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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 IV

Delegations will find in annex a revised four-column document for Chapter IV of the SES 2+ recast proposal with the positions of the European Parliament and the Council as well as compromise text proposed by the EP and options for compromises proposed by the PCY.

The changes in presentation were made at the request of the EP rapporteur for the file. The absence of text in the fourth column means that there was neither any compromise text proposed by the EP rapporteur, nor any compromise text tentatively agreed by the EP rapporteur and the Presidency. Text highlighted in *italics* has not been submitted to the European Parliament.

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)

	Commission proposal COM(2020) 579 final	EP amendments (updated first reading) PE662.138v01-00	Council document 9616/21	Options for compromises
376.	CHAPTER IV - NETWORK MANAGEMENT	CHAPTER IV - NETWORK MANAGEMENT	CHAPTER IV - NETWORK MANAGEMENT	
377.	Article 26 - Network functions	Article 26 - Network functions	Article 26 - Network functions	
378.	1. The air traffic management network functions shall ensure the sustainable and efficient use of the airspace and of scarce resources. They shall also ensure that airspace users can operate environmentally optimal trajectories, while allowing maximum access to airspace and air navigation services. Those network functions, enumerated in paragraphs 2 and 3, shall support the achievement of	1. The air traffic management network functions shall ensure the sustainable and efficient use of the airspace and of scarce resources. They shall also ensure that airspace users can operate climate-optimised flight trajectories , while allowing maximum access to airspace and air navigation services and avoiding congestion . Those network functions, enumerated in paragraphs 2 and 3, shall	1. The air traffic management network functions shall contribute to the sustainable and efficient use of the airspace and of scarce resources. They shall also ensure that airspace users can operate environmentally [...] optimised trajectories and profiles , while allowing [...] fair and reasonable access to airspace and air navigation services and minimizing congestion . Those network	Compromise text proposed by EP:¹ 1. The air traffic management network functions shall ensure the sustainable and efficient use of the airspace and of scarce resources. They shall also ensure that airspace users can operate climate-optimized flight trajectories and profiles, while allowing [...] fair and reasonable access to airspace and air navigation services and avoiding congestion. Those network

¹ To be read in conjunction with compromise text proposed by EP for Article 1(2): The application of this Regulation shall be without prejudice to Member States' sovereignty over their airspace and to the requirements of the Member States relating to public order, public and national security and defence matters, as set out in Article 44. This Regulation does not cover military operations and training. The coordination with military authorities shall be ensured to identify and address potential impacts of the application of this Regulation on military activities.

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	the Union-wide performance targets and shall be based on operational requirements.	support the achievement of the Union-wide performance targets including those regarding climate and the environment and shall be based on operational requirements.	functions, enumerated in paragraph 2[...], shall support seamless access to air navigation services by airspace users as well as the achievement of the [...]performance targets while supporting initiatives at regional and local level and shall be based on operational requirements . They shall be without prejudice to Member States' sovereignty over their airspace and to their responsibilities relating to public order, public security and defence matters.	functions, enumerated in paragraphs 2 and 3, shall support seamless access to air navigation services by airspace users as well as the achievement of the Union-wide performance targets, including those regarding climate and environment and shall be based on operational requirements.
379.			1a. Without prejudice in particular to Articles 44 and 46 of Regulation (EU) 2018/1139 and the delegated and implementing acts adopted on the basis thereof, Member States shall retain the complete and exclusive	Council's text is not acceptable for EP. <i>Taking into account the reference in Article 1(2), could we accept to delete this provision and insert the reference to Member States competence to lines 381 and 418 instead?</i>

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			<p>competence for the design and management of their airspace structures and of their route network. In this regard, Member States shall take into account environmental aspects, air traffic demands, seasonality and complexity of air traffic and of performance plans. Before deciding on those aspects, they shall consult airspace users concerned or groups representing such airspace users and military authorities as appropriate.</p>	
380.	2. The network functions referred to in paragraph 1 include the following:		2. The network functions referred to in paragraph 1 [...] are the following:	

