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Committee on Transport and Tourism

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*****I**

DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council
on the implementation of the Single European Sky (recast)
(COM(2013)0410 – C7-0171/2013 – 2013/0186(COD))

Committee on Transport and Tourism

Rapporteur: Marian-Jean Marinescu

(Recast – Rule 87 of the Rules of Procedure)

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on the implementation of the Single European Sky (recast)
(COM(2013)0410 – C7-0171/2013 – 2013/0186(COD))**

(Ordinary legislative procedure – recast)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0410),
 - having regard to Article 294(2) and Article 100(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0171/2013),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Maltese House of Representatives, asserting that the draft legislative act does not comply with the principle of subsidiarity,
 - having regard to the opinion of the European Economic and Social Committee of xxxxxxxxxx¹,
 - having regard to the opinion of the Committee of the Regions of xxxxxxxxxx²,
 - having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts³,
 - having regard to the letter of xxxxxxxxxx from the Committee on Legal Affairs to the Committee on Transport and Tourism in accordance with Rule 87(3) of its Rules of Procedure,
 - having regard to Rules 87 and 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A7-0000/2013),
- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;

¹ OJ C 0, 0.0.0000, p. 0.

² OJ C 0, 0.0.0000, p. 0.

³ OJ C 77, 28.3.2002, p. 1.

1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) The Member States have adopted a general statement on military issues related to the Single European Sky¹⁸. According to this statement, Member States should, in particular, enhance civil-military cooperation and, if and to the extent deemed necessary by all Member States concerned, facilitate cooperation between their armed forces in all matters of air traffic management.

¹⁸ See page 9 of this Official Journal.

Amendment

(7) The Member States have adopted a general statement on military issues related to the Single European Sky¹⁸. According to this statement, Member States should, in particular, enhance civil-military cooperation and, if and to the extent deemed necessary by all Member States concerned, facilitate cooperation between their armed forces in all matters of air traffic management ***in order to facilitate flexible use of airspace.***

¹⁸ See page 9 of this Official Journal.

Or. en

Amendment 2

Proposal for a regulation

Recital 10

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 3

Proposal for a regulation

Recital 11

Text proposed by the Commission

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

Amendment

(11) National **aviation** authorities have a key role to play in the implementation of the Single European Sky. **The Commission** and the **European Agency for Aviation (EAA)** should therefore facilitate cooperation among them in order to enable the exchange of best practices and to develop a common approach, including through enhanced cooperation at regional level, **by providing a platform for such exchanges**. This cooperation should take place on a regular basis.

Or. en

Amendment 4

Proposal for a regulation

Recital 15

Text proposed by the Commission

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

Amendment

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

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

²⁰ OJ L 95, 9.4.2009, p. 41

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

²⁰ OJ L 95, 9.4.2009, p. 41

Or. en

Amendment 5

Proposal for a regulation Recital 17

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 6

Proposal for a regulation Recital 18

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 7

Proposal for a regulation Recital 22

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 8

Proposal for a regulation Recital 27

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 9

Proposal for a regulation
Recital 28

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 10

Proposal for a regulation Recital 29

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 11

Proposal for a regulation Recital 30

Text proposed by the Commission

(30) In order to ensure uniform conditions for the implementation of this Regulation, in particular with regard to the exercise of their powers by national **supervisory** authorities, provision of support services on an exclusive basis by a service provider or groupings thereof, corrective measures to ensure compliance with the Union-wide and associated local performance targets, review of compliance in relation to the charging scheme, governance and adoption of common projects for network related functions, functional airspace blocks, modalities of participation of stakeholders in major operational decisions of the air navigation service providers, access to and protection of data, electronic aeronautical information and technological development and interoperability of air traffic management, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning

Amendment

(30) In order to ensure uniform conditions for the implementation of this Regulation, in particular with regard to the exercise of their powers by national **aviation** authorities, provision of support services on an exclusive basis by a service provider or groupings thereof, corrective measures to ensure compliance with the Union-wide and associated local performance targets, review of compliance in relation to the charging scheme, governance and adoption of common projects for network related functions, functional airspace blocks, modalities of participation of stakeholders in major operational decisions of the air navigation service providers, access to and protection of data, electronic aeronautical information and technological development and interoperability of air traffic management, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning

mechanisms for control by Member States of the Commission's exercise of implementing powers²².

