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From:	General Secretariat of the Council
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Subject:	Amended proposal for a Regulation of the European Parliament and the Council on the implementation of the Single European Sky (recast) – Outcome of the technical meetings with EP for Chapter III

In view of the meeting of the members of the Aviation Working Party on 11 November 2021, delegations will find in annex a revised four-column document for Article 6 of the SES 2+ recast proposal with new compromise proposals by the EP for lines 116a.-129a.

**Amended proposal for a**

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**on the implementation of the Single European Sky**  
**(recast)**

(Text with EEA relevance)

	<b>Commission proposal COM(2020) 579 final</b>	<b>EP amendments (updated first reading) PE662.138v01-00</b>	<b>Council document 9616/21</b>	<b>Options for compromises</b>
116a.	<b>CHAPTER III - SERVICE PROVISION</b>	<b>CHAPTER III - SERVICE PROVISION</b>	<b>CHAPTER III - SERVICE PROVISION</b>	
117.	<b>Article 6 - Economic certification and requirements for air navigation service providers</b>	<b>Article 6 - Economic certification and requirements for air navigation service providers</b>	<b>Article 6 - Provision of services by air navigation service providers</b>	

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118.	1. Air navigation service providers shall, in addition to the certificates they are required to hold pursuant to Article 41 of Regulation (EU) No 2018/1139, hold an economic certificate. This economic certificate shall be issued upon application, when the applicant has demonstrated sufficient financial robustness and has obtained appropriate liability and insurance cover.	1. Air navigation service providers shall, in addition to the certificates they are required to hold pursuant to Article 41 of Regulation (EU) No 2018/1139, hold an economic certificate. This economic certificate shall be issued upon application, when the applicant has demonstrated [...] financial robustness and has obtained appropriate liability and insurance cover. <b>The applicants shall also demonstrate that they have policies and processes in place to ensure compliance with Union competition law.</b>	[...]	<b>Cf. Council's GA for the Proposal for a regulation amending Regulation (EU) 2018/1139, Article 1.</b> <b>EP counter proposal:</b> Air navigation service providers shall <i>hold the certificate</i> required pursuant to Article 41 of Regulation (EU) No 2018/1139. <i>In that context, having regard to the part of the certificate corresponding to the competence of the NSA, air navigation service providers shall comply with the provisions of Article 40(1) second paragraph, (a), (b), (c) and of Article 43 (1)(a) of Regulation (EU) No 2018/1139.</i> <i>The part of the certificate corresponding to the competence</i>

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				<i>of the NSA provided in Article 41 of Regulation (EU) No 2018/1139</i> shall be issued upon application, when the applicant has demonstrated [...] financial robustness and has obtained appropriate liability and insurance cover.
119.	The economic certificate referred to in this paragraph may be limited, suspended or revoked when the holder no longer complies with the requirements for issuing and maintaining such certificate.	The economic certificate referred to in this paragraph may be <b>amended</b> , limited, suspended or revoked when the holder no longer complies with the requirements for issuing and maintaining such certificate. <b>The NSA shall develop a contingency plan in collaboration with the Network Manager and the Agency acting as PRB in the event of such limitation, suspension or revocation of</b>	[...]	<b>Cf. Council's GA for the Proposal for a regulation amending Regulation (EU) 2018/1139, Article 1(1b)</b> <b>EP counterproposal:</b> <i>The part of the certificate corresponding to the competence of the NSA</i> referred to in this paragraph may be limited, suspended or revoked when the holder no longer complies with the requirements for issuing and maintaining such certificate <b>in accordance with Article 41 (4) of</b>

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		<b>the economic certificate, in order to ensure business continuation.</b>		<b><i>Regulation (EU) No 2018/1139.</i></b>
120.	2. An entity that holds an economic certificate referred to in paragraph 1 and a certificate referred to in Article 41 of Regulation (EU) No 2018/1139 shall be entitled to provide within the Union air navigation services for airspace users, under non-discriminatory conditions, without prejudice to Article 7(2).		2. <b>Without prejudice to Articles 7, 7a and 8(4) of this Regulation</b> , an entity that [...] <b>complies with the requirements set out in Articles 40 and 41 of Regulation (EU) No 2018/1139 and in the delegated acts and implementing acts adopted on the basis thereof</b> shall be entitled to <b>provide air navigation services for airspace users</b> within the Union, [...] under non-discriminatory conditions [...].	<b>EP counterproposal:</b> 2. <b><i>Without prejudice to Articles 7 and 8(4) of this Regulation</i></b> , an entity that holds a certificate referred to in Articles <b>40 and 41</b> of Regulation (EU) No 2018/1139 <b>and in the delegated acts and implementing acts adopted on the basis thereof</b> shall be entitled to provide within the Union air navigation services for airspace users, under non-discriminatory conditions [...].
121.			<b>2a. In the case a Member States has granted to an air navigation service provider an exemption from the requirement to hold a certificate pursuant to</b>	<b>Tentative compromise by EP and PCY:</b> 2a. In the case a Member States has granted to an air navigation service provider an exemption from the requirement to hold a

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			<b>Article 41(6) of Regulation (EU) 2018/1139, that Member State may, notwithstanding paragraph 2, allow that service provider to provide air navigation services in the part of the airspace under its responsibility for which this exemption was granted and in compliance with the conditions set out in that Article.</b>	certificate pursuant to Article 41(6) of Regulation (EU) 2018/1139, that Member State may, notwithstanding paragraph 2, allow that service provider to provide air navigation services in the part of the airspace under its responsibility for which this exemption was granted and in compliance with the conditions set out in that Article. <b>EP questions necessity of this provision</b>
122.	3. The economic certificate referred to in paragraph 1 and the certificate referred to in Article 41 of Regulation (EU) No 2018/1139 may be subject to one or several conditions set out in Annex I. Such conditions shall be objectively justified, non-discriminatory, proportionate and transparent. The Commission shall be empowered to adopt delegated	3. The economic certificate referred to in paragraph 1 [...] may be subject to one or several conditions set out in Annex I. Such conditions shall be objectively justified, non-discriminatory, proportionate and transparent. The Commission shall be empowered to adopt delegated acts in accordance with Article 36 in order to amend the list	[...]	<b>Cf. the Council's GA for the Proposal for a regulation amending Regulation (EU) 2018/1139, Article 1(1b)</b> <b>EP counterproposal:</b> This provision must be added in Article 47 of Regulation (EU) 2018/1139:  <i>The Commission shall be</i>

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	acts in accordance with Article 36 in order to amend the list set out in Annex I for the purposes of providing for an economic level playing field and resilience of service provision.	set out in Annex I for the purposes of providing for an economic level playing field and <b>financial</b> resilience of service provision.		<i>empowered to adopt delegated acts in accordance with Article 36 in order to amend the list set out in Article 41(3a) of Regulation (EU) 2018/1139 for the purposes of providing for an economic level playing field and financial resilience of service provision.</i>
123.	4. The national supervisory authorities of the Member State where the natural or legal person applying for the economic certificate has its principal place of business or, if that person has no principal place of business, where it has its place of residence or place of establishment, shall be responsible for the tasks set out in this Article in respect of	4. The national supervisory <b>authority</b> of the Member State where the natural or legal person applying for the economic certificate has its principal place of business or, if that person has no principal place of business, where it has its place of residence or place of establishment, shall be responsible for the tasks set out in this Article in respect of	[...]	<i>With PCY compromise as regards the role of NSAs for economic requirements (lines 124, 124a, 124b), there may be a need to clarify which NSA are in charge of overseeing economic requirements, including in case of cross-border services (Article 5(4)).</i> <b>EP counterproposal:</b> 4. The national supervisory <b>authority</b> of the Member State

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	the economic certificates. In the case of provision of air navigation services in an airspace falling under the responsibility of two or more Member States, the national supervisory authorities responsible shall be those specified in accordance with Article 5(4).	the economic certificates. In the case of provision of air navigation services in an airspace falling under the responsibility of two or more Member States, the national supervisory authorities responsible shall be those specified in accordance with Article 5(4).		where the natural or legal person applying for the [...] certificate has its principal place of business or, if that person has no principal place of business, where it has its place of residence or place of establishment, shall be responsible for the tasks set out in this Article in respect of the <i>[...] part of the certificate corresponding to its competences</i> . In the case of provision of air navigation services in an airspace falling under the responsibility of two or more Member States, the national supervisory authorities responsible shall be those specified in accordance with Article 5(4).
124.	5. For the purpose of paragraph 1, the national supervisory authorities shall:		[...]	<b>Compromise text proposed by PCY:</b> 5. For the purpose of paragraph 2, the national supervisory authorities shall:



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				<b>EP counterproposal:</b> 5. For the purpose of paragraph 1, the national supervisory authorities shall:
124a	(a) receive and assess the applications made to them, and, where applicable, issue or renew economic certificates;		[...]	<i>PCY suggests considering the following text:</i> <i>“assess the applications for certification received in accordance with Article 41(2) of Regulation (EU) 2018/1139, and, as regards the economic requirements referred to in points (a), (b) and (c) of Article 40(1) and provide a binding opinion to the competent authority referred to in Article 62 of Regulation (EU) No 2018/1139”.</i> <b>EP counterproposal:</b> (a) assess the fulfilment of the economic requirements set out in points (a), (b) and (c) of Article 40(1) of Regulation (EU) No 2018/1139 and in the

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				implementing acts adopted on the basis thereof and, <i>where applicable, approve and issue the part</i> of the certificate <i>for which it is competent</i> pursuant to Article 41 of Regulation (EU) 2018/1139.
124b.	(b) perform oversight of holders of economic certificates.		[...]	<p><b>Compromise text proposed by PCY:</b>  (b) perform the oversight of holders of a certificate pursuant to Article 41 of Regulation (EU) 2018/1139 with respect to the compliance with economic requirements set out in points (a), (b) and (c) of Article 40(1) of Regulation (EU) No 2018/1139 and in the implementing acts adopted on the basis thereof.</p> <p><b>EP counterproposal:</b>  (b) perform the oversight of holders of a certificate <i>referred to in Articles 40 and 41 of</i></p>

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				<i>Regulation (EU) No 2018/1139 and in the delegated acts and implementing acts adopted on the basis thereof</i> , with respect to the compliance with economic requirements set out in points (a), (b) and (c) of Article 40(1) of Regulation (EU) No 2018/1139 and in the implementing acts adopted on the basis thereof.
125.	6. The Commission shall adopt, in accordance with the examination procedure referred to in Article 37(3), implementing rules regarding detailed requirements on financial robustness, in particular financial strength and financial resilience, as well as in respect of liability and insurance cover. In order to ensure the uniform implementation of and compliance with paragraphs (1), (4) and (5) of this Article,	6. [...] In order to ensure the uniform implementation of and compliance with paragraphs (1), (4) and (5) of this Article, the Commission shall, <b>with a view to achieving the objectives set out in Article 1</b> , adopt implementing acts, in accordance with the examination procedure referred to in Article 37(3), laying down detailed provisions concerning:	[...]	<b>Cf. Council's GA for the Proposal for a regulation amending Regulation (EU) 2018/1139, Article 1 for lines 125-126 and 128</b> <b>EP wishes to maintain its text.</b>

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	the Commission shall adopt implementing acts, in accordance with the examination procedure referred to in Article 37(3), laying down detailed provisions concerning			
126.	the rules and procedures for certification	<b>(a)</b> the rules and procedures for certification <b>issuing, maintaining, amending, limiting, suspending or revoking the certificates referred to in Article 6 paragraph 1;;</b>		<b>Cf. Council's GA for the Proposal for a regulation amending Regulation (EU) 2018/1139, Article 1 for lines 125-126 and 128</b> <i>The empowerment in EASA BR may not sufficiently cater for the opinion of the NSA intervening in the certification process and EASA BR should therefore be amended.</i>
127.	and for conducting the investigations, inspections, audits and other monitoring activities necessary to ensure effective oversight by the national supervisory authority of the entities subject to this	<b>(b)</b> the rules and procedures for conducting the investigations, inspections, audits and other monitoring activities <b>referred to in Article 4(3) and Article 6(5)</b> necessary to ensure		<i>Article 62(14) does not cover the empowerment for rules for effective oversight and enforcement by the NSA as regards economic requirements. It only covers NCAs. In view of compromise proposed by the PCY</i>

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	Regulation.	effective oversight <b>and enforcement</b> by the national supervisory authority of the entities subject to this Regulation		<i>in lines 124-124b, this may not be sufficient and EASA BR should therefore be amended.</i> <b>EP wishes to maintain its text.</b>
128.		<b>(c) the rules and procedures for developing contingency plans in case of limitation, suspension or revocation of the economic certificate, referred to in Article 6(1);</b>		<b>Cf. Council's GA for the Proposal for a regulation amending Regulation (EU) 2018/1139, Article 1 for lines 125-126 and 128</b> <i>Article 43 of EASA BR makes reference to the contingency plan of point 5.1(f) of Annex VIII: "the service provider shall establish and implement a contingency plan covering emergency and abnormal situations that may occur in relation to its services, including in the case of events which result in significant degradation or interruption of its operations;"</i> <b>EP wishes to maintain its text.</b>

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129.		6a. Notwithstanding paragraphs 1 and 2, Member States may allow the provision of air navigation services in all or part of the airspace under their responsibility without certification in cases where the provider of such services offers them primarily aircraft movements other than general air traffic. In those cases, the Member State concerned shall inform the Commission and the other Member States of its decision and of the measures taken to ensure maximum compliance with the common requirements.	<b>3. Notwithstanding paragraph 2, Member States may allow the provision of air navigation services referred to in Article 2(3)c) of Regulation 2018/1139 in all or part of the airspace under their responsibility by the military without certification and/or application of all or part of this Regulation. In such cases, the Member State concerned shall inform the Commission and the other Member States of its decision. The provision of those services shall be in accordance with the conditions laid down in Article 2(5) of Regulation 2018/1139.</b>	<b>EP wishes to maintain its text.</b>

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129a.				<b>EP counterproposal:</b>  To be added in EASA BR, Article 41(2)  <i>2anew. A valid certificate may be issued only upon approval of NSA and NCA, each authority approving the certificate for the parts under its competence.</i>
130.	<b>Article 7 - Designation of air traffic service providers</b>	<b>Article 7 - Designation of air traffic service providers</b>	<b>Article 7 - Designation of air traffic service providers</b>	<b>Not within the scope of technical level mandate</b>
131.	1. Member States shall ensure the provision of air traffic services on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility. For this purpose, Member States shall individually or collectively, designate one or more air traffic service provider(s).	1. Member States shall ensure the provision of air traffic services on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility. For this purpose, Member States shall individually or collectively, designate <b>one or more air traffic service provider(s) on the basis of a competitive</b>	1. Member States shall ensure the provision of air traffic services on an exclusive basis within specific airspace blocks in respect of the airspace under their responsibility. For this purpose, Member States shall individually or collectively, designate one or more air traffic service provider(s). <b>Member States shall have discretionary powers in</b>	

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		tendering procedure in accordance with paragraph 4a of this Article, unless they prove to the Agency acting as PRB that the procurement would result in a loss of cost efficiency or operational efficiency, a reduction in working condition or negative climate and environmental impact.	designating air traffic service provider(s), on the condition that the air traffic service provider(s) fulfils the requirements laid down in this Article.	
132.	The air traffic service providers shall fulfill the following conditions:		1a. The air traffic service providers shall fulfil the following <b>cumulative</b> conditions:	<b>EP can accept Council's text</b>
133.	(a) they shall hold a valid certificate or a valid declaration as referred to in Article 41 of Regulation (EU) 2018/1139 and an economic certificate in accordance with Article 6(1).		(a) they hold a certificate <b>pursuant to Article 41 of Regulation (EU) 2018/1139</b> or a valid declaration pursuant to Article 41(5) of Regulation (EU) 2018/1139, [...] <b>unless exempted from the certification requirement pursuant to Article 2(3)c)</b>	<b>Compromise text proposed by EP:</b> (a) it complies with Article 6 of this Regulation and with Regulation (EU) 2018/1139



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			<b>of Regulation (EU) 2018/1139;</b>	
134.	(b)they shall comply with the national security and defence requirements.		(b) they comply with the national security and defence requirements;	<b>No change compared to COM proposal</b>
135.		<b>(ba) they shall fulfil the requirements on service quality in accordance with the Union wide performance targets;</b>		
136.			<b>(c)their principal place of business is located in the territory of a Member State and</b>	<b>EP can accept Council's text</b>
137.			<b>(d) Member States or nationals of Member States own more than 50% of the service provider and effectively control it, whether directly or indirectly through one or more intermediate undertakings, except</b>	<b>EP can accept Council's text</b>