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381.	(a) the design and management of the European airspace structures;	(a) the design and management of the European airspace structures taking in account, among other targets, those regarding climate and the environment;	(a) [...] design [...] of [...] an airspace structure offering the required level of safety, capacity, flexibility, responsiveness, environmental performance and seamless provision of expeditious air navigation services, with due regard to security and defence needs;	<i>PCY compromise text:² (a) design, management and optimisation of the European network³ structures with a view to offering the required level of safety, capacity, flexibility, responsiveness, environmental performance and seamless provision of expeditious air navigation services, with due regard to security and defence needs and without prejudice to Member States' complete and exclusive competence over their airspace and Member States' international obligations under the Chicago Convention;</i>

² Article 2(1)(a) of Regulation COMMISSION IMPLEMENTING REGULATION (EU) 2019/123 refers to " the European Route Network Design (ERND)".

³ 'Network' is proposed instead of 'airspace ' as the term airspace could lead to misunderstandings as far as Ms' responsibilities are concerned (they are directly assigned to MSs under ICAO Convention and not transferred to EU). In such a perspective, the term network would probably be the most adequate one: in fact, it would appropriately encompass FRA (as for the upper airspace) and routes (as for the lower airspace, where FRA is not feasible).

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382.	(b) air traffic flow management;	(b) air traffic flow management, including, including climate-optimised flight trajectories ;	(b) [...] ATFM;	Compromise text proposed by EP: (b) ATFM, including climate-optimized flight trajectories ;
383.	(c) the coordination of scarce resources within aviation frequency bands used by general air traffic, in particular radio frequencies as well as coordination of radar transponder codes.		(c) the coordination of scarce resources within aviation frequency bands used by general air traffic, in particular radio frequencies as well as coordination of radar transponder codes.	No change compared to COM proposal
384.	3. The network functions referred to in paragraph 1 also include the following:		[...]	EP can accept to merge paras 2 and 3
385.	(a) optimisation of airspace design for the network and facilitation of delegation of air traffic services provision through co-operation with the air traffic service providers and Member State	(a) optimisation of airspace design and airspace structures for the network and facilitation of delegation of air traffic services provision through co-operation with the air traffic service providers and	[...]	<i>PCY compromise text:</i> <i>facilitation of delegation of air traffic services provision where decided by the MS concerned, taking into account the necessary agreements for the coordination of general and operational air traffic and the need to maintain</i>

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	authorities;	Member State authorities;		<i>adequate coordination in the relevant airspace structures;</i>
386.	(b) management of the delivery of air traffic control capacity in the network as set out in the binding Network Operations Plan (NOP);		(d) delivery of air traffic control capacity in the network in accordance with commitments set out in the NOP;	Compromise text proposed by EP: (d) management of the delivery of air traffic control capacity in the network in accordance with commitments set out in the binding Network Operations Plan (NOP);
387.	(c) function for coordination and support in case of network crisis;		(e) management of network crisis.	
388.			(f) ATFM delay attribution;	EP cannot accept Council's text
389.	(d) air traffic flow and capacity management;	(d) air traffic flow and capacity management, in order to fulfil key performance targets;	[...]	<i>Should ATFCM be introduced as an additional network function?</i>
390.	(e) the management of the planning, monitoring and coordination of implementation activities of the deployment of infrastructure in the European ATM network, in accordance		(g) planning and implementation activities of the deployment of infrastructure in the European ATM network, in accordance with the European ATM Master Plan .	

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	with the European ATM Master Plan, taking into account operational needs and associated operational procedures;			
391.	(f) the monitoring of the functioning of the European ATM network infrastructure.		[...]	<i>Should the monitoring of the functioning of the European ATM network infrastructure be introduced as a network function?</i>
392.			3. [...] Member States and all relevant operational stakeholders shall execute network functions [...]with the support of the Network Manager which shall execute the tasks specified in Article 27(4).	EP cannot accept Council's text
393.	4. The functions listed in paragraphs 2 and 3 shall not involve the adoption of binding measures of a general scope or the exercise of political discretion. They shall be performed in coordination with military authorities in		4. The measures taken for the implementation of the functions listed in paragraphs 2 [...] shall be of purely operational or technical nature and shall not involve the [...] exercise of political discretion. They shall take into account of the	Compromise text proposed by EP: The functions listed in paragraph 2 shall not involve the adoption of binding measures of a general scope or the exercise of political discretion. They shall be performed in coordination with