²² OJ L 55, 28.2.2011, p.13.

mechanisms for control by Member States of the Commission's exercise of implementing powers²².

²² OJ L 55, 28.2.2011, p.13.

Or. en

Amendment 12

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

1. This Regulation lays down rules for the creation and proper functioning of the Single European Sky in order to ensure current air traffic safety standards, to contribute to the sustainable development of the air transport system and to improve the overall performance of air traffic management (ATM) and air navigation services (ANS) for general air traffic in Europe, with a view to meeting the requirements of all airspace users. The Single European Sky shall comprise a coherent pan-European network of routes, an integrated operating airspace, network management and air traffic management **systems** based only on safety, efficiency and interoperability, for the benefit of all airspace users.

Amendment

1. This Regulation lays down rules for the creation and proper functioning of the Single European Sky in order to ensure current air traffic safety standards, to contribute to the sustainable development of the air transport system and to improve the overall performance of air traffic management (ATM) and air navigation services (ANS) for general air traffic in Europe, with a view to meeting the requirements of all airspace users. The Single European Sky shall comprise a coherent pan-European **and, subject to specific arrangements with the neighbouring countries, third-country** network of routes, an integrated operating airspace, network management and air traffic management based only on safety, efficiency and interoperability, for the benefit of all airspace users.

Or. en

Justification

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

Amendment 13

Proposal for a regulation Article 1 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 14

Proposal for a regulation Article 2 – point 3

Text proposed by the Commission

3. ‘aeronautical information service’ means a service **established within the defined area of coverage** responsible for the provision of aeronautical information and data necessary for the safety, regularity, and efficiency of air navigation;

Amendment

3. ‘aeronautical information service’ means a service responsible for the provision of aeronautical information and data necessary for the safety, regularity, and efficiency of air navigation;

Or. en

Amendment 15

Proposal for a regulation Article 2 – point 4

Text proposed by the Commission

4. ‘air navigation services’ means air traffic **services**; communication, navigation and

Amendment

4. ‘air navigation services’ means air traffic **management** ; communication, navigation

surveillance services; meteorological services for air navigation; and aeronautical information services;

and surveillance services, meteorological services for air navigation, and aeronautical information services

Or. en

Amendment 16

Proposal for a regulation Article 2 – point 5

Text proposed by the Commission

5. ‘air navigation service providers’ means **any** public or private **entity** providing air navigation services for general air traffic;

Amendment

5. ‘air navigation service providers’ means **independent** public or private **entities** providing air navigation services for general air traffic;

Or. en

Amendment 17

Proposal for a regulation Article 2 – point 6

Text proposed by the Commission

6. ‘airspace block’ means an airspace of defined dimensions, ***in space and time, within which air navigation services are provided;***

Amendment

6. ‘airspace block’ means an airspace of defined dimensions;

Or. en

Amendment 18

Proposal for a regulation Article 2 – point 7

Text proposed by the Commission

7. ‘airspace management’ means a planning **service** with the primary objective

Amendment

7. ‘airspace management’ means a planning **function** with the primary

of maximising the utilisation of available airspace by dynamic time-sharing and, at times, the segregation of airspace among various categories of airspace users on the basis of short-term needs;

objective of maximising the utilisation of available airspace by dynamic time-sharing and, at times, the segregation of airspace among various categories of airspace users on the basis of short-term needs ***and a strategic function associated with infrastructure planning***;

Or. en

Amendment 19

Proposal for a regulation Article 2 – point 12

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 20

Proposal for a regulation Article 2 – point 15

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 21

Proposal for a regulation Article 2 – point 16

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 22

Proposal for a regulation Article 2 – point 17

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 23

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

Text proposed by the Commission

Amendment

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

performance objectives set by this Regulation;

Or. en

Amendment 24

Proposal for a regulation Article 2 – point 19

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 25

Proposal for a regulation Article 2 – point 24

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 26

Proposal for a regulation Article 2 – point 33

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 27

Proposal for a regulation Article 2 – point 36

Text proposed by the Commission

36. 'national **supervisory** authority' means **the** national body **or bodies** entrusted by a Member State **with the tasks of supervision in accordance with this Regulation and the national competent authorities entrusted** with the tasks provided for in **Article 8b of** Regulation (EC) No 216/2008;