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			where otherwise as provided for in an agreement with a third country to which the Union is a party.	
138.			By way of derogation from points c) and d), a Member State may designate an air traffic service provider having its principal place of business in a third country and/or not complying with the condition set out in point d) to provide air traffic services in a limited part of the airspace for which that Member State is responsible where that part of the airspace borders an airspace under the responsibility of that third country.	EP can accept Council's text

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139.	Each decision to designate an air traffic service provider shall be valid for a maximum of ten years. Member States may decide to renew the designation of an air traffic service provider.	<b>1a. The duration of an air traffic service contract shall not exceed one reference period. Member States may decide to renew the designation of an air traffic service provider for up to two additional reference periods.</b>	[...]	
140.	2. The designation of the air traffic service providers shall not be subject to any condition requiring those providers to:		2. The designation of the air traffic service providers shall not be subject to any condition requiring those providers to :	<b>No change compared to COM proposal</b>
141.	(a) be owned directly or through a majority holding by the designating Member State or its nationals;		(a) be owned directly or through a majority holding by the designating Member State or its nationals;	<b>No change compared to COM proposal</b>
142.	(b) have their principal place of operation or registered office in the territory of the designating Member State;		(b) have their principal place of operation or registered office in the territory of the designating Member State;	<b>No change compared to COM proposal</b>
143.	(c) use only facilities in the designating Member State.		(c) use only facilities in the designating Member State	

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144.			<b>in case the application of such conditions entails an unjustified restriction of the freedom to provide services or the freedom of establishment.</b>	<b>Council's condition is not acceptable for EP</b>
145.	3. Member States shall specify the rights and obligations to be met by the air traffic service providers, designated individually or jointly. The obligations shall include conditions for making available relevant data enabling all aircraft movements to be identified in the airspace under their responsibility.	3. Member States shall specify <b>in the air traffic service contract</b> the rights and obligations to be met by the air traffic service providers , designated individually or jointly. The obligations shall include conditions for making available relevant data enabling all aircraft movements to be identified in the airspace under their responsibility.	3. Member States shall specify the rights and obligations to be met by the air traffic service providers, [...] <b>designated in accordance with this Article.</b>	
146.	4. Member States shall inform the Commission and other Member States immediately of any decision within the framework of this Article regarding the designation of		4. Member States shall inform the Commission and other Member States immediately of any decision within the framework of this Article regarding the designation of	<b>No change compared to COM proposal</b>

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	air traffic service providers within specific airspace blocks in respect of the airspace under their responsibility.		air traffic service providers within specific airspace blocks in respect of the airspace under their responsibility.	
147.		<b>4a. The Commission shall adopt delegated acts in accordance with Article 36 specifying the tendering procedure to be followed by the Member States when designating air traffic service providers in accordance with Directive 2014/24/EU and Directive 2014/25/EU;</b>		
148.		<b>Article 7a (new) - Relations between service providers</b>	<b>Article 7b (new) - Relations between air navigation service providers</b>	<b>Not within the scope of technical level mandate EP can accept Council's text</b>
149.		<b>1. Without prejudice to Article 8, air traffic service providers may avail themselves of the air traffic services of other service providers that have been certified in the Union.</b>	<b>1. Air navigation service providers may avail themselves of the services of other service providers that hold a certificate pursuant to Article 41 of Regulation (EU) 2018/1139 or a valid</b>	

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			<b>declaration pursuant to Article 41(5) of Regulation (EU) 2018/1139, unless exempted from the certification requirement pursuant to Article 2(3)c) of Regulation (EU) 2018/1139. Such cooperation shall be made in accordance with Article 8 where applicable.</b>	
150.			<b>For air traffic service providers designated in accordance with Article 7 and MET providers designated in accordance with Article 7a, such cooperation shall be subject to the authorisation of the Member States concerned.</b>	<b>Council's text is not acceptable for EP</b>
151.		<b>2. Air traffic service providers shall formalise their working relationships with one another by means of written agreements or equivalent legal arrangements, setting out the specific duties and</b>	<b>2. For the purpose of paragraph 1, air navigation service providers shall formalise their working relationships by means of written agreements or equivalent legal arrangements, setting</b>	<b>Compromise text proposed by the EP:</b> 2. For the purpose of paragraph 1, air traffic service providers shall formalise their working relationships by means of written agreements or equivalent legal

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		<p><b>functions assumed by each provider and allowing for the exchange of operational data between all service providers in so far as general air traffic is concerned. Those arrangements shall be notified to the national supervisory authority or authorities concerned. Without prejudice to Article 8, the approval of the Member States concerned shall be required.</b></p>	<p><b>out the specific duties, including financial settlements if applicable, and functions assumed by each provider. Those agreements or arrangements shall be notified to the national supervisory authority or authorities concerned.</b></p>	<p>arrangements, setting out the specific duties, including financial settlements if applicable, and functions assumed by each provider. Those agreements or arrangements shall be notified to the national supervisory authority or authorities concerned. Without prejudice to Article 8, the approval of the Member States concerned shall be required.</p>
152.			<p><b>Article 7a (new) - Designation of MET providers</b></p> <p><b>1. Member States may designate, individually or collectively, a MET provider on an exclusive basis in all or part of the airspace under their responsibility, taking into account safety considerations.</b></p> <p><b>2. Member States shall inform</b></p>	<p><b>Not within the scope of technical level mandate</b></p> <p><b>Council's text is not acceptable for EP</b></p>

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			<b>the Commission and other Member States without delay of any decision taken on the basis of this Article.</b>	
153.	<b>Article 8 - Conditions regarding the provision of CNS, AIS, ADS, MET and terminal air traffic services</b>	<b>Article 8 - [...]The provision of CNS, AIS, ADS, MET and terminal air traffic services</b>	<b>Article 8 - Conditions regarding the provision of CNS, AIS, ADS, MET and the provision of air traffic services for approach and aerodrome control</b>	<b>Not within the scope of technical level mandate</b>
154.	1. Where this enables cost- efficiency gains to the benefit of airspace users, air traffic service providers may decide to procure CNS, AIS, ADS or MET services under market conditions.	1. [...]Air traffic service providers <b>shall</b> procure CNS, AIS, ADS or MET services under market conditions, <b>unless they prove to the National supervisory authorities concerned that the procurement would result in cost efficiency, operational, working conditions or climate and environmental loss.</b>	1. <b>Without prejudice to the rights and obligations defined by their designating State under Article 7(3), designated [...] air traffic service providers may decide to procure CNS, AIS, or ADS services[...].</b>	



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155.			<b>1a. Except in cases where Member States have designated a MET provider in accordance with Article 7a, Member States may allow air traffic service providers to procure MET.</b>	<b>Council's text not acceptable for EP</b>
156.	Where this enables cost-efficiency gains to the benefit of airspace users, Member States shall allow airport operators to procure terminal air traffic services for aerodrome control under market conditions.	[...] Airport operators <b>shall</b> procure terminal air traffic services for aerodrome control <b>and terminal air traffic services for approach control</b> under market conditions <b>unless they prove to the National supervisory authorities concerned that the procurement would result in a loss of cost efficiency or operational efficiency, a reduction in working conditions or negative climate and environmental impact. The national supervisory authorities shall be</b>	<b>1b. Member States may allow airport operators or a group of airport operators to procure air traffic services for aerodrome control and/or air traffic services for approach control.</b> <b>In such case, the tender specifications, including requirements on service quality, shall be subject to Member States approval. Member States shall designate the service provider selected as a result of the procurement referred to in this paragraph.</b>	<b>Compromise text proposed by EP:</b> Airport, or a group of airport, operators shall procure terminal air traffic services for aerodrome control and terminal air traffic services for approach control under market conditions unless they prove to the National supervisory authorities concerned that the procurement would result in cost efficiency, operational working conditions or climate and environmental loss. The national supervisory authorities shall be responsible for assessing and approving the proof and shall coordinate and oversee the

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		responsible for assessing the evidence and deciding whether it is sufficient.		procurement procedures, in particular for respecting the implementation of the European ATM Master Plan, the interoperability and ground/air investment coordination.
157.	In addition, where this enables cost-efficiency gains to the benefit of airspace users, Member States may allow airport operators or the national supervisory authority concerned to procure terminal air traffic services for approach control under market conditions.	In <b>case of a group of airports,</b> <b>the</b> operators or the national supervisory authority concerned <i>may decide that</i> terminal air traffic services for approach control <b>are to be procured at those airports.</b> <b>The national supervisory authority shall coordinate and oversee the procurement procedures, in particular for respecting the implementation of the European ATM Master Plan, the interoperability and ground/air investment coordination.</b>	[...]	<b>EP can accept deletion</b>

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158.	2. Procurement of services under market conditions shall be on the basis of equal, non-discriminatory and transparent conditions in accordance with Union law including Treaty rules on competition. The tender procedures for the procurement of the services concerned shall be designed so as to enable the effective participation of competing providers in these procedures including through regular reopening of competition.	2. Procurement of services under market conditions shall be on the basis of equal, non-discriminatory and transparent conditions in accordance with Union law including Treaty rules on competition. The tender procedures for the procurement of the services concerned shall be designed so as to enable the effective participation of competing providers in these procedures including through regular reopening of competition. <b>The period of service allocation following the tender procedure shall not exceed the reference period.</b>	[...]	
159.	3. Member States shall take all necessary measures to ensure that the provision of <i>en route</i> air traffic services is separated in terms of organisation from the provision of CNS, AIS,	3. <b>Air navigation services provider shall</b> ensure that the provision of <i>en route</i> air traffic services is <b>functionally and organisationally</b> separated in terms of organisation from the	[...]	

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	ADS, MET and terminal air traffic services and that the requirement concerning the separation of accounts referred to in Article 25(3) is respected.	<b>individual</b> provision of CNS, AIS, ADS, MET and terminal air traffic services and that the requirement concerning the separation of <b>individual</b> accounts referred to in Article 25(3) is respected. <b>Member States shall take all necessary measures to ensure compliance with this paragraph.</b>		
160.		<b>3 a. The Commission is empowered to adopt delegated acts in accordance with Article 36 laying down rules on the imposition of fines and periodic penalty payments applicable to infringements of paragraph 3 of this Article.</b>		
161.	4. A provider of CNS, AIS, ADS, MET or terminal air traffic services may only be selected to provide services in a Member State, when:	4. A provider, <b>individually or in a package</b> , of CNS, AIS, ADS, MET or terminal air traffic services may <b>only</b> be selected to provide services in	4. A provider of CNS, AIS, ADS, MET or air traffic services <b>for aerodrome control or for approach control may only be selected and, if</b>	

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		a Member State, when:	<b>appropriate, designated</b> to provide services in a Member State [...] <b>as a result of a procurement pursuant to paragraphs 1, 1a or 1b, on the condition that it complies with the following cumulative conditions:</b>	
162.	(a) it is certified in accordance with Article 6(1) and 6(2);	(a) it is certified in accordance with Article 6(1) <b>of this Regulation and Article 41 of Regulation (EU) No 2018/1139;</b>	(a) [...] <b>holds a certificate pursuant to Article 41 of Regulation (EU) 2018/1139 or a valid declaration pursuant to Article 41(5) of Regulation (EU) 2018/1139, unless exempted from the certification requirement pursuant to Article 2(3)c) of Regulation (EU) 2018/1139;</b>	<b>Compromise text proposed by EP:</b> (a) it complies with Article 6 of this Regulation and with Regulation (EU) 2018/1139.
163.	(b) its principal place of business is located in the territory of a Member State;		(b) its principal place of business is located in the territory of a Member State; (c) Member States or nationals	<b>Only editorial changes compared to COM proposal To be checked with Lawyer linguists</b>

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	(c) Member States or nationals of Member States own more than 50% of the service provider and effectively control it, whether directly or indirectly through one or more intermediate undertakings, except as provided for in an agreement with a third country to which the Union is a party; and (d) the service provider fulfils national security and defence requirements.		of Member States own more than 50% of the service provider and effectively control it, whether directly or indirectly through one or more intermediate undertakings, except as provided for in an agreement with a third country to which the Union is a party; and (d) the service provider [...] <b>complies</b> with national security and defence requirements.	
164.		<b>By way of derogation from the first subparagraph of this paragraph, a provider of global satellite services that was granted a certificate pursuant to Article 41 of Regulation (EU) 2018/1139 prior to the adoption of this Regulation may be selected</b>	<b>By way of derogation from points b) and c), any provider of global satellite services that was granted a certificate pursuant to Article 41 of Regulation (EU) 2018/1139 to provide services within the Union prior to the adoption of this Regulation</b>	<b>Difference between EP and Council's texts to be checked with Lawyer linguists</b>

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		<b>to provide services in the Union even if it does not comply with the conditions set out in points (b) and (c) of this paragraph.</b>	<b>may be selected to provide such services in the Union even if it does not comply with the conditions set out in points b) and c).</b>	
165.	5. Articles 14, 17 and 19 to 22 shall not apply to the terminal air traffic service providers designated as a result of a procurement procedure in accordance with the second and third subparagraphs of paragraph 1. Those terminal air traffic service providers shall provide data on the performance of air navigation services in the key performance areas of safety, the environment, capacity and cost-efficiency to national supervisory authority and the Agency acting as PRB for monitoring purposes.	5. Articles 14, 17 and 19 to 22 shall not apply to the terminal air traffic service providers designated as a result of a procurement procedure in accordance with the second and third subparagraphs of paragraph 1. Those terminal air traffic service providers shall provide data on the performance of air navigation services in the key performance areas of safety, the environment <b>and climate</b> , capacity and cost-efficiency to national supervisory authority and the Agency acting as PRB for monitoring purposes.	5. Articles [...] <b>13, 13a, 13b and 17 [...] and the implementing rules relating to those Articles adopted on the basis of Article 18</b> shall not apply to the <b>MET services provided by MET providers selected or to the air traffic service providers [...]</b> designated as a result of a procurement procedure <b>conducted</b> in accordance with paragraphs <b>1a and 1b. [...]</b> <b>The</b> air traffic service providers <b>concerned</b> shall provide <b>relevant</b> data on the performance of air navigation services in the key performance areas [...] <b>referred to in Article 10(2)a) and in safety area [...]</b> <b>to the</b>	<b>Compromise text proposed by EP:</b> 5. Articles 14, 14a, 17 and 19 to 22 shall not apply to the terminal air traffic service providers designated as a result of a procurement procedure in accordance with the second and third subparagraphs of paragraph 1. Those terminal air traffic service providers shall provide data on the performance of air navigation services in the key performance areas of safety, the environment and climate, capacity and cost-efficiency to national supervisory authority and the PRB for monitoring purposes.

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



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	matters relating to the application of competition rules.	<b>coordination.</b> The national supervisory authorities shall refer to the national competition authority referred to in Article 11 of Council Regulation (EC) No 1/2003 matters relating to the application of competition rules.		
167.	<b>Article 9 - Provision of support services</b>	<b>Article 9 - Provision of support services</b>	<b>Article 9 - Provision of support services</b>	<b>Not within the scope of technical level mandate</b>
168.	1. Where common information services are provided, the data disseminated shall present the integrity and quality necessary to enable the safe provision of services for the management of traffic of unmanned aircraft.	1. Where common information services are provided, the data disseminated shall present the integrity and quality necessary to enable the safe <b>and integrated</b> provision of services for the management of traffic of unmanned aircraft <b>in a way that enables the shared use of the airspace together with manned aircraft.</b>	1. Where [...] CIS are provided, the data disseminated shall present the integrity and quality necessary to enable [...] the safe <b>and secure</b> provision of services for the management of traffic of unmanned aircraft.	<b>Compromise text proposed by EP:</b> 1. Where CIS are provided, the data disseminated shall present the integrity and quality necessary to enable the safe and integrated provision of services for the management of traffic of unmanned aircraft in a way that enables the shared use of the airspace together with manned aircrafts.

