed rules and procedures for its application. The *common unit rate referred to in the first subparagraph shall be calculated on the basis of a weighted average of the different unit rates of the air navigation service providers concerned.* The proceeds of the common unit rate shall be reallocated so as to achieve revenue neutrality for those air traffic service providers concerned.

Amendment

For charging purposes, and when congestion causes significant network problems including deterioration of environmental performance, the Commission may define, by way of an Implementing Regulation adopted in accordance with the examination procedure referred to in Article 37(3), a common unit rate for en route air navigation services across the Single European Sky airspace, and detailed rules and procedures for its application. The proceeds of the common unit rate shall be reallocated so as to achieve revenue neutrality for those air traffic service providers concerned.

Or. en

Amendment 718

Karima Delli

Proposal for a regulation

Article 21 – paragraph 2 – subparagraph 1

Text proposed by the Commission

For charging purposes, and when

Amendment

For charging purposes, and when

congestion causes significant network problems including deterioration of environmental performance, the Commission may define, by way of an Implementing Regulation adopted in accordance with the examination procedure referred to in Article 37(3), a common unit rate for en route air navigation services across the Single European Sky airspace, and detailed rules and procedures for its application. The common unit rate referred to in the first subparagraph shall be calculated on the basis of a weighted average of the different unit rates of the air navigation service providers concerned. The proceeds of the common unit rate shall be reallocated so as to achieve revenue neutrality for those air traffic service providers concerned.

congestion causes significant network problems including deterioration of environmental **and climate** performance, the Commission may define, by way of an Implementing Regulation adopted in accordance with the examination procedure referred to in Article 37(3), a common unit rate for en route air navigation services across the Single European Sky airspace, and detailed rules and procedures for its application. The common unit rate referred to in the first subparagraph shall be calculated on the basis of a weighted average of the different unit rates of the air navigation service providers concerned. The proceeds of the common unit rate shall be reallocated so as to achieve revenue neutrality for those air traffic service providers concerned.

Or. en

Amendment 719

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

Proposal for a regulation Article 22 – paragraph 1

Text proposed by the Commission

1. Charges **shall** be levied on airspace users for the provision of air navigation services, under non-discriminatory conditions, taking into account the relative productive capacities of the different aircraft types concerned. When imposing charges on different airspace users for the use of the same service, no distinction shall be made in relation to the nationality or category of the user.

Amendment

1. Charges **may** be levied on airspace users for the provision of air navigation services; **if levied, this shall be** under non-discriminatory conditions, taking into account the relative productive capacities of the different aircraft types concerned. When imposing charges on different airspace users for the use of the same service, no distinction shall be made in relation to the nationality or category of the user.

Or. en

Amendment 720
Karima Delli

Proposal for a regulation
Article 22 – paragraph 1

Text proposed by the Commission

1. Charges shall be levied on airspace users for the provision of air navigation services, under ***non-discriminatory*** conditions, taking into account the relative ***productive capacities*** of the different aircraft types concerned. When imposing charges on different airspace users for the use of the same service, no distinction shall be made in relation to the nationality ***or category*** of the user.

Amendment

1. Charges shall be levied on airspace users for the provision of air navigation services, under ***fully transparent*** conditions, taking into account the relative ***climate and environmental performance*** of the different aircraft types concerned. When imposing charges on different airspace users for the use of the same service, no distinction shall be made in relation to the nationality of the user.

Or. en

Amendment 721
Karima Delli

Proposal for a regulation
Article 22 – paragraph 2

Text proposed by the Commission

2. The charge for en route air navigation services for a given flight in a given en route charging zone shall be calculated on the basis of the unit rate established for that en route charging zone and the en route service units for that flight. The charge shall be made out of one or more variable components, each based on objective factors.

Amendment

2. The charge for en route air navigation services for a given flight in a given en route charging zone shall be calculated on the basis of the unit rate established for that en route charging zone and the en route service units for that flight, ***in addition to the climate and environmental levy referred to in Article 20, paragraph 3(d)***. The charge shall be made out of one or more variable components, each based on objective factors.

Or. en

Amendment 722

Kosma Złotowski, Tomasz Piotr Poręba

Proposal for a regulation

Article 22 – paragraph 2

Text proposed by the Commission

2. The charge for en route air navigation services for a given flight in a given en route charging zone shall be calculated on the basis of the unit rate established for that en route charging zone and the en route service units for that flight. ***The charge shall be made out of one or more variable components, each based on objective factors.***

Amendment

2. The charge for en route air navigation services for a given flight in a given en route charging zone shall be calculated on the basis of the unit rate established for that en route charging zone and the en route service units for that flight.

Or. en

Justification

In any case the charge shall be a product of unit rate and service units – in line with EUROCONTROL provisions. No variable component in the charge is visible.

Amendment 723

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

Proposal for a regulation

Article 22 – paragraph 2

Text proposed by the Commission

2. The charge for en route air navigation services for a given flight in a given en route charging zone shall be calculated on the basis of the unit rate established for that en route charging zone and the en route service units for that flight. ***The charge shall be made out of one or more variable components, each based on objective factors.***

Amendment

2. The charge for en route air navigation services for a given flight in a given en route charging zone shall be calculated on the basis of the unit rate established for that en route charging zone and the en route service units for that flight.

Or. en

Amendment 724
Bogusław Liberadzki

Proposal for a regulation
Article 22 – paragraph 2

Text proposed by the Commission

2. The charge for en route air navigation services for a given flight in a given en route charging zone shall be calculated on the basis of the unit rate established for that en route charging zone and the en route service units for that flight. ***The charge shall be made out of one or more variable components, each based on objective factors.***

Amendment

2. The charge for en route air navigation services for a given flight in a given en route charging zone shall be calculated on the basis of the unit rate established for that en route charging zone and the en route service units for that flight.

Or. en

Justification

Until such time as clarification is received on the what is meant by “variable components” of a charge, this element should be deleted from the framework.

Amendment 725
Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

Proposal for a regulation
Article 22 – paragraph 2

Text proposed by the Commission

2. The charge for en route air navigation services for a given flight in a given en route charging zone shall be calculated on the basis of the unit rate established for that en route charging zone and the en route service units for that flight. The charge shall be made out of ***one or more variable*** components, ***each*** based on objective factors.

Amendment

2. The charge for en route air navigation services for a given flight in a given en route charging zone shall be calculated on the basis of the unit rate established for that en route charging zone and the en route service units for that flight. The charge shall be made out of components based on objective factors.

Or. en

Amendment 726
Karima Delli

Proposal for a regulation
Article 22 – paragraph 3

Text proposed by the Commission

3. The charge for terminal air navigation services for a given flight in a given terminal charging zone shall be calculated on the basis of the unit rate established for that terminal charging zone and the terminal service units for that flight. For the purpose of calculating the charge for terminal air navigation services, the approach and departure of a flight shall count as a single flight. The charge shall be made out of one or more variable components, each based on objective factors.

Amendment

3. The charge for terminal air navigation services for a given flight in a given terminal charging zone shall be calculated on the basis of the unit rate established for that terminal charging zone and the terminal service units for that flight, ***in addition to the climate and environmental levy referred to in Article 20, paragraph 3(d)***. For the purpose of calculating the charge for terminal air navigation services, the approach and departure of a flight shall count as a single flight. The charge shall be made out of one or more variable components, each based on objective factors.

Or. en

Amendment 727
Kosma Złotowski, Tomasz Piotr Poręba

Proposal for a regulation
Article 22 – paragraph 3

Text proposed by the Commission

3. The charge for terminal air navigation services for a given flight in a given terminal charging zone shall be calculated on the basis of the unit rate established for that terminal charging zone and the terminal service units for that flight. For the purpose of calculating the charge for terminal air navigation services, the approach and departure of a flight shall count as a single flight. ***The charge shall be made out of one or more variable components, each based on objective***

Amendment

3. The charge for terminal air navigation services for a given flight in a given terminal charging zone shall be calculated on the basis of the unit rate established for that terminal charging zone and the terminal service units for that flight. For the purpose of calculating the charge for terminal air navigation services, the approach and departure of a flight shall count as a single flight.

factors.

Or. en

Justification

As in case of en-route charges above, in any case the charge shall be a product of unit rate and service units. No variable component in the charge is visible.

Amendment 728

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

Proposal for a regulation

Article 22 – paragraph 3

Text proposed by the Commission

3. The charge for terminal air navigation services for a given flight in a given terminal charging zone shall be calculated on the basis of the unit rate established for that terminal charging zone and the terminal service units for that flight. For the purpose of calculating the charge for terminal air navigation services, the approach and departure of a flight shall count as a single flight. ***The charge shall be made out of one or more variable components, each based on objective factors.***

Amendment

3. The charge for terminal air navigation services for a given flight in a given terminal charging zone shall be calculated on the basis of the unit rate established for that terminal charging zone and the terminal service units for that flight. For the purpose of calculating the charge for terminal air navigation services, the approach and departure of a flight shall count as a single flight.

Or. en

Amendment 729

Bogusław Liberadzki

Proposal for a regulation

Article 22 – paragraph 3

Text proposed by the Commission

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Amendment

3. The charge for terminal air navigation services for a given flight in a given terminal charging zone shall be

calculated on the basis of the unit rate established for that terminal charging zone and the terminal service units for that flight. For the purpose of calculating the charge for terminal air navigation services, the approach and departure of a flight shall count as a single flight. ***The charge shall be made out of one or more variable components, each based on objective factors.***

calculated on the basis of the unit rate established for that terminal charging zone and the terminal service units for that flight. For the purpose of calculating the charge for terminal air navigation services, the approach and departure of a flight shall count as a single flight.

Or. en

Justification

Until such time as clarification is received on the what is meant by “variable components” of a charge, this element should be deleted from the framework.

Amendment 730

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

Proposal for a regulation

Article 22 – paragraph 3

Text proposed by the Commission

3. The charge for terminal air navigation services for a given flight in a given terminal charging zone shall be calculated on the basis of the unit rate established for that terminal charging zone and the terminal service units for that flight. For the purpose of calculating the charge for terminal air navigation services, the approach and departure of a flight shall count as a single flight. The charge shall be made out of ***one or more variable*** components, ***each*** based on objective factors.

Amendment

3. The charge for terminal air navigation services for a given flight in a given terminal charging zone shall be calculated on the basis of the unit rate established for that terminal charging zone and the terminal service units for that flight. For the purpose of calculating the charge for terminal air navigation services, the approach and departure of a flight shall count as a single flight. The charge shall be made out of components based on objective factors.

Or. en

Amendment 731

Karima Delli

Proposal for a regulation
Article 22 – paragraph 4

Text proposed by the Commission

4. Exemption of certain airspace users from air navigation charges, *especially light aircraft and State aircraft*, may be permitted, *provided that the cost of such exemption is covered by other resources and is not passed on to other airspace users*.

Amendment

4. Exemption of certain airspace users from air navigation charges may be permitted *for zero-emission aircrafts only*.

Or. en

Amendment 732
Jens Gieseke, Sven Schulze

Proposal for a regulation
Article 22 – paragraph 5

Text proposed by the Commission

(5) *Charges shall be modulated to encourage air navigation service providers, airports and airspace users to support improvements in environmental performance, or service quality such as increased use of sustainable alternative fuels, increased capacity, reduced delays and sustainable development, while maintaining an optimum safety level, in particular for implementing the European ATM Master Plan. The modulation shall consist of financial advantages or disadvantages and shall be revenue neutral for air traffic service providers.*

Amendment

deleted

Or. de

Amendment 733
Dominique Riquet, Jan-Christoph Oetjen, Pierre Karleskind

Proposal for a regulation
Article 22 – paragraph 5

Text proposed by the Commission

5. Charges shall be modulated to encourage air navigation service providers, airports and airspace users to support improvements in environmental performance, or service quality such as increased use of sustainable alternative fuels, increased capacity, reduced delays and sustainable development, while maintaining an optimum safety level, in particular for implementing the European ATM Master Plan. The modulation shall consist of financial advantages or disadvantages and shall be revenue neutral for air traffic service providers.

Amendment

5. Charges shall be modulated to encourage air navigation service providers, airports and airspace users to support improvements in environmental performance, or service quality such as increased use of sustainable alternative fuels, increased capacity, reduced delays and sustainable development, while maintaining an optimum safety level, in particular for implementing the European ATM Master Plan. The modulation shall consist of financial advantages or disadvantages and shall be revenue neutral for air traffic service providers. ***These modulations must, as a minimum requirement, pay due consideration to use by airspace users of available routes that reduce aircraft emissions.***

Or. fr

Amendment 734
Karima Delli

Proposal for a regulation
Article 22 – paragraph 5

Text proposed by the Commission

5. Charges shall be modulated to encourage air navigation service providers, airports and airspace users to support improvements in environmental performance, or service quality such as increased use of sustainable alternative fuels, ***increased capacity***, reduced delays and sustainable development, while maintaining an optimum safety level, in particular for implementing the European ATM Master Plan. The modulation shall consist of financial advantages or disadvantages and shall ***be revenue neutral for air traffic service providers.***

Amendment

5. Charges shall be modulated to encourage air navigation service providers, airports and airspace users to support improvements in ***climate and*** environmental performance, or service quality such as increased use of sustainable alternative fuels ***based on fully additional renewable sources***, reduced delays and sustainable development, while maintaining an optimum safety level, in particular for implementing the European ATM Master Plan. The modulation shall consist of financial advantages or disadvantages and shall ***address, as a minimum, the use by airspace users of the***

available routes that minimize aircraft emissions under the operational context.

Or. en

Amendment 735

Bogusław Liberadzki

Proposal for a regulation

Article 22 – paragraph 5

Text proposed by the Commission

5. Charges **shall** be modulated to encourage air navigation service providers, **airports** and airspace users to support improvements in environmental performance, or service quality such as increased use of sustainable alternative fuels, increased capacity, reduced delays and sustainable development, while maintaining an optimum safety level, in particular for implementing the European ATM Master Plan. The modulation shall consist of financial advantages or disadvantages and shall be revenue **neutral** for air traffic service providers.

Amendment

5. **Following consultation with stakeholders**, charges **may** be modulated to encourage air navigation service providers and airspace users to support improvements in environmental performance, or service quality such as increased use of sustainable alternative fuels, increased capacity, reduced delays and sustainable development, while maintaining an optimum safety level, in particular for implementing the European ATM Master Plan. The modulation shall consist of financial advantages or disadvantages and shall be **preceded by an analysis confirming how** revenue **neutrality** for air traffic service providers **will be ensured**.

Or. en

Justification

There should be consultation with stakeholders to prevent any such decision being taken unilaterally. The word “shall” replaced with “may” to remove the obligatory nature of the solution. Air navigation service providers should be replaced with air traffic service providers and airports should be deleted as they do not set/collect/pay charges. In addition, incentivisation of airports, for instance to deploy common projects in a timely manner, must therefore happen through a different mechanism, otherwise the proposed modulation could be discriminatory. Furthermore, It still needs to be demonstrated that the modulation of charges is a feasible concept and the best instrument for achievement of the expected results. Concerns include, among others, its mandatory nature, how to achieve revenue neutrality in practice (i.e. balancing disincentives with incentives) and how to retain fairness and non-discriminatory approach while avoiding administrative burdens.

Amendment 736

Kosma Zlotowski, Tomasz Piotr Poręba

Proposal for a regulation

Article 22 – paragraph 5

Text proposed by the Commission

5. Charges **shall** be modulated to encourage air navigation service providers, **airports** and airspace users to support improvements in environmental performance, or service quality such as increased use of sustainable alternative fuels, increased capacity, reduced delays and sustainable development, while maintaining an optimum safety level, in particular for implementing the European ATM Master Plan. The modulation shall consist of financial advantages or disadvantages and shall be revenue **neutral** for air traffic service providers.

Amendment

5. **Following consultation with stakeholders**, charges **may** be modulated to encourage air navigation service providers and airspace users to support improvements in environmental performance, or service quality such as increased use of sustainable alternative fuels, increased capacity, reduced delays and sustainable development, while maintaining an optimum safety level, in particular for implementing the European ATM Master Plan. The modulation shall consist of financial advantages or disadvantages and shall be **preceded by an analysis confirming how revenue neutrality** for air traffic service providers **will be ensured**.

Or. en

Justification

There should be consultation with stakeholders to prevent any such decision being taken unilaterally.

Amendment 737

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

Proposal for a regulation

Article 22 – paragraph 5

Text proposed by the Commission

5. Charges shall be modulated to encourage air navigation service providers, airports and airspace users to support

Amendment

5. Charges shall be modulated to encourage air navigation service providers, airports and airspace users to support

improvements in environmental performance, **or service quality** such as increased use of sustainable alternative fuels, increased capacity, reduced delays and sustainable development, while maintaining an optimum safety level, in particular for implementing the European ATM Master Plan. The modulation shall consist of financial advantages or disadvantages and shall be revenue neutral for air traffic service providers.

improvements in environmental performance, such as increased use of sustainable alternative fuels, **alternative clean propulsion technologies, or service quality such as** increased capacity, reduced delays, **more direct-routing** and sustainable development, while maintaining an optimum safety level, in particular for implementing the European ATM Master Plan. The modulation shall consist of financial advantages or disadvantages and shall be revenue neutral for air traffic service providers.

Or. en

Amendment 738

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

Proposal for a regulation Article 22 – paragraph 5

Text proposed by the Commission

5. Charges shall be modulated to encourage **air navigation service providers, airports and** airspace users to support improvements in environmental performance, **or service quality such as increased use of sustainable alternative fuels, increased capacity, reduced delays** and sustainable development, while maintaining an optimum safety level, **in particular for implementing the European ATM Master Plan**. The modulation shall consist of financial advantages **or disadvantages** and shall be revenue neutral for air traffic service providers.

Amendment

5. . Charges shall be modulated to encourage airspace users to support improvements in environmental performance and sustainable development, **to support improvements in service quality such as those leading to reduced delays or to support the implementation of the European ATM Master Plan**, while maintaining an optimum safety level. The modulation shall consist of financial advantages and shall be revenue neutral for air traffic service providers

Or. en

Amendment 739

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

Proposal for a regulation
Article 22 – paragraph 5

Text proposed by the Commission

5. Charges ***shall*** be modulated to encourage air navigation service providers, airports and airspace users to support improvements in environmental performance, or service quality such as increased use of sustainable alternative fuels, increased capacity, reduced delays and sustainable development, while maintaining an optimum safety level, in particular for implementing the European ATM Master Plan. The modulation shall consist of financial advantages or disadvantages and shall be revenue neutral for air traffic service providers.

Amendment

5. Charges ***may*** be modulated to encourage air navigation service providers, airports and airspace users to support improvements in environmental performance, or service quality such as increased use of sustainable alternative fuels, increased capacity, reduced delays and sustainable development, while maintaining an optimum safety level, in particular for implementing the European ATM Master Plan. The modulation shall consist of financial advantages or disadvantages and shall be revenue neutral for air traffic service providers.

Or. en

Amendment 740

Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini

Proposal for a regulation
Article 22 – paragraph 5

Text proposed by the Commission

5. Charges ***shall*** be modulated to encourage air navigation service providers, airports and airspace users to support improvements in environmental performance, or service quality such as increased use of sustainable alternative fuels, increased capacity, reduced delays and sustainable development, while maintaining an optimum safety level, in particular for implementing the European ATM Master Plan. The modulation shall consist of financial advantages or disadvantages and shall be revenue neutral for air traffic service providers.

Amendment

5. Charges ***may*** be modulated to encourage air navigation service providers, airports and airspace users to support improvements in environmental performance, or service quality such as increased use of sustainable alternative fuels, increased capacity, reduced delays and sustainable development, while maintaining an optimum safety level, in particular for implementing the European ATM Master Plan. The modulation shall consist of financial advantages or disadvantages and shall be revenue neutral for air traffic service providers

Or. en

Justification

Modulation of charges should be optional and applied only when necessary by taking into account the local specifics. A preliminary impact assessment and a detailed analysis, especially regarding revenue neutrality is needed.