Amendment

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

Or. en

Amendment 28

Proposal for a regulation Article 2 – point 37

Text proposed by the Commission

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

Amendment

37. 'support services' means **CNS (communication, navigation and surveillance), MET (meteorological) and AIS (aeronautical information)** services;

Amendment 29

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 30

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

Text proposed by the Commission

Amendment

38b. 'integrated operational airspace' means the controlled airspace with defined dimensions encompassing the European and, subject to appropriate arrangements, neighbouring third countries' airspace where dynamic allocation structure and time-sharing, performance-enhanced controller resources, fully interoperable air navigation services and combined solutions are employed in order to address the optimal, predictable and safe use of the airspace for the accomplishment of the Single European Sky;

Or. en

Amendment 31

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 32

Proposal for a regulation Article 3 – title

Text proposed by the Commission

Amendment

National **supervisory** authorities

National **aviation** authorities

Or. en

Amendment 33

Proposal for a regulation Article 3 – paragraph 1

Text proposed by the Commission

Amendment

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

1. Member States shall, jointly or individually, either nominate or establish a body or bodies as their national **aviation** authority.

Or. en

Amendment 34

Proposal for a regulation

Article 3 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 35

Proposal for a regulation

Article 3 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 36

Proposal for a regulation

Article 3 – paragraph 4

Text proposed by the Commission

4. **The** national **supervisory** authorities that are not **legally distinct from any air navigation service providers or any private or public entity having an interest in the activities of such providers, as**

Amendment

4. **Those** national **aviation** authorities that are not **already complying with the provisions laid down** in paragraph 2 on the date of entry into force of this Regulation shall meet this requirement by 1 January

provided for in paragraph 2, on the date of entry into force of this Regulation shall meet this requirement by 1 January **2020** at the latest.

2018 at the latest.

Or. en

Amendment 37

Proposal for a regulation Article 3 – paragraph 5

Text proposed by the Commission

5. The national ***supervisory*** authorities shall exercise their powers impartially, independently and transparently. In particular, they shall be organised, staffed, managed and financed so as to allow them to exercise their powers in that manner.

Amendment

5. The national ***aviation*** authorities shall exercise their powers impartially, independently and transparently. In particular, they shall be organised, staffed, managed and financed so as to allow them to exercise their powers in that manner.

Or. en

Amendment 38

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 39

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

Text proposed by the Commission

(a) be recruited under clear and transparent

Amendment

(a) be recruited under clear and transparent

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

rules which guarantee their independence;

Or. en

Amendment 40

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 41

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

Text proposed by the Commission

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

Amendment

(c) act independently and not seek or take instructions from any government or other public or private entity when carrying out the functions of the national ***aviation*** authority;

Or. en

Amendment 42

Proposal for a regulation

Article 3 – paragraph 6 – point e

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 43

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 44

Proposal for a regulation

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 45

Proposal for a regulation

Article 3 – paragraph 7

Text proposed by the Commission

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

Amendment

7. Member States shall ensure that national **aviation** authorities have the necessary resources and capabilities to carry out the tasks assigned to them in an efficient and timely manner. The national **aviation** authorities shall have full authority over the recruitment and management of their staff based on their own appropriations.

Or. en

Amendment 46

Proposal for a regulation

Article 3 – paragraph 8

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 47

Proposal for a regulation

Article 3 – paragraph 9

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 48

Proposal for a regulation

Article 3 – paragraph 9 – point a (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 49

Proposal for a regulation

Article 3 – paragraph 9 – point b (new)

Text proposed by the Commission

Amendment

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

Or. en

Amendment 50

Proposal for a regulation

Article 4 – title

Text proposed by the Commission

Tasks of the national **supervisory** authorities

Amendment

Tasks of the national **aviation** authorities

Or. en

Amendment 51

Proposal for a regulation

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 52

Proposal for a regulation

Article 4 – paragraph 1 – point a

Text proposed by the Commission

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

Amendment

(a) *the tasks arising from Regulation (EC) No 216/2008;*

Or. en

Amendment 53

Proposal for a regulation

Article 4 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

(b) the performance or delegation, wholly or in part, of the tasks listed in Articles 8b, 8c and 10 of Regulation (insert nr of the regulation amending Regulation 216/2008 - 2013/0187 (COD)), and performance of the task of ensuring supervision of the application of this Regulation, in particular with regard to the safe and efficient operation of providers of air navigation services relating to the airspace falling within the responsibility of the Member States.