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169.			<p><b>2. The CIS provider shall fulfil the following cumulative requirements:</b></p> <p><b>(a) they comply with the national security and defence requirements;</b></p> <p><b>(b) their principal place of business is located in the territory of a Member State and</b></p> <p><b>(c) Member States or nationals of Member States own more than 50% of the service provider and effectively control it, whether directly or indirectly through one or more intermediate undertakings, except where otherwise provided for in an agreement with a third country to which the Union is a party.</b></p>	<b>EP can accept Council' text</b>

	<b>Commission proposal COM(2020) 579 final</b>	<b>EP amendments (updated first reading) PE662.138v01-00</b>	<b>Council document 9616/21</b>	<b>Options for compromises</b>
170.	2. The price for common information services shall be based on the fixed and variable costs of providing the service concerned and may, in addition, include a mark-up reflecting an appropriate risk-return trade-off.	2. The price for common information services shall be based on the fixed, <b>structural</b> and variable costs of providing the service concerned and may, in addition, include a <b>reasonable</b> mark-up reflecting an appropriate risk-return trade-off.	<i>(moved from 3, second subparagraph)</i> <b>Where CIS are provided on an exclusive basis, Member States shall impose that the price for CIS is based on the fixed and variable costs of providing the service concerned and/or includes a mark-up reflecting an appropriate risk-return trade-off.</b>	<b>Compromise text proposed by EP:</b> 3. The price for common information services shall be based on the fixed, structural and variable costs of providing the service concerned and [...] , includes a reasonable mark-up reflecting an appropriate risk-return trade-off.
171.	3. The costs referred to in the first subparagraph shall be set out in an account separate from the accounts for any other activities of the operator concerned and shall be made publicly available.		3. The costs [...] <b>on the basis of which the price for CIS is based</b> shall be set out in an account separate from the accounts for any other activities of the operator concerned and shall be [...] <b>accessible by the national supervisory authority concerned.</b>	

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172.	3. The common information service provider shall set the price in accordance with paragraph 2, subject to assessment and approval by the national supervisory authority concerned.		<b>4. The price set by the CIS provider shall be subject to assessment and approval by the national supervisory authority concerned. The price of such services shall be made publicly available.</b>	<b>EP can accept Council's text</b>
173.	4. As far as operations in specific volumes of airspace designated by the Member States for unmanned aircraft operations are concerned, relevant operational data shall be made available in real-time by air navigation service providers. Common information service providers shall use those data only for operational purposes of the services they provide. Access to relevant operational data shall be granted to common information service providers, on a non-discriminatory basis, without prejudice to security	<b>4. Where manned and unmanned operations are expected to take place, including in U-Space airspace</b> relevant operational data shall be made available in real-time by air navigation service providers. Common information service providers <b>or U-Space service providers, as applicable,</b> shall use those data only for operational purposes of the services they provide. Access to relevant operational data shall be granted to common information service providers, <b>or U-Space service</b>	<b>5. Data necessary for the safe operation of unmanned aircraft in the U-Space airspace shall be made available , on a non-discriminatory basis, without prejudice to national security, public order and defence policy interests, by air navigation service providers. CIS providers shall use those data only for operational purposes of the services they provide.</b>	<b>Compromise text proposal by EP:</b> 4. Where manned and unmanned operations are expected to take place, including in U-Space airspace, data necessary for the safe operation of unmanned aircraft shall be made available in real-time , on a non-discriminatory basis, without prejudice to national security, public order and defence policy interests, by air navigation service providers. CIS providers or U-Space service providers, as applicable, shall use those data only for operational purposes of the services they provide.

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	or defence policy interests.	<b>providers, as applicable</b> , on a non-discriminatory basis, without prejudice to security or defence policy interests.		
174.	Prices for access to such data shall be based on the marginal cost of making the data available.	[...]	<b>Prices for access to such data shall be based on the additional costs of making the data available and the cost for generating the data, where the latter costs are not covered under Article 20 and unless other financial resources are used by Member States to cover such costs.</b>	<b>EP can accept Council's text</b>
175.		<b>4a. The Commission is empowered to adopt delegated acts in accordance with Article 36 to supplement certain non-essential elements of the legislative act, with regard to requirements for traffic management of unmanned and manned aircraft operations that support safe</b>		

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		<b>and shared use of the airspace, including the making available of and the access to data, and the methodology to set the prices in accordance with paragraphs 2 and 3.</b>		
176.			<b>Article 9a (new) - Availability of and access to operational data for general air traffic</b>	<i>Moved to Article 31 COM</i>
176a.			<b>Article 9b - Performance review body</b>	<i>Moved to Article 5a EP</i>
177.	<b>Article 10 - Performance scheme</b>	<b>Article 10 - Performance scheme</b>	<b>Article 10 - Performance scheme</b>	<b>Not within the scope of technical level mandate</b>
178.	1. To improve the performance of air navigation services and network functions in the Single European Sky, a performance scheme for air navigation services and network functions shall apply in accordance with this Article and Articles 11 to 18.		1. To improve the performance of air navigation services and network management in the Single European Sky, a performance scheme for air navigation services and network management shall apply in accordance with this Article and Articles 11 to 18.	<b>EP can accept Council's text</b>

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179.	2. The performance scheme shall be implemented over reference periods, which shall be a minimum of two years and a maximum of five years. The performance scheme shall include:	2. The performance scheme shall be implemented over reference periods, which shall be a minimum of two years and a maximum of <b>three</b> years. The performance scheme shall include:	2. The performance scheme shall be implemented over reference periods, which shall be a minimum of [...] <b>three</b> years and a maximum of five years. The performance scheme shall include:	<b>EP can accept Council's text</b>
180.	(a) Union -wide performance targets in the key performance areas of the environment, capacity and cost-efficiency for each reference period;	(a) Union -wide performance targets in the key performance areas of the <b>climate and the</b> environment, capacity and cost-efficiency for each reference period ;	(a) Union -wide performance targets <b>for en route air navigation services in</b> the key performance areas of the environment, capacity and cost-efficiency for each reference period;	
181.	(b) performance plans including binding performance targets in the key performance areas mentioned in point (a) for each reference period;		(b) performance plans including binding performance targets [...] <b>and where applicable, incentive schemes</b> in the key performance areas mentioned in point (a) for each reference period;	<b>EP can accept Council's text</b>

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182.	(c) periodic review, monitoring and benchmarking of performance in the key performance areas of safety, the environment, capacity and cost-efficiency.	(c) periodic review, monitoring and benchmarking of performance in the key performance areas of safety, the <b>climate and</b> environment, capacity and cost-efficiency .	(c) periodic review, monitoring and benchmarking of performance in the key performance areas [...] <b>mentioned in point (a) and in the light of relevant safety indicators defined in coordination with the Agency.</b>	
183.	The Commission may add additional key performance areas for performance target setting or monitoring purposes, where necessary to improve performance.	The Commission is <b>empowered to adopt delegated acts in accordance with Article 36 to supplement this Regulation by laying down [...]</b> additional key performance areas for performance target setting or monitoring purposes, where, <b>on the basis of an impact assessment, these are considered to be</b> necessary to improve performance.	[...]	



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184.	3. Points (a), (b) and (c) of paragraph 2 shall be based on :		3. [...] <b>The performance scheme referred to in paragraphs 1 and 2</b> shall be based on :	<b>EP can accept Council's text</b>
185.	(a) the collection, validation, examination, evaluation and dissemination of relevant data related to the performance of air navigation services and network functions from all relevant parties, including air navigation service providers, airspace users, airport operators, national supervisory authorities, national competent authorities, Member States, the Agency, the Network Manager and Eurocontrol;		(a) the collection, validation, examination, evaluation and dissemination of relevant data related to the performance of air navigation services and network [...] <b>management</b> from all relevant parties, including air navigation service providers, airspace users, airport operators, national supervisory authorities, national competent authorities, <b>and other national authorities</b> [...], the Agency, the Network Manager and EUROCONTROL;	<b>EP can accept Council's text</b>

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186.	(b) key performance indicators for target setting in the key performance areas of the environment, capacity and cost-efficiency;	(b)key performance indicators for target setting in the key performance areas of the <b>climate and the</b> environment, capacity and cost-efficiency;	(b) key performance indicators for target setting in the key performance areas [...] <b>referred to in paragraph 2(a) ;</b>	<b>EP can accept Council's text</b>
187.	(c) indicators for monitoring performance in the key performance areas of safety, the environment, capacity and cost-efficiency;	(c)indicators for monitoring performance in the key performance areas of safety, the <b>climate and the</b> environment, capacity and cost-efficiency;	(c) indicators for monitoring performance in the key performance areas [...] <b>referred to in paragraph 2(a) and relevant safety indicators defined in coordination with the Agency;</b>	<b>EP can accept Council's text</b>
188.			<b>(cc) a methodology to calculate breakdown values;</b>	<b>EP can accept Council's text</b>
189.	(d) a methodology for the development of performance plans and of performance targets for air navigation services, and methodology for the development of the		(d) [...] <b>principles governing the establishment of</b> performance plans and of performance targets for air navigation services, [...] <b>and for the network management, as well as</b>	<b>Compromise text proposed by EP:</b> (d) a methodology for the development of performance plans and of performance targets for air navigation services, and methodology for the development

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	performance plan and performance targets for the network functions;		<b>the content of such plans;</b>	of the performance plan and performance targets for the network management;
190.	(e) the assessment of the draft performance plans and targets for air navigation services and network functions;		(e) the assessment of the draft performance plans and targets for air navigation services and network [...] <b>management;</b>	<b>EP can accept Council's text</b>
191.	(f) monitoring of performance plans, including appropriate alert mechanisms for revision of performance plans and targets and for the revision of Union-wide performance targets in the course of a reference period;		(f) monitoring of performance plans, including appropriate alert mechanisms for revision of performance plans and targets and for the revision of Union-wide performance targets in the course of a reference period;	<b>No change compared to COM proposal</b>
192.	(g) benchmarking of air navigation service providers;		(g) benchmarking of air navigation service providers where relevant;	
193.	(h) incentive schemes including for financial disincentives applicable where an air traffic service	(h) <b>balanced and symmetrical incentivisation</b> schemes for air traffic service providers	(h) incentive schemes including [...] <b>both financial positive incentives and</b>	<b>Compromise text proposed by EP</b> (h) balanced incentive schemes including both financial positive

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	provider does not comply with the relevant binding performance targets during the reference period or where it has not implemented the relevant common projects referred to in Article 35. Such financial disincentives shall in particular take account of the deterioration in the level of service quality provided by that provider, as a result of not complying with the performance targets or not implementing the common projects, and the impact thereof on the network;	<b>that reward performance that exceeds binding performance targets during the reference period with a financial payment proportionate to the magnitude of the variation between the achieved performance and that target and penalises performance that falls short of those targets or a failure to implement relevant common projects referred to in Article 35 by imposing a fine that takes account of the deterioration in the level of service quality provided by that provider;</b>	disincentives applicable where an air traffic service provider goes beyond or does not comply with the relevant binding performance targets for air navigation services during the reference period [...] unless this under- or overachievement is due to reasons outside the air traffic service provider's control;	incentives and disincentives applicable where an air traffic service provider goes beyond or does not comply with the relevant binding performance targets for air navigation services during the reference period or where it has not implemented the relevant common projects referred to in Article 35. The financial incentives shall be proportionate to the magnitude of the variation between the achieved performance and the target. The financial disincentives shall in particular take account of the deterioration in the level of service quality provided by that provider, as a result of not complying with the performance targets or not implementing the common projects, and the impact thereof on the network;

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194.	(i) risk sharing mechanisms in respect of traffic and costs; (j) timetables for target setting, assessment of performance plans and targets, monitoring and benchmarking;		(i) risk sharing mechanisms in respect of traffic and costs; (j) timetables for target setting, assessment of performance plans and targets, monitoring and benchmarking;	<b>No change compared to COM proposal</b>
195.	(k) a methodology for the allocation of costs common to <i>en route</i> and terminal air navigation services between the two categories of services;		[...]	
196.	(l) mechanisms to address unforeseeable and significant events which have a material impact on the implementation of the performance and charging schemes.		(l) mechanisms to address unforeseeable and significant events which have a material impact on the implementation of the performance and charging schemes.	<b>No change compared to COM proposal</b>
197.		<b>3 a. The Commission shall be assisted by the Agency acting as PRB and national supervisory authorities in the</b>		<b>Compromise text proposed by EP:</b> 3 a. The Commission shall be assisted by the Agency acting as

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		<b>implementation of the performance scheme referred to in paragraph 1 of this Article and the charging scheme referred to in Article 19 to 23 of this Regulation.</b>		Performance Review Body (PRB) and national supervisory authorities in the implementation of the performance scheme referred to in paragraph 1 and the charging scheme referred to in Article 19 to 23 in accordance with the provisions of this Regulation and [ Regulation PRB ] and the delegated and implemented acts adopted on the basis thereof.
198.			<b>4. The setting of the performance targets included in the performance plans, the preparation and the assessment of draft performance plans, including the allocation of costs between services, as well as the monitoring and benchmarking of performance of the air navigation services and network management shall</b>	<b>Council's text not acceptable for EP</b>

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			take into account the impact of local circumstances as well as factors that fall outside the air traffic service provider's and the Network Manager's control.	
199.	<b>Article 11- Establishment of the Union-wide performance targets</b>	<b>Article 11- Establishment of the Union-wide performance targets</b>	<b>Article 11- Establishment of the Union-wide performance targets</b>	<b>Not within the scope of technical level mandate</b>
200.	1. The Commission shall adopt the Union-wide performance targets for <i>en route</i> air navigation services and for terminal air navigation services in the key performance areas of environment, capacity and cost-efficiency for each reference period, in accordance with the advisory procedure referred to in Article 37(2) and with paragraphs 2 to 3 of this Article. In conjunction with the Union-wide performance	1. The Commission shall adopt the Union-wide performance targets for en route air navigation services and for terminal air navigation services in the key performance areas of <b>climate and the</b> environment, capacity and cost-efficiency, for each reference period, in accordance with [...] paragraphs 2 to 3 of this Article. <b>The Union-wide performance targets for terminal air navigation services shall take account of</b>	1. <b>In accordance with the examination procedure referred to in Article 37(3) and with paragraphs 2 to 3 of this Article</b> , the Commission shall adopt the Union-wide performance targets for en route air navigation services [...] <b>in the key performance areas referred to in Article 10(2)a) for each reference period, and define the duration of that period.</b> In conjunction with [...] those Union-wide performance targets, the	<b>Compromise text proposed by EP:</b> 1. In accordance with the advisory procedure referred to in Article 37(2) and with paragraphs 2 to 3 of this Article, the Commission shall adopt the Union-wide performance targets for en route air navigation services and for terminal air navigation services in the key performance areas referred to in Article 10(2)a) for each reference period. The climate Union-wide performance target must

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	targets, the Commission may define complementary baseline values, breakdown values or benchmark groups, for the purpose of enabling the assessment and approval of draft performance plans in accordance with the criteria referred to in Article 13(3).	<b>differences in the provision of those services due to local circumstances. The Union-wide performance target in the key performance area of climate must contribute to the achievement of the Union's climate neutrality goal by producing CO<sub>2</sub> emissions savings of up to 10 %. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2).</b> In conjunction with the Union-wide performance targets, the Commission may define complementary baseline values, breakdown values or benchmark groups, for the purpose of enabling the assessment and approval of draft performance plans in accordance with the criteria	Commission may define complementary baseline values, <b>alert thresholds,</b> breakdown values [...] <b>and</b> benchmark groups, for the purpose of enabling the assessment and approval of draft performance plans in accordance with the criteria referred to in Article 13 , <b>paragraphs 3 and 3a, and with Article 13a.</b>	contribute up to 10% of CO <sub>2</sub> emissions savings as part of the climate neutrality goal. The Union-wide performance targets for terminal air navigation services shall take account of differences in the provision of those services due to local circumstances.  In conjunction with those Union-wide performance targets, the Commission may define complementary baseline values, alert thresholds, breakdown values and benchmark groups, for the purpose of enabling the assessment and approval of draft performance plans in accordance with the criteria referred to in Article 13 , paragraphs 3 and 3a, and with Article 13b.



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		referred to in Article 13(3).		
201.	2. Union-wide performance targets referred to in paragraph 1 shall be defined on the basis of the following essential criteria:		2. Union-wide performance targets referred to in paragraph 1 shall be defined on the basis of the following essential criteria:	<b>No change compared to COM proposal</b>
202.	(a) they shall drive gradual, continuous improvements in respect of the operational and economic performance of air navigation services;		(a) they shall [...] <b>strive</b> gradual [...] improvements in respect of the <b>environmental</b> , operational and economic performance of air navigation services;	<b>EP can accept Council's text</b>
203.	(b) they shall be realistic and achievable during the reference period concerned, whilst fostering longer term structural and technological developments enabling the efficient, sustainable and resilient provision of air navigation services.	(b) they shall be realistic and achievable during the reference period concerned, <b>and shall promote</b> longer term structural and technological developments enabling the efficient, sustainable and resilient provision of air navigation services.	(b) they shall be realistic and achievable during the reference period concerned, [...] enabling the efficient, sustainable and resilient provision of air navigation services <b>whilst fostering longer term technological developments</b> ;	<b>Difference between EP and Council's texts to be checked with Lawyer linguists</b>

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204.			(c)they shall take into account the economic and operational context of the reference period, including traffic forecast and operational data, as well as the interdependencies between the key performance areas referred to in Article 10(2)a) and the need to fulfil EU environmental objectives.	EP can accept Council's text
205.			(d) they shall take into account the safety indicators referred to in article 10(2)c).	EP can accept Council's text
206.	3. For the purposes of preparing its decisions on Union-wide performance targets, the Commission shall collect any necessary input from stakeholders. Upon request of the Commission,	3. For the purposes of preparing its decisions on Union-wide performance targets, <b>and, if the case, on complementary baseline values and breakdown values or benchmark groups</b> the Commission	3. For the purposes of preparing its decisions on Union-wide performance targets, the Commission shall <b>consult and</b> collect any necessary input from <b>national authorities, EUROCONTROL, and</b>	<b>Compromise text proposed by EP:</b> 3. For the purposes of preparing its decisions on Union-wide performance targets and, if the case, on complementary baseline values and breakdown

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	the Agency acting as PRB shall provide assistance to the Commission for the analysis and preparation of those decisions, by way of an opinion.	shall collect any necessary input from stakeholders <b>and the relevant national authorities</b> . Upon request of the Commission, the Agency acting as PRB shall provide assistance to the Commission for the analysis and preparation of those decisions, by way of an opinion.	<b>operational</b> stakeholders [...] <b>and may request the opinion of the PRB where a PRB has been designated in accordance with Article 9b.</b>	values or bench mark groups, the Commission shall collect any necessary input from stakeholders, EUROCONTROL, Network Manager and the relevant national authorities. Upon request of the Commission, the PRB shall provide assistance to the Commission for the analysis and preparation of those decisions, by way of an opinion.
207.	<b>Article 12 - Classification of <i>en route</i> and terminal air navigation services</b>	<b>Article 12 - Classification of <i>en route</i> and terminal air navigation services</b>	[...]	<b>Not within the scope of technical level mandate</b>
208.	1. Before the start of each reference period, each Member State shall notify to the Commission which air navigation services to be provided during that period in the airspace under their responsibility it intends to classify as <i>en route</i> air navigation services and as terminal air navigation		[...]	