Amendment 741

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

Proposal for a regulation

Article 23 – paragraph 1

Text proposed by the Commission

*For the implementation of **the charging scheme**, the Commission shall **adopt detailed requirements and procedures in respect of Articles 19, 20, 21 and 22 in particular regarding the cost bases and determined costs, the setting of unit rates, the incentives schemes and risk sharing mechanisms and the modulation of charges. 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 19 to 22**, 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 and procedures for the setting of determined cost and cost bases as referred to in Articles 19 and 20;

b) the rules and procedures for setting the unit rate as referred to in Article 21

c) the rules and procedures for the establishment of charges including modulation of charges.

Or. en

Amendment 742

Andor Deli

Proposal for a regulation

Article 23 – paragraph 1

Text proposed by the Commission

For the implementation of the charging scheme, the Commission shall adopt

Amendment

For the implementation of the charging scheme, the Commission shall adopt

detailed requirements and procedures in respect of Articles 19, 20, 21 and 22 in particular regarding the cost bases and determined costs, the setting of unit rates, the incentives schemes and **risk sharing mechanisms and** the modulation of charges. 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).

detailed requirements and procedures in respect of Articles 19, 20, 21 and 22 in particular regarding the cost bases and determined costs, the setting of unit rates, the incentives schemes and the modulation of charges. Those requirements and procedures shall be set out in an implementing act adopted in accordance with the **examination** procedure referred to in Article 37. **The Commission shall be empowered to adopt delegated acts in accordance with Article 36 to amend this Regulation in order to supplement or amend non-essential aspects of the risk sharing mechanism.**

Or. en

Justification

Since traffic risk sharing mechanisms could have the potential to override the principle of user financing of ATM, it would be more appropriate to include the main provisions concerning traffic risk sharing in this regulation and to open the possibility to adopt delegated acts in order to supplement or amend non-essential aspects of the risk sharing mechanism. Other aspects of the implementation of the charging scheme could be more appropriately regulated in the examination procedure, since usually the examination procedure should be applied for measures with a general scope and measures with a potentially important impact

Amendment 743

Bogusław Liberadzki

Proposal for a regulation Article 23 – paragraph 1

Text proposed by the Commission

For the implementation of the charging scheme, the Commission shall adopt detailed requirements and procedures in respect of Articles 19, 20, 21 and 22 in particular regarding the cost bases and determined costs, the setting of unit rates, the incentives schemes and risk sharing mechanisms and the modulation of charges. Those requirements and procedures shall be set out in an

Amendment

For the implementation of the charging scheme, the Commission shall adopt detailed requirements and procedures in respect of Articles 19, 20, 21 and 22 in particular regarding the cost bases and determined costs, the setting of unit rates, the incentives schemes and risk sharing mechanisms and the modulation of charges. 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).

implementing act adopted in accordance with the **examination** advisory procedure referred to in Article 37(3).

Or. en

Justification

The charging 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 744

Kosma Zlotowski, Tomasz Piotr Poręba

Proposal for a regulation

Article 23 – paragraph 1

Text proposed by the Commission

For the implementation of the charging scheme, the Commission shall adopt detailed requirements and procedures in respect of Articles 19, 20, 21 and 22 in particular regarding the cost bases and determined costs, the setting of unit rates, the incentives schemes and risk sharing mechanisms and the modulation of charges. 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

For the implementation of the charging scheme, the Commission shall adopt detailed requirements and procedures in respect of Articles 19, 20, 21 and 22 in particular regarding the cost bases and determined costs, the setting of unit rates, the incentives schemes and risk sharing mechanisms and the modulation of charges. 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 charging 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 of their Chicago Convention obligations to provide ANS. The implementing act should therefore be adopted under examination procedure, not advisory procedure.

Amendment 745

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

Proposal for a regulation

Article 23 – paragraph 1

Text proposed by the Commission

For the implementation of the charging scheme, the Commission **shall** adopt detailed requirements and procedures in respect of Articles 19, 20, 21 and 22 in particular regarding the cost bases and determined costs, the setting of unit rates, the incentives schemes and risk sharing mechanisms and the modulation of charges. 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

For the implementation of the charging scheme, the Commission **may** adopt detailed requirements and procedures in respect of Articles 19, 20, 21 and 22 in particular regarding the cost bases and determined costs, the setting of unit rates, the incentives schemes and risk sharing mechanisms and the modulation of charges. 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

Amendment 746

Markus Ferber, Jens Gieseke, Sven Schulze

Proposal for a regulation

Article 23 – paragraph 1

Text proposed by the Commission

For the implementation of the charging scheme, the Commission shall adopt detailed requirements and procedures in respect of Articles 19, 20, 21 and 22 in particular regarding the cost bases and determined costs, the setting of unit rates, the incentives schemes and risk sharing mechanisms and the modulation of charges. Those requirements and procedures shall be set out in **an implementing** act adopted in accordance with the advisory procedure referred to in

Amendment

For the implementation of the charging scheme, the Commission shall adopt detailed requirements and procedures in respect of Articles 19, 20, 21 and 22 in particular regarding the cost bases and determined costs, the setting of unit rates, the incentives schemes and risk sharing mechanisms and the modulation of charges. Those requirements and procedures shall be set out in **a delegated** act adopted in accordance with the advisory procedure referred to in Article

Article 37(2).

37(2).

Or. en

Amendment 747

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

Proposal for a regulation

Article 23 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission shall be empowered to adopt delegated acts in accordance with Article 36 with regard to the establishment of charges including modulation of charges in accordance with Article 22

Or. en

Amendment 748

Bogusław Liberadzki

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

Amendment

1. ***The*** Commission shall ***regularly*** review ***the*** compliance with Articles 10 to 17 and 19 to 22 and the implementing acts referred to in Articles 18 and 23, by the air traffic service providers and the Member States, as the case may be. The Commission shall act in consultation with the Agency acting as PRB and with national supervisory authorities.

1. ***Without prejudice to the tasks of the national supervisory authorities and the PRB*** Commission shall ***provide for ongoing*** review ***of*** compliance with Articles 10 to 17 and 19 to 22 and the implementing acts referred to in Articles 18 and 23, by the air traffic service providers and the Member States, as the case may be. The Commission shall act in consultation with the Agency acting as PRB and with national supervisory authorities.

7Or. en

Justification

This Amendment seeks to ensure that EC competence to review compliance remains as set out in Reg. 550/2004 where concept of “ongoing review” is used instead of a “regular review”, which implies mandatory reviews at regular intervals rather than on-going oversight and review as necessary. Reference to NSAs and PRB is needed to ensure their tasks and roles are not infringed upon with such a competence of the Commission.

Amendment 749

Kosma Złotowski, Tomasz Piotr Poręba

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

1. The Commission shall **regularly** review **the** compliance with Articles 10 to 17 and 19 to 22 and the implementing acts referred to in Articles 18 and 23, by the air traffic service providers and the Member States, as the case may be. The Commission shall act in consultation with the Agency acting as PRB and with national supervisory authorities.

Amendment

1. ***Without prejudice to the tasks of the national supervisory authorities and the Agency acting as PRB,*** the Commission shall ***provide for ongoing*** review ***of*** compliance with Articles 10 to 17 and 19 to 22 and the implementing acts referred to in Articles 18 and 23, by the air traffic service providers and the Member States, as the case may be. The Commission shall act in consultation with the Agency acting as PRB and with national supervisory authorities.

Or. en

Justification

This Amendment seeks to ensure that EC competence to review compliance remains as set out in Reg. 550/2004 where concept of “ongoing review” is used instead of a “regular review”, which implies mandatory reviews at regular intervals rather than on-going oversight and review as necessary. Reference to NSAs and PRB is needed to ensure their tasks and roles are not infringed upon with such a competence of the Commission.

Amendment 750

Johan Van Overtveldt

Proposal for a regulation

Article 24 – paragraph 1

Text proposed by the Commission

1. The Commission shall regularly review the compliance with Articles 10 to 17 and 19 to 22 and the implementing acts referred to in Articles 18 and 23, by the air traffic service providers and the Member States, as the case may be. The Commission shall act in consultation with the Agency acting as PRB and with national supervisory authorities.

Amendment

1. The Commission shall regularly review the compliance with Articles 10 to 17 and 19 to 22 and the implementing acts referred to in Articles 18 and 23, by the air traffic service providers and the Member States, as the case may be. The Commission shall act in consultation with ***airspace users***, the Agency acting as PRB and with national supervisory authorities.

Or. en

Justification

The airspace users should be involved.

Amendment 751

Karima Delli

Proposal for a regulation
Article 24 – paragraph 2

Text proposed by the Commission

2. At the request of one or more Member States, of a national supervisory authority or of the Commission, the Agency acting as PRB shall carry out an investigation into any allegation of non-compliance as referred to in paragraph 1. Where it has indications of such non-compliance, the Agency acting as PRB may initiate an investigation on its own initiative. It shall conclude the investigation within four months of receipt of a request, after having heard the Member State, the national supervisory authority concerned and the designated air traffic service provider concerned. Without prejudice to Article 41(1), the Agency acting as PRB shall share the results of the investigation with the Member States concerned, the air traffic service providers concerned and the Commission.

Amendment

2. At the request of one or more Member States, of a national supervisory authority or of the Commission, the Agency acting as PRB shall carry out an investigation into any allegation of non-compliance as referred to in paragraph 1. Where it has indications of such non-compliance, the Agency acting as PRB may initiate an investigation on its own initiative. It shall conclude the investigation within four months of receipt of a request, after having heard the Member State, the national supervisory authority concerned and the designated air traffic service provider concerned, ***as well as workers' representatives of this body. When such non-compliance concerns particularly the expected reduction of climate-impacting emissions, the PRB shall additionally request the assessment***

by scientific experts in the domain of climate. Without prejudice to Article 41(1), the Agency acting as PRB shall share the results of the investigation with the Member States concerned, the air traffic service providers concerned and the Commission.

Or. en

Amendment 752

Kosma Zlotowski, Tomasz Piotr Poręba

Proposal for a regulation Article 24 – paragraph 2

Text proposed by the Commission

2. At the request of one or more Member States, of a national supervisory authority or of the Commission, the Agency acting as PRB shall carry out an investigation into any allegation of non-compliance as referred to in paragraph 1. Where it has indications of such non-compliance, the Agency acting as PRB may initiate an investigation on its own initiative. It shall conclude the investigation within four months of receipt of a request, after having heard the Member State, the national supervisory authority concerned and the designated air traffic service provider concerned. Without prejudice to Article 41(1), the Agency acting as PRB shall share the results of the investigation with the Member States concerned, the air traffic service providers concerned and the Commission.

Amendment

2. At the request of one or more Member States, of a national supervisory authority or of the Commission, the Agency acting as PRB shall carry out an investigation into any allegation of non-compliance as referred to in paragraph 1 ***in cases where en route air navigation services are concerned.*** Where it has indications of such non-compliance, the Agency acting as PRB may initiate an investigation on its own initiative. It shall conclude the investigation within four months of receipt of a request, after having heard the Member State, the national supervisory authority concerned and the designated air traffic service provider concerned. Without prejudice to Article 41(1), the Agency acting as PRB shall share the results of the investigation with the Member States concerned, the air traffic service providers concerned and the Commission. ***Results of the investigation may be subject to appeal.***

Or. en

Justification

As terminal services are to be regulated at local level by the NSAs, investigations of PRB

should be limited to en-route services.

Amendment 753

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

Proposal for a regulation

Article 24 – paragraph 2

Text proposed by the Commission

2. At the request of one or more Member States, of a national supervisory authority or of the Commission, the Agency acting as PRB shall carry out an investigation into any allegation of non-compliance as referred to in paragraph 1. Where it has indications of such non-compliance, the Agency acting as PRB may initiate an investigation on its own initiative. It shall conclude the investigation within four months of receipt of a request, after having heard the Member State, the national supervisory authority concerned and the designated air traffic service provider concerned. Without prejudice to Article 41(1), the Agency acting as PRB shall share the results of the investigation with the Member States concerned, the air traffic service providers concerned and the Commission.

Amendment

2. At the request of one or more Member States, of a national supervisory authority or of the Commission, the Agency acting as PRB shall carry out an investigation into any allegation of non-compliance as referred to in paragraph 1. Where it has indications of such non-compliance, the Agency acting as PRB may initiate an investigation on its own initiative. It shall conclude the investigation within four months of receipt of a request, after having heard the Member State, the national supervisory authority concerned and the designated air traffic service provider concerned ***as well as workers' representatives of this body***. Without prejudice to Article 41(1), the Agency acting as PRB shall share the results of the investigation with the Member States concerned, the air traffic service providers concerned and the Commission.

Or. en

Amendment 754

Johan Danielsson

Proposal for a regulation

Article 24 – paragraph 2

Text proposed by the Commission

2. At the request of one or more Member States, of a national supervisory

Amendment

2. At the request of one or more Member States, of a national supervisory

authority or of the Commission, the Agency acting as PRB shall carry out an investigation into any allegation of non-compliance as referred to in paragraph 1. Where it has indications of such non-compliance, the Agency acting as PRB may initiate an investigation on its own initiative. It shall conclude the investigation within four months of receipt of a request, after having heard the Member State, the national supervisory authority concerned and the designated air traffic service provider concerned. Without prejudice to Article 41(1), the Agency acting as PRB shall share the results of the investigation with the Member States concerned, the air traffic service providers concerned and the Commission.

authority or of the Commission, the Agency acting as PRB shall carry out an investigation into any allegation of non-compliance as referred to in paragraph 1. Where it has indications of such non-compliance, the Agency acting as PRB may initiate an investigation on its own initiative. It shall conclude the investigation within four months of receipt of a request, after having heard the Member State, the national supervisory authority concerned and the designated air traffic service provider concerned ***as well as staff representatives from this body.*** Without prejudice to Article 41(1), the Agency acting as PRB shall share the results of the investigation with the Member States concerned, the air traffic service providers concerned and the Commission.

Or. en

Amendment 755

Johan Van Overtveldt

Proposal for a regulation

Article 24 – paragraph 2

Text proposed by the Commission

2. At the request of one or more Member States, of a national supervisory authority ***or*** of the Commission, the Agency acting as PRB shall carry out an investigation into any allegation of non-compliance as referred to in paragraph 1. Where it has indications of such non-compliance, the Agency acting as PRB may initiate an investigation on its own initiative. It shall conclude the investigation within four months of receipt of a request, after having heard the Member State, the national supervisory authority concerned and the designated air traffic service provider concerned. Without prejudice to Article 41(1), the Agency

Amendment

2. At the request of one or more Member States, of a national supervisory authority, of the Commission, ***of airspace users or a relevant group representing them,*** the Agency acting as PRB shall carry out an investigation into any allegation of non-compliance as referred to in paragraph 1. Where it has indications of such non-compliance, the Agency acting as PRB may initiate an investigation on its own initiative. It shall conclude the investigation within four months of receipt of a request, after having heard the Member State, the national supervisory authority concerned and the designated air traffic service provider concerned. Without

acting as PRB shall share the results of the investigation with the Member States concerned, the air traffic service providers concerned and the Commission.

prejudice to Article 41(1), the Agency acting as PRB shall share the results of the investigation with the Member States concerned, the air traffic service providers concerned and the Commission.

Or. en

Justification

The airspace users should be involved.

Amendment 756

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

Proposal for a regulation Article 24 – paragraph 2

Text proposed by the Commission

2. At the request of one or more Member States, of a national supervisory authority or of the Commission, the Agency acting as PRB shall carry out an investigation into any allegation of non-compliance as referred to in paragraph 1. Where it has indications of such non-compliance, the Agency acting as PRB may initiate an investigation on its own initiative. It shall conclude the investigation within four months of receipt of a request, after having heard the Member State, the national supervisory authority concerned and the designated air traffic service provider concerned. Without prejudice to Article 41(1), the Agency acting as PRB shall share the results of the investigation with the Member States concerned, the air traffic service providers concerned and the Commission.

Amendment

2. At the request of one or more Member States, of a national supervisory authority or of the Commission, the Agency acting as PRB shall carry out an investigation into any allegation of non-compliance as referred to in paragraph 1. Where it has indications of such non-compliance, the Agency acting as PRB may initiate an investigation on its own initiative. It shall conclude the investigation within four months of receipt of a request, after having heard the Member State, the national supervisory authority concerned and the designated air traffic service provider concerned. Without prejudice to Article 41(1), the Agency acting as PRB shall share the results of the investigation with the Member States concerned, the air traffic service providers concerned and the Commission. ***Results of the investigation may be subject to appeal.***

Or. en

Amendment 757
Bogusław Liberadzki

Proposal for a regulation
Article 24 – paragraph 2

Text proposed by the Commission

2. At the request of one or more Member States, of a national supervisory authority or of the Commission, the ***Agency acting as*** PRB shall carry out an investigation into any allegation of non-compliance as referred to in paragraph 1. Where it has indications of such non-compliance, the ***Agency acting as*** PRB may initiate an investigation on its own initiative. It shall conclude the investigation within four months of receipt of a request, after having heard the Member State, the national supervisory authority concerned and the designated air traffic service provider concerned. Without prejudice to Article 41(1), the ***Agency acting as*** PRB shall share the results of the investigation with the Member States concerned, the air traffic service providers concerned and the Commission.

Amendment

2. At the request of one or more Member States, of a national supervisory authority or of the Commission, the PRB shall carry out an investigation into any allegation of non-compliance as referred to in paragraph 1. Where it has indications of such non-compliance, the PRB may initiate an investigation on its own initiative. It shall conclude the investigation within four months of receipt of a request, after having heard the Member State, the national supervisory authority concerned and the designated air traffic service provider concerned. Without prejudice to Article 41(1), the PRB shall share the results of the investigation with the Member States concerned, the air traffic service providers concerned and the Commission. ***Results of the investigation may be subject to appeal.***

Or. en

Amendment 758
Jan-Christoph Oetjen, José Ramón Bauzá Díaz, Izaskun Bilbao Barandica

Proposal for a regulation
Article 24 – paragraph 2

Text proposed by the Commission

2. At the request of one or more Member States, of a national supervisory authority or of the Commission, the Agency acting as PRB shall carry out an investigation into any allegation of non-compliance as referred to in paragraph 1. Where it has indications of such non-compliance, the Agency acting as PRB

Amendment

2. At the request of one or more Member States, of a national supervisory authority or of the Commission, the Agency acting as PRB shall carry out an investigation into any allegation of non-compliance as referred to in paragraph 1. Where it has indications of such non-compliance, the Agency acting as PRB

may initiate an investigation on its own initiative. It shall conclude the investigation within four months of receipt of a request, after having heard the Member State, the national supervisory authority concerned and the designated air traffic service provider concerned. Without prejudice to Article 41(1), the Agency acting as PRB shall share the results of the investigation with the Member States concerned, the air traffic service providers concerned and the Commission.

shall initiate an investigation on its own initiative. It shall conclude the investigation within four months of receipt of a request, after having heard the Member State, the national supervisory authority concerned and the designated air traffic service provider concerned. Without prejudice to Article 41(1), the Agency acting as PRB shall share the results of the investigation with the Member States concerned, the air traffic service providers concerned and the Commission.

Or. en

Amendment 759

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

Proposal for a regulation Article 24 – paragraph 3

Text proposed by the Commission

3. The Commission **may** issue an opinion on whether Articles 10 to 17 and 19 to 22 and the implementing acts referred to in Articles 18 and 23 have been complied with by Member States and/or air traffic service providers and shall notify this opinion to the Member State or Member States and the air traffic service provider concerned.

Amendment

3. The Commission **shall** issue an opinion on whether Articles 10 to 17 and 19 to 22 and the implementing acts referred to in Articles 18 and 23 have been complied with by Member States and/or air traffic service providers and shall notify this opinion to the Member State or Member States and the air traffic service provider concerned.