Or. en

Amendment 54

Proposal for a regulation

Article 4 – paragraph 1 – point c

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 55

Proposal for a regulation

Article 4 – paragraph 1 – point d

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 56

Proposal for a regulation

Article 4 – paragraph 1 – point e

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 57

Proposal for a regulation

Article 4 – paragraph 1 – point f

Text proposed by the Commission

Amendment

(f) approving the conditions of access to operational data in accordance with Article 22; and

deleted

Or. en

Amendment 58

Proposal for a regulation

Article 4 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) supervising declarations and the

deleted

putting into service of systems.

Or. en

Amendment 59

Proposal for a regulation Article 4 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 60

Proposal for a regulation Article 5 – title

Text proposed by the Commission

Co-operation between national **supervisory** authorities

Amendment

Cooperation between national **aviation** authorities

Or. en

Amendment 61

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

Text proposed by the Commission

The national **supervisory** authorities shall exchange information about their work and decision-making principles, practices and procedures as well as implementation of

Amendment

The national **aviation** authorities shall exchange information about their work and decision-making principles, practices and procedures as well as implementation of

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

Union law. They shall cooperate for the purpose of coordinating their decision-making across the Union. The ***Commission and the EAA*** shall ***facilitate active cooperation, exchanges and secondment of staff between the national aviation authorities. Subject to the rules on data protection provided for in Article 22 of this Regulation and in Regulation (EC) No 45/2001, the Commission shall provide a platform for the exchange of such information among the members of the network, possibly through electronic tools, respecting the confidentiality of business secrets of any companies, organisations or entities involved.***

Or. en

Amendment 62

Proposal for a regulation Article 5 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 63

Proposal for a regulation Article 5 – paragraph 3

Text proposed by the Commission

3. In respect of functional airspace blocks

Amendment

3. In respect of functional airspace blocks,

that extend across the airspace falling under the responsibility of more than one Member State, the Member States concerned shall conclude an agreement on the supervision provided for in *this Article* with regard to the air navigation service providers providing services relating to those blocks. The national *supervisory* authorities concerned shall establish a plan specifying the modalities of their *co-operation* with a view to giving effect to that agreement.

the Member States concerned shall conclude an agreement on the supervision provided for in *Article 4* with regard to the air navigation service providers providing services relating to those blocks. The national *aviation* authorities concerned shall establish a plan specifying the modalities of their *cooperation* with a view to giving effect to that agreement

Or. en

Amendment 64

Proposal for a regulation Article 5 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 65

Proposal for a regulation Article 5 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 66

**Proposal for a regulation
Article 5 – paragraph 6**

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 67

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

Text proposed by the Commission

1. National ***supervisory*** authorities may decide to delegate ***in full*** or in part the inspections ***and surveys referred to in***

Amendment

1. ***The EEA and*** national ***aviation*** authorities may decide to delegate, ***wholly*** or in part, the inspections, ***surveys and***

Article 4 (2) to qualified entities that fulfil the requirements set out in Annex I.

other tasks assigned under this Regulation to qualified entities that fulfil the requirements set out in Annex I.

Or. en

Amendment 68

Proposal for a regulation Article 6 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 69

Proposal for a regulation Article 6 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 70

Proposal for a regulation Article 6 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 71

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

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

Amendment

1. National **aviation** authorities, acting in accordance with their national legislation, shall establish consultation mechanisms for appropriate involvement of stakeholders, including professional staff representative bodies for the exercise of their tasks, in the implementation of the Single European Sky.

Or. en

Amendment 72

Proposal for a regulation Article 8 – paragraph 1

Text proposed by the Commission

1. The provision of all air navigation services within the Union shall be subject to certification by or declaration to,

Amendment

1. The provision of all air navigation services within the Union shall be subject to certification by, or declaration to,

national **supervisory** authorities or EAA in accordance with Article 8b of Regulation (EC) No 216/2008.

national **aviation** authorities or **the** EAA in accordance with Article 8b of Regulation (EC) No 216/2008.

Or. en

Amendment 73

Proposal for a regulation Article 8 – paragraph 4

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 74

Proposal for a regulation Article 9 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Member States shall ensure the provision of air traffic services, **with the exception of approach and aerodrome control services,** on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility. For this purpose, Member States shall designate **one or more** air traffic service **providers** holding a valid certificate or declaration in the Union.