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	accordance with agreed procedures concerning the flexible use of airspace.		specificities of the Member States and of proposals established at local level. They shall be performed in coordination with civil and military authorities, in particular in accordance with agreed procedures concerning the flexible use of airspace.	civil and military authorities in accordance with agreed procedures concerning the flexible use of airspace.
394.	5. The Commission shall be empowered to adopt delegated acts in accordance with Article 36 to amend this Regulation in order to add functions to the ones listed in paragraphs 2 and 3, where necessary for the functioning and performance of the network.	5. The Commission shall be empowered to adopt delegated acts in accordance with Article 36 to amend this Regulation in order to add functions to the ones listed in paragraphs 2 and 3, where necessary for the functioning and performance of the network. Such new functions shall not extend the existing scope of Union competence and shall be without prejudice to the prerogatives and responsibilities of the Member States.	[...]	

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395.	Article 27 - The Network Manager	Article 27 - The Network Manager	Article 27 - The Network Manager	
396.	1. In order to achieve the objectives referred to in Article 26, the Commission, supported by the Agency where relevant, shall ensure that the Network Manager contributes to the execution of the network functions set out in Article 26, by carrying out the tasks referred to in paragraph 4.	1. In order to achieve the objectives referred to in Article 26, the Commission, supported by the Agency in accordance with Regulation (EU) 2018/1139 , shall ensure that the Network Manager contributes to the execution of the network functions set out in Article 26, by carrying out the tasks referred to in paragraph 4.	1. In order to achieve the objectives referred to in Article 26 (1) , the Commission, supported by the Agency in accordance with Regulation (EU) 2018/1139 , [...] shall ensure that the Network Manager contributes to the execution of the network functions set out in Article 26 (2) , [...] in accordance with this Article. The Commission shall supervise the proper execution of its tasks by the Network Manager.	Compromise text proposed by EP: 1. In order to achieve the objectives referred to in Article 26 (1), the Commission, supported by the Agency in accordance with Regulation (EU) 2018/1139, shall ensure that the Network Manager contributes to the execution of the network functions set out in Article 26 (2), by carrying out the tasks referred to in paragraph 4. The Commission shall supervise the proper execution of its tasks by the Network Manager.
397.	2. The Commission may appoint an impartial and competent body to carry out the tasks of the Network Manager.	2. The Commission shall appoint an independent , impartial and competent body to carry out the tasks of the Network Manager. The appointment Decision shall include the terms and conditions of the	2. The Commission [...] shall , appoint EUROCONTROL or another impartial and competent body to carry out the tasks of the Network Manager.	

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		appointment, including how the Network Manager will be financed..		
397a.	To this end, the Commission shall adopt an implementing act in accordance with the examination procedure referred to in Article 37(3). This appointment Decision shall include the terms and conditions of the appointment, including the financing of the Network Manager.	To that end, the Commission shall adopt [...] implementing acts laying down the following: [...]	To this end, the Commission shall adopt an implementing act in accordance with the examination procedure referred to in Article 37(3). This appointment Decision shall include the terms and conditions of the appointment, including the financing of the Network Manager,	
397b.			and detailed the specific tasks of the Network Manager in line with, and within the limits of, this Article and Articles 16 and 26 and the relevant implementing acts adopted on the basis of Articles 18 and 27(8). The list of tasks of the Network Manager shall be accompanied by clear	EP cannot accept Council's text.