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	services respectively. At the same time, each Member State shall notify the Commission of the designated air traffic service providers of those respective services.			
209.	2. In due time before the start of the relevant reference period, the Commission, shall adopt implementing decisions addressed to each Member State as to whether the intended classification of the services concerned complies with the criteria set out in points (28) and (55) of Article 2. Upon request of the Commission, the Agency acting as PRB shall provide assistance to the Commission for the analysis and preparation of those decisions, by way of an opinion.	2. In due time before the start of the relevant reference period, the Commission, shall adopt implementing <i>acts in the form of</i> decisions addressed to each Member State <i>stating</i> whether <i>their</i> intended classification of the services concerned complies with the criteria set out in points (29) and (55) of Article 2. <i>At the</i> request of the Commission, the Agency acting as PRB shall provide the Commission <i>with information, in the form of an opinion, to assist it in its analysis of compliance by the Member States and in the</i> preparation of those decisions.	[...]	

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210.	3. Where a decision adopted under paragraph 2 finds that the intended classification does not comply with the criteria set out in points (28) and (55) of Article 2, the Member State concerned shall, having regard to that decision, submit a new notification whose terms comply with those criteria. The Commission shall take a decision on this notification in accordance with paragraph 2.	3. Where a decision adopted under paragraph 2 <b>states</b> that the intended classification does not comply with the criteria set out in points <b>(29)</b> and (55) of Article 2, the Member State concerned shall, having regard to that decision, submit a new notification whose terms comply with those criteria. The Commission shall take a decision on this notification in accordance with paragraph 2.	[...]	
211.	4. The designated air traffic service providers concerned shall base their draft performance plans for <i>en route</i> and terminal air navigation services on the classifications the Commission has found to be in compliance with the criteria set out in points (28) and (55) of Article 2. The Agency	4. The designated air traffic service providers concerned shall base their draft performance plans for <i>en route</i> and terminal air navigation services on the classifications <b><i>referred to in paragraph 1, that</i></b> the Commission has found to be in compliance with the criteria set out in points <b>(29)</b> and (55) of Article 2. The	[...]	

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	acting as PRB shall base itself on those same classifications when assessing the allocation of costs between <i>en route</i> and terminal air navigation services under Article 13(3).	Agency acting as PRB shall base itself on those same classifications when assessing the allocation of costs between <i>en route</i> and terminal air navigation services under Article 13(4)..		
212.	<b>Article 13 - Performance plans and performance targets for <i>en route</i> air navigation services of designated air traffic service providers</b>	<b>Article 13 - Performance plans and performance targets for <i>en route</i> air navigation services of designated air traffic service</b>	<b>Article 13 - Performance plans and performance targets for air navigation services</b>	<b>Not within the scope of technical level mandate EP can accept Council's text</b>
213.	1. The designated air traffic service providers for <i>en route</i> air traffic services shall, for each reference period, adopt draft performance plans in respect of all the <i>en route</i> air navigation services which they provide and, where applicable, procure from other providers.		1. [...]Member States shall, for each reference period, individually or collectively at functional airspace block level, adopt a draft performance plan, [...] <b>as prepared by the national supervisory authority, with inputs from other national authorities if relevant, based in particular on the input of the designated air traffic service provider(s)</b> in respect of all	<b>Compromise text proposed by EP:</b> 1. The designated air traffic service providers for en route air traffic services and the designated air traffic service providers for terminal air traffic services shall, for each reference period, adopt draft performance plans in respect of all the en route air navigation services and, of all the terminal air navigation

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			[...] the air navigation services which [...] <b>that service provider</b> provides and, where applicable, procures from other providers.	services, respectively, which they provide and, where applicable, procure from other providers. (Lines 213+259)
214.	The draft performance plans shall be adopted after the setting of Union-wide performance targets and before the start of the reference period concerned. They shall contain performance targets for en route air navigation services in the key performance areas of the environment, capacity and cost-efficiency, consistent with the Union-wide performance targets. Those draft performance plans shall take account of the European ATM Master Plan. (Moved to line 218) The draft performance plans shall be made publicly	The draft performance plans shall be adopted after the setting of Union-wide performance targets, and before the start of the reference period concerned. They shall contain performance targets for <i>en route</i> air navigation services in the key performance areas of the <b>climate and the</b> environment, capacity and cost-efficiency, consistent with the Union-wide performance targets. Those draft performance plans shall take account <b>of and contribute to the implementation</b> of the European ATM Master Plan. (Moved to line 218)	The draft performance plan shall be adopted after the setting of Union-wide performance targets and before the start of the reference period concerned. [...]	<b>Compromise text proposed by EP:</b> The draft performance plans shall be adopted after the setting of Union-wide performance targets, and before the start of the reference period concerned. They shall contain performance targets for en route air navigation services and, for the terminal air navigation services, respectively, in the key performance areas of the climate and environment, capacity and cost-efficiency, consistent with the Union-wide performance targets. (Lines 214+260)

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	available. (Moved to line 227)	The draft performance plans shall be made publicly available. (Moved to line 227)		
215.	2. The draft performance plans for <i>en route</i> air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager.	2. The draft performance plans for <i>en route</i> air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager.	2. The draft performance plan [...] referred to in paragraph 1 shall include relevant information [...] , <b>in particular traffic forecasts and operational data, provided by EUROCONTROL and the Network Manager or local sources as appropriate.</b>	<b>Compromise text proposed by EP:</b> 2. The draft performance plans referred to in paragraph 1 shall include relevant information, including traffic forecasts and operational data , provided by the Network Manager. (Lines 215+261)
216.	Before adopting those draft plans, designated air traffic service providers shall consult airspace users' representatives and, where relevant, military authorities, airport operators and airport coordinators. The designated air traffic service providers shall also submit those plans to the national competent authority responsible for their	Before adopting those draft plans, designated air traffic service providers shall consult airspace users' representatives <b>airport operators and airport coordinators, scientific experts in the domains of climate and environment, professional staff representative bodies</b> and, where relevant, military authorities, airport operators and	<b>In preparing the draft performance plan the national supervisory authority shall consult airspace users' representatives and, where relevant, military authorities, airport operators and airport coordinators as well as the national competent authority</b>	B



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	certification, which shall verify the compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.	airport coordinators. The designated air traffic service providers shall also submit those plans to the national competent authority responsible for their certification, which shall verify the compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.	<b>in case the national supervisory authority and the national competent authority are two different entities. The compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof shall be verified.</b>	
217.	3. Draft performance plans for <i>en route</i> air navigation services shall contain performance targets for <i>en route</i> air navigation services that are consistent with the respective Union-wide performance targets in all key performance areas and fulfil the additional conditions laid down in the third subparagraph.	3. Draft performance plans for en route air navigation services shall contain performance targets for en route air navigation services that are consistent with the respective Union-wide performance targets in all key performance areas, <b>including those regarding climate and the environment</b> , and fulfil the additional conditions laid down in the third subparagraph. <b>Data concerning military training</b>	<b>1b. For each reference period, the national supervisory authority shall set and include in the draft performance plan, in the key performance areas referred to in Article 10(2)a), performance targets for en route air navigation services consistent with the Union-wide performance targets and performance targets for terminal air navigation services.</b>	<b>Compromise text proposed by EP:</b> 3. Draft performance plans referred to in paragraph 1 shall contain performance targets for en route air navigation services and, for the terminal air navigation services, respectively, that are consistent with the respective Union-wide performance targets in all key performance areas, including those regarding climate and environment, and fulfil the additional conditions laid down in

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		<b>and operations shall not be included in the assessment of performance objectives.</b>		the third subparagraph. Where relevant, data concerning military training and operations shall not be included in the assessment of performance objectives. (Lines 217+262)
218.	Those draft performance plans shall take account of the European ATM Master Plan. <i>(moved from line 214)</i>	Those draft performance plans shall take account <b>of and contribute to the implementation</b> of the European ATM Master Plan. <i>(moved from line 214)</i>	<b>Those draft performance plans shall take account of the European ATM Master Plan and the interdependencies between the key performance areas referred to in Article 10(2)a) and the need to fulfil the relevant EU safety requirements and EU environmental objectives.</b>	
219.	Consistency of performance targets for <i>en route</i> air navigation service with Union-wide performance targets shall be established according to the following criteria:		Consistency of performance targets for en route air navigation services, <b>to be included in the draft performance plan</b> , with Union-wide performance targets shall be established <b>taking into account local circumstances and</b>	<b>Compromise text proposed by EP:</b> Consistency of performance targets for en route air navigation service and, for the terminal air navigation services, respectively, with Union-wide performance targets shall be established according to the following

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			<b>interdependencies between the key performance areas referred to in Article 10(2)a) and safety and</b> according to <b>all or part of</b> the following criteria:	criteria: (Lines 219+263)
220.	(a) where breakdown values have been established in conjunction with Union-wide performance targets, comparison of the performance targets contained in the draft performance plan with those breakdown values;		(a) where breakdown values have been established in conjunction with Union-wide performance targets, comparison of the performance targets contained in the draft performance plan with those breakdown values;	<b>No change compared to COM proposal</b>
221.	(b) evaluation of performance improvements over time, for the reference period covered by the performance plan, and additionally for the overall period comprising both the preceding reference period and the reference period covered by the performance		(b) evaluation of performance improvements over time, for the reference period covered by the performance plan, and additionally for the overall period comprising both the preceding reference period and the reference period covered by the performance	<b>No change compared to COM proposal</b>

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	plan;		plan;	
222.	(c) comparison of the planned level of performance of the air traffic service provider concerned with other air traffic service providers being part of the same benchmark group.		(c) comparison of the planned level of performance of the air traffic service provider concerned within the [...] <b>relevant</b> benchmark group. <b>The assessment of the consistency of performance targets in the key performance area of cost-efficiency shall exclude the costs referred to in point (b) (d) and (e) of Article 20(3).</b>	<b>Compromise text proposed by EP:</b> (c) comparison of the planned level of performance of the air traffic service provider concerned [...] within the relevant benchmark group. (Lines 222+266)
223.	In addition, the draft performance plan must comply with the following conditions:		3a. In addition, the <b>adopted</b> draft performance plan must comply with the following conditions:	<b>Compromise text proposed by EP:</b> 3a. In addition, the adopted draft performance plan must comply with the following conditions: (Lines 223+267)
224.	(a) key assumptions applied as a basis for target setting and measures intended to achieve the targets during		(a) key assumptions applied as a basis for target setting and measures intended to achieve the targets during	(a) key assumptions applied as a basis for target setting and measures intended to achieve the targets during the reference

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	the reference period, including baseline values, traffic forecasts and economic assumptions used, must be accurate, adequate and coherent;		the reference period, including baseline values, traffic forecasts and economic assumptions used, must be accurate, adequate and coherent <b>at the time of preparing the performance plan;</b>	period, including baseline values, traffic forecasts and economic assumptions used, must be accurate, adequate and coherent; (Lines 224+268)
225.	(b) the draft performance plan must be complete in terms of data and supporting material;		(b) the <b>adopted</b> draft performance plan must be complete in terms of data and supporting material;	<b>No change compared to COM proposal</b> Lines 225+269
226.	(c) cost bases for charges must comply with Article 20.		(c) cost bases for charges must comply with Article 20.	<b>No change compared to COM proposal</b> Lines 226+270
226a.		<i>(c a) description of how the plan and targets within it contribute to the overall objectives of the Single European Sky referred to in Article 1(1). Moved from line 271</i>		
227.	The draft performance plans shall be made publicly available. (Moved from line 214)	The draft performance plans shall be made publicly available. (Moved from line 214)	<b>3b. The adopted draft performance plans shall be made publicly available, without prejudice to</b>	

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			confidentiality of sensitive information.	
228.	4. The allocation of costs between <i>en route</i> and terminal air navigation services shall be assessed by the Agency acting as PRB on the basis of the methodology referred to in Article 10(3)(k) and the classification of the different services as assessed by the Commission pursuant to Article 12.	4. <b>Where relevant</b> , the allocation of costs between <i>en route</i> and terminal air navigation services shall be <b>evaluated</b> by the <b>national supervisory authority</b> on the basis of the methodology referred to in Article 10(3)(k) and the classification of the different services as assessed by the Commission pursuant to Article 12.	<b>1a. Before the start of each reference period, each national supervisory authority shall lay down the criteria to allocate the costs common to en route and terminal air navigation services between the two categories of services taking into account the principle of cost-relatedness. It shall include this information in the draft performance plan. The national supervisory authority shall ensure that the cost bases for charges comply with those criteria and the requirements of Article 20.</b>	<b>Compromise text proposed by EP:</b> 4. Where relevant, the allocation of costs between en route and terminal air navigation services shall be evaluated by the national supervisory authority on the basis of the methodology referred to in Article 10(3)(k) and the classification of the different services as assessed by the Commission pursuant to Article 12.
229.	5. The draft performance plans for <i>en route</i> air navigation services referred to in paragraph 1, including where relevant the allocation of costs between <i>en route</i> and terminal air navigation services, shall	5. The draft performance plans for <i>en route</i> air navigation services referred to in paragraph 1, including where relevant the allocation of costs between <i>en route</i> and terminal air navigation services, shall,	5. The <b>adopted</b> draft performance plans [...] shall be submitted to the [...] <b>Commission</b> for assessment and approval <b>in accordance with Article 13a.</b>	<b>Compromise text proposed by EP:</b> 5(a) The draft performance plans for en route air navigation services referred to in paragraph 1, including where relevant the allocation of costs between en

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	be submitted to the Agency acting as PRB for assessment and approval.	<b>once they have been evaluated by the national supervisory authority</b> , be submitted to the Agency acting as PRB for assessment and approval.		route and terminal air navigation services shall, once they have been evaluated by the national supervisory authority, be submitted to the PRB for assessment and approval.
229a.				<b>Compromise text proposed by EP:</b> (b) The draft performance plans for terminal air navigation services referred to in paragraph 1, shall be submitted to the national supervisory authority for assessment and approval. <i>(Moved from line 272)</i>
229b.				<b>Compromise text proposed by EP:</b> (c) In the case of a designated air traffic service provider providing both en route air navigation services and terminal air navigation services, the draft performance plan for terminal air navigation services to be submitted to the national

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				supervisory authority shall be the plan subject to a positive decision on the allocation of costs taken by the Agency acting as PRB in accordance with the third subparagraph of Article 13a. (Moved from line 273)
230.				<b>Compromise text proposed by EP:</b> <b>Article 13a -</b> <b>Assessment of allocation of costs between en route air navigation services and terminal air navigation services</b>
231.	6. In the case of a designated air traffic service provider providing both <i>en route</i> air navigation services and terminal air navigation services, the Agency acting as PRB shall first assess the allocation of costs between the respective services in accordance with paragraph 4.	6. In the case of a designated air traffic service provider providing both <i>en route</i> air navigation services and terminal air navigation services, the Agency acting as PRB shall first assess the allocation of costs between the respective services <b>on the basis of the evaluation by the</b>	[...]	



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		<b>national supervisory authority and in accordance with the methodology and classification referred to in paragraph 4.</b>		
232.	Where the Agency acting as PRB finds that the allocation of costs does not comply with the methodology or with the classification referred to in paragraph 4, the designated air traffic service provider concerned shall present a new draft performance plan complying with that methodology and with that classification.		[...]	
233.	Where the Agency acting as PRB finds that the allocation of costs complies with that methodology and with that classification, it shall take a decision to that effect, notifying the designated air traffic service provider and		[...]	