Amendment 75

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 2

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 76

Proposal for a regulation

Article 10 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Providers of ANS shall, when drawing up business plans, take into consideration offers from different support service providers. The performance review body provided for by Article 11(2) shall, when evaluating the performance plans, monitor the level of compliance with the provisions of this paragraph.

Or. en

Amendment 77

Proposal for a regulation

Article 11 – paragraph 1 – point b

Text proposed by the Commission

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

Amendment

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

performance targets; and

performance targets; and

Or. en

Amendment 78

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 79

Proposal for a regulation Article 11 – paragraph 3

Text proposed by the Commission

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

Amendment

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

airport coordinators.

coordinators.

Or. en

Amendment 80

Proposal for a regulation

Article 11 – paragraph 4 – subparagraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 81

Proposal for a regulation

Article 11 – paragraph 4 – subparagraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 82

Proposal for a regulation

Article 11 – paragraph 6

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 83

Proposal for a regulation

Article 11 – paragraph 7 – subparagraph 1 – point a

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 84

Proposal for a regulation

Article 11 – paragraph 7 – subparagraph 1 – point b

Text proposed by the Commission

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

Amendment

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

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

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

Or. en

Amendment 85

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 86

Proposal for a regulation

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 87

Proposal for a regulation

Article 11 – paragraph 7 – subparagraph 1 – point e

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 88

Proposal for a regulation

Article 11 – paragraph 7 – subparagraph 1 – point f

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 89

Proposal for a regulation

Article 11 – paragraph 7 – subparagraph 1 – point g

Text proposed by the Commission

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

Amendment

(g) criteria ***for the imposition of*** sanctions for non-compliance with the ***Union-wide*** and associated local performance targets during the reference ***periods*** and ***for supporting*** alert mechanisms;

Or. en

Amendment 90

Proposal for a regulation

Article 13 – paragraph 2

Text proposed by the Commission

2. The principles set out in paragraphs 3 to 8 shall be applied when establishing the cost-base for charges.

Amendment

2. The principles set out in paragraphs 3 to 8 shall be applied when establishing the cost-base for charges.

Or. en

Amendment 91

Proposal for a regulation

Article 13 – paragraph 4

Text proposed by the Commission

4. The costs to be taken into account in this context shall be those assessed in relation to the facilities and services provided for and implemented under the ICAO Regional Air Navigation Plan, European Region. They shall also include costs incurred by national **supervisory** authorities and/or qualified entities, as well as other costs incurred by the relevant Member State and service provider in relation to the provision of air navigation services. They shall not include the costs of penalties imposed by Member States referred to Article 33 **nor** the costs of any corrective measures or sanctions referred to in Article 11 (5).

Amendment

4. The costs to be taken into account in this context shall be those assessed in relation to the facilities and services provided for and implemented under the ICAO Regional Air Navigation Plan, European Region. They shall also include costs incurred by national **aviation** authorities and/or qualified entities, as well as other costs incurred by the relevant Member State and service provider in relation to the provision of air navigation services. They shall not include the costs of penalties imposed by Member States **as** referred to **in** Article 33 **or** the costs of any corrective measures or sanctions **as** referred to in Article 11(5).

Or. en

Amendment 92

Proposal for a regulation

Article 13 – paragraph 5

Text proposed by the Commission

5. In respect of the functional airspace

Amendment

5. In respect of the functional airspace

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

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

Or. en

Amendment 93

Proposal for a regulation Article 13 – paragraph 8

Text proposed by the Commission

8. Transparency of the cost-base for charges shall be guaranteed. Implementing rules for the provision of information by the service providers shall be adopted in order to permit reviews of the ***provider's*** forecasts, actual costs and revenues. Information shall be regularly exchanged between the national ***supervisory*** authorities, service providers, airspace users, the Commission and Eurocontrol.

Amendment

8. Transparency of the cost-base for charges shall be guaranteed. Implementing rules for the provision of information by the service providers shall be adopted in order to permit reviews of the forecasts, actual costs and revenues ***of the service provider concerned.*** Information shall be regularly exchanged between the national ***aviation*** authorities, service providers, airspace users, the Commission and Eurocontrol.