Or. en

Amendment 760

Kosma Złotowski, Tomasz Piotr Poręba

Proposal for a regulation Article 25 – paragraph 1

Text proposed by the Commission

1. Air navigation service providers, independently of their system of ownership

Amendment

1. ***Subject to the protection of confidential information and except***

or legal structures , shall annually draw up and publish their financial accounts. These accounts shall comply with the international accounting standards adopted by the Union . Where, owing to the legal status of the air navigation service provider, full compliance with the international accounting standards is not possible, the provider shall achieve such compliance to the maximum possible extent. Air navigation service providers shall publish an annual report and regularly undergo an independent audit for the accounts referred to in this paragraph .

where pertaining to air navigation services provided under market conditions in accordance with Article 8, air navigation service providers, independently of their system of ownership or legal structures, shall annually draw up and publish their financial accounts. These accounts shall comply with the international accounting standards adopted by the Union. Where, owing to the legal status of the air navigation service provider, full compliance with the international accounting standards is not possible, the provider shall achieve such compliance to the maximum possible extent. Air navigation service providers shall publish an annual report and regularly undergo an independent audit for the accounts referred to in this paragraph.

Or. en

Justification

Entities subject to competitive environment should not be required to publish detailed financial information which could distort competition. Where the price of a service is subject to negotiation this information is considered highly sensitive.

Amendment 761

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

Proposal for a regulation Article 25 – paragraph 1

Text proposed by the Commission

1. Air navigation service providers, independently of their system of ownership or legal structures , shall annually draw up and publish their financial accounts. These accounts shall comply with the international accounting standards adopted by the Union . Where, owing to the legal status of the air navigation service provider, full compliance with the international accounting standards is not possible, the provider shall achieve such

Amendment

1. Air navigation service providers, independently of their system of ownership or legal structures, shall annually draw up and publish their financial accounts. These accounts shall comply with the international accounting standards adopted by the Union. Where, owing to the legal status of the air navigation service provider, full compliance with the international accounting standards is not possible, the provider shall achieve such

compliance *to the maximum possible extent*. Air navigation service providers shall publish an annual report and regularly undergo an independent audit for the accounts referred to in this paragraph .

compliance *within 1 year from the entry in force of this Regulation*. Air navigation service providers shall publish an annual report and regularly undergo an independent audit for the accounts referred to in this paragraph .

Or. en

Amendment 762
Bogusław Liberadzki

Proposal for a regulation
Article 25 – paragraph 2

Text proposed by the Commission

2. National supervisory authorities and the *Agency acting as* PRB shall have the right to access the accounts of the air navigation service providers under their supervision. Member States may decide to grant access to these accounts to other supervisory authorities.

Amendment

2. National supervisory authorities and the PRB shall have the right to access the accounts of the air navigation service providers under their supervision. *Access to these accounts shall be granted to the PRB in cases where demonstrably necessary for carrying out its tasks, subject to prior consent from the national supervisory authority concerned.* Member States may decide to grant access to these accounts to other supervisory authorities.

Or. en

Justification

In line with the NSA having overall regulatory obligations vis-à-vis service providers, access to ANSPs accounts should primarily be granted to NSAs, rather than the PRB. Access for PRB should be possible only in exceptional circumstances, when needed to execute functions of the PRB, and only after consent from the NSA.

Amendment 763
Kosma Złotowski, Tomasz Piotr Poręba

Proposal for a regulation
Article 25 – paragraph 2

Text proposed by the Commission

2. National supervisory authorities **and the Agency acting as PRB** shall have the right to access the accounts of the air navigation service providers under their supervision. Member States may decide to grant access to these accounts to other supervisory authorities.

Amendment

2. National supervisory authorities shall have the right to access the accounts of the air navigation service providers under their supervision. ***Access to these accounts shall be granted to the Agency acting as PRB in cases where demonstrably necessary for carrying out its tasks, subject to prior consent from the national supervisory authority concerned.*** Member States may decide to grant access to these accounts to other supervisory authorities.

Or. en

Justification

In line with the NSA having overall regulatory obligations vis-à-vis service providers, access to ANSPs accounts should primarily be granted to NSAs, rather than the PRB. Access for PRB should be possible only in exceptional circumstances, when needed to execute functions of the PRB, and only after consent from the NSA.

Amendment 764

Johan Van Overtveldt

Proposal for a regulation

Article 25 – paragraph 2

Text proposed by the Commission

2. National supervisory authorities and the Agency acting as PRB shall have the right to access the accounts of the air navigation service providers under their supervision. Member States may decide to grant access to these accounts to other supervisory authorities.

Amendment

2. National supervisory authorities, ***airspace users or a relevant group representing them*** and the Agency acting as PRB shall have the right to access the accounts of the air navigation service providers under their supervision. Member States may decide to grant access to these accounts to other supervisory authorities.

Or. en

Justification

The airspace users should be involved.

Amendment 765

Bogusław Liberadzki

Proposal for a regulation

Article 25 – paragraph 3 – introductory part

Text proposed by the Commission

3. Air navigation service providers shall , in their internal accounting, keep separate accounts for each air navigation service as they would be required to do if these services were carried out by separate undertakings with a view to avoiding discrimination, cross-subsidisation and distortion of competition. An air navigation service provider shall also keep separate accounts for each activity where:

Amendment

3. ***Without prejudice to Article 46(2),*** air navigation service providers shall , in their internal accounting, keep separate accounts for each air navigation service as they would be required to do if these services were carried out by separate undertakings with a view to avoiding discrimination, cross-subsidisation ***in accordance with article 20(5)*** and distortion of competition. An air navigation service provider shall also keep separate accounts for each activity where:

Or. en

Amendment 766

Kosma Złotowski, Tomasz Piotr Poręba

Proposal for a regulation

Article 25 – paragraph 3 – introductory part

Text proposed by the Commission

3. Air navigation service providers shall , in their internal accounting, keep separate accounts for each air navigation service as they would be required to do if these services were carried out by separate undertakings with a view to avoiding discrimination, ***cross-subsidisation*** and distortion of competition. An air navigation service provider shall also keep separate accounts for each activity where:

Amendment

3. ***Without prejudice to Article 46(2),*** air navigation service providers shall, in their internal accounting, keep separate accounts for each air navigation service as they would be required to do if these services were carried out by separate undertakings with a view to avoiding discrimination, ***cross-subsidiation in accordance with Article 20(5),*** and distortion of competition. An air navigation service provider shall also keep separate accounts for each activity where:

Or. en

Justification

A transitional period is required to allow for the adjustment of internal processes and the implementation of new procedures and systems by the ANSPs. A reference is therefore made to Article 46(2), which should consequently be amended.

Amendment 767

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

Proposal for a regulation

Article 25 – paragraph 3 – point b

Text proposed by the Commission

(b) it provides air navigation services and carries out other activities, of whatever kind, including ***common information services***;

Amendment

(b) it provides air navigation services and carries out other activities, of whatever kind, including ***UAVIS***;

Or. en

Amendment 768

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

Proposal for a regulation

Article 25 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The determined costs, actual costs and revenues deriving from air navigation services shall be broken down into staff costs, operating costs other than staff costs, depreciation costs, cost of capital, costs incurred for fees and charges paid to Agency acting as PRB, and exceptional costs and they shall be made publicly available, subject to the protection of confidential information.

Amendment

deleted

Or. en

Amendment 769

Kosma Złotowski, Tomasz Piotr Poręba

Proposal for a regulation

Article 25 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The determined costs, actual costs and revenues deriving from air navigation services shall be broken down into staff costs, operating costs other than staff costs, depreciation costs, cost of capital, costs incurred for fees and charges paid to Agency acting as PRB, and exceptional costs and they shall be made publicly available, subject to the protection of confidential information.

deleted

Or. en

Amendment 770

Bogusław Liberadzki

Proposal for a regulation

Article 25 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

The determined costs, actual costs and revenues deriving from air navigation services shall be broken down into staff costs, operating costs other than staff costs, depreciation costs, cost of capital, costs incurred for fees and charges paid to Agency acting as PRB, and exceptional costs and they shall be made publicly available, subject to the protection of confidential information.

deleted

Or. en

Amendment 771

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

Proposal for a regulation

Article 25 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The determined costs, actual costs and revenues deriving from air navigation services shall be broken down into staff costs, operating costs other than staff costs, depreciation costs, cost of capital, costs incurred for fees and charges paid to Agency acting as PRB, and exceptional costs and they shall be made publicly available, subject to the protection of confidential information.

Amendment

The determined costs, actual costs and revenues deriving from air navigation services shall be broken down into staff costs, operating costs other than staff costs, depreciation costs, cost of capital, costs incurred for fees and charges paid to ***the national supervisory authority, the national competent authority, the Agency and the*** Agency acting as PRB, and exceptional costs and they shall be made publicly available, subject to the protection of confidential information.

Or. en

Amendment 772

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

Proposal for a regulation

Article 25 – paragraph 3 – subparagraph 1

Text proposed by the Commission

The determined costs, actual costs and revenues deriving from air navigation services shall be broken down into ***staff costs***, operating ***costs other than staff costs***, depreciation costs, cost of capital, costs incurred for fees and charges paid to Agency acting as PRB, and exceptional costs and they shall be made publicly available, subject to the protection of confidential information.

Amendment

The determined costs, actual costs and revenues deriving from air navigation services shall be broken down into operating costs, depreciation costs, cost of capital, costs incurred for fees and charges paid to Agency acting as PRB, and exceptional costs and they shall be made publicly available, subject to the protection of confidential information.

Or. en

Amendment 773

Kosma Złotowski, Tomasz Piotr Poręba

Proposal for a regulation
Article 25 – paragraph 4

Text proposed by the Commission

4. The financial data on costs **and revenues** reported in accordance with Article 19(6) and other information relevant for the calculation of unit rates shall be audited or verified by the national supervisory authority or an entity independent of the air navigation service provider concerned and approved by the national supervisory authority. The conclusions of the audit shall be **made publicly available**.

Amendment

4. The financial data on costs reported in accordance with Article 19(6) and other information relevant for the calculation of unit rates shall be audited or verified by the national supervisory authority or an entity independent of the air navigation service provider concerned and approved by the national supervisory authority. The conclusions of the audit shall be **reported by the national supervisory authority to the air navigation service provider, the Member State concerned and – where en route services are concerned – to the Agency acting as PRB**.

Or. en

Justification

The proposal does not clarify how the conclusions of the audit would be made publicly available yet the confidential information contained in them would be protected.

Amendment 774
Bogusław Liberadzki

Proposal for a regulation
Article 25 – paragraph 4

Text proposed by the Commission

4. The financial data on costs **and revenues** reported in accordance with Article 19(6) and other information relevant for the calculation of unit rates shall be audited or verified by the national supervisory authority or an entity independent of the air navigation service provider concerned and approved by the national supervisory authority. The conclusions of the audit shall be **made publicly available**.

Amendment

4. The financial data on costs reported in accordance with Article 19(6) and other information relevant for the calculation of unit rates shall be audited or verified by the national supervisory authority or an entity independent of the air navigation service provider concerned and approved by the national supervisory authority. The conclusions of the audit shall be **reported by the national supervisory authority to the air navigation service provider, the Member State concerned and – where en**

route services are concerned – to the PRB.

Or. en

Justification

To clarify how the conclusions of the audit referred to in Article 25(4) would be made publicly available yet at the same time protect the confidential / sensitive information they would comprise.

Amendment 775
Johan Van Overtveldt

Proposal for a regulation
Article 25 – paragraph 4

Text proposed by the Commission

4. The financial data on costs and revenues reported in accordance with Article 19(6) and other information relevant for the calculation of unit rates shall be audited or verified by the national supervisory authority or an entity independent of the air navigation service provider concerned and approved by the national supervisory authority. The conclusions of the audit shall be made publicly available.

Amendment

4. The financial data on costs and revenues reported in accordance with Article 19(6) and other information relevant for the calculation of unit rates shall be audited or verified by the national supervisory authority or an entity independent of the air navigation service provider concerned and approved by the national supervisory authority *after consultation of the airspace users*. The conclusions of the audit shall be made publicly available.

Or. en

Justification

The airspace users should be involved.

Amendment 776
Johan Van Overtveldt

Proposal for a regulation
Article 25 a (new)

Text proposed by the Commission

Amendment

Article 25a

Industrial partnerships

Air navigation service providers may cooperate to set up industrial partnerships. The industrial partnerships may support one or more functional airspace blocks, or any part thereof, in order to maximise performance.

Or. en

Justification

This is part of the European Parliament's amendment 128 from 2014. We believe it remains relevant to keep this reference in the text.

Amendment 777

Johan Van Overtveldt

Proposal for a regulation

Article 25 b (new)

Text proposed by the Commission

Amendment

Article 25b

Functional Airspace Blocks

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

Member States may jointly execute tasks and responsibilities under this Regulation at the level of the functional airspace block. Where relevant, cooperation may also include third countries taking part in

functional airspace blocks.

Or. en

Justification

We reinsert part of the original article 9a on Functional Airspace Blocks which was deleted in the Commission proposal in order to enable a voluntarily continuation of the Functional Airspace Blocks.

Amendment 778

Karima Delli

Proposal for a regulation

Article 26 – paragraph 1

Text proposed by the Commission

1. The air traffic management network functions shall ensure the sustainable and efficient use of the airspace and of scarce resources. They shall also ensure that airspace users can operate environmentally optimal trajectories, while allowing **maximum** access to airspace and air navigation services. Those network functions , enumerated in paragraphs 2 and 3, shall support the achievement of the Union-wide performance targets and shall be based on operational requirements .

Amendment

1. The air traffic management network functions shall ensure the sustainable and efficient use of the airspace and of scarce resources. They shall also ensure that airspace users can operate environmentally optimal trajectories ***in order to ensure an aggregated reduction of climate-impacting emissions of at least 10% overall***, while allowing ***transparent, non-discriminatory*** access to airspace and air navigation services. Those network functions , enumerated in paragraphs 2 and 3, shall support the achievement of 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***, and shall be based on operational requirements.

Or. en

Amendment 779

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

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

1. The air traffic management network functions shall **ensure** the sustainable and efficient use of the airspace and of scarce resources. They shall also ensure that airspace users can operate environmentally **optimal** trajectories, while allowing maximum access to airspace and air navigation services. Those network functions, enumerated in paragraphs 2 and 3, shall support the achievement of the Union-wide performance targets and shall be based on operational requirements.

Amendment

1. The air traffic management network functions shall **aim at ensuring** the sustainable and efficient use of the airspace and of scarce resources. They shall also ensure that airspace users can operate environmentally **optimised** trajectories, while allowing maximum access to airspace and air navigation services **and avoiding congestion**. Those network functions, enumerated in paragraphs 2 and 3, shall support the achievement of the Union-wide performance targets and shall be based on operational requirements, **respecting the separation of regulatory and operational tasks, without prejudice to Member States' sovereignty over their airspace and to their responsibilities relating to public order, security and defence**.

Or. en

Amendment 780
Johan Van Overtveldt

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

1. The air traffic management network functions shall ensure the sustainable and efficient use of the airspace and of scarce resources. They shall also ensure that airspace users can operate environmentally optimal trajectories, while allowing maximum access to airspace and air navigation services. Those network functions, enumerated in paragraphs 2 and 3, shall support the achievement of the Union-wide performance targets and shall

Amendment

1. The air traffic management network functions shall ensure the sustainable and efficient use of the airspace and of scarce resources. They shall also ensure that airspace users can operate environmentally optimal trajectories, while allowing maximum access to airspace and air navigation services. Those network functions, enumerated in paragraphs 2 and 3, shall support the achievement of the Union-wide performance targets and shall be based on operational requirements **and**

be based on operational requirements .

be aimed at supporting initiatives at national level and at the level of functional airspace blocks and shall be executed in a manner which respects the separation of regulatory and operational tasks.

Or. en

Justification

Reinsertion of text that was deleted by the Commission in order to ensure that Functional Airspace Blocks can continue on a voluntary basis.

Amendment 781

Bogusław Liberadzki

Proposal for a regulation

Article 26 – paragraph 1

Text proposed by the Commission

1. The air traffic management network functions shall ensure the sustainable and efficient use of the airspace and of scarce resources. They shall also ensure that airspace users can operate ***environmentally*** optimal trajectories, while allowing maximum access to airspace and air navigation services. Those network functions , enumerated in paragraphs 2 and 3, shall support the achievement of the Union-wide performance targets ***and shall*** be based on operational requirements .

Amendment

1. The air traffic management network functions shall ensure the sustainable and efficient use of the airspace and of scarce resources. They shall also ensure that airspace users can operate optimal trajectories, while allowing maximum access to airspace and air navigation services. Those network functions , enumerated in paragraphs 2 and 3, shall support the achievement of the Union-wide performance targets, be based on operational requirements, ***be aimed at supporting initiatives at national level and, where relevant, at the multinational level and shall be executed in a manner which respects the separation of regulatory and operational tasks.***

Or. en

Justification

Focus on “environmentally optimal trajectories” may lead to bottlenecks in the airspace, the focusing on “optimal” trajectories allow for all factors to be considered. Regarding the reference to “relevant initiatives at the multinational level”, for example it is important to

notice that FAB collaborations can be continued on “a voluntary basis”. FAB initiatives are not forced to be terminated by regulation so far.

Amendment 782

Andor Deli

Proposal for a regulation

Article 26 – paragraph 1

Text proposed by the Commission

1. The air traffic management network functions shall ensure the sustainable and efficient use of the airspace and of scarce resources. They shall also ensure that airspace users can operate environmentally optimal trajectories, while allowing **maximum** access to airspace and air navigation services. Those network functions, enumerated in paragraphs 2 and 3, shall support the achievement of the Union-wide performance targets **and** shall be based on operational requirements.

Amendment

1. The air traffic management network functions shall ensure the sustainable and efficient use of the airspace and of scarce resources, ***in line with the provisions of the Chicago Convention***. They shall also ensure that airspace users can operate environmentally optimal trajectories, while allowing ***fair and reasonable*** access to airspace and air navigation services. Those network functions, enumerated in paragraphs 2 and 3, shall support the achievement of the Union-wide performance targets, shall be based on operational requirements ***and shall be executed in a manner which respects the separation of regulatory and operational tasks***.

Or. en

Justification

Network functions should be arranged in line with the provisions of the Chicago Convention. Maximising access to airspace cannot be an objective in itself, since the Green Deal objectives and the Sustainable and Smart Mobility Strategy of the European Commission call for a more complex approach that also considers the impact of aviation, calling for a smarter, more innovative approach to policy-making and regulation. It should be ensured that access to airspace is fair and reasonable. Within the context of network functions, a clear distinction should be made between regulatory and operational tasks in order to ensure legal certainty

Amendment 783

Kosma Złotowski, Tomasz Piotr Poręba

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

1. The **air traffic management** network functions shall ensure the sustainable and efficient use of the airspace and of scarce resources. They shall also ensure that airspace users can operate environmentally optimal trajectories, while allowing maximum access to airspace and air navigation services. Those network functions, enumerated in paragraphs 2 and 3, shall support the achievement of the Union-wide performance targets and shall be based on operational requirements.

Amendment

1. The network functions shall ensure the sustainable and efficient use of the airspace and of scarce resources. **and** They shall also ensure that airspace users can operate environmentally optimal trajectories, while allowing maximum access to airspace and air navigation services. Those network functions, enumerated in paragraphs 2 and 3, shall support the achievement of the Union-wide performance targets and shall be based on operational requirements **and aimed at supporting initiatives at regional and local level and shall be executed in a manner which respects the separation of regulatory and operational tasks.**

Or. en

Justification

Regarding the reference to relevant initiatives at regional and local level it has to be stressed that network functions need to support initiatives and operational activities at every possible level as those initiatives and activities contribute widely to the achievement of Union-wide performance targets.