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	national supervisory authority concerned. The national supervisory authority shall be bound by the conclusions of that decision in respect of the allocation of costs for the purposes of the assessment of the draft performance plan for terminal air navigation services referred to in Article 14.			
233a.			<b>Article 13a (new) - Assessment of performance targets and performance plans by the Commission</b>	<b>Not within the scope of technical level mandate Compromise text proposed by EP: Article 13b -Assessment of performance plans and performance targets for en route air navigation services of designated air traffic service providers</b>
234.	7. The Agency acting as PRB shall assess the performance targets for <i>en route</i> air navigation services and the	7. The Agency acting as PRB shall assess the performance targets for en route air navigation services and the	<b>1. The Commission shall assess the performance targets for en route air navigation services and the adopted draft</b>	

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	performance plans according to the criteria and conditions set out in paragraph 3. Where paragraph 6 applies, this assessment shall take place after a decision on the allocation of costs has been taken in accordance with the fourth subparagraph of paragraph 6.	performance plans according to the criteria and conditions set out in paragraph 3, <b>including regarding climate and environment.</b> Where paragraph 6 applies, this assessment shall take place after a decision on the allocation of costs has been taken in accordance with the <b>third</b> subparagraph of paragraph 6.	<b>performance plans referred to in Article 13 according to the criteria and conditions set out in Article 13(3) and (3a).</b>	
235.			<b>2. Where consistency of performance targets for en route air navigation services with the Union-wide performance targets cannot be established on the basis of the criteria laid down in Article 13(3), the Commission shall assess whether the divergence from these criteria can be justified by local circumstances and/or interdependencies between key performance areas</b>	<b>EP cannot accept Council's text</b>

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			referred to in Article 10(2)a), in the light of the information provided in the draft performance plans and safety considerations. If that is the case, performance targets for en route air navigation services shall be considered consistent with Union-wide targets.	
236.			The Commission may allow a deviation of performance targets for en route air navigation services from Union-wide performance targets with respect to cost-efficiency, or capacity key performance areas where necessary to ensure consistency of performance targets for those services with the Union-wide performance targets with respect to environment key performance area. In addition, deviations shall be allowed to enable compliance with the relevant	EP cannot accept Council's text

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			<b>EU safety requirements set out in Regulation (EU) 2018/1139 and the implementing and delegated acts adopted on the basis thereof.</b>	
237.	Where the Agency acting as PRB finds that the draft performance plan meets those criteria and conditions, it shall approve it.	Where the [ ... ] PRB finds that the draft performance plan meets those criteria and conditions, it shall approve it.	<b>3. Where the Commission finds that the adopted draft performance plan meets the criteria and conditions set out in Article 13(3) and (3a) read in combination with paragraph 2 of this Article, it shall approve it in accordance with the examination procedure referred to in Article 37(3).</b>	
238.	Where the Agency acting as PRB finds that one or several performance targets for <i>en route</i> air navigation services are not consistent with the Union-wide performance targets or the performance plan does not meet the additional conditions set out in paragraph 3, it shall deny the		<b>4. Where the Commission finds that there are doubts about the compliance of the draft performance plan with the criteria and conditions set out in Article 13(3) and (3a) read in combination with paragraph 2 of this Article, it shall initiate a detailed examination of that draft</b>	

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	approval.		<b>performance plan, requesting additional information from the Member State concerned if necessary.</b>	
239.	8. Where the Agency acting as PRB has denied approval of a draft performance plan in accordance with paragraph 7, a revised draft performance plan shall be presented by the designated air traffic service provider concerned, including where necessary revised targets.	8. Where the Agency acting as PRB has denied approval of a draft performance plan in accordance with paragraph 7, a revised draft performance plan shall be presented by the designated air traffic service provider concerned, including where necessary revised targets <b>for climate and the environment, capacity and cost efficiency. The revised draft performance plan shall be evaluated by the national supervisory authority.</b>	[...]	
240.	9. The Agency acting as PRB shall assess the revised draft performance plan referred to in paragraph 8 in accordance with the criteria and conditions set out in paragraph	9. The Agency acting as PRB shall assess the revised draft performance plan <b>taking in account the evaluation</b> referred to in paragraph 8 in accordance with the criteria	<b>5. Where, having carried out the detailed examination, the Commission finds that the draft performance plan meets the criteria and conditions set out in Article 13(3) and (3a) read in</b>	

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	3. Where a revised draft performance plan meets those criteria and conditions, the Agency acting as PRB shall approve it.	and conditions set out in paragraph 3. Where a revised draft performance plan meets those criteria and conditions, the Agency acting as PRB shall approve it.	<b>combination with paragraph 2 of this Article, it shall approve it in accordance with the examination procedure referred to in Article 37(3).</b>	
241.	Where a revised draft performance plan does not meet those criteria and conditions, the Agency acting as PRB shall deny its approval and shall require the designated air traffic service provider to present a final draft performance plan.	Where a revised draft performance plan does not meet those criteria and conditions, the [ ... ] PRB shall deny its approval and shall require the designated air traffic service provider to present a final draft performance plan.	<b>Where however the Commission finds that the draft performance plan is not consistent with those criteria and conditions, the Commission shall adopt a decision setting out the corrective measures which the Member State(s) concerned is to take, in accordance with the examination procedure referred to in Article 37(3).</b>	
242.			<b>The Member State(s) concerned shall communicate to the Commission the measures that it has taken pursuant to that decision, as well as information demonstrating that those measures comply with that</b>	<b>EP cannot accept Council's text</b>

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			decision.	
243.			<b>Where the Commission finds that those measures are sufficient to ensure compliance with its decision, it shall notify the Member State(s) concerned thereof and approve the draft performance plan in accordance with the examination procedure referred to in Article 37(3).</b>	<b>EP cannot accept Council's text</b>
244.	Where the revised draft performance plan submitted in accordance with paragraph 8 is denied because it contains performance targets for en route air navigation services that are not consistent with the Union-wide performance targets, the Agency acting as PRB shall establish performance targets in consistency with the Union-wide performance targets for the designated air traffic	Where the revised draft performance plan submitted in accordance with paragraph 8 is denied because it contains performance targets for <i>en route</i> air navigation services that are not consistent with the Union-wide performance targets, <b>including that regarding climate and the environment</b> , the Agency acting as PRB shall establish performance targets in consistency with the Union-	<b>Where the Commission finds that those measures are not sufficient to ensure compliance with the decision, it shall notify the Member State concerned and take, where appropriate, action to address the non-compliance, including through actions provided for in Article 258 of the Treaty on the Functioning of the European Union.</b>	



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	service provider concerned, taking into account the findings made in the decision referred to in paragraph 7. The final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets thus established by the Agency acting as PRB, as well as the measures to achieve those targets.	wide performance targets for the designated air traffic service provider concerned, taking into account the findings made in the decision referred to in paragraph 7. The final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets thus established by the Agency acting as PRB, as well as the measures to achieve those targets, <b>including for climate and the environment.</b>		
245.	Where approval of the revised draft performance plan submitted in accordance with paragraph 8 is denied only because it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be	Where approval of the revised draft performance plan submitted in accordance with paragraph 8 is denied only because it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be	[...]	

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	presented by the designated air traffic service provider concerned shall include the performance targets contained in the draft performance plan and found to be consistent with the Union-wide performance targets by the Agency acting as PRB, and shall contain the amendments necessary in view of the conditions the Agency acting as PRB has found not being met.	presented by the designated air traffic service provider concerned shall include the performance targets contained in the draft performance plan and found to be consistent with the Union-wide performance targets by the Agency acting as PRB, and shall contain the amendments necessary in view of the conditions the Agency acting as PRB has found not being met, <b>including those regarding climate and the environment.</b>		
246.	Where approval of the revised draft performance plan submitted in accordance with paragraph 8 is denied because it contains performance targets for <i>en route</i> air navigation services that are not consistent with the Union-wide performance targets and because, in addition, it does	Where approval of the revised draft performance plan submitted in accordance with paragraph 8 is denied because it contains performance targets for <i>en route</i> air navigation services that are not consistent with the Union-wide performance targets and because, in addition, it does	[...]	

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	not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets established by the Agency acting as PRB in accordance with the third subparagraph and the measures to achieve those targets and shall and shall contain the amendments necessary in view of the conditions the Agency acting as PRB has found not being met.	not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets established by the Agency acting as PRB in accordance with the third subparagraph and the measures to achieve those targets and shall contain the amendments necessary in view of the conditions the Agency acting as PRB has found not being met <b>including those regarding climate and the environment.</b>		
247.	10. Draft performance plans approved by the Agency acting as PRB shall be adopted by the designated air traffic service providers	10. Draft performance plans approved by the [ ... ] PRB shall be adopted by the designated air traffic service providers concerned as definitive plans, and	<b>6. Draft performance plans approved by the [...] Commission in accordance with this Article shall be adopted by the Member States concerned</b>	

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	concerned as definitive plans, and shall be made publicly available.	shall be made publicly available.	<b>as definitive plans, and shall be made publicly available, without prejudice to confidentiality of sensitive information.</b>	
248.			<b>Article 13b (new) - Performance monitoring</b>	<b>Not within the scope of technical level mandate</b> <i>(EP proposes to move to 283a)</i>
249.			<b>1. The national supervisory authority, in cooperation with the national competent authority where it is a different entity, shall assess whether the air navigation services provided in the airspace under their responsibility meet the performance targets contained in the performance plans approved in accordance with Article 13a, whether those plans are implemented correctly and whether it shall implement the positive or negative incentives following from the schemes referred to in Article 10(3)h).</b>	<i>(see line 284 for Compromise text proposed by EP)</i>

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250.	11.The Agency acting as PRB shall issue regular reports, within the time limits referred to in the implementing acts to be adopted in accordance with Article 18, on the monitoring of performance of <i>en route</i> air navigation services and network functions, including regular assessments of the achievement of the <i>en route</i> Union-wide performance targets and of performance targets for <i>en route</i> air navigation services for air traffic service providers and making the results of those assessments publicly available.	11. The Agency acting as PRB shall issue regular reports, within the time limits referred to in the implementing acts to be adopted in accordance with Article 18, on the monitoring of performance of <i>en route</i> air navigation services and network functions, including regular <b>reports on</b> the achievement of the <i>en route</i> Union-wide performance targets, <b>including that regarding climate and the environment</b> , and of performance targets for <i>en route</i> air navigation services for air traffic service providers and making the results of those assessments publicly available.	<b>2. The national supervisory authority shall issue regular reports on the monitoring of performance of air navigation services provided by the designated air traffic service providers and make the results of those assessments publicly available without prejudice to confidentiality of sensitive information.</b>	<i>(See line 284 for Compromise text proposed by EP)</i>
251.	The designated air traffic service provider shall provide the information and data necessary for the monitoring of the performance of air	The designated air traffic service provider shall provide the information and data necessary for the monitoring of the performance of air	<b>The designated air traffic service providers shall provide the information and data necessary for such monitoring . This shall include information</b>	<i>(EP proposes to move to 285)</i>

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	navigation services. This shall include information and data related to actual costs and revenues.	navigation services. This shall include information and data related to actual costs and revenues.	<b>and data related to actual costs of the services provided and, where applicable, without prejudice to confidentiality of sensitive information, and data related to actual costs of the services procured from other service providers.</b>	
252.		<b>National supervisory authority shall report on an annual basis to the Agency acting as PRB on the achievement of performance targets by the designated air traffic service providers for the purpose of the regular reports referred to in the first subparagraph.</b>		<i>(EP proposes to move to 285)</i>
253.	Where performance targets are not reached or the performance plan is not correctly implemented, the Agency acting as PRB shall issue decisions requiring corrective measures to be implemented by the air traffic	Where performance targets are not reached or the performance plan is not correctly implemented, <b>including those regarding climate and the environment</b> , the Agency acting as PRB <b>after</b>	<b>2a. Where performance targets contained in the performance plans are not reached or the performance plan is not correctly implemented, the national supervisory authority shall</b>	<i>(EP proposes to move to 286)</i>

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	service providers.	<b>consultation with the Network Manager</b> , shall issue decisions requiring corrective measures, <b>including fines and periodic penalty payments in accordance with Article 42a of this Regulation and Article 84 of the [Regulation (EU) 2018/1139 as amended by Regulation PRB]</b> , to be implemented by the air traffic service providers.	<b>assess whether this is due to safety considerations or external factors beyond the air traffic service provider's control. In particular, the national supervisory authority shall assess the impact of any detrimental effect of measures adopted in order to improve the overall functioning of the network on the actual performance of the air traffic service provider. In case the underperformance cannot be justified by safety considerations or external factors, the national supervisory authority shall require corrective measures to be implemented by the air traffic service provider.</b>	

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254.	These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider.	These corrective measures may include, where objectively necessary, a requirement <b>addressed to a Member State</b> to delegate the provision of the relevant services to another air traffic service provider.	[...]	<i>(EP proposes to move to 287)</i>
255.	Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented or where corrective measures imposed are not or not properly applied, the Agency acting as PRB shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2). The Commission may take action in accordance with Article 24(3).	Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented or where corrective measures imposed are not or not properly applied, <b>including those regarding climate and the environment</b> the Agency acting as PRB shall conduct an investigation and provide an opinion to the Commission in accordance with Article 24(2). The Commission may take action in accordance with Article 24(3).	[...]	<i>(EP proposes to move to 288)</i>



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256.			<b>2b. Financial incentives and disincentives shall take into account the deterioration of service and be proportionate to the magnitude of the variation between the achieved performances and the performance targets set in the approved performance plans. Financial incentives and disincentives may only be applied where the over or under performance is attributable to the air traffic service provider concerned. Such disincentives shall not be such as to affect the financial viability of that air traffic service provider and the safety and quality of the services provision.</b>	<b>EP cannot accept Council's text</b>

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257.			<b>3. The Commission shall carry out regular assessments of the overall achievement of the Union-wide performance targets and present the results to the committee referred to in Article 37(1).</b>	<b>EP cannot accept Council's text</b>
258.	<b>Article 14 - Performance plans and performance targets for terminal air navigation services of designated air traffic service providers</b>	<b>Article 14 - Performance plans and performance targets for terminal air navigation services of designated air traffic service providers</b>	[...]	<b>Not within the scope of technical level mandate Compromise text proposed by EP: Article 14 - Assesment of performance plans and performance targets for terminal air navigation services of designated air traffic service providers</b>
259.	1. The designated air traffic service providers for terminal air traffic services shall, for each reference period, adopt draft performance plans in respect of all the terminal air navigation services which they provide and, where applicable,		[...]	<b>EP proposes to merge with line 213</b>

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	procure from other providers.			
260.	The draft performance plans shall be adopted after the setting of Union-wide performance targets and before the start of the reference period concerned. They shall contain performance targets for terminal air navigation services in the key performance areas of environment, capacity and cost-efficiency, consistent with the Union-wide performance targets. Those draft performance plans shall take account of the European ATM Master Plan. The draft performance plans shall be made publicly available.	The draft performance plans shall be adopted after the setting of Union-wide performance targets and before the start of the reference period concerned. They shall contain performance targets for terminal air navigation services in the key performance areas of <b>climate and the environment</b> , capacity and cost-efficiency, consistent with the Union-wide performance targets. Those draft performance plans shall take account <b>and shall contribute to the implementation</b> of the European ATM Master Plan. The draft performance plans shall be made publicly available.	[...]	<b>EP proposes to merge with lines 214 and 218</b>

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261.	2. The draft performance plans for terminal air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager.	2. The draft performance plans for terminal air navigation services referred to in paragraph 1 shall include relevant information provided by the Network Manager.	[...]	<b>EP proposes to merge with line 215</b>
261a.	Before adopting those draft plans, designated air traffic service providers shall consult airspace users' representatives and, where relevant, military authorities, airport operators and airport coordinators. The designated air traffic service providers shall also submit those plans to the national competent authority responsible for their certification, which shall verify the compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.	Before adopting those draft plans, designated air traffic service providers shall consult airspace users' representatives, <b>airport operators and airport coordinators, scientific experts in the fields of climate and the environment, professional staff representative bodies</b> and, where relevant, military authorities, airport operators and airport coordinators. The designated air traffic service providers shall also submit those plans to the national competent authority responsible for their certification, which shall	[...]	<b>EP proposes to merge with line 216</b>