Or. en

Amendment 94

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

Text proposed by the Commission

(f) charges shall encourage the safe, efficient, effective and sustainable provision of air navigation services with a view to achieving a high level of safety and cost-efficiency and meeting the performance targets and ***they*** shall stimulate integrated service provision,

Amendment

(f) charges shall encourage the safe, efficient, effective and sustainable provision of air navigation services with a view to achieving a high level of safety and cost-efficiency and meeting the performance targets, and shall stimulate integrated service provision whilst

whilst reducing the environmental impact of aviation. For the purposes of point **(f)** and in relation to the ***national or functional airspace block*** performance plans, national ***supervisory authorities*** may set up mechanisms, including incentives consisting of financial advantages and disadvantages, to encourage air navigation service providers and/or airspace users to support improvements in the provision of air navigation services such as increased capacity, reduced delays and sustainable development, while maintaining an optimum safety level.

reducing the environmental impact of aviation. For the purposes of ***this*** point and in relation to the ***local*** performance plans, ***the national aviation authority*** may set up mechanisms, including incentives consisting of financial advantages and disadvantages, to encourage air navigation service providers and/or airspace users to support improvements in the provision of air navigation services such as increased capacity, reduced delays and sustainable development, while maintaining an optimum safety level.

Or. en

Amendment 95

Proposal for a regulation Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Implementation of the ATM Master Plan

The Commission shall adopt measures governing the implementation of the ATM Master Plan baseline (ESSIP), including measures for the definition and selection of an entity responsible for management level (deployment manager). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 27(3).

Or. en

Amendment 96

Proposal for a regulation Article 15 – paragraph 1

Text proposed by the Commission

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

Amendment

1. The implementation of the ATM Master Plan may be supported by common projects. These projects shall support the objectives of this Regulation to improve the performance of the European aviation system in key areas such as capacity, flight and cost efficiency as well as environmental sustainability, within the overriding safety objectives. The common projects shall aim to deploy **ATM functionalities** in a timely, coordinated and synchronised manner, **with a view to bringing about** the essential operational changes identified in the ATM Master Plan, **including identification of the most appropriate geographical dimension, performance-driven project architecture and service delivery approach to be applied by the deployment manager.**

Or. en

Amendment 97

**Proposal for a regulation
Article 15 – paragraph 2**

Text proposed by the Commission

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

Amendment

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

Amendment 98

Proposal for a regulation Article 16 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 99

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

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 100

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 101

Proposal for a regulation Article 16 – paragraph 5

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 102

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

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 103

Proposal for a regulation Article 16 – paragraph 11

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 104

Proposal for a regulation Article 17 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 105

Proposal for a regulation

Article 17 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

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

Amendment

(a) *airspace* design, *including the design of* European *routes, airspace sectors and airspace structures in the en-route and terminal areas*;

Or. en

Amendment 106

Proposal for a regulation

Article 17 – paragraph 2 – subparagraph 3

Text proposed by the Commission

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

Amendment

The Commission may, in conformity with the implementing rules referred to in paragraph 4, appoint Eurocontrol, or another impartial and competent body, to carry out the tasks of the Network Manager. These tasks shall be executed in an impartial and cost-effective manner and performed on behalf of *the Union*, Member States and stakeholders. They shall be subject to appropriate governance which recognises the separate accountabilities for service provision and regulation, taking into consideration the needs of the whole ATM network and with the full involvement of the airspace users and air navigation service providers. By 1 January **2016**, the Commission shall designate the Network Manager as a self-standing service provider, where possible set up as an industrial partnership.

Or. en

Amendment 107

Proposal for a regulation Article 17 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 108

Proposal for a regulation Article 21 – paragraph 4

Text proposed by the Commission

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

Amendment

deleted

Or. en

Amendment 109

Proposal for a regulation Article 32 – paragraph 1

Text proposed by the Commission

1. Neither the national **supervisory** authorities, acting in accordance with their national legislation, nor the Commission

Amendment

1. Neither the national **aviation** authorities, acting in accordance with their national legislation, nor the Commission shall

shall disclose information of a confidential nature, in particular information about air navigation service providers, their business relations or their cost components.

disclose information of a confidential nature, in particular information about air navigation service providers, their business relations or their cost components.