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			specification of the required services and performance, against which the performance of the Network Manager shall be measured, and, where appropriate, by appropriate agreements to be concluded between the Commission and the Network Manager, such as service level agreements.	
397c.		<p>(a) the requirements and procedure for appointing the Network Manager;</p> <p>(b) requirements that the Network Manager be free from conflicts of interests and act independently;</p> <p>(c) requirements for functional and hierarchical separation of the Agency acting as PRB from the Agency;</p> <p>(d) requirements</p>		

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		<p>concerning the qualifications and expertise of the Network Manager;</p> <p>(e) financing of the Network Manager.</p> <p>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).</p>		
398.	3. The tasks of the Network Manager shall be executed in an independent, impartial and cost efficient manner . They shall be subject to appropriate governance, which shall recognise separate accountabilities for service provision and regulation where the competent body designated as the Network Manager also has regulatory functions. In the execution of	3. The Network Manager shall execute its tasks in an independent, impartial and cost efficient manner. In the execution of its tasks, the Network Manager shall be subject to appropriate governance and regulation where the competent body designated as the Network Manager also has regulatory functions. The Network Manager shall respect the	3. The[...] Network Manager shall execute its tasks in an [...] impartial and cost efficient manner [...] and shall be subject to appropriate governance and independence . [...] If the competent body [...] appointed as the Network Manager has also regulatory functions, organisational separation with such functions shall be ensured . In	<p>Compromise text proposed by EP:</p> <p>3. The Network Manager shall execute its tasks in an impartial and cost efficient manner and shall be subject to appropriate governance and independence. If the competent body appointed as the Network Manager has also regulatory functions, organisational separation with such functions shall be ensured. In the execution of its tasks, the</p>

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	its tasks, the Network Manager shall take into consideration the needs of the whole ATM network and shall fully involve the airspace users, air navigation service providers, aerodrome operators and the military.	different accountabilities of its tasks from its activities as an entity on its own account, and shall keep them separate at all times. In the execution of its tasks, the Network Manager shall take into consideration the needs of the whole ATM network and shall fully involve the airspace users, air navigation service providers, aerodrome operators and the military	the execution of its tasks, the Network Manager shall take into consideration the needs of the whole ATM network [...] while safeguarding defence capabilities.	Network Manager shall take into consideration the needs of the whole ATM network and shall fully involve the airspace users, air navigation service providers, aerodrome operators while safeguarding defence capabilities.
399.	4. The Network Manager shall contribute to the execution of the network functions	4. The Network Manager shall contribute to the execution of the network functions	4. The Network Manager shall execute following tasks in support of the network functions referred to in Article 26(2):	Compromise text proposed by EP: Option 1: inclusion of the NM tasks (as defined in IR 2019/123) Option 2 (preferred by EP): no inclusion of the NM tasks in this Regulation and only the provisions from lines 399, 410 and 411 are maintained and lines 422-422f <i>PCY proposes to go along with option 1</i>

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				<i>PCY Compromise text: In order to organise the management and operations of the network functions⁴ referred to in Article 26(2), the Network Manager shall execute the following tasks:</i>
400.			(a) support the development of an airspace structure, offering the required level of safety, capacity, flexibility, responsiveness, environmental performance and seamless provision of expeditious air navigation services, with due regard to security and defence needs;	EP cannot accept Council's text <i>PCY Compromise text:⁵ (a) support the development of an integrated European Network design function offering the required level of safety, capacity, flexibility, responsiveness, environmental performance and seamless provision of expeditious air navigation services, with due regard to security and defence needs;</i>

⁴ To reflect Article 7(1)(g) of Commission IR 123/2019 "organise the management and operation of the network functions".

⁵ To reflect Article 7(1)(c) of Commission IR 123/2019 "develop, organise and provide an integrated European Route Network Design function as set out in Annex I;"

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401.			(b) coordination of ATFM ;	EP cannot accept Council's text <i>PCY compromise text (merging of a and e of the GA):⁶ (b) coordination of ATFM measures and support in the delivery of air traffic control capacity in the network in accordance with commitments by operational stakeholders as set out in the NOP;</i>
402.			(c) coordination of scarce resources within aviation frequency bands used by general air traffic, in particular radio frequencies as well as coordination of radar transponder codes;	EP cannot accept Council's text <i>PCY compromise text:⁷ (c) provide the central function for the coordination of radio frequencies, including a central register to record all radio frequency assignment data and coordinate the radar transponder codes allocation processes</i>