Amendment 784
Jens Gieseke, Sven Schulze

Proposal for a regulation
Article 26 – paragraph 1

Text proposed by the Commission

(1) The air traffic management network functions shall ensure the sustainable and efficient use of the airspace and of scarce resources. They shall also ensure that airspace users can operate environmentally optimal trajectories, while allowing maximum access to airspace and air navigation services. Those network

Amendment

(1) The air traffic management network functions shall ensure the sustainable and efficient use of the airspace and of scarce resources. They shall also ensure that airspace users can operate environmentally optimal trajectories, while allowing maximum access to airspace and air navigation services. Those network

functions , enumerated in paragraphs 2 and 3, shall support the achievement of the Union-wide performance targets **and shall** be based on operational requirements.

functions enumerated in paragraphs 2 and 3 shall support the achievement of the Union-wide performance targets, be based on operational requirements **and take sufficient account of national initiatives**.

Or. de

Amendment 785
Bogusław Liberadzki

Proposal for a regulation
Article 26 – paragraph 2

Text proposed by the Commission

Amendment

2. The network functions referred to in paragraph 1 include the following:

deleted

- (a) the design and management of the European airspace structures ;**
- (b) air traffic flow management;**
- (c) the coordination of scarce resources within aviation frequency bands used by general air traffic, in particular radio frequencies as well as coordination of radar transponder codes.**

Or. en

Amendment 786
Kosma Złotowski, Tomasz Piotr Poręba

Proposal for a regulation
Article 26 – paragraph 2

Text proposed by the Commission

Amendment

2. The network functions referred to in paragraph 1 include the following:

deleted

- (a) the design and management of the European airspace structures ;**
- (b) air traffic flow management;**

(c) the coordination of scarce resources within aviation frequency bands used by general air traffic, in particular radio frequencies as well as coordination of radar transponder codes.

Or. en

Justification

Network functions should be understood as one set of functions and services. Therefore there is no reason to divide them for old and new ones and have two separate paragraphs.

Amendment 787
Karima Delli

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

Text proposed by the Commission

(a) the design and management of the European airspace structures ;

Amendment

(a) the design and management of the European airspace structures, ***particularly in order to minimise the overall climate-impacting emissions of aviation;***

Or. en

Amendment 788
Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider, Julie Lechanteux, Philippe Olivier

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

Text proposed by the Commission

(a) the design and management of the European airspace structures ;

Amendment

(a) ***the facilitation of the development of*** the design and management of the European airspace structures;

Or. en

Amendment 789

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

Proposal for a regulation

Article 26 – paragraph 2 – point a

Text proposed by the Commission

(a) the design and management of the *European airspace structures* ;

Amendment

(a) the design and management of the *European-route network* ;

Or. en

Amendment 790

Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini

Proposal for a regulation

Article 26 – paragraph 2 – point a

Text proposed by the Commission

(a) the design *and management* of the European *airspace structures* ;

Amendment

(a) the design of the European *route network*

Or. en

Amendment 791

Karima Delli

Proposal for a regulation

Article 26 – paragraph 2 – point b

Text proposed by the Commission

(b) air traffic flow management;

Amendment

(b) air traffic flow management *to optimise trajectories of each flight to minimise fuel consumption, while maintaining maximum safety*;

Or. en

Amendment 792

Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider,

Julie Lechanteux, Philippe Olivier

Proposal for a regulation

Article 26 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) air traffic flow management;

(b) ***the coordination of*** air traffic flow management;

Or. en

Amendment 793

Kosma Złotowski, Tomasz Piotr Poręba

Proposal for a regulation

Article 26 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. The network functions ***referred to in paragraph 1 also*** include the following:

3. The network functions include the following:

Or. en

Justification

Based on the assumption to have one cohesive set of network functions it is proposed to merge paragraphs 2 and three and to introduce some changes which will secure interests of all parties involved in the process of their execution and will better contribute to the achievement of the objectives defined in paragraph 1. Given new definition of network functions all the functions and services should be executed by all relevant stakeholders with network management process understood as facilitation and optimisation of efforts taken by ANSPs, NM and other actors when necessary.

Amendment 794

Karima Delli

Proposal for a regulation

Article 26 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) optimisation of airspace design for the network and facilitation of delegation

(a) optimisation of airspace design for the network ***in order to continuously***

of air traffic services provision through co-operation with the air traffic service providers and Member State authorities;

minimise the overall fuel consumption and facilitation of delegation of air traffic services provision through co-operation with the air traffic service providers and Member State authorities;

Or. en

Amendment 795

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

Proposal for a regulation

Article 26 – paragraph 3 – point a

Text proposed by the Commission

(a) ***optimisation of airspace design for the network and*** facilitation of delegation of air traffic services provision through co-operation with the air traffic service providers and Member State authorities;

Amendment

(a) facilitation of delegation of air traffic services provision, ***where decided by the Member States concerned, and support to the optimisation of airspace design for the network*** through co-operation with the air traffic service providers and Member State authorities;

Or. en

Amendment 796

Kosma Złotowski, Tomasz Piotr Poręba

Proposal for a regulation

Article 26 – paragraph 3 – point a

Text proposed by the Commission

(a) optimisation of airspace design for the network and facilitation of delegation of air traffic services provision through co-operation with the air traffic service providers and Member State authorities;

Amendment

(a) ***the design of the European airspace structures as well as*** optimisation of airspace design for the network and facilitation of delegation of air traffic services provision through co-operation with the air traffic service providers and Member State authorities;

Or. en

Amendment 797

Bogusław Liberadzki

Proposal for a regulation

Article 26 – paragraph 3 – point a

Text proposed by the Commission

(a) optimisation of airspace design for the network and facilitation of delegation of air traffic services provision through co-operation with the air traffic service providers and Member State authorities;

Amendment

(a) **facilitation and** optimisation of airspace design **and airspace structures** for the network and facilitation of delegation of air traffic services provision through co-operation with the air traffic service providers and Member State authorities;

Or. en

Amendment 798

Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini

Proposal for a regulation

Article 26 – paragraph 3 – point a

Text proposed by the Commission

(a) optimisation of airspace design for the network and facilitation of delegation of air traffic services provision through co-operation with the air traffic service providers and Member State authorities;

Amendment

(a) **Coordination of the** optimisation of airspace design for the network and facilitation of delegation of air traffic services provision through co-operation with the air traffic service providers and Member State authorities;

Or. en

Justification

The accountability and responsibility for airspace, capacity and infrastructure management belong entirely to the Member States/ANSP and not to the Network Managers. Network management decisions must be taken jointly with stakeholders who have the best knowledge and competence to make operational decisions and are therefore responsible for those decisions. Centralized management of airspace structures and capacity management at the local level would lead to micromanagement. Member States and ANSPs know the local specificities to the best of their ability and are able to manage the local factors and resources that underlie the achievement and maintenance of optimal capacity, such as number of air traffic controllers, engineering and technical staff, civil-military coordination, investments in

new systems, etc. The binding nature of the Network Operational Plan (NOP) should be deleted, as it gives regulatory functions to the NM.

Amendment 799

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

Proposal for a regulation

Article 26 – paragraph 3 – point b

Text proposed by the Commission

(b) ***management*** of the delivery of air traffic control capacity in the network as set out in the ***binding*** Network Operations Plan (NOP);

Amendment

(b) ***facilitation*** of the delivery of air traffic control capacity in the network as set out in the Network Operations Plan (NOP) ***adopted in accordance with the Article 27(7);***

Or. en

Amendment 800

Kosma Złotowski, Tomasz Piotr Poręba

Proposal for a regulation

Article 26 – paragraph 3 – point b

Text proposed by the Commission

(b) ***management*** of the delivery of air traffic control capacity in the network as set out in the ***binding*** Network Operations Plan (NOP);

Amendment

(b) ***facilitation*** of the delivery of air traffic control capacity in the network as set out in the Network Operations Plan (NOP);

Or. en

Amendment 801

Bogusław Liberadzki

Proposal for a regulation

Article 26 – paragraph 3 – point b

Text proposed by the Commission

(b) **management** of the delivery of air traffic control capacity in the network as set out in the **binding** Network Operations Plan (NOP);

Amendment

(b) **facilitation** of the delivery of air traffic control capacity in the network as set out in the Network Operations Plan (NOP);

Or. en

Amendment 802

Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini

Proposal for a regulation

Article 26 – paragraph 3 – point b

Text proposed by the Commission

(b) **management** of the delivery of air traffic control capacity in the network as set out in the **binding** Network Operations Plan (NOP);

Amendment

(b) **facilitation** of the delivery of air traffic control capacity in the network as set out in the Network Operations Plan (NOP);

Or. en

Amendment 803

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

Proposal for a regulation

Article 26 – paragraph 3 – point b

Text proposed by the Commission

(b) management of the delivery of air traffic control capacity in the network as set out in the **binding** Network Operations Plan (NOP);

Amendment

(b) management of the delivery of air traffic control capacity in the network as set out in the Network Operations Plan (NOP);

Or. en

Amendment 804

Karima Delli

Proposal for a regulation
Article 26 – paragraph 3 – point d

Text proposed by the Commission

(d) air traffic flow and capacity management;

Amendment

(d) air traffic flow and capacity management, ***in order to guarantee maintaining an overall reduction of climate-impacting emissions of at least 10%***;

Or. en

Amendment 805
Kosma Zlotowski, Tomasz Piotr Poręba

Proposal for a regulation
Article 26 – paragraph 3 – point d

Text proposed by the Commission

(d) air traffic flow ***and*** capacity management;

Amendment

(d) air traffic flow ***management extended to*** capacity management ***service***;

Or. en

Amendment 806
Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini

Proposal for a regulation
Article 26 – paragraph 3 – point d

Text proposed by the Commission

(d) air traffic flow and capacity management;

Amendment

(d) ***coordination of*** air traffic flow and capacity management;

Or. en

Amendment 807
Bogusław Liberadzki

Proposal for a regulation
Article 26 – paragraph 3 – point e

Text proposed by the Commission

(e) the management of the planning, monitoring and coordination of implementation activities of the deployment of infrastructure in the European ATM network, in accordance with the European ATM Master Plan, taking into account operational needs and associated operational procedures;

Amendment

(e) ***the contribution to*** the management of the planning, monitoring and coordination of implementation activities of the deployment of infrastructure in the European ATM network, in accordance with the European ATM Master Plan, taking into account operational needs and associated operational procedures ***through a partnership led by operational stakeholders***;

Or. en

Amendment 808
Kosma Zlotowski, Tomasz Piotr Poręba

Proposal for a regulation
Article 26 – paragraph 3 – point e

Text proposed by the Commission

(e) ***the management of*** the planning, monitoring and coordination of implementation activities of the ***deployment of*** infrastructure ***in the European ATM*** network, in accordance with the European ATM Master Plan, taking into account operational needs and associated operational procedures;

Amendment

(e) ***contributing to*** the planning, monitoring and coordination of implementation activities of the infrastructure ***necessary for the execution of the network functions***, in accordance with the European ATM Master Plan, taking into account operational needs and associated operational procedures ***through a partnership led by operational stakeholders***;

Or. en

Amendment 809
Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider, Julie Lechanteux, Philippe Olivier

Proposal for a regulation
Article 26 – paragraph 3 – point e

Text proposed by the Commission

(e) **the management of** the planning, **monitoring** and coordination of implementation activities of the deployment of infrastructure in the European ATM network, in accordance with the European ATM Master Plan, taking into account operational needs and associated operational procedures;

Amendment

(e) **support to** the planning, and coordination of implementation activities of the deployment of infrastructure in the European ATM network, in accordance with the European ATM Master Plan, **through a partnership with the operational stakeholders and** taking into account **military and** operational needs and associated operational procedures;

Or. en

Amendment 810
Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini

Proposal for a regulation
Article 26 – paragraph 3 – point e

Text proposed by the Commission

(e) the **management** of the planning, monitoring and **coordination of** implementation activities of the deployment of infrastructure in the European ATM network, in accordance with the European ATM Master Plan, taking into account operational needs and associated operational procedures;

Amendment

(e) the **coordination** of the planning, monitoring and implementation activities of the deployment of infrastructure in the European ATM network, in accordance with the European ATM Master Plan, taking into account operational needs and associated operational procedures;

Or. en

Amendment 811
Bogusław Liberadzki

Proposal for a regulation
Article 26 – paragraph 3 – point f a (new)

Text proposed by the Commission

Amendment

(fa) **the coordination of scarce**

resources within aviation frequency bands used by general air traffic, in particular radio frequencies as well as coordination of radar transponder codes.

Or. en

Justification

Combines 2a and 3a, adds 2c. Clarifies the role of the network management in enabling all parts of the network by exchanging wording from “manage” to “facilitate”. Deletes “binding” to avoid false expectations of the possibility to 100% align a rolling/dynamic plan for capacity with a fixed date determined performance plan for several key performance areas. Includes in 3e the alternative partnering between operational stakeholders (NM, ANSPs, AUs and AOs) for the implementation of the deployment and infrastructure management functions who have all already displayed their intention to work together to execute this function.

Amendment 812

Kosma Zlotowski, Tomasz Piotr Poręba

Proposal for a regulation

Article 26 – paragraph 3 – point f a (new)

Text proposed by the Commission

Amendment

(fa) the coordination of scarce resources within aviation frequency bands used by general air traffic, in particular radio frequencies as well as coordination of radar transponder codes.

Or. en

Amendment 813

Andor Deli

Proposal for a regulation

Article 26 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Network Manager shall be responsible for the execution of the network functions. The Network Manager

shall involve the Member States and operational stakeholders in the execution of the network functions through cooperative arrangements

Or. en

Justification

The Network Functions are the most fundamental functions of the European ATM network carried out at the EU level. These functions do not only ensure the synchronised and efficient operation of the network, they also serve as the building blocks of an increasingly centralised and harmonized common European ATM infrastructure. Unless there is one entity that is in fact legally responsible for the execution of such essential tasks, it would be difficult to ensure their execution. This could have a negative impact on network efficiency. Therefore, we suggest that the Network Manager is explicitly tasked with the execution of the network functions. While the Network Manager is de facto already carrying out such activities, EUROCONTROL is also ideally placed to bear such responsibilities, since some of those already exist in the EUROCONTROL Convention. The participation of the Member States and the operational stakeholders should be ensured in the execution of the network functions in order to achieve the best possible cooperation between the stakeholders involved.

Amendment 814
Johan Van Overtveldt

Proposal for a regulation
Article 26 – paragraph 4

Text proposed by the Commission

4. The functions listed in paragraphs 2 and 3 shall not involve the adoption of binding measures of a general scope or the exercise of political discretion. They shall be performed in coordination with military authorities in accordance with agreed procedures concerning the flexible use of airspace.

Amendment

4. The functions listed in paragraphs 2 and 3 shall not involve the adoption of binding measures of a general scope or the exercise of political discretion. They shall ***take into account proposals established at national level and at the level of functional airspace blocks. They shall*** be performed in coordination with military authorities in accordance with agreed procedures concerning the flexible use of airspace.

Or. en

Justification

It is unclear why this reference was deleted, therefore we reinsert it.

Amendment 815
Karima Delli

Proposal for a regulation
Article 26 – paragraph 4

Text proposed by the Commission

4. The functions listed in paragraphs 2 and 3 ***shall not*** involve the adoption of binding measures of a general scope ***or the exercise of political discretion***. They shall be performed in coordination with military authorities in accordance with agreed procedures ***concerning the flexible use of airspace***.

Amendment

4. The functions listed in paragraphs 2 and 3 ***may*** involve the adoption of binding measures of a general scope ***upon duly justified reasons, such as the need for a timely compliance with emission reduction targets***. They shall be performed in coordination with military authorities in accordance with agreed procedures, ***where appropriate***.

Or. en

Amendment 816
Marco Campomenosi, Paolo Borchia, Lucia Vuolo, Massimo Casanova, Roman Haider, Julie Lechanteux, Philippe Olivier

Proposal for a regulation
Article 26 – paragraph 4

Text proposed by the Commission

4. The functions listed in paragraphs 2 and 3 shall not involve the adoption of binding measures of a general scope or the exercise of political discretion. They shall be performed in coordination with military authorities in accordance with agreed procedures concerning the flexible use of airspace.

Amendment

4. The functions listed in paragraphs 2 and 3 shall not involve the adoption of binding measures of a general scope or the exercise of political discretion. They shall be performed in coordination with ***civil and*** military authorities in accordance with agreed procedures concerning the flexible use of airspace.

Or. en

Amendment 817
Robert Roos

Proposal for a regulation

Article 26 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 36 to amend this Regulation in order to add functions to the ones listed in paragraphs 2 and 3, where necessary for the functioning and performance of the network.

Or. en

Justification

According to its mandate the Network Manager can only support and coordinate certain network functions. The network functions are decided in this basic SES2+ regulation. Changes and/or additions to these functions cannot be decided by the EC through a delegated act.

Amendment 818
Kosma Złotowski, Tomasz Piotr Poręba

Proposal for a regulation

Article 26 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 36 to amend this Regulation in order to add functions to the ones listed in paragraphs 2 and 3, where necessary for the functioning and performance of the network. **deleted**

Or, en

Justification

The basic pillars of the network functions should be determined by primary legislation, the details should be prescribed in the implementing regulations and changes to it should be elaborated in the same process as foreseen in Article 27(8).

Amendment 819
Bogusław Liberadzki

Proposal for a regulation
Article 26 – paragraph 5

Text proposed by the Commission

5. The Commission shall *be empowered to adopt delegated acts in accordance with Article 36 to amend this Regulation in order to add functions to the ones listed in paragraphs 2 and 3, where necessary for the functioning and performance* of the network.

Amendment

5. ***By way of implementing acts adopted in accordance with the examination procedure referred to in Article 37(3), the Commission shall establish detailed rules for the execution of the network functions, clearly defining the responsibilities of all the operational stakeholders involved, the tasks of the Network Manager, governance mechanisms including decision-making processes and crisis management.***

Or. enJustification

The basic pillars of the Network Functions should be determined by primary legislation, the details should be based on the existing Network Function Implementing Regulation and changes to it should be elaborated in the same process as foreseen for Article 27.

Amendment 820
Andor Deli

Proposal for a regulation
Article 26 – paragraph 5

Text proposed by the Commission

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 36 to amend this Regulation in order to add functions to the ones listed in paragraphs 2 and 3, where necessary for the functioning and performance of the network.

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 36 to amend this Regulation in order to add functions to the ones listed in paragraphs 2 and 3, where necessary for the functioning and performance of the network. ***Such new functions shall remain within the scope of existing EU competence and be without prejudice to Member State prerogatives and functions executed by the Member States.***

Justification

It is important that new network functions are created in line with the competences of the Union. In order to ensure legal certainty and since the Member States have retained competences in the ATM field and they also carry out functions on the basis of the Chicago Convention, it is necessary to maintain a clear division of competences.

Amendment 821

Kosma Złotowski, Tomasz Piotr Poręba

Proposal for a regulation**Article 26 a (new)**

Text proposed by the Commission

Amendment

Article 26a***Cooperative decision-making***

1. Network functions set out in article 26 shall be executed through a cooperative decision making involving all the relevant actors, in particular operational stakeholders – air traffic service providers, air navigation services providers, Network Manager and – when necessary – airport operators and airspace users. Cooperative decision-making should, to the maximum possible extent, aim at improving the functioning and performance of the network.

2. To the extent defined in the implementing regulation referred to in article 26(5) and when a decision could not be reached, cooperative decision making shall also involve Member States.

3. With respect to the provisions of this regulation and principles established by the Commission in the implementing regulation referred to in article 26(5) Network Manager shall coordinate development of cooperative decision-making processes.

4. Unless otherwise provided for in this regulation or in the implementing

regulation referred to in article 26(5), all the decisions related to the execution of the network functions, regardless of its form or nature, shall be taken through cooperative decision making process.

Or. en

Justification

Network functions need to be executed by all the relevant stakeholders, in particular by air navigation service providers (air traffic service providers) which are the key players in the European ATM Network. For this reason and in order to better reflect principles regarding network management the CDM should be put in the centre of the regulation. This approach will allow Member States to understand how the decision-making process is organised and provide the assurance that their competences in the process of execution of the network functions are preserved.