Or. en

Amendment 110

Proposal for a regulation Article 32 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 111

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

Text proposed by the Commission

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

Amendment

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

Or. en

EXPLANATORY STATEMENT

The Single European Sky initiative (SES) was launched in 2000, bringing the air traffic management and the navigation services under the common transport policy. Since SES's inception, the enlargement policy together with an active neighbourhood policy had extended the European aviation market to 38 countries, thus turning the EU aviation into a global player. However, SES did not deliver the expected results. Little progress is visible on the FABs bottom-up approach, as well as on the overall efficiency of the design and use of the European network of routes, therefore neither the navigation charges and ticket prices nor average flight length or fuel consumption decreased considerably enough due to the on-going SES reform. Consequently, airspace users and passengers pay the unnecessary burden of the inefficiencies in the EU aviation chain in time, fuel burn and money.

Commission proposal

The recast of the regulation on the implementation of the Single Sky aims at accelerating the implementation of the reform of air navigation services while, at the same time, remaining faithful to the original objectives and principles. It intends to achieve this goal, inter alia, by strengthening the independence of the national supervisory authorities, reinforcing the role of the Network Manager, redefining the concept of functional airspace blocks by allowing the industry to take a more prominent role and, last but not least, making support air navigation services subject to tendering process open to competition.

Status quo is not an option

After having worked on the previous Single European Sky proposal (SES II) and negotiating the final agreement with the Council only to see its results being blurred by a lack of political will and commitment in many Member States, your rapporteur could not be more supportive of the principles laid down in the SESII+. Despite some efforts of a few Member States committed to improve the landscape of the European ATM industry, the airspace users, airlines and passengers alike did not experience much of it in their daily activities and business. That is why we should consider this new proposal as perhaps the last chance to speed up already much delayed implementation of the EU's flagship initiative before the European aviation industry suffers another setback due to external competition and new wave of airline bankruptcies. This said, your rapporteur is of an opinion that a few changes could improve the proposal to make it more practical and its implementation more flexible and efficient.

Rapporteur's draft report

First of all, a few amendments have been made to add some important definitions, namely that of a "local performance target" or "industrial partnership" which, according to the proposal, will now be a "driving force" within newly structured functional airspace blocks.

Secondly, as by its definition the Single European Sky should be more inclusive and allow for more flexible use of the airspace, its members should be encouraged to enter into enhanced cooperation regardless of the boundaries within which they operate. They should equally be

able to extend the geographical and operational scope to which this regulation applies by means of appropriate agreements, including at the Functional Airspace Block level, with the neighbouring third countries. A few changes making it explicitly possible are introduced in the text.

Thirdly, in line with the provisions laid down in the SESII+’ second proposal amending regulation 216/2008, which gives considerably more tasks to the European Aviation Agency (EEA), a few changes are proposed with regards to national aviation authorities’ (NAA) accreditation process and certification of the Air Navigation Services Providers (ANSPs). In particular, with a view to reaching a uniform procedure for certification of air navigation service providers in the future and to offer them a one-stop shop to receive a Union-wide permit to perform their tasks, it should be possible for the European Aviation Agency (EEA) to issue such certificate recognisable in all Member States.

In addition, the support services are clearly defined as comprising communication, navigation and surveillance (CNS), meteorological and aeronautical information services to avoid any confusion. What is more, since the separation of support services from the ANSPs has been widely contested, the obligation for an ANSP to consider offers from other providers to perform these services, without the obligation to separate them, is proposed instead.

Furthermore, as the implementation of the SES depends heavily on the ATM Master Plan baseline, including timely and targeted deployment and interoperability of technological components, the Commission should be tasked to entrust responsibility for the management of such deployment to a selected entity called deployment manager in order to clarify the appropriate management structure of SES and facilitate its accurate and timely implementation. Particular attention is paid to the “common projects” especially those based on technology-driven frameworks.

Finally, as the practice demonstrated that most of the national supervisory authorities’ tasks are entrusted to the already existing aviation authorities, it is proposed to clarify the existing legal confusion between NSAs and NAAs by explicitly merging the two parallel concepts into a single one, giving hereby the responsibility to supervise the ANSPs to the national aviation authorities subject to EEA’s accreditation. When performing their tasks, the national aviation authorities would have to ensure their independence, especially in terms of recruitment procedures and data protection.

Your rapporteur is convinced that the amended proposal properly addresses the expectations of the citizens by being a balanced approach between the industry’s views and the social needs. A synergetic approach is therefore proposed on network design, network management and technological deployment, with a view to creating an integrated operational European airspace. Against this background, your rapporteur suggests that all interested parties should commit themselves to align their political commitment to the technological framework which is already in motion and to speed up the implementation of the Single European Sky in full consistency with the on-going SESAR timeline.