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		verify the compliance with Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof.		
262.	3. Draft performance plans for terminal air navigation services shall contain performance targets for terminal air navigation services that are consistent with the respective Union-wide performance targets in all key performance areas and fulfil the additional conditions laid down in the third subparagraph.	3. Draft performance plans for terminal air navigation services shall contain performance targets for terminal air navigation services that are consistent with the respective Union-wide performance targets in all key performance areas <b>including those regarding climate and the environment</b> , and fulfil the additional conditions laid down in the third subparagraph	[...]	<b>EP proposes to merge with line 217</b>
263.	Consistency of performance targets for terminal air navigation service with Union-wide performance targets shall be established according to the following		[...]	<b>EP proposes to merge with line 219</b>

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	criteria:			
264.	(a) where breakdown values have been established in conjunction with Union-wide performance targets, comparison of the performance targets contained in the draft performance plan with those breakdown values;		[...]	<b>EP proposes to merge with line 220</b>
265.	(b) evaluation of performance improvements over time, for the reference period covered by the performance plan, and additionally for the overall period comprising both the preceding reference period and the reference period covered by the performance plan;		[...]	<b>EP proposes to merge with line 221</b>

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266.	(c) comparison of the planned level of performance of the air traffic service provider concerned with other air traffic service providers being part of the same benchmark group.		[...]	<b>EP proposes to merge with line 222</b>
267.	In addition, the draft performance plan must comply with the following conditions:		[...]	<b>EP proposes to merge with line 223</b>
268.	(a) key assumptions applied as a basis for target setting and measures intended to achieve the targets during the reference period, including baseline values, traffic forecasts and economic assumptions used, must be accurate, adequate and coherent;		[...]	<b>EP proposes to merge with line 224</b>
269.	(b) the draft performance plan must be complete in terms of data and supporting		[...]	<b>EP proposes to merge with line 225</b>

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	material;			
270.	(c) cost bases for charges must comply with Article 20.		[...]	<b>EP proposes to merge with line 226</b>
271.		<b>(ca) description of how the plan and targets within it contribute to the overall objectives of the Single European Sky referred to in Article 1(1).</b>		<b>EP proposes to merge with line 226a</b>
272.	4. The draft performance plans for terminal air navigation services referred to in paragraph 1, shall be submitted to the national supervisory authority for assessment and approval.		[...]	<b>EP proposes to merge with line 229a</b>
273.	5. In the case of a designated air traffic service provider providing both <i>en route</i> air navigation services and terminal air navigation services, the draft performance plan for terminal air navigation services to be		[...]	<b>EP proposes to merge with line 229b</b>



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	submitted to the national supervisory authority shall be the plan subject to a positive decision on the allocation of costs taken by the Agency acting as PRB in accordance with the third subparagraph of Article 13(6).			
274.	6. The national supervisory authority shall assess the performance targets for terminal air navigation services and the performance plans according to the criteria and conditions set out in paragraph 3. Where paragraph 5 applies, the national supervisory authority shall base its assessment on the conclusions of the decision taken by the Agency acting as PRB in respect of the allocation of costs.	6. The national supervisory authority shall assess the performance targets for terminal air navigation services and the performance plans according to the criteria and conditions set out in paragraph 3, <b>including those regarding climate and the environment.</b> Where paragraph 5 applies, the national supervisory authority shall base its assessment on the conclusions of the decision taken by the Agency acting as PRB in respect of the allocation of costs.	[...]	

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275.	Where the national supervisory authority finds that the draft performance plan meets those criteria and conditions, it shall approve it.		[...]	
276.	Where the national supervisory authority finds that one or several performance targets for terminal air navigation services are not consistent with the Union-wide performance targets or the performance plan does not meet the additional conditions set out in paragraph 3, it shall deny the approval.		[...]	
277.	7. Where the national supervisory authority has denied approval of a draft performance plan in accordance with paragraph 6, a revised draft performance plan shall be presented by the designated air traffic service	7. Where the national supervisory authority has denied approval of a draft performance plan in accordance with paragraph 6, a revised draft performance plan shall be presented by the designated air traffic service provider concerned, including	[...]	

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	provider concerned, including where necessary revised targets.	where necessary revised targets, <b>including those regarding climate and the environment.</b>		
278.	8. The national supervisory authority shall assess the revised draft performance plan referred to in paragraph 7 in accordance with the criteria and conditions set out in paragraph 3. Where a revised draft performance plan meets those criteria and conditions, the national supervisory authority shall approve it.		[...]	
279.	Where a revised draft performance plan does not meet those criteria and conditions, the national supervisory authority shall deny its approval and shall require the designated air traffic service provider to present a final draft performance plan.		[...]	

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280.	Where the revised draft performance plan submitted in accordance with paragraph 7 is denied because it contains performance targets for terminal air navigation services that are not consistent with the Union-wide performance targets, the national supervisory authority shall establish performance targets in consistency with the Union-wide performance targets for the designated air traffic service provider concerned, taking into account the findings made in the decision referred to in paragraph 6. The final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets thus established by the national	Where the revised draft performance plan submitted in accordance with paragraph 7 is denied because it contains performance targets for terminal air navigation services that are not consistent with the Union-wide performance targets, <b>including those regarding climate and the environment</b> , the national supervisory authority shall establish performance targets in consistency with the Union-wide performance targets for the designated air traffic service provider concerned, taking into account the findings made in the decision referred to in paragraph 6. The final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets thus	[...]	

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	supervisory authority as well as the measures to achieve those targets.	established by the national supervisory authority as well as the measures to achieve those targets, <b>including those regarding the climate and the environment.</b>		
281.	Where approval of the revised draft performance plan submitted in accordance with paragraph 7 is denied only because it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets contained in the draft performance plan and found to be consistent with the Union-wide performance targets by the national supervisory authority, and shall contain the	Where approval of the revised draft performance plan submitted in accordance with paragraph 7 is denied only because it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets contained in the draft performance plan and found to be consistent with the Union-wide performance targets by the national supervisory authority, and shall contain the amendments	[...]	

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	amendments necessary in view of the conditions the national supervisory authority has found not being met.	necessary in view of the conditions the national supervisory authority has found not being met, <b>including those regarding climate and the environment.</b>		
282.	Where approval of the revised draft performance plan submitted in accordance with paragraph 7 is denied because it contains performance targets for terminal air navigation services that are not consistent with the Union-wide performance targets and because, in addition, it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets established by the	Where approval of the revised draft performance plan submitted in accordance with paragraph 7 is denied because it contains performance targets for terminal air navigation services that are not consistent with the Union-wide performance targets and because, in addition, it does not comply with the conditions set out in the third subparagraph of paragraph 3, the final draft performance plan to be presented by the designated air traffic service provider concerned shall include the performance targets established by the	[...]	

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	national supervisory authority in accordance with the third subparagraph and the measures to achieve those targets and shall contain the amendments necessary in view of the conditions the national supervisory authority has found not being met.	national supervisory authority in accordance with the third subparagraph and the measures to achieve those targets and shall contain the amendments necessary in view of the conditions <b>that</b> the national supervisory authority has found <b>are</b> not being met, <b>including those regarding climate and the environment.</b>		
283.	9. Draft performance plans approved by the national supervisory authority shall be adopted by the designated air traffic service providers concerned as definitive plans, and shall be made publicly available.		[...]	
283a.			<b>Article 13b (new) - Performance monitoring</b> <i>(moved from line 248)</i>	<b>Not within the scope of technical level mandate</b> <b>Compromise text proposed by EP:</b> <b>Article 14a - Performance monitoring</b>

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284.	10. The national supervisory authority concerned shall issue regular reports on the monitoring of performance of terminal air navigation services, including regular assessments of the achievement of the performance targets for terminal air navigation services for air traffic service providers and making the results of those assessments publicly available.	10. The national supervisory authority concerned shall issue regular reports on the monitoring of performance of terminal air navigation services, including regular assessments of the achievement of the performance targets for terminal air navigation services for air traffic service providers, <b>including those regarding climate and the environment</b> , and making the results of those assessments publicly available.	<b>2. The national supervisory authority shall issue regular reports on the monitoring of performance of air navigation services provided by the designated air traffic service providers and make the results of those assessments publicly available without prejudice to confidentiality of sensitive information.</b> <i>(moved from 250)</i>	<p><b>Compromise text proposed by EP (Lines 250+284):</b></p> <p>1. The PRB, as regards en route air navigation services, and the national supervisory authority concerned as regard terminal air navigation services, shall issue regular reports, within the time limits referred to in the implementing acts to be adopted in accordance with Article 18, on the monitoring of performance of en route air navigation services and network functions and of terminal air navigation services, respectively, including regular reports on the achievement of the en route and terminal, respectively, Union-wide performance targets including those regarding climate and</p>



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				the environment, and of performance targets for en route air navigation services and of terminal air navigation services, respectively, for air traffic service providers and making the results of those assessments publicly available.
285.	The designated air traffic service provider shall provide the information and data necessary for the monitoring of the performance of air navigation services. This shall include information and data related to actual costs and revenues.		<b>The designated air traffic service providers shall provide the information and data necessary for such monitoring . This shall include information and data related to actual costs of the services provided and, where applicable, without prejudice to confidentiality of sensitive information, and data related to actual costs of the services procured from other service providers.</b> <i>(moved from line 251)</i>	<b>Compromise txt by EP for lines 251+252+285:</b> The designated air traffic service provider and the national supervisory authority shall provide the information and data necessary for such monitoring. This shall include information and data related to actual costs and revenues.

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286.	Where performance targets are not reached or the performance plan is not correctly implemented, the national supervisory authority shall issue decisions requiring corrective measures to be implemented by the air traffic service providers.	Where performance targets are not reached or the performance plan is not correctly implemented, <b>including those regarding climate and the environment</b> , the national supervisory authority shall issue decisions requiring corrective measures, <b>including fines and periodic penalty payments</b> to be implemented by the air traffic service providers. These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider.	<b>2a. Where performance targets contained in the performance plans are not reached or the performance plan is not correctly implemented, the national supervisory authority shall assess whether this is due to safety considerations or external factors beyond the air traffic service provider's control. In particular, the national supervisory authority shall assess the impact of any detrimental effect of measures adopted in order to improve the overall functioning of the network on the actual performance of the air traffic service provider. In case the underperformance cannot be justified by safety considerations or external factors, the national supervisory authority shall require corrective measures to</b>	<b>Compromise text proposed by EP for lines 253+286:</b> Where performance targets are not reached or the performance plan is not correctly implemented, including those regarding climate and the environment, the Agency acting as PRB after consultation with the Network Manager and national supervisory authority, respectively, shall issue decisions requiring corrective measures, including fines and periodic penalty payments in accordance with Article 42a of this Regulation and Article 84 of the [Regulation (EU) 2018/1139 as amended by Regulation PRB], to be implemented by the air traffic service providers.

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			be implemented by the air traffic service provider. <i>(moved from line 253)</i>	
287.	These corrective measures may include, where objectively necessary, a requirement for an air traffic service provider to delegate the provision of the relevant services to another air traffic service provider.		[...]	<b>Compromise text proposed by EP for lines 254+287:</b> These corrective measures may include, where objectively necessary, a requirement [...] addressed to a Member State to delegate the provision of the relevant services to another air traffic service provider.
288.	Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented, or where corrective measures imposed are not or not properly applied, the national supervisory authority shall request the Agency acting as PRB to conduct an investigation in accordance with Article 24(2), and the	Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented, or where corrective measures imposed are not or not properly applied, <b>including regarding climate and the environment</b> , the national supervisory authority shall request the Agency acting as PRB to conduct an investigation in accordance	[...]	<b>Compromise text proposed by EP for lines 255+288:</b> Where the performance targets continue to be missed, or where the performance plan continues to be incorrectly implemented or where corrective measures imposed are not or not properly applied, including those regarding the climate and environment the PRB shall conduct an investigation and the national supervisory authority shall

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	Commission may take action in accordance with Article 24(3).	with Article 24(2), and the Commission may take action in accordance with Article 24(3).		request the PRB to conduct an investigation, respectively. The PRB shall provide an opinion to the Commission in accordance with Article 24(2). The Commission may take action in accordance with Article 24(3).
289.	11. Member States shall ensure that decisions taken by the national supervisory authority pursuant to this Article are subject to judicial review.		[...]	
290.	12. Where the Agency acting as PRB carries out the tasks of a national supervisory authority in accordance with Article 3(8), the draft performance plans for terminal air navigation services shall be submitted to the Agency acting as PRB together with the draft performance plans for <i>en route</i> air navigation services. Where the Agency has taken a decision in respect		[...]	

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	of the allocation of costs as referred to in the third subparagraph of Article 13(6), this decision shall be binding on it for the purposes of the assessment of the draft performance plans for terminal air navigation services.			
291.	<b>Article 15 - Role of the Agency acting as PRB as regards the monitoring of Union-wide performance targets for terminal air navigation services</b>	<b>Article 15 - Role of the Agency acting as PRB as regards the monitoring of Union-wide performance targets for terminal air navigation services</b>	[...]	<b>Not within the scope of technical level mandate</b>
292.	1. The Agency acting as PRB shall on a regular basis establish a Union-wide overview of the performance of terminal air navigation services and of how it relates to Union-wide performance targets.	1. The Agency acting as PRB shall on a regular basis <b>once per year</b> , establish a Union-wide overview of the performance of terminal air navigation services and of how it relates to Union-wide performance targets, <b>including those regarding climate and the environment.</b>	[...]	

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293.	2. For the purpose of the preparation of the overview referred to in point 1, the national supervisory authorities shall notify their reports referred to in Article 14(10) to the Agency acting as PRB and shall provide any other information the Agency acting as PRB may request for those purposes.		[...]	
294.	<b>Article 16 - Network Performance Plan</b>	<b>Article 16 - Network Performance Plan</b>	<b>Article 16 - Network Performance Plan</b>	<b>Not within the scope of technical level mandate</b>
295.	1. The Network Manager shall, for each reference period, draw up a draft Network Performance Plan in respect of all the network functions which it delivers.	1. The Network Manager shall, for each reference period, draw up a draft Network Performance Plan in respect of all the network functions which it <i>supports and</i> delivers.	1. The Network Manager shall, for each reference period, draw up, in accordance [...] <b>with the cooperative decision-making process referred to in Article 27(7)</b> , a draft Network Performance Plan.	<b>Compromise text proposed by EP:</b> 1. The Network Manager shall, for each reference period, draw up, in accordance with Article 27(7), a draft Network Performance Plan in respect of all the network functions which it supports and delivers.

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296.	The draft Network Performance Plan shall be drawn up after the setting of Union-wide performance targets and before the start of the reference period concerned. It shall contain performance targets in the key performance areas of the environment, capacity and cost-efficiency.	The draft Network Performance Plan shall be drawn up after the setting of Union-wide performance targets and before the start of the reference period concerned. It shall contain <b>specific</b> performance targets <b>for Network Manager</b> in the key performance areas of <b>climate and the</b> environment, capacity and cost-efficiency.	The draft Network Performance Plan shall be drawn up after the setting of Union-wide performance targets and before the start of the reference period concerned. It shall contain performance targets in the key performance areas [...] <b>referred to in Article 10(2)a).</b>	<b>Compromise text proposed by EP:</b> The draft Network Performance Plan shall be drawn up after the setting of Union-wide performance targets and before the start of the reference period concerned. It shall contain specific Network Manager performance targets in the key performance areas referred to in Article 10(2)a).
297.	2. The draft Network Performance Plan shall be submitted to the Agency acting as PRB and to the Commission.		2. The draft Network Performance Plan shall be submitted to the [...] <b>Commission for assessment and adoption.</b>	
298.	The Agency acting as PRB shall, upon request from the Commission, deliver an opinion to the Commission on the draft Network Performance Plan based on the following essential		2a. [...] <b>The Commission [...] shall assess</b> the draft Network Performance Plan based on the following essential criteria:	<b>Compromise text proposed by EP:</b> 2a. The PRB shall, upon request from the Commission, deliver an opinion to the Commission on the draft Network Performance Plan based on the following essential

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	criteria:			criteria:
299.	(a) consideration of performance improvements over time, for the reference period covered by the performance plan, and additionally for the timeframe comprising both the preceding reference period and the reference period covered by the performance plan;		(a) consideration of performance improvements over time, for the reference period covered by the performance plan, and [...] for the timeframe comprising both the preceding reference period and the reference period covered by the performance plan <b>as well as contribution towards Union wide performance targets;</b>	<b>EP can accept EP text</b>
300.	(b) completeness of the draft Network Performance Plan in terms of data and supporting materials.		(b) completeness <b>and consistency</b> of the draft Network Performance Plan in terms of data and supporting materials, <b>including key assumptions applied and traffic forecasts.</b>	<b>EP can accept EP text</b>