Amendment 822

Bogusław Liberadzki

Proposal for a regulation

Article 27 – paragraph 1

Text proposed by the Commission

1. In order to achieve the objectives referred to in Article 26, the Commission, supported by the Agency where relevant, shall ensure that the Network Manager contributes to the execution of the network functions set out in Article 26, by carrying out the tasks referred to in paragraph 4 .

Amendment

1. In order to achieve the objectives referred to in Article 26, the Commission, supported by the Agency where relevant, shall ensure that the Network Manager tributes to the execution of the network functions set out in Article 26, by carrying out the tasks referred to in paragraph 4 .

The execution of Network Manager tasks shall be measured by clear specification of the required services and performance, including appropriate agreements, such as Service Level Agreements between the European Commission and the Network Manager and between the operational stakeholders and the Network Manager regarding tasks and quality of service and conditions.

Or. en

Justification

Addition should ensure that the entrusted entity has a benchmark to be measured against. Otherwise the NM would need to report about its own performance without a reference point.

Amendment 823

Kosma Zlotowski, Tomasz Piotr Poręba

Proposal for a regulation

Article 27 – paragraph 1

Text proposed by the Commission

1. In order to achieve the objectives referred to in Article 26, the Commission, supported by the Agency where relevant, shall ensure that the Network Manager contributes to the execution of the network functions set out in Article 26, by carrying out the tasks referred to in paragraph 4 .

Amendment

1. In order to achieve the objectives referred to in Article 26, the Commission, supported by the Agency where relevant, shall ensure that the Network Manager contributes to the execution of the network functions set out in Article 26, by carrying out the tasks referred to in paragraph 4.
The execution of Network Manager tasks shall be measured by clear specification of the required services and performance, including appropriate agreements, such as service level agreements between the Commission and the Network Manager and between the operational stakeholders and the Network Manager regarding tasks and quality of service and conditions.

Or. en

Justification

Provisions of the regulation need to ensure that the entrusted entity has a benchmark to be measured against. Otherwise the NM would need to report about its own performance without a reference point.

Amendment 824

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

Proposal for a regulation

Article 27 – paragraph 1

Text proposed by the Commission

1. In order to achieve the objectives referred to in Article 26, the Commission, supported by the Agency ***where relevant***, shall ensure that the Network Manager contributes to the execution of the network functions set out in Article 26, by carrying out the tasks referred to in paragraph 4 .

Amendment

1. In order to achieve the objectives referred to in Article 26, the Commission, supported by the Agency ***in accordance with Regulation (EU) 2018/1139***, shall ensure that the Network Manager contributes to the execution of the network functions set out in Article 26, by carrying out the tasks referred to in paragraph 4 .

Or. en

Amendment 825
Andor Deli

Proposal for a regulation
Article 27 – paragraph 1

Text proposed by the Commission

1. In order to achieve the objectives referred to in Article 26, the Commission, supported by the Agency where relevant, shall ensure that the Network Manager ***contributes to the execution of the network functions set out in Article 26, by carrying out the tasks referred to in paragraph 4 .***

Amendment

1. In order to achieve the objectives referred to in Article 26, the Commission, supported by the Agency, ***in consultation with the Committee*** where relevant, shall ensure that the Network Manager ***executes*** the network functions set out in Article 26.

Or. en

Justification

The Network Functions are the most fundamental functions of the European ATM network carried out at the EU level. These functions do not only ensure the synchronised and efficient operation of the network, they also serve as the building blocks of an increasingly centralised and harmonized common European ATM infrastructure. Unless there is one entity that is in fact legally responsible for the execution of such essential tasks, it would be difficult to ensure their execution. This could have a negative impact on network efficiency. Therefore, we suggest that the Network Manager is explicitly tasked with the execution of the network functions. While the Network Manager is de facto already carrying out such activities, EUROCONTROL is also ideally placed to bear such responsibilities, since some of those already exist in the EUROCONTROL Convention.

Amendment 826

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

Proposal for a regulation

Article 27 – paragraph 2

Text proposed by the Commission

Amendment

2. *The Commission may appoint an impartial and competent body to carry out the tasks of the Network Manager . To this end, the Commission shall adopt an implementing act in accordance with the examination procedure referred to in Article 37(3). This appointment Decision shall include the terms and conditions of the appointment, including the financing of the Network Manager.*

deleted

Or. en

Amendment 827

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

Proposal for a regulation

Article 27 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission *may* appoint an impartial and competent body to carry out the tasks of the Network Manager . To this end, the Commission shall adopt an implementing act in accordance with the examination procedure referred to in Article 37(3). *This appointment Decision shall include the terms and conditions of the appointment, including the financing of the Network Manager.*

2. The Commission *shall*, appoint an *independent*, impartial and competent body, to carry out the tasks of the Network Manager. *The appointment Decision shall include the terms and conditions of the appointment, including the financing of the Network Manager.* To this end, the Commission shall adopt an implementing act in accordance with the examination procedure referred to in Article 37(3) *concerning:*

a) Appointment requirements and procedure;

b) conditions of independence from public and private interest;

c) in case of a body attached to another entity requirements for functional and

hierarchical separation from that entity;
d) requirements of expertise
e) financing

Or. en

Amendment 828

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

Proposal for a regulation **Article 27 – paragraph 2**

Text proposed by the Commission

2. The Commission ***may*** appoint an impartial and competent body to carry out the tasks of the Network Manager . To this end, the Commission shall adopt an implementing act in accordance with the examination procedure referred to in Article 37(3). This appointment Decision shall include the terms and conditions of the appointment, including the financing of the Network Manager.

Amendment

2. The Commission ***shall*** appoint an impartial and competent body to carry out the tasks of the Network Manager. To this end, the Commission shall adopt an implementing act in accordance with the examination procedure ***referred*** to in Article 37(3). This appointment Decision shall include the terms and conditions of the appointment, including the financing of the Network Manager.

Or. en

Amendment 829

Jens Gieseke, Sven Schulze

Proposal for a regulation **Article 27 – paragraph 3**

Text proposed by the Commission

(3) The tasks of the Network Manager shall be executed in an independent, impartial and cost efficient manner. They shall be subject to appropriate governance, which shall recognise separate accountabilities for service provision and regulation where the competent body designated as the Network Manager also

Amendment

(3) The tasks of the Network Manager shall be executed in an independent, impartial and cost efficient manner. They shall be subject to appropriate governance, which shall recognise separate accountabilities for service provision and regulation where the competent body designated as the Network Manager also

has regulatory functions. In the execution of its tasks, the Network Manager shall take into consideration the needs of the whole ATM network and shall fully involve the airspace users, air navigation service providers, aerodrome operators and the military.

has regulatory functions. In the execution of its tasks, the Network Manager shall take into consideration the needs of the whole ATM network and shall fully involve the airspace users, air navigation service providers, aerodrome operators and the military ***not only through consultation but also in the establishment of performance targets, basic decision-making and delimitation of decision-making sovereignty. The respective operational and liability responsibilities are necessarily included in the decision-making process. The participation and initiative rights of stakeholders represented in the Industry Consultation Committee (ICB) thus far will be preserved.***

Or. de

Amendment 830

Bogusław Liberadzki

Proposal for a regulation

Article 27 – paragraph 3

Text proposed by the Commission

3. The tasks of the Network Manager shall be executed in an independent, impartial and cost efficient manner . They shall be subject to appropriate governance, which shall recognise separate accountabilities for service provision and regulation where the competent body designated as the Network Manager also has regulatory functions. In the execution of its tasks, the Network Manager shall take into consideration the needs of the whole ATM network and shall fully involve the airspace users, air navigation service providers , aerodrome operators and the military.

Amendment

3. The tasks of the Network Manager shall be executed in an independent, impartial and cost efficient manner . They shall be subject to appropriate governance, which shall recognise separate accountabilities for ***the*** service provision ***from any other activities performed by the entity appointed as Network Manager*** and regulation where the competent body designated as the Network Manager also has regulatory functions. In the execution of its tasks, the Network Manager shall take into consideration the needs of the whole ATM network and shall fully involve the airspace users, air navigation service providers, aerodrome operators and the military.

The Network Manager shall take decisions in a Network Management Board that includes all stakeholders that contribute to the Network Operations Plan through the appropriate CDM processes.

Or. en

Justification

The principle of separation of service provision and regulation should be upheld. It should be made clear that the NM is an EU function and the entity entrusted with the provision of this function itself needs to be independent from any regulatory institution.

The inclusion of the concerned entities in the final decision making of the NM ensures that the NOP can be considered as a self-commitment of the industry and that as such the alignment between e.g. the NOP and the performance plans is as close as possible.

Amendment 831

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

**Proposal for a regulation
Article 27 – paragraph 3**

Text proposed by the Commission

3. The tasks of the Network Manager shall be executed in an independent, impartial and cost efficient manner . They shall be subject to appropriate governance, which shall recognise separate accountabilities for service provision and ***regulation where the competent body designated as the Network Manager also has regulatory functions.*** In the execution of its tasks, the Network Manager shall take into consideration the needs of the whole ATM network and shall fully involve the airspace users, air navigation service providers , aerodrome operators and the military.

Amendment

3. The tasks of the Network Manager shall be executed in an independent, impartial and cost efficient manner. They shall be subject to appropriate governance, which shall recognise separate accountabilities for service provision and ***any other activity performed by the*** Network Manager. In the execution of its tasks, the Network Manager shall take into consideration the needs of the whole ATM network and shall fully involve the airspace users, air navigation service providers, aerodrome operators and the military.

Or. en

Amendment 832
Kosma Zlotowski, Tomasz Piotr Poręba

Proposal for a regulation
Article 27 – paragraph 3

Text proposed by the Commission

3. The tasks of the Network Manager shall be executed in an independent, impartial and cost efficient manner . They shall be subject to appropriate governance, which shall recognise separate accountabilities for service provision **and regulation where the competent body designated as the Network Manager also has regulatory functions**. In the execution of its tasks, the Network Manager shall take into consideration the needs of the whole ATM network and shall fully involve the airspace users, air navigation service providers , aerodrome operators and the military.

Amendment

3. The tasks of the Network Manager shall be executed in an independent, impartial and cost efficient manner. They shall be subject to appropriate governance, which shall recognise separate accountabilities for **the** service provision **from any other activities performed by the entity appointed as** Network Manager. In the execution of its tasks, the Network Manager shall take into consideration the needs of the whole ATM network and shall fully involve the airspace users, air navigation service providers , aerodrome operators and the military.

Or. en

Justification

The principle of separation of service provision and regulation should be upheld. It should be made clear that the NM is an EU function and the entity entrusted with the provision of this function itself needs to be independent from any regulatory institution.

Amendment 833
Karima Delli

Proposal for a regulation
Article 27 – paragraph 4

Text proposed by the Commission

4. The Network Manager shall contribute to the execution of the network functions through support measures aimed at safe and efficient planning and operations of the network under normal and crisis conditions and through measures aimed at the continuous improvement of

Amendment

4. The Network Manager shall contribute to the execution of the network functions through support measures aimed at safe and efficient planning and operations of the network under normal and crisis conditions and through measures aimed at the continuous improvement of

network operations in the Single European Sky and the overall performance of the network, especially regarding the implementation of the performance scheme. The action taken by the Network Manager shall take account of the need to **fully** integrate the airports in the network.

network operations in the Single European Sky and the overall performance of the network, especially regarding the implementation of the performance scheme, ***primarily in regard to the reduction of climate-impacting emissions in accordance with the European Climate Law targets and the European Green Deal objectives.*** The action taken by the Network Manager shall take account of the need to ***adequately*** integrate the airports in the network ***with the primary goal of minimising the number of unnecessary flights and stop-overs.***

Or. en

Amendment 834
Jens Gieseke, Sven Schulze

Proposal for a regulation
Article 27 – paragraph 4

Text proposed by the Commission

(4) The Network Manager shall contribute to the execution of the network functions through support measures aimed at safe and efficient planning and operations of the network under normal and crisis conditions and through measures aimed at the continuous improvement of network operations in the Single European Sky and the overall performance of the network, especially regarding the implementation of the performance scheme. The action taken by the Network Manager shall take account of the need to fully integrate the airports in the network.

Amendment

(4) The Network Manager shall contribute to the execution of the network functions through support measures aimed at safe and efficient planning and operations of the network under normal and crisis conditions and through measures aimed at the continuous improvement of network operations in the Single European Sky and the overall performance of the network, especially regarding the implementation of the performance scheme. The action taken by the Network Manager shall take account of the need to fully integrate the airports in the network ***in order to ensure that there are no negative constraints in the local area and to ensure compliance with the respective local performance plans and performance targets.***

Or. de

Amendment 835
Bogusław Liberadzki

Proposal for a regulation
Article 27 – paragraph 4

Text proposed by the Commission

4. The Network Manager shall contribute to the execution of the network functions through support measures aimed at safe and efficient planning and operations of the network under normal and crisis conditions and through measures aimed at the continuous improvement of network operations in the Single European Sky and the overall performance of the network, especially regarding the implementation of the performance scheme. The action taken by the Network Manager shall take account of the need to fully integrate the airports in the network.

Amendment

4. The Network Manager shall contribute to the execution of the network functions through support measures aimed at safe and efficient planning and operations of ***the operational stakeholders within*** the network under normal and crisis conditions and through measures aimed at the continuous improvement of network operations in the Single European Sky and the overall performance of the network, especially regarding the implementation of the performance scheme. The action taken by the Network Manager shall take account of the need to fully integrate the airports in the network.

Or. en

Justification

Operations, including those at network level, are executed by stakeholders and not by the NM, this should be duly reflected in the text.

Amendment 836
Kosma Złotowski, Tomasz Piotr Poręba

Proposal for a regulation
Article 27 – paragraph 4

Text proposed by the Commission

4. The Network Manager shall contribute to the execution of the network functions through support measures aimed at safe and efficient planning and operations of the network under normal and crisis conditions and through measures

Amendment

4. The Network Manager shall contribute to the execution of the network functions through support measures aimed at safe and efficient planning and operations of ***the operational stakeholders within*** the network under normal and crisis

aimed at the continuous improvement of network operations in the Single European Sky and the overall performance of the network, especially regarding the implementation of the performance scheme. The action taken by the Network Manager shall take account of the need to fully integrate the airports in the network.

conditions and through measures aimed at the continuous improvement of network operations in the Single European Sky and the overall performance of the network, especially regarding the implementation of the performance scheme. The action taken by the Network Manager shall take account of the need to fully integrate the airports in the network.

Or. en

Justification

Operations, including those at network level are executed by stakeholders, this should be duly reflected in the text.

Amendment 837

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

Proposal for a regulation

Article 27 – paragraph 4

Text proposed by the Commission

4. The Network Manager shall contribute to the execution of the network functions through support measures aimed at safe and efficient planning and operations of the network under normal and crisis conditions and through measures aimed at the continuous improvement of network operations in the Single European Sky and the overall performance of the network, especially regarding the implementation of the performance scheme. The action taken by the Network Manager shall take account of the need to fully integrate the airports in the network.

Amendment

4. The Network Manager shall contribute to the execution of the network functions through support measures aimed at safe and efficient planning and operations of the network under normal and **network** crisis conditions and through measures aimed at the continuous improvement of network operations in the Single European Sky and the overall performance of the network, especially regarding the implementation of the performance scheme. The action taken by the Network Manager shall take account of the need to fully integrate the airports in the network.

Or. en

Amendment 838
Andor Deli

Proposal for a regulation
Article 27 – paragraph 4

Text proposed by the Commission

4. The Network Manager shall **contribute to the execution of** the network functions through support measures aimed at safe and efficient planning and operations of the network under normal and crisis conditions and through measures aimed at the continuous improvement of network operations in the Single European Sky and the overall performance of the network, especially regarding the implementation of the performance scheme. The **action taken by the** Network Manager shall **take account of the need to** fully integrate the airports in the network.

Amendment

4. The Network Manager shall **execute** the network functions through **non-binding** support measures aimed at safe and efficient planning and operations of the network under normal and crisis conditions and through **other non-binding** measures aimed at the continuous improvement of network operations in the Single European Sky and the overall performance of the network, especially regarding the implementation of the performance scheme. The Network Manager shall fully integrate the airports in the network **using Collaborative Decision Making processes**.

Or. en

Justification

It needs to be clarified that the reason why the Regulation does not provide for an appeal mechanism in respect of the decisions of the Network Manager is that those decisions are not of a regulatory nature, and therefore not binding.

Amendment 839
Karima Delli

Proposal for a regulation
Article 27 – paragraph 5

Text proposed by the Commission

5. The Network Manager shall cooperate closely with the Agency acting as PRB in order to ensure that the performance targets referred to in Article 10 are adequately reflected in the capacity to be delivered by individual air navigation service providers and agreed between the

Amendment

5. The Network Manager shall cooperate closely with the Agency acting as PRB in order to ensure that the performance targets referred to in Article 10, **particularly those relating to climate and environment**, are adequately reflected in the **overall capacity planning, as well as**

Network Manager and those air navigation service providers in the Network Operations Plan.

the partial capacity to be delivered by individual air navigation service providers and agreed between the Network Manager and those air navigation service providers in the Network Operations Plan.

Or. en

Amendment 840

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

Proposal for a regulation

Article 27 – paragraph 5

Text proposed by the Commission

5. The Network Manager shall cooperate closely with the Agency acting as PRB in order to ensure that the performance targets referred to in Article 10 are adequately reflected in the capacity to be delivered by individual air *navigation* service providers and agreed between the Network Manager and those air *navigation* service providers in the Network Operations Plan.

Amendment

5. The Network Manager shall cooperate closely with the Agency acting as PRB in order to ensure that the performance targets referred to in Article 10 are adequately reflected in the capacity to be delivered by individual air *traffic* service providers and agreed between the Network Manager and those air *traffic* service providers in the Network Operations Plan.

Or. en

Amendment 841

Bogusław Liberadzki

Proposal for a regulation

Article 27 – paragraph 5

Text proposed by the Commission

5. The Network Manager shall cooperate closely with the *Agency acting as* PRB in order to ensure that the performance targets referred to in Article 10 are adequately reflected in the capacity to be delivered by individual air navigation service providers and agreed between the Network Manager and those air navigation

Amendment

5. The Network Manager shall cooperate closely with the PRB in order to ensure that the performance targets referred to in Article 10 are adequately reflected in the capacity to be delivered by individual air navigation service providers and agreed between the Network Manager and those air navigation service providers in the

service providers in the Network
Operations Plan.

Network Operations Plan.

Or. en

Amendment 842

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

Proposal for a regulation

Article 27 – paragraph 6 – introductory part

Text proposed by the Commission

6. The Network Manager shall:

Amendment

6. The Network Manager, ***in coordination with the operational stakeholders that contribute to the Network Operations Plan through the appropriate CDM***, shall:

Or. en

Amendment 843

Karima Delli

Proposal for a regulation

Article 27 – paragraph 6 – point a

Text proposed by the Commission

(a) decide on individual measures to implement the network functions and to support the effective implementation of the binding Network Operations Plan and the achievement of the binding performance targets;

Amendment

(a) decide on individual measures to implement the network functions and to support the effective implementation of the binding Network Operations Plan and the achievement of the binding performance targets. ***Such individual measures shall include the power to correct a filed flight plan to minimize its climate and environmental impact under the operational context, in which case paragraph 7 shall not apply;***

Or. en

Amendment 844

Dominique Riquet, Jan-Christoph Oetjen, Pierre Karleskind

Proposal for a regulation

Article 27 – paragraph 6 – point a

Text proposed by the Commission

(a) decide on individual measures to implement the network functions and to support the effective implementation of the binding Network Operations Plan and the achievement of the binding performance targets;

Amendment

(a) decide on individual measures to implement the network functions and to support the effective implementation of the binding Network Operations Plan and the achievement of the binding performance targets. ***These measures shall include corrections made to the flight plan submitted in order to minimise its environmental impact. In that case, paragraph 7 shall not apply.***

Or. fr

Amendment 845

Bogusław Liberadzki

Proposal for a regulation

Article 27 – paragraph 6 – point a

Text proposed by the Commission

(a) ***decide on individual*** measures to implement the network functions and to support the effective implementation of the ***binding*** Network Operations Plan and the achievement of the binding performance targets;

Amendment

(a) ***propose in coordination with the operational stakeholders*** measures to implement the network functions and to support the effective implementation of the Network Operations Plan and the achievement of the binding performance targets;

Or. en

Justification

To clarify the role and powers of the entrusted entity. The NOP will constitute a (self-) commitment of the operational stakeholders which are bound by either performance plans or regulations. The NOP as such as a rolling/dynamic plan cannot be considered as legally binding.