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301.	Where the Commission finds that the draft Network Performance Plan is complete and shows adequate performance improvements, it shall adopt the draft Network Performance Plan as a definitive plan. Otherwise, the Commission may request the Network Manager to submit a revised draft Network Performance Plan.		2b. Where the Commission finds that the draft Network Performance Plan is complete and shows adequate performance improvements, it shall adopt the draft Network Performance Plan as a definitive plan. Otherwise, the Commission [...] <b>shall</b> request the Network Manager to submit a revised draft Network Performance Plan.	<b>EP can accept EP text</b>
302.	<b>Article 17 - Revision of performance targets and performance plans during a reference period</b>	<b>Article 17 - Revision of performance targets and performance plans during a reference period</b>	<b>Article 17 - Revision of performance targets and performance plans during a reference period</b>	<b>Not within the scope of technical level mandate</b>
303.	1. Where, during a reference period, Union-wide performance targets are no longer adequate, in light of significantly changed circumstances, and where the revision of targets is necessary and proportionate, the Commission shall revise those	1. Where, during a reference period, Union-wide performance targets are no longer adequate, in light of significantly changed circumstances, and where the revision of targets is necessary and proportionate, the Commission shall revise those	1. Where, during a reference period, Union-wide performance targets are no longer adequate, in light of significantly changed circumstances <b>or safety considerations</b> , and where the revision of <b>one or several</b> targets is necessary and	<b>Compromise text proposed by EP:</b> 1. Where, during a reference period, Union-wide performance targets are no longer adequate, in light of significantly changed circumstances and where the revision of one or several targets referred to in Article 10(2)a) is

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	Union-wide performance targets. Article 11 shall apply to such decision. Subsequent to such revision, designated air traffic service providers shall adopt new draft performance plans, to which Articles 13 and 14 shall apply. The Network Manager shall draw up a new draft Network Performance Plan, to which Article 16 shall apply.	Union-wide performance targets, <b>including those regarding climate and the environment</b> . Article 11 shall apply to such decision. Subsequent to such revision, designated air traffic service providers shall adopt new draft performance plans, to which Articles 13 and 14 shall apply. The Network Manager shall draw up a new draft Network Performance Plan, to which Article 16 shall apply.	proportionate, the Commission shall revise those Union-wide performance targets. Article 11 shall apply to such decision [...].	necessary and proportionate, the Commission shall revise those Union-wide performance targets. Article 11 shall apply to such decision.
304.			<b>Where, following such revision, the performance targets contained in the performance plans adopted pursuant to Article 13a(6) are no longer consistent with the Union-wide performance targets, Member States shall revise those plans with respect to the performance targets concerned. Articles</b>	<b>Compromise text proposed by EP:</b> Where, following such revision, the performance targets contained in the performance plans adopted pursuant to Articles 13b(4) and 14(4) are no longer consistent with the Union-wide performance targets, the designated air traffic service providers shall revise those plans with respect to the

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			<b>13 and 13a shall apply to the revision of those plans. The consultation referred to in Article 13(2) may be limited, for the purpose of this subparagraph, to the performance targets and parts of the draft performance plans which are directly or indirectly affected by the revision.</b>	performance targets concerned. Articles 13, 13a, 13b and 14 shall apply to the revision of those plans. The consultation referred to in Article 13(2) may be limited, for the purpose of this subparagraph, to the performance targets and parts of the draft performance plans which are directly or indirectly affected by the revision.
305.			<b>Following the revision referred to in the first subparagraph, the Network Manager shall draw up a new draft Network Performance Plan. Article 16 shall apply to the adoption of that new plan.</b>	<b>Compromise text proposed by EP:</b> Following the revision referred to in the first subparagraph, designated air traffic service providers shall adopt new draft performance plans, to which Articles 13, 13a, 13b, 14 and 14a shall apply. The Network Manager shall draw up a new draft Network Performance Plan, to which Article 16 shall apply.

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306.	2. The decision on the revised Union-wide performance targets referred to in paragraph 1 shall include transitional provisions for the time period until the definitive performance plans adopted pursuant to Article 13(6) and Article 14(6) become applicable.		2. The decision on the revised Union-wide performance targets referred to in paragraph 1 shall include transitional provisions for the time period until the definitive revised performance plans [...] become applicable. <b>Revised Union-wide targets and transitional provisions shall not apply retroactively.</b>	<b>EP can accept Council's text</b>
307.			<b>2a. In case of a network crisis which prevents the issuing of reliable traffic forecasts, the transitional provisions mentioned in paragraph 2 may include the suspension of the performance system until new reliable forecasts are available. In such a case, the Commission shall define the relating conditions, including necessary adaptations to applicable charges, in the decision</b>	<b>Council's text is not acceptable for EP</b>

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			referred to in paragraph 1.	
308.	3. Designated air traffic service providers may request permission from the Agency acting as PRB as regards <i>en route</i> air navigation services, or from national supervisory authority concerned as regards terminal air navigation services, to revise one or several performance targets during a reference period. Such a request can be made where alert thresholds are reached, or where the designated air traffic service providers demonstrate that the initial data, assumptions and rationales underpinning the performance targets are to a significant and lasting extent no longer accurate due to circumstances that were unforeseeable at the time of the adoption of the		3. [...]Member States may revise one or several performance targets, during a reference period [...] where alert thresholds are reached, <b>or where it is demonstrated [...]</b> that the initial data, assumptions and rationales underpinning the performance targets are to a significant and lasting extent no longer accurate due to circumstances that were unforeseeable at the time of the adoption of the performance plan.	<b>Compromise text proposed by EP:</b> 3. Designated air traffic service providers may request the revision of one or several performance targets during a reference period. Such a request can be made where alert thresholds are reached, or where the designated air traffic service providers demonstrate that the initial data, assumptions and rationales underpinning the performance targets are to a significant and lasting extent no longer accurate due to circumstances that were unforeseeable at the time of the adoption of the performance plan.

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	performance plan.			
309.	4. The Agency acting as PRB as regards <i>en route</i> air navigation services, or the national supervisory authority concerned as regards terminal air navigation services, shall authorise the designated air traffic service provider concerned to proceed with the intended revision only if it is necessary and proportionate, and where the revised performance targets ensure that consistency with the Union-wide performance targets is maintained.	4. The Agency acting as PRB as regards <i>en route</i> air navigation services, or the national supervisory authority concerned as regards terminal air navigation services, shall authorise the designated air traffic service provider concerned to proceed with the intended revision only if it is necessary and proportionate, and where the revised performance targets ensure that consistency with the Union-wide performance targets is maintained, <b>including those regarding climate and the environment.</b>	[...]	
310.	Where the revision has been authorised, designated air traffic service providers shall adopt new draft performance plans, in accordance with the procedures set out in Articles 13 and 14.		<b>In such a case, Member States shall revise the performance plans with respect to the targets concerned, in accordance with the procedures set out</b>	Where the revision has been authorised, designated air traffic service providers shall adopt new draft performance plans, in accordance with the procedures set out in Articles 13, 13a, 13b,

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			<b>in Articles 13 and 13a. The consultation referred to in Article 13(2) may be limited, for the purpose of this paragraph, to the performance targets and parts of the performance plans which are directly or indirectly affected by the revision.</b>	14 and 14a.
311.	<b>Article 18 - Implementation of the performance scheme</b>	<b>Article 18 - Implementation of the performance scheme</b>	<b>Article 18 - Implementation of the performance scheme</b>	<b>Not within the scope of technical level mandate</b>
312.	For the implementation of the performance scheme, the Commission shall adopt detailed requirements and procedures in respect of Articles 10(3), 11, 12, 13, 14, 15, 16 as well as 17, in particular as regards the development of draft performance plans, the setting of performance targets, the criteria and conditions for their assessment, the methodology for allocation of costs between <i>en</i>	<b>In order to ensure uniform implementation of and compliance with the requirements referred to in Articles 10 to 17, the Commission shall with a view to achieving the objectives set out in Article 1, adopt implementing acts laying down detailed provisions concerning:</b>	For the implementation of the performance scheme, the Commission shall, <b>by means of implementing acts adopted in accordance with the examination procedure referred to in Article 37(3)</b> , adopt detailed requirements and procedures in respect of Articles 10(3), 11, [...] 13, <b>13a, 13b</b> , [...] 16 [...] <b>and</b> 17, in particular as regards	

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	<i>route</i> and terminal air navigation services, the monitoring of performance and issuance of corrective measures, and the timetables for all procedures. Those requirements and procedures shall be set out in an implementing act adopted in accordance with the advisory procedure referred to in Article 37(2).			
313.		<b>(a)the rules, procedures and methodology for the development, , assessment, monitoring and revision of the draft performance plans for air navigation services and network functions referred to in Articles 13, 14 and 16;</b>	<b>the preparation, assessment, approval and revision of</b> performance plans,	<b>Compromise text proposed by EP:</b> a) the rules, procedures and methodology for the development, assessment, monitoring and revision of the draft performance plans for air navigation services and network functions as referred to in Articles 13, 13a, 13b, 14, 14a and 16 ;



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314.		<b>(b) the rules and procedures for the setting of performance targets, the criteria and conditions for their assessment, referred to in Articles 10(3), 13 and 14;</b>	the setting of performance targets, [...] the monitoring of performance ,	<b>Compromise text proposed by EP:</b> b) the rules and procedures for the setting of performance targets, the criteria and conditions for their assessment, as referred to in Articles 10(3), 13, 13a, 13b, 14 and 14a;
315.		<b>(c) the rules and procedures for classification of en route and terminal air navigation services, referred to in Article 12;</b>		
316.		<b>(d) the rules and procedures for elaboration of the methodology for allocation of costs between en route and terminal air navigation services, referred to in Articles 10(3), 13 and 14;</b>	[...]	<b>Compromise text proposed by EP:</b> d) the rules and procedures for elaboration of the methodology for allocation of costs between en route and terminal air navigation services, as referred to in Articles 10(3), 13, 13a, 13b, 14 and 14a;

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317.		<b>(e) the rules and procedures for the monitoring of performance plans, alert mechanisms for revision of performance plans and targets and for the revision of Union-wide performance targets during the course of a reference period and targets and issuance of corrective measures, referred to in Articles 10(3), 13, 14, 15 and 17;</b>	the issuance of corrective measures,	<b>Compromise text proposed by EP:</b> e) the rules and procedures for the monitoring of performance plans, alert mechanisms for revision of performance plans and targets and for the revision of Union-wide performance targets during the course of a reference period and targets and issuance of corrective measures as referred to in Articles 10(3), 13, 13a, 13b, 14, 14a, 15 and 17;
318.		<b>(f) the rules and procedures for the timetables for all procedures, referred in Article 10(3)</b>	and the timetables for all procedures.	
319.		<b>(g) the rules and procedures for a mechanism to address unforeseeable and significant events, referred to in Article 10(3).</b>		

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320.		<b>(h) rules and procedures for the collection, validation, examination, evaluation and dissemination of relevant data related to the performance of air navigation services and network functions;</b>		
321.		<b>(i) rules and procedures for the setting of key performance indicators and indicators for monitoring.</b>		
322.			<b>methodology for benchmarking,</b>	<b>EP can accept Council's text.</b>
323.			<b>the incentive schemes,</b>	<b>Council's text not acceptable for EP.</b>
324.		<b>Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 37(2).</b>	<i>See line 312:</i> <b>by means of implementing acts adopted in accordance with the examination procedure referred to in Article 37(3),</b>	
325.	<b>Article 19 - Principles for the charging scheme</b>	<b>Article 19 - Principles for the charging scheme</b>	<b>Article 19 - Principles for the charging scheme</b>	<b>Not within the scope of technical level mandate</b>

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326.	1. Without prejudice to the possibility for Member States to finance the provision of air traffic services covered in this Article through public funds, charges for air navigation services shall be determined, imposed and enforced on airspace users.	1. Without prejudice to the possibility for Member States, within the limits of Union competition law, to finance the provision of air <b>navigation</b> traffic services covered in this Article through public funds, , charges for air navigation services shall be determined, imposed and enforced on airspace users.	1. Without prejudice to the possibility for Member States to finance the provision of air [...] <b>navigation</b> services covered in this Article through public funds, charges for air navigation services shall be determined, imposed and enforced on airspace users <b>in accordance with Article 15 of the Chicago Convention and with this Article as well as Articles 20 to 22 and the implementing acts adopted on the basis of Article 23. The charging scheme set up under this Article as well as Articles 20 to 22 shall be consistent with the charging system for en route charges established by EUROCONTROL, in particular EUROCONTROL Principles for Establishing the Cost-Base for En-Route</b>	

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			<b>Charges and the Calculation of the Unit Rates.</b>	
327.	2. Charges shall be based on the costs of air traffic service providers in respect of services and functions delivered for the benefit of airspace users over fixed reference periods as defined in Article 10(2). Those costs may include a reasonable return on assets to contribute towards necessary capital improvements.		2. Charges shall be based on the costs of air navigation service providers incurred in relation to the provision of services and functions made available to, or for the benefit of, airspace users over fixed reference periods as defined in Article 10(2). Those costs may include a reasonable return on assets.	
328.	3. Charges shall encourage the safe, efficient, effective and sustainable provision of air navigation services with a view to achieving a high level of safety and cost-efficiency and meeting the performance targets and they shall stimulate integrated service provision, whilst reducing the environmental impact of	3. Charges shall encourage the safe, efficient, effective and sustainable provision of air navigation services with a view to achieving a high level of safety and cost-efficiency and meeting the performance targets, <b>including those regarding climate and the environment</b> , and they shall stimulate integrated service	3. Charges shall encourage the safe, efficient, effective and sustainable provision of air navigation services with a view to achieving a high level of safety and cost-efficiency [...] whilst reducing the environmental impact of aviation.	

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	aviation.	provision, whilst reducing the environmental impact of aviation.		
329.	4. Revenues from charges imposed on airspace users may result in financial surpluses or losses for air traffic service providers due to the application of the incentive schemes referred to in point (h) of Article 10(3) and the risk sharing mechanisms referred to in point (i) of Article 10(3).		[...]	
330.	5. Revenues from charges imposed on airspace users in accordance with this Article shall not be used to finance services which are provided under market conditions in accordance with Article 8.	5. Revenues <b>received by an air traffic service provider</b> from charges imposed on airspace users in accordance with this Article shall not be used to finance services which <b>that air traffic service provider may provide</b> under market conditions in accordance with Article 8 <b>or any other commercial activity</b>	5. Revenues <b>received by an air navigation service provider</b> from charges imposed on airspace users in accordance with this Article shall not be used to finance services which <b>[...] that air navigation service provider provides</b> under market conditions in accordance with Article 8 <b>or to finance any other</b>	<b>EP can accept Council's text</b>

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		<b>performed by that provider.</b>	<b>commercial activity performed by that provider.</b>	
331.	6. Financial data on determined costs, actual costs and revenues of designated air traffic service providers shall be reported to national supervisory authorities and the Agency acting as PRB and shall be made publicly available.	6. Financial data on determined costs, actual costs and revenues of designated air traffic service providers shall be reported to national supervisory authorities, <b>Eurocontrol</b> and the Agency acting as PRB and shall be made publicly available <b>subject to the protection of confidential information.</b>	6. Financial data on determined [...] <b>and</b> actual costs of designated air traffic service providers shall be reported to national supervisory authorities[...].	
332.	<b>Article 20 - Cost bases for charges</b>	<b>Article 20 - Cost bases for charges</b>	<b>Article 20 - Cost bases for charges</b>	<b>Not within the scope of technical level mandate</b>
333.	1. The cost bases for charges for <i>en route</i> air navigation services and charges for terminal air navigation services shall consist of the determined costs related to the provision of those services in the <i>en route</i> charging zone and terminal charging zone		1. The cost bases for charges for [...] air navigation services [...] shall consist of the determined costs, <b>as established in the performance plans adopted in accordance with Article13a(6)</b> , related to the provision of those services in	<b>Compromise text proposed by EP:</b> 1. The cost bases for charges for air navigation services shall consist of the determined costs, as established in the performance plans adopted in accordance with Article 13b(4) and 14(4), related to the provision of those services

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	concerned, as established in the performance plans adopted in accordance with Articles 13 and 14.		the en route charging zone and terminal charging zone concerned.	in the en route charging zone and terminal charging zone concerned.
334.	2. The determined costs referred to in paragraph 1 shall include the costs of relevant facilities and services, appropriate amounts for interest on capital investment and depreciation of assets, as well as the costs of maintenance, operation, management and administration.		2. The determined costs referred to in paragraph 1 shall include the costs of relevant facilities and services, [...] <b>cost of capital [...]</b> and depreciation of assets, as well as the costs of maintenance, operation, management and administration <b>and other staff costs</b> .	<b>Compromise text proposed by EP:</b> 2. The determined costs referred to in paragraph 1 shall include the costs of relevant facilities and services, [...] cost of capital and depreciation of assets, as well as the costs of maintenance, operation, management and administration
335.	3. The determined costs referred to in paragraph 1 shall also include the following costs:		3. The determined costs referred to in paragraph 1 shall also include the following costs:	<b>No change compared to COM proposal</b>
336.	(a) costs incurred by the air traffic service providers for fees and charges paid to the Agency acting as PRB;		[...]	<b>Compromise text proposed by EP:</b> (a) costs incurred by the air traffic service providers for fees and charges paid to the PRB;



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337.	(b) costs or parts thereof incurred by the air traffic service providers, in relation to their oversight and certification by national supervisory authorities, unless other financial resources are used by Member States to cover such costs;	(b) costs or parts thereof incurred by the air traffic service providers, in relation to their oversight and certification by <b>the competent</b> national supervisory authorities, unless other financial resources are used by Member States to cover such costs;	(b) costs[...] <b>related to the oversight of air [...] navigation services incurred [...] by national supervisory authorities, [...] national competent authorities, and other national authorities, where the Member State so decides ;</b>	
338.	(c) costs incurred by the air traffic service providers in relation to the provision of air navigation services		(c) costs incurred by the air [...] <b>navigation</b> service providers in relation to the provision of air navigation services , [...] <b>where the Member States so decides;</b>	
339.		<b>(ca) costs of Eurocontrol in relation to the provision of air navigation services, unless other financial resources are used by Member States to cover these costs.</b>	<b>(e) costs stemming from the EUROCONTROL International Convention relating to cooperation for the safety of air navigation of 13 December 1960 as last amended, where the Member State so decides.</b>	

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340.	and network functions, including the tasks entrusted to the Network Manager, unless other financial resources are used by Member States to cover such costs.		<b>(d) costs incurred by the air navigation service providers in relation to network functions, in particular in relation to the cooperation with the Network Manager and other functions as described in Article 2(9);</b>	
341.		<b>(cb) other costs incurred by the Member States in relation to the provision of air navigation services such as the costs stemming from international agreements, except Eurocontrol, if such costs are not covered by other financial resources.</b>		
342.	4. Determined costs shall not include the costs of penalties imposed by Member States referred to in Article 42 nor the costs of any corrective		4. Determined costs shall not include the costs of penalties imposed by Member States [...]in accordance with Article 42. [...]	<b>Compromise text proposed by EP:</b> 4. Determined costs shall not include the costs of penalties imposed by Member States

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	measures referred to in Article 13(11) and Article 14(10).			referred to in Article 42 nor the costs of any corrective measures referred to in Article 14a(1) .
343.	5. Cross-subsidy shall not be allowed between <i>en route</i> air navigation services and terminal air navigation services. Costs that pertain to both <i>en route</i> air navigation services and terminal air navigation services shall be allocated in a proportional way between <i>en route</i> air navigation services and terminal air navigation services on the basis of a transparent methodology. Cross-subsidy shall be allowed between different air navigation services in either one of those two categories only when justified for objective reasons, subject to transparent identification in accordance with Article 25(3).		5. [...] Costs that pertain to both <i>en route</i> air navigation services and terminal air navigation services shall be allocated [...] <b>in compliance with the criteria laid down by the national supervisory authority in accordance with Article 13(1a). Cross-subsidy between en route air navigation services and terminal air navigation services shall not be allowed.</b> Cross-subsidy shall be allowed between different air navigation services [...] <b>within</b> either one of those two categories only when justified for objective reasons, subject to transparent identification in accordance with Article 25(3).	<b>Compromise text proposed by EP:</b> 5. Costs that pertain to both <i>en route</i> air navigation services and terminal air navigation services shall be allocated in compliance with the methodology provided in Article 10(3)(k). Cross-subsidy between <i>en route</i> air navigation services and terminal air navigation services shall not be allowed. Cross-subsidy shall be allowed between different air navigation services within either one of those two categories only when justified for objective reasons, subject to transparent identification in accordance with Article 25(3).

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344.	6. Designated air traffic service providers shall provide details of their cost base to the Agency acting as PRB, the national supervisory authorities, and the Commission. To this end, costs shall be broken down in line with the separation of accounts referred to in Article 25(3), and by distinguishing staff costs, operating costs other than staff costs, depreciation costs, cost of capital, costs incurred for fees and charges paid to the Agency acting as PRB, and exceptional costs.	6. Designated air traffic service providers shall provide <b>full</b> details of their cost base to the Agency acting as PRB, the national supervisory authorities, and the Commission. To this end, costs shall be broken down in line with the separation of accounts referred to in Article 25(3), and by distinguishing staff costs, operating costs other than staff costs, depreciation costs, cost of capital, costs <b>referred to in Article 20(3)</b> and exceptional costs.	6. Designated air traffic service providers shall provide details of their cost base to [...] the national supervisory authority, and the Commission. To this end, costs shall be broken down [...] by distinguishing staff costs, operating costs other than staff costs, depreciation costs, cost of capital, costs [...] <b>referred to in Article 20(3)</b> , and exceptional costs.	
345.	<b>Article 21 - Setting of unit rates</b>		<b>Article 21 - Charging zone and unit rates</b>	<b>Not within the scope of technical level mandate EP can accept Council's text</b>
346.	1. Unit rates shall be set per calendar year and for each charging zone, on the basis of the determined costs and the		1. Unit rates shall be set per calendar year and for each charging zone, on the basis of the determined costs and the	<b>No change compared to COM proposal</b>

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	traffic forecasts established in the performance plans as well as applicable adjustments deriving from previous years and other revenues.		traffic forecasts established in the performance plans as well as applicable adjustments deriving from previous years and other revenues.	
347.			<b>1a. Without prejudice to Article 20(5), first subparagraph, Member States shall define, before the start of a reference period, the charging zones for air navigation services and shall identify the air traffic service providers falling under the scope of each charging zone. The Commission shall, by means of an implementing act adopted in accordance with the examination procedure referred to in Article 37(3) define the conditions under which Member States may modify or establish a new terminal charging zone during a</b>	<b>EP can accept Council 's text</b>

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			<b>reference period.</b>	
348.	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.	2. Unit rates shall be set by the national supervisory authorities, after verification by the [...] PRB that they comply with Article 19, Article 20 and with this Article.	2. Unit rates shall be set by the [...] <b>Member States</b> , and be <b>subject to</b> verification by the [...] <b>Commission</b> that they comply with Article 19, Article 20 and with this Article.	
349.	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).	Where the [...] PRB finds that a unit rate does not fulfil 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 [...] 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).	Where the [...] <b>Commission</b> finds that a unit rate does not fulfil those requirements, the unit rate shall be reviewed accordingly by the [...] <b>Member State</b> concerned [...], and amended as <b>appropriate</b> .	

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350.	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 <i>en route</i> air navigation services across the Single European Sky airspace, and detailed rules and procedures for its application.	For charging purposes, and when congestion causes significant network problems including deterioration of <b>climate and</b> 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 <i>en route</i> 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	[...]	

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		revenue neutrality for those air traffic service providers concerned.		
351.	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.		[...]	
352.	<b>Article 22 - Establishment of charges</b>	<b>Article 22 - Establishment of charges</b>	<b>Article 22 - Establishment of charges</b>	<b>Not within the scope of technical level mandate</b>
353.	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		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	<b>No change compared to COM proposal</b>



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	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.		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.	
354.	2. The charge for <i>en route</i> air navigation services for a given flight in a given <i>en route</i> charging zone shall be calculated on the basis of the unit rate established for that <i>en route</i> charging zone and the <i>en route</i> service units for that flight. The charge shall be made out of one or more variable components, each based on objective factors.		2. The <b>en-route</b> charge for [...] 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. [...]	<b>EP can accept Council's text</b>
355.	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		3. The terminal charge for [...] air navigation services for a given flight in a given terminal charging zone shall be calculated on the basis of the	<b>EP can accept Council's text</b>

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	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.		unit rate established for that terminal charging zone and the terminal service units for that flight. For the purpose of calculating the [...] terminal <b>charge</b> [...], the approach and departure of a flight shall count as a single flight.	
356.	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.		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.	<b>EP can accept Council's text</b>

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357.	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.	5. Charges shall be modulated to encourage [...] airspace users to support improvements in environmental performance, [...] such as increased use of <b>alternative clean propulsion technologies, and</b> sustainable [...] development, <b>to support improvements in service quality such as those leading to reduced delays, more direct-routing or to support the implementation of the European ATM Master Plan,</b> while maintaining an optimum safety level. [...] The modulation shall consist of financial advantages [...] and shall be <b>preceded by an analysis confirming how revenue neutrality for air traffic service providers will be ensured.</b>	5. Charges may be modulated to encourage air traffic service providers [...] and airspace users to support improvements in environmental performance, or service quality such as <b>the use of the most fuel-efficient available routing,</b> 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.	<b>Compromise text proposed by EP:</b> 5. Charges shall be modulated to encourage air traffic service providers and airspace users to support improvements in environmental performance, or service quality such as the use of the most fuel-efficient available routing, alternative clean propulsion technologies including 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.

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358.			<p><b>5a. The Commission shall, in consultation with the Member States, air traffic service providers and airspace users conduct a feasibility study, on the impact of the modulation of charges on air traffic and on stakeholders, including on flight paths, capacity, fleet composition and costs of airspace users, as well as on mechanisms to ensure revenue neutrality of air traffic service providers. This study shall also cover the contribution of that modulation to achievement of the Single European Sky objectives referred to in Article 1(1) and in the Commission's communication on the European Green Deal, taking into consideration</b></p>	<p><b>Compromise text proposed by EP:</b></p> <p>5a. The Commission shall, in consultation with the Member States, air traffic service providers and airspace users conduct a feasibility study, on the impact of the modulation of charges on air traffic and on stakeholders, including on flight paths, capacity, fleet composition and costs of airspace users, as well as on mechanisms to ensure revenue neutrality of air traffic service providers. This study shall also cover the contribution of that modulation to achievement of the Single European Sky objectives referred to in Article 1(1) taking into consideration competitiveness aspects, existing incentive schemes and other known alternatives.</p>

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			<b>competitiveness aspects, existing incentive schemes and other known alternatives. On the basis of that study, the Commission may adopt guidelines to enable Member States to implement modulation of charges on a voluntary basis.</b>	
359.	<b>Article 23 - Implementation of the charging scheme</b>	<b>Article 23 - Implementation of the charging scheme</b>	<b>Article 23 - Implementation of the charging scheme</b>	<b>Not within the scope of technical level mandate</b>
360.	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	<b>The Commission is empowered to adopt delegated acts in accordance with Article 36 to supplement this Regulation, with regard to:</b>	For the implementation of the charging scheme, the Commission shall, <b>by means of implementing acts adopted in accordance with the examination procedure referred to in Article 37(3)</b> , adopt detailed requirements and procedures in respect of Articles 19, 20, 21 and 22	

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	accordance with the advisory procedure referred to in Article 37(2).			
360a.		<b>(a) setting of determined cost and cost bases, referred to in Articles 19 and 20;'</b>	in particular regarding the cost bases and determined costs,	
360b.		<b>(b) setting of the unit rate, referred to in Article 21;</b>	the setting of unit rates,	
360c.		<b>(c) establishing charges referred to in Article 22, including their modulation in accordance with that Article; and</b>	[...]	
360d.		<b>(d) establishing the incentives schemes and risk sharing mechanisms, referred to in Article 10(3).</b>	and risk sharing mechanisms and the modulation of charges.	
361.	<b>Article 24 - Review of compliance with the performance and charging schemes</b>	<b>Article 24 - Review of compliance with the performance and charging schemes</b>	<b>Article 24 - Review of compliance with the performance and charging schemes</b>	<b>Not within the scope of technical level mandate</b>

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362.	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. <b>Without prejudice to the tasks of the national supervisory authorities and the Agency acting as PRB</b> Commission shall <b>provide for ongoing review of</b> compliance with Articles 10 to 17 and 19 to 22, <b>including the delegated acts referred to in Article 23</b> , and the implementing acts referred to in Articles 18, 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 <b>and airspace users.</b>	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 Member States, <b>in particular the national supervisory authorities . [...]</b> The Commission shall act in consultation with the [...] PRB, <b>where a PRB has been designated in accordance with Article 9b</b> , and with national supervisory authorities.	<b>Compromise text proposed by EP:</b> 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, including the delegated acts referred to in Article 23 and the implementing acts referred to in Articles 18, by the air traffic service providers and the Member States, as the case may be. The Commission shall act in consultation with the PRB, and the national supervisory authorities.
363.	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	2. At the request of one or more Member States, of a national supervisory authority, [...] of the Commission, <b>of airspace users or a relevant group representing them</b> , the	2. [...] Where [...] <b>the Commission</b> , has indications of [...] non-compliance [...] <b>with the provisions referred to in paragraph 1</b> , [...] it may initiate an investigation[...] .	

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	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.	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 <b>shall</b> 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. <b>When such non-compliance concerns requirements regarding climate and the environment, the Agency acting as PRB shall provide for consultation with scientific experts in the domain of climate.</b>	It shall conclude the investigation within four months, [...] after having heard the Member State, <b>and</b> the national supervisory authority concerned[...].	



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364.	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.	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.	3. <b>Without prejudice to Article 41(1), the Commission shall share the results of the investigation with the Member State and, where appropriate, the air traffic service provider concerned and</b>	
365.	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.	3. The Commission <b>shall</b> issue an opinion on whether Articles 10 to 17 and 19 to 22, <b>delegated acts referred to in Article 23</b> , and the implementing acts referred to in Articles 18 have been complied with by Member States and/or air traffic service providers and shall notify <b>that</b> opinion to the Member State or <b>the Member States concerned</b> and the air traffic service provider concerned. <b>That opinion may be subject to appeal.</b>	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 <b>that</b> Member States . It shall notify this opinion to the Member State [...] concerned.	
366.	<b>Article 25 - Transparency of</b>	<b>Article 25 - Transparency of</b>	<b>Article 25 - Transparency of</b>	<b>Not within the scope of</b>

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	<b>accounts of air navigation service providers</b>	<b>accounts of air navigation service providers</b>	<b>accounts of air navigation service providers</b>	<b>technical level mandate</b>
367.	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.		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.	<b>No change compared to COM proposal</b>
368.	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, 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 <b>by ... [OJ: one year from the entry in force of this Regulation]</b> . Air navigation service providers shall publish an annual report and regularly undergo an independent audit for the	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.	

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		accounts referred to in this paragraph.		
369.	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.	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.	2. National supervisory authorities [...] 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 [...] <b>national supervisory authorities of other Member States.</b>	<b>Compromise text proposed by EP:</b> 2. National supervisory authorities and the 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 national supervisory authorities of other Member States.
370.	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	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 <b>without</b>	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	<b>Compromise text proposed by EP:</b> 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-

	<b>Commission proposal COM(2020) 579 final</b>	<b>EP amendments (updated first reading) PE662.138v01-00</b>	<b>Council document 9616/21</b>	<b>Options for compromises</b>
	competition. An air navigation service provider shall also keep separate accounts for each activity where:	<b>prejudice to Article 20(5)</b> and distortion of competition. An air navigation service provider shall also keep separate accounts for each activity where:	competition. An air navigation service provider shall also keep separate accounts for each activity where:	subsidisation without prejudice to article 20(5) and distortion of competition. An air navigation service provider shall also keep separate accounts for each activity where:
371.	(a) it provides air navigation services procured in accordance with Article 8(1) and air navigation services not covered by that provision;		(a) it provides air navigation services procured in accordance with Article 8(1) and air navigation services not covered by that provision;	<b>No change compared to COM proposal</b>
372.	(b) it provides air navigation services and carries out other activities, of whatever kind, including common information services;		(b) it provides air navigation services and carries out other activities, of whatever kind, including [...] CIS;	<b>EP can accept Council's text</b>
373.	(c) it provides air navigation services in the Union and in third countries.		(c) it provides air navigation services in the Union and in third countries.	<b>No change compared to COM proposal</b>

	<b>Commission proposal COM(2020) 579 final</b>	<b>EP amendments (updated first reading) PE662.138v01-00</b>	<b>Council document 9616/21</b>	<b>Options for compromises</b>
374.	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.	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 <b>the national supervisory authority, the national competent authority, the Agency and the Agency acting as PRB</b> , and exceptional costs and they shall be made publicly available, subject to the protection of confidential information.	The determined and actual costs deriving from air navigation services shall be broken down into [...] <b>costs categories in accordance with article 20(6)</b> and they shall be made publicly available, subject to the protection of confidential information.	<b>Compromise text proposed by EP:</b> The determined costs, actual costs and revenues deriving from air navigation services shall be broken down into costs categories in accordance with article 20(6) and they shall be made publicly available, subject to the protection of confidential information.
375.	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		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	

	<b>Commission proposal COM(2020) 579 final</b>	<b>EP amendments (updated first reading) PE662.138v01-00</b>	<b>Council document 9616/21</b>	<b>Options for compromises</b>
	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.		or an entity independent of the air navigation service provider concerned and approved by the national supervisory authority. <b>Without prejudice to confidentiality of sensitive information,</b> the conclusions of the audit shall be made publicly available.	