Amendment 846
Johan Van Overtveldt

Proposal for a regulation
Article 27 – paragraph 6 – point a

Text proposed by the Commission

(a) decide on individual measures to implement the network functions and to support the effective implementation of the binding Network Operations Plan and the achievement of the binding performance targets;

Amendment

(a) ***based on a cooperative decision-making process*** decide on individual measures to implement the network functions and to support the effective implementation of the binding Network Operations Plan and the achievement of the binding performance targets;

Or. en

Justification

It is appropriate to make reference to the “cooperative decision-making” of article 2, 26.

Amendment 847
Kosma Zlotowski, Tomasz Piotr Poręba

Proposal for a regulation
Article 27 – paragraph 6 – point a

Text proposed by the Commission

(a) ***decide*** on individual measures to implement the network functions and to support the effective implementation of the ***binding*** Network Operations Plan and the achievement of the ***binding*** performance targets;

Amendment

(a) ***propose in coordination with the operational stakeholders*** on individual measures to implement the network functions and to support the effective implementation of the Network Operations Plan and the achievement of the performance targets;

Or. en

Justification

The NOP will constitute a (self-) commitment of the operational stakeholders which are bound by either performance plans or regulations. The NOP as such as a rolling/dynamic plan cannot be considered as legally binding.

Amendment 848

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

Proposal for a regulation

Article 27 – paragraph 6 – point a

Text proposed by the Commission

(a) decide on **individual** measures to **implement** the network functions and to support the effective implementation of the **binding** Network Operations Plan and the achievement of the **binding performance targets**;

Amendment

(a) decide on **remedial** measures to **support the implementation of** the network functions and to support the effective implementation of the Network Operations Plan and the achievement of the **breakdown values**;

Or. en

Amendment 849

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

Proposal for a regulation

Article 27 – paragraph 6 – point a

Text proposed by the Commission

(a) decide on individual measures to implement the network functions and to support the effective implementation of the **binding** Network Operations Plan and the achievement of the binding performance targets;

Amendment

(a) decide on individual measures to implement the network functions and to support the effective implementation of the Network Operations Plan and the achievement of the binding performance targets;

Or. en

Amendment 850

Kosma Zlotowski

Proposal for a regulation

Article 27 – paragraph 6 – point b

Text proposed by the Commission

(b) advise the Commission and provide

Amendment

(b) advise, **within the framework of**

relevant information to the Agency acting as PRB on the **deployment** of the **ATM network** infrastructure **in accordance with the European ATM Master Plan**, in particular to identify investments necessary for the network.

the cooperation with operational stakeholders, the Commission and provide relevant information to the Agency acting as PRB on the **monitoring** of the infrastructure **necessary for the execution of the network functions** in particular to identify investments necessary for the network.

Or. en

Justification

In order to further clarify the roles and competences of the NM operational stakeholders should be involved in the process of advising the EC and providing PRB with relevant information.

Amendment 851

Bogusław Liberadzki

Proposal for a regulation

Article 27 – paragraph 6 – point b

Text proposed by the Commission

(b) advise the Commission and provide relevant information to the **Agency acting as** PRB on the deployment of the ATM network infrastructure in accordance with the European ATM Master Plan, in particular to identify investments necessary for the network.

Amendment

(b) advise, **within the framework of the cooperation with operational stakeholders**, the Commission and provide relevant information to the PRB on the deployment of the ATM network infrastructure in accordance with the European ATM Master Plan, in particular to identify investments necessary for the network.

Or. en

Amendment 852

Jens Gieseke, Sven Schulze

Proposal for a regulation

Article 27 – paragraph 7

Text proposed by the Commission

(7) The Network Manager shall take decisions through a cooperative decision-making process. Parties to the cooperative decision-making process shall act to the maximum extent possible with a view to improving the functioning and performance of the network. The cooperative decision-making process shall promote the interest of the network.

Amendment

(7) The Network Manager shall take decisions through a cooperative decision-making process ***and in accordance with Article 18(3) of Chapter III of Implementing Regulation (EU) 2019/123.*** Parties to the cooperative decision-making process shall act to the maximum extent possible with a view to improving the functioning and performance of the network. The cooperative decision-making process shall promote the interests of the network ***whilst ensuring a fair, balanced and non-discriminatory approach to airport terminal performance requirements and plans.***

Or. de

Amendment 853

Dominique Riquet, Pierre Karleskind, Nathalie Loiseau

Proposal for a regulation

Article 27 – paragraph 7

Text proposed by the Commission

7. The Network Manager shall take decisions through a cooperative decision-making process. Parties to the cooperative decision-making process shall act to the maximum extent possible with a view to improving the functioning and performance of the network. The cooperative decision-making process shall promote the interest of the network.

Amendment

7. The Network Manager shall take decisions through a cooperative decision-making process. Parties to the cooperative decision-making process shall act to the maximum extent possible with a view to improving the functioning and performance of the network. The cooperative decision-making process shall promote the interest of the network, ***taking account of the essential security-related interests of the Member States and their competence to ensure national security.***

Or. fr

Amendment 854
Brice Hortefeux

Proposal for a regulation
Article 27 – paragraph 7

Text proposed by the Commission

7. The Network Manager shall take decisions through a cooperative decision-making process. Parties to the cooperative decision-making process shall act to the maximum extent possible with a view to improving the functioning and performance of the network. The cooperative decision-making process shall promote the interest of the network.

Amendment

7. The Network Manager shall take decisions through a cooperative decision-making process. Parties to the cooperative decision-making process shall act to the maximum extent possible with a view to improving the functioning and performance of the network. The cooperative decision-making process shall promote the interest of the network, ***taking into account the essential security interests of the Member states and their competence to ensure national security.***

Or. en

Justification

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

Amendment 855
Johan Danielsson

Proposal for a regulation
Article 27 – paragraph 7

Text proposed by the Commission

7. The Network Manager shall take decisions through a cooperative decision-making process. Parties to the cooperative decision-making process shall act to the maximum extent possible with a view to improving the functioning and performance of the network. The cooperative decision-making process shall promote the interest of the network.

Amendment

7. The Network Manager shall take decisions through a cooperative decision-making process. Parties to the cooperative decision-making process shall act to the maximum extent possible with a view to improving the functioning and performance of the network. The cooperative decision-making process shall promote the interest of the network, ***while taking due consideration of the local safety concerns.***

Amendment 856**Clare Daly, Anne-Sophie Pelletier, Leila Chaibi, Elena Kountoura****Proposal for a regulation****Article 27 – paragraph 7***Text proposed by the Commission*

7. The Network Manager shall take decisions through a cooperative decision-making process. Parties to the cooperative decision-making process shall act to the maximum extent possible with a view to improving the functioning and performance of the network. The cooperative decision-making process shall promote the interest of the network.

Amendment

7. The Network Manager shall take decisions through a cooperative decision-making process. Parties to the cooperative decision-making process shall act to the maximum extent possible with a view to improving the functioning and performance of the network. The cooperative decision-making process shall promote the interest of the network, ***without compromising the local safety concerns.***

Amendment 857**Karima Delli****Proposal for a regulation****Article 27 – paragraph 7***Text proposed by the Commission*

7. The Network Manager shall take decisions through a cooperative decision-making process. Parties to the cooperative decision-making process shall act to the maximum extent possible with a view to improving the functioning and performance of the network. The cooperative decision-making process shall promote the interest of the network.

Amendment

7. The Network Manager shall take decisions through a cooperative decision-making process, ***except for the reasons provided in paragraph 6(a).*** Parties to the cooperative decision-making process shall act to the maximum extent possible with a view to improving the functioning and performance of the network. The cooperative decision-making process shall promote the interest of the network.

Amendment 858

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

Proposal for a regulation

Article 27 – paragraph 7

Text proposed by the Commission

7. The Network Manager shall take decisions through a cooperative decision-making process. Parties to the cooperative decision-making process shall act to the maximum extent possible with a view to improving the functioning and performance of the network. The cooperative decision-making process shall promote the interest of the network.

Amendment

7. The Network Manager shall take decisions through a cooperative decision-making process. Parties to the cooperative decision-making process shall act to the maximum extent possible with a view to improving the functioning and performance of the network. The cooperative decision-making process shall promote the interest of the network, **while seeking consensus of Member States.**

Or. en

Amendment 859

Karima Delli

Proposal for a regulation

Article 27 – paragraph 9

Text proposed by the Commission

9. Aspects of design of airspace structures other than those referred to in paragraphs 2 and 3 of Article 26 shall be addressed by Member States. In this regard, Member States **shall** take into account **air traffic demands**, seasonality **and** complexity of air traffic and of performance plans. Before deciding on those aspects, they shall consult airspace users concerned or groups representing such airspace users and military authorities as appropriate.

Amendment

9. Aspects of design of airspace structures other than those referred to in paragraphs 2 and 3 of Article 26 shall be addressed by Member States. In this regard, Member States **may** take into account **certain degree of** seasonality, **subject to actual feasibility given the** complexity of air traffic, and of performance plans, **particularly ensuring overall compliance with the reduction of climate-impacting emissions' targets.** Before deciding on those aspects, they shall consult **workers' representatives of that sector**, airspace users concerned or groups representing such airspace users,

climate and environment scientific experts, and military authorities as appropriate.

Or. en

Amendment 860

Kosma Zlotowski, Tomasz Piotr Poręba

Proposal for a regulation

Article 27 – paragraph 9

Text proposed by the Commission

9. Aspects of design of airspace structures other than those referred to in **paragraphs 2 and 3** of Article 26 shall be addressed by Member States. In this regard, Member States shall take into account air traffic demands, seasonality and complexity of air traffic and of performance plans. ***Before deciding on those aspects***, they shall ***consult*** airspace users concerned or groups representing such airspace users and military authorities as appropriate.

Amendment

9. Aspects of design of airspace structures other than those referred to in **paragraph 2** of Article 26 shall be addressed by Member States. In this regard, Member States shall take into account air traffic demands, seasonality and complexity of air traffic and of performance plans ***and they shall take under due consideration needs of*** airspace users concerned or groups representing such airspace users and military authorities as appropriate.

Or. en

Justification

With regard to the wording of paragraph 9 as proposed by the Commission it has to be noted that any particular airspace structures are not referred to in paragraph 2 and 3. The only reference there is made to European airspace structures, but this term has not been defined in the regulation. Those kind of matters should be left for the Member States to resolve as they depend widely on local circumstances.

Amendment 861

Bogusław Liberadzki

Proposal for a regulation

Article 29 – paragraph 1

Text proposed by the Commission

The air traffic service providers shall establish consultation mechanisms to consult the relevant airspace users and aerodrome operators on all major issues related to services provided, including relevant changes to airspace configurations, ***or strategic investments which have a relevant impact on air traffic management and air navigation service provision and/or charges. The airspace users shall also be involved in the process of approving strategic investment plans. The Commission shall adopt measures detailing the modalities of the consultation and of the involvement of airspace users in approving investment plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37 (3).***

Amendment

The air traffic service providers shall establish consultation mechanisms to consult the relevant airspace users and aerodrome operators on all major issues related to services provided, including relevant changes to airspace configurations.

Or. en

Justification

Airspace users are already involved at national level when it comes to the definition of performance plans, are part of the SESAR Joint Undertaking and of the new partnership for the SESAR Deployment. This provision leads to no added value with only extra burden.

Amendment 862

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

**Proposal for a regulation
Article 29 – paragraph 1**

Text proposed by the Commission

The air traffic service providers shall establish consultation mechanisms to consult the relevant airspace users and aerodrome operators on all major issues related to services provided, including relevant changes to airspace

Amendment

The air traffic service providers shall establish consultation mechanisms to consult the relevant airspace users and aerodrome operators on all major issues related to services provided, including relevant changes to airspace

configurations, or strategic investments which have a relevant impact on air traffic management and air navigation service provision and/or charges. ***The airspace users shall also be involved in the process of approving strategic investment plans. The Commission shall adopt measures detailing the modalities of the consultation and of the involvement of airspace users in approving investment plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37 (3).***

configurations, or strategic investments which have a relevant impact on air traffic management and air navigation service provision and/or charges.

Or. en

Amendment 863

Petar Vitanov, Rovana Plumb, Ismail Ertug, Maria Grapini

Proposal for a regulation Article 29 – paragraph 1

Text proposed by the Commission

The air traffic service providers shall establish consultation mechanisms to consult the relevant airspace users and aerodrome operators on all major issues related to services provided, including relevant changes to airspace configurations, or strategic investments which have a relevant impact on air traffic management and air navigation service provision and/or charges. ***The airspace users shall also be involved in the process of approving strategic investment plans. The Commission shall adopt measures detailing the modalities of the consultation and of the involvement of airspace users in approving investment plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37 (3).***

Amendment

The air traffic service providers shall establish consultation mechanisms to consult the relevant airspace users and aerodrome operators on all major issues related to services provided, including relevant changes to airspace configurations, or strategic investments which have a relevant impact on air traffic management and air navigation service provision and/or charges.

Justification

The proposal for airspace users to participate in the process of approving strategic investment plans is unfounded as airspace users are already involved at national/FAB level when it comes to the definition of performance plans, are part of the SESAR Joint Undertaking and of the new partnership for the SESAR Deployment. This provision leads to no added value with only extra burden.

Amendment 864

Kosma Zlotowski, Tomasz Piotr Poręba

Proposal for a regulation**Article 29 – paragraph 1***Text proposed by the Commission*

The air traffic service providers shall establish consultation mechanisms to consult the relevant airspace users and aerodrome operators on all major issues related to services provided, including relevant changes to airspace configurations, or strategic investments which have a relevant impact on air traffic management and air navigation service provision and/or charges. ***The airspace users shall also be involved in the process of approving strategic investment plans. The Commission shall adopt measures detailing the modalities of the consultation and of the involvement of airspace users in approving investment plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37 (3).***

Amendment

The air traffic service providers shall establish consultation mechanisms to consult the relevant airspace users and aerodrome operators on all major issues related to services provided, including relevant changes to airspace configurations, or strategic investments which have a relevant impact on air traffic management and air navigation service provision and/or charges.

Justification

Requirement to involve airspace users in the process of approving strategic investment plans is too far-reaching. The role of airspace users should be limited to consultation. Currently such consultation takes place, among others, during the performance plan development, as major investment plans constitute an element of performance plans.

Amendment 865

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

Proposal for a regulation

Article 29 – paragraph 1

Text proposed by the Commission

The air traffic service providers shall establish consultation mechanisms to consult the relevant airspace users and aerodrome operators on all major issues related to services provided, including relevant changes to airspace configurations, or strategic investments which have a relevant impact on air traffic management and air navigation service provision and/or charges. The airspace users shall also be involved in the process of approving strategic investment plans. The Commission shall adopt measures detailing the modalities of the consultation and of the involvement of airspace users *in* approving investment plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37 (3).

Amendment

The air traffic service providers shall establish consultation mechanisms to consult the relevant airspace users and aerodrome operators on all major issues related to services provided, including relevant changes to airspace configurations, or strategic investments which have a relevant impact on air traffic management and air navigation service provision and/or charges. The airspace users shall also be involved in the process of approving strategic investment plans, ***especially as regards aspects requiring synchronisation between air and ground equipment deployment.*** The Commission shall adopt measures detailing the modalities of the consultation and of the involvement of airspace users, ***Agency acting as PRB and Network Manager in drafting and approving investment plans to ensuring in particular their consistency with the ATM Master Plan and common projects as referred to in Article 35.*** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37 (3).

Or. en

Amendment 866

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

Proposal for a regulation

Article 29 – paragraph 1

Text proposed by the Commission

The air traffic service providers shall establish consultation mechanisms to consult the relevant airspace users and aerodrome operators on all major issues related to services provided, including relevant changes to airspace configurations, or strategic investments which have a relevant impact on air traffic management and air navigation service provision and/or charges. ***The airspace users shall also be involved in the process of approving strategic investment plans. The Commission shall adopt measures detailing the modalities of the consultation and of the involvement of airspace users in approving investment plans.*** Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37 (3).

Amendment

The air traffic service providers shall establish consultation mechanisms to consult the relevant airspace users and aerodrome operators on all major issues related to services provided, including relevant changes to airspace configurations, or strategic investments which have a relevant impact on air traffic management and air navigation service provision and/or charges. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37 (3).

Or. en

Amendment 867
Karima Delli

Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

The air traffic service providers shall establish consultation mechanisms to consult the relevant airspace users ***and*** aerodrome operators on all major issues related to services provided, including relevant changes to airspace configurations, or strategic investments which have a relevant impact on air traffic management and air navigation service provision and/or charges. ***The airspace users shall also be involved in the process of approving strategic investment plans. The Commission shall adopt measures***

Amendment

The air traffic service providers shall establish consultation mechanisms to consult the relevant airspace users, aerodrome operators ***and workers' representatives, as well as scientific experts and relevant non-governmental organisations in the field of climate and environment,*** on all major issues related to services provided, including relevant changes to airspace configurations, ***such as those resulting from the required emission reduction efforts,*** or strategic investments which have a relevant impact on air traffic

detailing the modalities of the consultation and of the involvement of airspace users in approving investment plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37 (3).

management and air navigation service provision and/or charges.

Or. en

Amendment 868
Jens Gieseke, Sven Schulze

Proposal for a regulation
Article 29 – paragraph 1

Text proposed by the Commission

The air traffic service providers shall establish consultation mechanisms to consult the relevant airspace users and aerodrome operators on all major issues related to services provided, including relevant changes to airspace configurations, or strategic investments which have a relevant impact on air traffic management and air navigation service provision and/or charges. The *airspace users* shall *also* be involved in the *process* of *approving* strategic investment plans. The Commission shall adopt measures detailing the modalities of the consultation and of the involvement of *airspace users* in approving investment plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).

Amendment

The air traffic service providers shall establish consultation mechanisms to consult the relevant airspace users and aerodrome operators on all major issues related to services provided, including relevant changes to airspace configurations, or strategic investments which have a relevant impact on air traffic management and air navigation service provision and/or charges. The *stakeholders involved in the consultation and decision-making process* shall be involved in the *approval* of strategic investment plans *and in the development of a national airspace strategy*. The Commission shall adopt measures detailing the modalities of the consultation and of the involvement of *stakeholders* in approving investment plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).

Or. de

Amendment 869
Jens Gieseke, Sven Schulze

Proposal for a regulation
Article 30 – paragraph 1

Text proposed by the Commission

Member States shall, within the context of the common transport policy, ensure that written agreements between the competent civil and military authorities or equivalent legal arrangements are established or renewed in respect of the management of specific airspace blocks and notify the Commission thereof.

Amendment

Member States shall, within the context of the common transport policy, ensure that written agreements between the competent civil and military authorities or equivalent legal arrangements are established or renewed in respect of the management of specific airspace blocks and notify the Commission thereof. ***The Commission shall adopt provisions for implementation pursuant to the procedure set out in Article 37(3) of this Regulation in order to promote cooperation between the civilian and the military sectors (flexible use of airspace).***

Or. de

Amendment 870
Jens Gieseke, Sven Schulze

Proposal for a regulation
Article 31 – paragraph 1

Text proposed by the Commission

(1) With regard to general air traffic, relevant operational data shall be made available in real-time, on a non-discriminatory basis and without prejudice to security or defence policy interests, by all air navigation service providers, airspace users, airports, and the Network Manager, including on cross-border basis and on a Union-wide basis. Such availability shall be to the benefit of certified or declared air traffic service providers, entities having a proven interest in considering the provision of air navigation services, airspace users and airports as well as the Network Manager. The data shall be used only for operational

Amendment

(1) With regard to general air traffic, relevant operational data shall be made available in real-time, on a non-discriminatory basis and without prejudice to security or defence policy interests, by all air navigation service providers, airspace users, airports, and the Network Manager, including on cross-border basis and on a Union-wide basis, ***to the extent that these are required for process control by the stakeholders involved.*** Such availability shall be to the benefit of certified or declared air traffic service providers, entities having a proven interest in considering the provision of air navigation services, airspace users and

purposes.

airports as well as the Network Manager. The data shall be used only for operational purposes. ***Data provider, data receiver, type of data and the purpose of its provision need to be clearly defined in order to ensure data consistency and technical, operational and economic feasibility.***

Or. de

Amendment 871

Andor Deli

Proposal for a regulation

Article 31 – paragraph 1

Text proposed by the Commission

1. ***With regard*** to general air traffic, ***relevant operational data*** shall be made available ***in real-time***, on a non-discriminatory basis and without prejudice to security or defence policy interests, by all air navigation service providers, airspace users, airports, and the Network Manager, ***including on cross-border basis and on a Union-wide basis. Such availability shall be to the benefit of certified or declared air traffic service providers, entities having a proven interest in considering the provision of air navigation services, airspace users and airports*** as well as the ***Network Manager***. ***The*** data shall be used ***only*** for operational purposes.

Amendment

1. ***Certain types of operational data relating*** to general air traffic shall be made available ***by operational stakeholders, in order to facilitate operational efficiency. The Commission shall be empowered to adopt delegated acts in accordance with Article 36 in order to define the scope of such operational data to be provided to certified or declared air traffic service providers, military air traffic service providers, airspace users and airports as well as the Network Manager*** on a non-discriminatory basis and without prejudice to security or defence policy interests, by all air navigation service providers, airspace users, airports, and the Network Manager, as well as the ***technicalities of such data provision, including financing and liability aspects. Such*** data shall be used for operational purposes ***only***.

Or. en

Justification

While there is a clear need to regulate data-sharing and access to data in the aviation domain, the sectoral data regime proposed in the Regulation is not yet mature. Several aspects are not yet clarified. Among others, these include the legal nature of the activities

involved, the consequences of increased liability exposure, the financing of the necessary infrastructure, the impact on market structures, etc. Therefore, the Article could be deleted or the Commission could be empowered to adopt delegated acts when the concept is more mature.

Amendment 872

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

Proposal for a regulation

Article 31 – paragraph 1

Text proposed by the Commission

1. With regard to general air traffic, relevant operational data shall be made available in real-time, on a non-discriminatory basis and without prejudice to security or defence policy interests, by all air navigation service providers, airspace users, airports, and the Network Manager, including on cross-border basis and on a Union-wide basis. Such availability shall be to the benefit of certified or declared air **traffic** service providers, ***entities having a proven interest in considering the provision of air navigation services***, airspace users and airports as well as the Network Manager. The data shall be used only for operational purposes.

Amendment

1. . With regard to general air traffic, relevant operational data shall be made available in real-time, on a non-discriminatory basis and without prejudice to security or defence policy interests, by all air navigation service providers, airspace users, airports, and the Network Manager, including on cross-border basis and on a Union-wide basis. Such availability shall be to the benefit of certified or declared air **navigation** service providers, airspace users and airports as well as the Network Manager. The data shall be used only for operational purposes.

Or. en

Amendment 873

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

Proposal for a regulation

Article 31 – paragraph 1

Text proposed by the Commission

1. With regard to general air traffic, relevant operational data shall be made available in real-time, on a non-

Amendment

1. With regard to general air traffic, relevant operational data shall be made available in real-time, on a non-

discriminatory basis and without prejudice to security or defence policy interests, by all air navigation service providers, airspace users, airports, and the Network Manager, including on cross-border basis and on a Union-wide basis. Such availability shall be to the benefit of certified or declared air traffic service providers, entities having a proven interest in considering the provision of air navigation services, airspace users and airports as well as the Network Manager. The data shall be used only for operational purposes.

discriminatory basis and without prejudice to security or defence policy interests, by all air navigation service providers, airspace users, airports, and the Network Manager, including on cross-border basis and on a Union-wide basis. Such availability shall be to the benefit of certified or declared air **navigation service providers, military air** traffic service providers, entities having a proven interest in considering the provision of air navigation services, airspace users and airports as well as the Network Manager. The data shall be used only for operational purposes.

Or. en

Amendment 874
Karima Delli

Proposal for a regulation
Article 31 – paragraph 1

Text proposed by the Commission

1. With regard to general air traffic, relevant operational data shall be made available in real-time, on a non-discriminatory basis and without prejudice to security or defence policy interests, by all air navigation service providers, airspace users, airports, and the Network Manager, including on cross-border basis and on a Union-wide basis. Such availability shall be to the benefit of certified or declared air traffic service providers, entities having a proven interest in considering the provision of air navigation services, airspace users and airports as well as the Network Manager. The data shall be used only for operational purposes.

Amendment

1. With regard to general air traffic, relevant operational data shall be made available in **an interoperable format in** real-time, on a **transparent**, non-discriminatory basis and without prejudice to security or defence policy interests, by all air navigation service providers, airspace users, airports, and the Network Manager, including on cross-border basis and on a Union-wide basis. Such availability shall be to the benefit of certified or declared air traffic service providers, entities having a proven interest in considering the provision of air navigation services, airspace users and airports as well as the Network Manager. The data shall be used only for operational purposes.

Or. en

Amendment 875

Kosma Zlotowski, Tomasz Piotr Poręba

Proposal for a regulation

Article 31 – paragraph 2

Text proposed by the Commission

Amendment

2. Prices for the service referred to in paragraph 1 shall be based on the marginal cost of making the data available. **deleted**

Or. en

Justification

With regard to the objectives of draft regulation presented by the Commission, especially having in mind the assumption to create a market of air navigation service provision, an obligation to make all the data available for the price of transmitting it to other entities has to be assessed negatively. This issue should be left entirely for it to be decided through agreements or any other formal arrangements concluded between concerned parties. This seems to be the only way to create a true data market.

Amendment 876

Andor Deli

Proposal for a regulation

Article 31 – paragraph 2

Text proposed by the Commission

Amendment

2. Prices for the service referred to in paragraph 1 shall be based on the marginal cost of making the data available. **deleted**

Or. en

Justification

While there is a clear need to regulate data-sharing and access to data in the aviation domain, the sectoral data regime proposed in the Regulation is not yet mature. Several aspects are not yet clarified. Among others, these include the legal nature of the activities involved, the consequences of increased liability exposure, the financing of the necessary

infrastructure, the impact on market structures, etc. Therefore, the Article could be deleted or the Commission could be empowered to adopt delegated acts when the concept is more mature.

Amendment 877

Andor Deli

Proposal for a regulation

Article 31 – paragraph 3

Text proposed by the Commission

Amendment

3. Access to relevant operational data as referred to in paragraph 1 shall be granted to the authorities in charge of safety oversight, performance oversight and network oversight, including the Agency. **deleted**

Or. en

Justification

While there is a clear need to regulate data-sharing and access to data in the aviation domain, the sectoral data regime proposed in the Regulation is not yet mature. Several aspects are not yet clarified. Among others, these include the legal nature of the activities involved, the consequences of increased liability exposure, the financing of the necessary infrastructure, the impact on market structures, etc. Therefore, the Article could be deleted or the Commission could be empowered to adopt delegated acts when the concept is more mature.

Amendment 878

Dominique Riquet, Pierre Karleskind, Nathalie Loiseau

Proposal for a regulation

Article 31 – paragraph 3

Text proposed by the Commission

Amendment

3. Access to relevant operational data as referred to in paragraph 1 shall be granted to the authorities in charge of safety oversight, performance oversight and network oversight, including the Agency.

3. Access to relevant operational data as referred to in paragraph 1 shall be granted to the authorities in charge of safety oversight, performance oversight and network oversight, including the Agency. *The military bodies responsible*

for oversight and protection of airspace shall also be granted access to its data.

Or. fr

Amendment 879

Karima Delli

Proposal for a regulation

Article 31 – paragraph 3

Text proposed by the Commission

3. Access to relevant operational data as referred to in paragraph 1 shall be granted to the authorities in charge of safety oversight, performance oversight and network oversight, including the Agency.

Amendment

3. Access to relevant operational data as referred to in paragraph 1 shall be granted to the authorities in charge of safety oversight, performance oversight, ***and in particular of climate and environmental indicators***, and network oversight, including the Agency.

Or. en

Amendment 880

Andor Deli

Proposal for a regulation

Article 31 – paragraph 4

Text proposed by the Commission

4. The Commission may lay down the detailed requirements for the making available of and the access to data in accordance with paragraphs 1 and 3 and the methodology to set the prices as referred to in paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).

Amendment

deleted

Or. en

Justification

While there is a clear need to regulate data-sharing and access to data in the aviation domain, the sectoral data regime proposed in the Regulation is not yet mature. Several aspects are not yet clarified. Among others, these include the legal nature of the activities involved, the consequences of increased liability exposure, the financing of the necessary infrastructure, the impact on market structures, etc. Therefore, the Article could be deleted or the Commission could be empowered to adopt delegated acts when the concept is more mature.

Amendment 881

Karima Delli

Proposal for a regulation

Article 33 – paragraph 1

Text proposed by the Commission

1. Taking into account the organisation of military aspects under their responsibility, Member States shall ensure the application within the single European sky of the concept of the flexible use of airspace as described by ICAO and as developed by Eurocontrol, in order to facilitate airspace management and air traffic management in the context of the common transport policy and in consistency with the European ATM Master Plan .

Amendment

1. Taking into account the organisation of military aspects under their responsibility, Member States shall ensure the application within the single European sky of the concept of the flexible use of airspace as described by ICAO and as developed by Eurocontrol, in order to facilitate airspace management and air traffic management in the context of the common transport policy, ***within the capacity limitations derived from the emission reduction targets*** and in consistency with the European ATM Master Plan .

Or. en

Amendment 882

Dominique Riquet, Pierre Karleskind, Nathalie Loiseau

Proposal for a regulation

Article 33 – paragraph 1

Text proposed by the Commission

1. Taking into account the organisation of military aspects under their

Amendment

1. Taking into account the organisation of military aspects under their

responsibility, Member States shall ensure the application within the single European sky of the concept of the flexible use of airspace as described by ICAO and as developed by Eurocontrol, in order to facilitate airspace management and air traffic management in the context of the common transport policy *and* in consistency with the European ATM Master Plan.

responsibility, Member States shall ensure the application within the single European sky of the concept of the flexible use of airspace as described by ICAO and as developed by Eurocontrol, in order to facilitate airspace management and air traffic management in the context of the common transport policy *and, when circumstances allow*, in consistency with the European ATM Master Plan .

Or. fr

Amendment 883
Brice Hortefeux

Proposal for a regulation
Article 33 – paragraph 1

Text proposed by the Commission

1. Taking into account the organisation of military aspects under their responsibility, Member States shall ensure the application within the single European sky of the concept of the flexible use of airspace as described by ICAO and as developed by Eurocontrol, in order to facilitate airspace management and air traffic management in the context of the common transport policy *and in consistency with the European ATM Master Plan* .

Amendment

1. Taking into account the organisation of military aspects under their responsibility, Member States shall ensure the application within the single European sky of the concept of the flexible use of airspace as described by ICAO and as developed by Eurocontrol, in order to facilitate airspace management and air traffic management in the context of the common transport policy.

Or. en

Justification

The European ATM Master Plan never involved Member states nor took account of their military and security prerogatives. Interests of the network can't prevail over such prerogatives.

Amendment 884
Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

Proposal for a regulation
Article 33 – paragraph 1

Text proposed by the Commission

1. Taking into account the organisation of military aspects under their responsibility, Member States shall ensure the application within the single European sky of the concept of the flexible use of airspace as described by ICAO and as ***developed by Eurocontrol***, in order to facilitate airspace management and air traffic management in the context of the common transport policy and in consistency with the European ATM Master Plan .

Amendment

1. Taking into account the organisation of military aspects under their responsibility, Member States shall ensure the application within the single European sky of the concept of the flexible use of airspace as described by ICAO and as ***provided by Union law***, in order to facilitate airspace management and air traffic management in the context of the common transport policy and in consistency with the European ATM Master Plan.

Or. en

Amendment 885

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

Proposal for a regulation
Article 33 – paragraph 3

Text proposed by the Commission

3. Where, in particular following the reports submitted by Member States, it becomes necessary to reinforce and harmonise the application of the concept of the flexible use of airspace within the single European sky, the Commission shall adopt measures within the context of the common transport policy. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).

Amendment

3. Where, in particular following the reports submitted by Member States, it becomes necessary to reinforce and harmonise the application of the concept of the flexible use of airspace, ***the relevant technological airspace infrastructure and technical innovation*** within the single European sky, the Commission ***and the Agency*** shall adopt measures within the context of the common transport policy ***such as the harmonization of training for air traffic controllers***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).

Or. en

Amendment 886

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

Proposal for a regulation

Article 34 – paragraph 1

Text proposed by the Commission

The entities in charge of tasks established in Union law in the areas of coordination of the SESAR definition phase, the SESAR development phase and the SESAR deployment phase, as the case may be, shall cooperate to ensure effective coordination between those three phases so as to achieve a seamless and timely transition between them.

Amendment

1. The entities in charge of tasks established in Union law in the areas of coordination of the SESAR definition phase, the SESAR development phase and the SESAR deployment phase, as the case may be, shall cooperate to ensure effective coordination between those three phases so as to achieve a seamless and timely transition between them. ***All relevant civil and military stakeholders shall be involved to the widest possible extent.***

2. ***The coordination of standardisation activities shall be executed by the Commission with assistance from the Agency. They shall be subject to appropriate governance, which shall recognise the needs and priorities of operational stakeholders.***

3. ***Commission shall, with a view to achieving the objectives set out in Article 1, adopt, in accordance with the examination procedure referred to in Article 37(3), implementing acts laying down detailed provisions concerning establishment of an integrated European Aviation Standards Coordination Group for the coordination of standards necessary for aviation including decision-making and coordination processes involving operational stakeholders and aviation-related standards development organisations as referred to in paragraph 2.***

Or. en

Amendment 887

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

Katainen

Proposal for a regulation
Article 35 – paragraph 1

Text proposed by the Commission

1. The Commission may set up common projects for implementing the essential operational changes identified in the European ATM Master Plan having a network-wide impact.

Amendment

1. The Commission may set up common projects for implementing the essential operational changes identified in the European ATM Master Plan having a network-wide impact. ***Such projects shall support a timely and synchronised deployment of the priority enablers towards the Digital European Sky and European Green Deal. They shall further support the improvement of the performance of the European aviation system in key areas such as capacity, flight and cost efficiency, the provision of enabling services such as advanced communications, as well as environmental sustainability, within the overriding safety objective.***

Or. en

Amendment 888

Kosma Zlotowski, Tomasz Piotr Poręba, Roberts Zile

Proposal for a regulation
Article 35 – paragraph 1

Text proposed by the Commission

1. The Commission may set up common projects for implementing the essential operational changes identified in the European ATM Master Plan ***having*** a network-wide impact.

Amendment

1. The Commission may set up common projects for implementing the essential operational changes identified in the European ATM Master Plan ***which:***

- a) have a network-wide impact;***
- b) require synchronised implementation of multiple operational stakeholders in order to achieve timely performance benefits;***

- c) reached sufficient maturity; and*
- d) aim to enable interoperable capabilities in all Member States.*

Or. en

Justification

The criteria for essential operational changes of the ATM Master Plan to be part of Common Projects should be based in sound criteria independent from political discretion. The experience acquired since Common Projects were introduced as part of the SESII legislative package, as well as identified by the European Court of Auditors, shows that these criteria must be based on the level of maturity and the synchronisation needs amongst multiple stakeholders.

Amendment 889

Kosma Zlotowski, Tomasz Piotr Poręba

Proposal for a regulation Article 35 – paragraph 2

Text proposed by the Commission

Amendment

- | | |
|--|-----------------------|
| <p>2. The Commission may also establish governance mechanisms for common projects and their implementation.</p> | <p>deleted</p> |
|--|-----------------------|

Or. en

Justification

The paragraph deleted is moved to Article 35a, establishing the European Deployment and Infrastructure Manager function.

Amendment 890

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

Proposal for a regulation Article 35 – paragraph 2

Text proposed by the Commission

Amendment

- | | | |
|--|------------------|---|
| <p>2. The Commission may also establish</p> | <p>2.</p> | <p><i>In order to support the priorities</i></p> |
|--|------------------|---|

governance mechanisms for common projects and their implementation.

set in paragraph 1 of this Article, the Commission may also establish governance mechanisms for common projects and their implementation.

Or. en

Amendment 891

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

Proposal for a regulation Article 35 – paragraph 3

Text proposed by the Commission

3. Common projects may be eligible for Union funding. To this end, and without prejudice to Member States' competence to decide on the use of their financial resources, the Commission shall carry out an independent cost-benefit analysis and appropriate consultations with Member States and with relevant stakeholders in accordance with Article 10, exploring all appropriate means for financing the implementation thereof.

Amendment

3. Common projects may be eligible for Union funding. To this end, and without prejudice to Member States' competence to decide on the use of their financial resources, the Commission shall carry out an independent cost-benefit analysis and appropriate consultations with Member States and with relevant stakeholders in accordance with Article 10, exploring all appropriate means for financing the implementation thereof ***including financial mechanisms to improve the synchronisation of air-based and ground-based capital expenditure related to the deployment of SESAR solutions.***

Or. en

Amendment 892

Karima Delli

Proposal for a regulation Article 35 – paragraph 3

Text proposed by the Commission

3. Common projects may be eligible for Union funding. To this end, and without prejudice to Member States'

Amendment

3. Common projects may be eligible for Union funding. To this end, and without prejudice to Member States'

competence to decide on the use of their financial resources, the Commission shall carry out an independent cost-benefit analysis and appropriate consultations with Member States and with relevant stakeholders in accordance with Article 10, exploring all appropriate means for financing the implementation thereof.

competence to decide on the use of their financial resources, the Commission shall carry out an independent cost-benefit analysis, ***including an assessment on the obligation to fulfil the European Green Deal objectives and in particular the “Do No Significant Harm” principle, as well as the alignment towards the European Climate Law targets,*** and appropriate consultations with Member States and with relevant stakeholders in accordance with Article 10, exploring all appropriate means for financing the implementation thereof.

Or. en

Amendment 893
Robert Roos

Proposal for a regulation
Article 35 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States may implement a functional airspace block with a view to achieving the required capacity and efficiency of the air traffic management network within the single European sky and maintaining a high level of safety and contributing to the overall performance of the air transport system and a reduced environmental impact. Member States may jointly execute tasks and responsibilities under this Regulation at the level of the functional airspace block. Where relevant, cooperation may also include third countries taking part in functional airspace blocks.

Or. en

Justification

The current article 9A of SES Regulation 550/2004 (Service provision Regulation), which obliges Member States to implement Functional airspace blocks is deleted in the SES2+ proposal. This limits the possibilities for Member States to cooperate on e.g. airspace projects

and performance. It is proposed to reinsert a new article after article 35 with the option for Member States to implement a FAB in order to jointly execute tasks and responsibilities under this Regulation commonly. This new FAB approach is voluntary, not obligatory.

Amendment 894

Tom Berendsen, Caroline Nagtegaal, Søren Gade

Proposal for a regulation

Article 35 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Through enhanced cooperation across borders and shared responsibilities, Member States and neighbouring third countries may implement a functional airspace block under this Regulation with a view to improving capacity and efficiency of the air traffic management network within the Single European sky.

Or. en

Justification

Member states must have the possibility to, on a voluntary basis, cooperate with other Member States on e.g. airspace projects and performance.

Amendment 895

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

Proposal for a regulation

Article 35 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission shall establish the common projects **and** governance mechanisms referred to in paragraphs 1 **and 2** through implementing acts adopted in accordance with the examination procedure referred to in Article 37(3).

4. The Commission shall establish the common projects, governance mechanisms **and financial mechanism** referred to in paragraphs 1, **2 and 3** through implementing acts adopted in accordance with the examination procedure referred to in Article 37(3).

Or. en

Amendment 896

Kosma Zlotowski, Tomasz Piotr Poręba

Proposal for a regulation

Article 35 – paragraph 4

Text proposed by the Commission

4. The Commission shall establish the common projects ***and governance mechanisms*** referred to in ***paragraphs 1 and 2*** through implementing acts adopted in accordance with the examination procedure referred to in Article 37(3).

Amendment

4. The Commission shall establish the common projects referred to in ***paragraph 1*** through implementing acts adopted in accordance with the examination procedure referred to in Article 37(3).

Or. en

Justification

The rules establishing governance mechanisms for Common Projects is moved to Article 35a, establishing the European Deployment and Infrastructure Manager function.

Amendment 897

Kosma Zlotowski, Tomasz Piotr Poręba

Proposal for a regulation

Article 35 a (new)

Text proposed by the Commission

Amendment

Article 35a

European Deployment and Infrastructure Management

1. In order to achieve a Union-wide coordinated approach for the deployment of European ATM infrastructure identified in the European ATM Master Plan, the Commission shall establish the European Deployment and Infrastructure Management function.

2. The European Deployment and Infrastructure Management function shall carry out the following tasks in accordance with the ATM Master Plan:

a) planning, monitoring and coordinating implementation activities of the deployment of European ATM infrastructure, taking into account operational needs and associated operational procedures, including common projects referred to in Article 35;

b) advise the Commission and provide information to the PRB on the deployment of European ATM Infrastructure, in particular to identify investments necessary for the implementation of common projects referred to in Article 35.

3. The Commission may select an aggregation of operational stakeholders' groupings to perform the European Deployment and Infrastructure Management function. The selection shall take the form of an award of a framework partnership following a call for proposals in accordance with Article 130 of Regulation (EU, Euratom) No 2018/1046.

4. The Commission shall establish detailed rules for the execution and tasks of the European Deployment and Infrastructure Management function referred to in paragraphs 1 and 2, including governance mechanisms and decision-making processes, through implementing acts adopted in accordance with the examination procedure referred to in Article 37(3).

5. For the purpose of the European Deployment and Infrastructure Management function operational stakeholders shall be understood as civil and military airspace users, air navigation service providers, airport operators, and the Network Manager.

Or. en

Justification

The coordination of deployment of infrastructure for the European ATM system, including Common Projects, requires active partnering from the main operational stakeholders (i.e.

civil and military air navigation service providers, airspace users, airport operators, and the Network Manager), who in fact commit their capital into such investments. Such partnering principles must ensure that the operational stakeholders jointly contribute and collaborate amongst equals in an inclusive setup, to prevent conflict of interests and direct or indirect political discretion, to the benefit of the performance of the Single European Sky, and ultimately to European passengers.

Amendment 898

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

Proposal for a regulation

Article 35 a (new)

Text proposed by the Commission

Amendment

Article 35a

Final Provision

The Commission shall adopt delegated acts in accordance with Article 36 concerning the tendering procedure to be followed by the Member States when designating air traffic service providers, in accordance with Directive 2014/24/EU^{1a} and Directive 2014/25/EU^{2a}.

^{1a} Directive 2014/24/EU of the European Parliament and of the Council of 26 February 2014 on public procurement and repealing Directive 2004/18/EC.

^{2a} Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC.

Or. en

Amendment 899

Marian-Jean Marinescu, Elżbieta Katarzyna Łukacijewska

Proposal for a regulation
Article 36 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Articles 6 and 26 shall be conferred on the Commission for a period of seven years from [the date of the publication of this Regulation]. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Amendment

2. The delegation of power referred to in Articles 4, 6, 8, 9(4a), 13, 14, 23 and 26 shall be conferred on the Commission for a period of seven years from [the date of the publication of this Regulation]. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Or. en

Amendment 900

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

Proposal for a regulation
Article 36 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Articles 6 **and 26** shall be conferred on the Commission for a period of seven years from [the date of the publication of this Regulation]. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Amendment

2. The delegation of power referred to in Articles 6, 9, 26 **and 42a** shall be conferred on the Commission for a period of seven years from [the date of the publication of this Regulation]. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Or. en

Amendment 901

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

Proposal for a regulation
Article 36 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Articles 6 **and 26** may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Articles 6, **9, 26 and 42a** may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Amendment 902

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

Proposal for a regulation
Article 36 – paragraph 4

Text proposed by the Commission

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

Amendment

4. Before adopting a delegated act, the Commission shall consult ***the Expert Group on Human Dimension of the Single European Sky and*** experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

Or. en

Amendment 903
Johan Danielsson

Proposal for a regulation
Article 36 – paragraph 4

Text proposed by the Commission

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

Amendment

4. Before adopting a delegated act, the Commission shall consult ***the Expert Group on Human Dimension as well as*** experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

Or. en

Amendment 904

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

Proposal for a regulation
Article 36 – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Articles 6 ***and 26*** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Amendment

5. A delegated act adopted pursuant to Articles 6, ***9, 26 and 42a*** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Or. en

Amendment 905

Dominique Riquet, Pierre Karleskind, Nathalie Loiseau

Proposal for a regulation

Article 37 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. If no opinion is issued, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

Or. fr

Amendment 906

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

Proposal for a regulation

Article 38 – title

Text proposed by the Commission

Amendment

Consultation *of stakeholders*

Industry Consultation *Body*

Or. en

Amendment 907

Bogusław Liberadzki

Proposal for a regulation

Article 38 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States, national supervisory authorities, the Agency whether or not it is acting as PRB and the Network Manager shall establish consultation mechanisms for appropriate consultation of stakeholders for the exercise of their tasks in the implementation of this Regulation.

1. Without prejudice to the role of the Sectoral Dialogue Committee and of Eurocontrol, the Commission shall establish an ‘industry consultation body’, to which air navigation service providers, associations of airspace users and airport operators shall belong to and in which the manufacturing industry and professional

staff representative bodies shall participate as observers. The role of this body shall solely be to advise the Commission on the implementation of the single European sky.

Or. en

Justification

We regret to see the lack of a permanent body like the ICB which has proven its value throughout the years by providing its view on matters of strategic importance, having helped the community to drive the changes. That is why we believe a permanent body should be maintained.

Amendment 908

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

**Proposal for a regulation
Article 38 – paragraph 1**

Text proposed by the Commission

1. Member States, national supervisory authorities, the Agency whether or not it is acting as PRB and the Network Manager shall establish consultation mechanisms for appropriate consultation of stakeholders for the exercise of their tasks in the implementation of this Regulation.

Amendment

1. ***Without prejudice to the obligation of Member States under International Agreements***, Member States, national supervisory authorities, the Agency whether or not it is acting as PRB and the Network Manager shall establish consultation mechanisms for appropriate consultation of stakeholders for the exercise of their tasks in the implementation of this Regulation.

Or. en

Amendment 909

Johan Van Overtveldt

**Proposal for a regulation
Article 38 – paragraph 1**

Text proposed by the Commission

1. Member States, national supervisory authorities, the Agency whether or not it is acting as PRB and the Network Manager shall establish consultation mechanisms for appropriate consultation of stakeholders for the exercise of their tasks in the implementation of this Regulation.

Amendment

1. Member States, national supervisory authorities, the Agency whether or not it is acting as PRB and the Network Manager shall establish ***binding and annual*** consultation mechanisms for appropriate consultation of stakeholders for the exercise of their tasks in the implementation of this Regulation.

Or. en

Justification

The stakeholders should be involved.

Amendment 910

Johan Danielsson

Proposal for a regulation

Article 38 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. 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 911

Jens Gieseke, Sven Schulze

Proposal for a regulation

Article 38 – paragraph 2

Text proposed by the Commission

(2) The Commission shall establish such a mechanism at Union level to consult on matters related to the implementation of this Regulation where appropriate. The specific Sectoral Dialogue Committee set up under Commission Decision 98/500/EC shall be involved in the consultation. ***For the purpose of point (e) of paragraph 3, when consultation relating to military aspects is required, the Commission shall, in addition to Member States, consult the European Defence Agency and other competent military experts designated by the Member States.***

Amendment

(2) The Commission shall establish such a mechanism at Union level to consult on matters related to the implementation of this Regulation. The specific Sectoral Dialogue Committee set up under Commission Decision 98/500/EC shall be involved in the consultation.

Or. de

Amendment 912
Karima Delli

Proposal for a regulation
Article 38 – paragraph 2

Text proposed by the Commission

2. The Commission shall establish such a mechanism at Union level to consult on matters related to the implementation of this Regulation where appropriate. The specific Sectoral Dialogue Committee set up under Commission Decision 98/500/EC shall be involved in the consultation. For the purpose of point (e) of paragraph 3, when consultation relating to military aspects is required, the Commission shall, in addition to Member States, consult the European Defence Agency and other competent military experts designated by the Member States.

Amendment

2. The Commission shall establish such a mechanism at Union level to consult on matters related to the implementation of this Regulation where appropriate, ***particularly regarding the alignment with European Green Deal objectives the emission reduction targets within the European Climate Law.*** The specific Sectoral Dialogue Committee set up under Commission Decision 98/500/EC shall be involved in the consultation. For the purpose of point (e) of paragraph 3, when consultation relating to military aspects is required, the Commission shall, in addition to Member States, consult the European Defence Agency and other competent military experts designated by the Member States.

Or. en

Amendment 913
Karima Delli

Proposal for a regulation
Article 38 – paragraph 3 – point g a (new)

Text proposed by the Commission

Amendment

**(ga) scientific experts in the domains of
climate and environment**

Or. en

Amendment 914
Jens Gieseke, Sven Schulze

Proposal for a regulation
Article 38 – paragraph 3 – point h

Text proposed by the Commission

Amendment

**(h) relevant non-governmental
organisations.**

deleted

Or. de

Amendment 915
Karima Delli

Proposal for a regulation
Article 38 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

**3a. The outcome of the consultations
shall be made publicly available in due
time.**

Or. en

Amendment 916

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

Proposal for a regulation

Article 38 a (new)

Text proposed by the Commission

Amendment

Article 38a

Industry Consultation Body

Without prejudice to the role of the Committee and of Eurocontrol, the Commission shall establish an ‘industry consultation body’, in which air navigation service providers, associations of airspace users, airport operators, the manufacturing industry and professional staff representative bodies shall participate. The role of this body shall solely be to advise the Commission on the implementation of the single European sky.

Or. en

Amendment 917

Johan Van Overtveldt

Proposal for a regulation

Article 38 a (new)

Text proposed by the Commission

Amendment

Article 38a

Industry consultation body

Without prejudice to the role of the Committee and of Eurocontrol, the Commission shall establish an ‘industry consultation body’, to which air navigation service providers, associations of airspace users, airport operators, the manufacturing industry and professional staff representative bodies shall belong. The role of this body shall solely be to

advise the Commission on the implementation of the single European sky.

Or. en

Justification

Reinsert deleted article 6.

Amendment 918

Bogusław Liberadzki

Proposal for a regulation

Article 41 – paragraph 2

Text proposed by the Commission

2. Paragraph 1 shall be without prejudice to the right of disclosure by national supervisory authorities, the Commission or the ***Agency acting as*** PRB where this is essential for the fulfilment of their duties, in which case such disclosure shall be proportionate and shall have regard to the legitimate interests of air navigation service providers, airspace users, airports or other relevant stakeholders in the protection of their commercially sensitive information .

Amendment

2. Paragraph 1 shall be without prejudice to the right of disclosure by national supervisory authorities, the Commission or the PRB where this is essential for the fulfilment of their duties, in which case such disclosure shall be proportionate and shall have regard to the legitimate interests of air navigation service providers, airspace users, airports or other relevant stakeholders in the protection of their commercially sensitive information .

Or. en

Amendment 919

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

Proposal for a regulation

Article 42 – paragraph 1

Text proposed by the Commission

Member States shall lay down rules on penalties applicable to infringements of this Regulation and of the delegated and implementing acts adopted on the basis

Amendment

Member States shall lay down rules on penalties applicable to infringements of this Regulation, ***except for the rules on fines and periodic penalty payments when***

thereof in particular by airspace users , airport operators and air navigation service providers , and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

the Agency is acting as referred to in Article 42a, and of the delegated and implementing acts adopted on the basis thereof in particular by airspace users , airport operators and air navigation service providers , and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

Or. en

Amendment 920

Karima Delli

Proposal for a regulation

Article 42 – paragraph 1

Text proposed by the Commission

Member States shall lay down rules on penalties applicable to infringements of this Regulation and of the delegated and implementing acts adopted on the basis thereof in particular by airspace users , airport operators and air navigation service providers , and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.

Amendment

Member States shall lay down rules on penalties applicable to infringements of this Regulation and of the delegated and implementing acts adopted on the basis thereof in particular by airspace users , airport operators and air navigation service providers , and shall take all measures necessary to ensure that they are implemented, *particularly in relation to lack of compliance with climate and environmental aspects*. The penalties provided for shall be effective, proportionate and dissuasive.

Or. en

Amendment 921

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

Proposal for a regulation

Article 42 a (new)

Article 42a

***Fines and periodic penalty payments
when the Agency is acting as PRB***

1. The Commission may, at the request of the Agency acting as PRB, impose on a legal or natural person responsible for the performance of Air Navigation Service Providers, in accordance with this Regulation and Article 84a of Regulation 2018/1139, either one or both of the following:

(a) a fine, where that person infringed, intentionally or negligently, one of the provisions of this Regulation;

(b) a periodic penalty payment where that person continues to infringe one of those provisions, in order to compel that person to comply with those provisions.

2. The fines and periodic penalty payments referred to in paragraph 1 shall be effective and proportionate.

The amount of the fines shall not exceed 4 % of the annual income or turnover of the legal or natural person concerned.

The amount of the periodic penalty shall not exceed 2,5 % of the average daily income or turnover of the legal or natural person concerned.

3. The Commission shall only impose fines and periodic penalty payments pursuant to paragraph 1 when other measures provided for in this Regulation and in the delegated and implementing acts adopted on the basis thereof to address such infringements are inadequate or disproportionate.

4. With regard to the imposition of fines and periodic penalty payments in accordance with this Article, the Commission shall adopt delegated acts in accordance with Article 36, laying down:

(a) detailed criteria and a detailed methodology for establishing the amounts of the fines and periodic penalty payments;

(b) detailed rules for enquiries, associated measures and reporting, as well as decision-making, including provisions on rights of defence, access to file, legal representation, confidentiality and temporary provisions; and

(c) procedures for the collection of the fines and periodic penalty payments.

5. The Court of Justice shall have unlimited jurisdiction to review decisions of the Commission taken pursuant to paragraph 1. It may cancel, reduce or increase the fine or periodic penalty payment imposed.

6. The decisions of the Commission taken pursuant to paragraph 1 shall not be of a criminal law nature.

Or. en

Amendment 922

Karima Delli

Proposal for a regulation

Article 43 – paragraph 1

Text proposed by the Commission

1. The Commission shall conduct an evaluation to assess the application of this Regulation **by 2030**. When justified for this purpose, the Commission may request from the Member States information relevant to the application of this Regulation.

Amendment

1. The Commission shall conduct an evaluation to assess the application of this Regulation **and its effects in the different performance targets, and particularly on the overall impact on the reduction of climate-impacting emissions, by 2026**. When justified for this purpose, the Commission may request from the Member States information relevant to the application of this Regulation.

Or. en

Amendment 923
Henna Virkkunen

Proposal for a regulation
Article 44 – paragraph 1 – introductory part

Text proposed by the Commission

This Regulation shall not prevent the application of measures by a Member State to the extent that these are needed to safeguard essential security or defence policy interests. Such measures are in particular those which are imperative:

Amendment

This Regulation shall not prevent the application of measures by a Member State to the extent that these are needed to safeguard essential security or defence policy interests. Such measures are in particular ***but not limited to*** those which are imperative:

Or. en

Amendment 924
Henna Virkkunen

Proposal for a regulation
Article 44 – paragraph 1 – point e

Text proposed by the Commission

(e) in order to conduct military operations and training, including the necessary possibilities for exercises.

Amendment

(e) in order to ***maintain operational readiness, gather information supporting the development of national defence capacities***, conduct military operations, and training, including the necessary possibilities for exercises.

Or. en

Amendment 925
Kosma Zlotowski, Tomasz Piotr Poręba

Proposal for a regulation
Article 46 – paragraph 2 – introductory part

Text proposed by the Commission

2. Article 3(3) shall apply from [**OP**
please insert the date - 48 months after the
entry into force of this Regulation].

Amendment

2. Article 3(3) ***and article 25(3)*** shall
apply from [***XY*** months after the entry into
force of this Regulation ***to become***
applicable as from 1 January 2025].

Or. en

Justification

Transitional period is needed to allow ANSP to prepare for implementation of accounts separation.

Amendment 926

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

Proposal for a regulation

Article 46 – paragraph 2 – introductory part

Text proposed by the Commission

2. Article 3(3) shall apply from [OP
please insert the date - ***48*** months after the
entry into force of this Regulation].

Amendment

2. Article 3(3) shall apply from [OP
please insert the date - ***12*** months after the
entry into force of this Regulation].

Or. en

Amendment 927

Dominique Riquet, Pierre Karleskind, Nathalie Loiseau

Proposal for a regulation

Annex I a (new)

Text proposed by the Commission

Amendment

***STATEMENT BY THE MEMBER
STATES ON MILITARY ISSUES
RELATED TO THE SINGLE
EUROPEAN SKY***

The Member States,

***— taking into account the fact that the
Regulations aimed at creating the single***

European sky apply only to general air traffic and do not cover military operations and training,

— affirming the necessity to put into practice the legislative framework for the single European sky in a coherent and consistent way, taking full account of the needs related to national defence and security policy and international agreements,

— being convinced that the safe and efficient use of airspace can only be achieved through close cooperation between civil and military users of airspace, mainly based on the concept of flexible use of airspace and effective civil-military coordination as established by ICAO, hereby declare that they will:

1. cooperate with each other, taking into account national military requirements, in order that the concept of flexible use of airspace is fully and uniformly applied in all Member States by all users of airspace;

2. ensure that the interests of Member States' military users of airspace will, where relevant, be represented in the whole development, decision-making process and implementation of the single European sky, including the Single Sky Committee set up under Article 5 of Regulation (EC) No 549/2004 (framework Regulation);

3. ensure, where appropriate, that military personnel are involved in the work undertaken by recognised organisations set up under Article 3 of Regulation (EC) No 550/2004 (the Service Provision Regulation);

4. take into account, in relation to matters of air traffic management, the fundamental importance of Eurocontrol;

5. enhance civil military cooperation and, if and to the extent deemed necessary by all Member States concerned,

facilitate cooperation between their armed forces in all matters of air traffic

management, so as to make it possible to address relevant needs in the implementation of the regulatory framework for the single European sky;

taking into account the objective of establishing the regulatory framework for the single European sky by 31 December 2004, create the arrangements necessary to support such military cooperation in order to guarantee a balanced consideration of economic as well as security and defence requirements.

Or. fr

Justification

Inclusion of the statement by the Member States on military issues related to the single European sky.