⁶ To reflect Article 7(1)(d) of Commission IR 123/2019 coordinate the air traffic flow and capacity management and, through the central unit for ATFM, coordinate and execute ATFM measures as set out in Annex II;

⁷ To reflect Article 7(1)(f) and (e) of the Commission IR 123/2019: "(f) coordinate the radar transponder codes allocation processes as set out in Annex IV; (e) provide the central function for the coordination of radio frequencies as required by points (a) and (b) of Article 6(4) of Regulation (EC) No 551/2004 and as set out in Annex III, including a central register to record all radio frequency assignment data;

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403.			(d) facilitation of delegation of air traffic services provision where approved by the concerned Member State taking into account the necessary agreements for the coordination of general and operational air traffic and the need to maintain adequate coordination in the relevant airspace structures;	EP cannot accept Council's text
404.			(da) preparation of the NSP and establishment of the NOP;	EP cannot accept Council's text <i>PCY compromise text:</i> <i>(da) establishment of the NSP in line with the performance scheme and the ATM Master Plan and taking into account the relevant ICAO European air navigation plan, establishment of the NOP to implement the NSP and establishment and execution of the Network Manager's multiannual work programme and</i>

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				<i>associated budget;</i> ⁸
405.			(e) coordination and support in the delivery of air traffic control capacity in the network in accordance with commitments by operational stakeholders as set out in the NOP;	EP cannot accept Council's text <i>PCY proposes to merge with (b)</i>
406.			(f) coordination and support in the management of network crisis;	EP cannot accept Council's text <i>PCY Compromise text:</i> ⁹ <i>coordination and support in the management of network crisis in liaison with the EACCC after consultation of the Commission.</i>

⁸ To reflect Article 7(1)(a) and (j) of the Commission IR ‘a) establish and keep up-to-date the Network Strategy Plan specified in Article 8, in line with the performance scheme and the ATM Master Plan, taking into account the relevant ICAO European air navigation plan and related documents;

(b) establish the Network Operations Plan specified in Article 9 to implement the Network Strategy Plan, covering the calendar years of the reference period and the annual, seasonal, weekly and daily periods;(j) establish, keep up-to-date and execute the Network Manager's multiannual work programme and associated budget; ‘

⁹ To reflect Article 7(1)(h) of the Commission IR 123/2019: "(h) coordinate and support the management of network crises in accordance with Articles 19 and 21; and call upon the EACCC, after consultation of the Commission;"

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407.			(g) support to ATFM delay attribution including the post operations adjustment process involving air navigation service providers, airports and national authorities to address issues that relate to ATFM delay measurement, classification and attribution;	EP cannot accept Council's text <i>based on NF IR Article 7(2)(h)</i>
408.			(h) coordination and support in the planning and implementation activities of the deployment of infrastructure in the European ATM network, in accordance with the European ATM Master Plan, through active participation of operational stakeholders in management and governance, and taking	EP cannot accept Council's text <i>PCY compromise text: (h) coordination, planning and monitoring of the deployment of infrastructure in the European ATM network, in accordance with the European ATM Master Plan, taking into account operational needs and associated operational procedures;</i>

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			into account military and operational needs and associated operational procedures, where appropriate;	
409.			(i) the monitoring of the functioning of the European ATM network infrastructure.	EP cannot accept Council's text <i>PCY proposes to merge with (h)</i>
409a.				<i>PCY compromise text:¹⁰ (j) provide support to ICAO for the execution of the network functions within the ICAO EUR region and ensure coordination with other ICAO regions and countries that do not participate</i>

¹⁰ To reflect Article 7(1) (i), (k) and (l) of the Commission IR 2019/123 "(i) ensure coordination, relating to the network functions, with ICAO regions other than the ICAO EUR region and countries that do not participate in the work of the Network Manager; (k) develop and implement an alert or alarm system to provide the Commission with data based on the analysis of flight plans so that it can monitor compliance with operating bans imposed on air carriers under Regulation (EC) No 2111/ 2005 of the European Parliament and of the Council (11) or with other safety and security measures, or with both;(l) provide support requested by ICAO for tasks related to the execution of the network functions within the ICAO EUR region, subject to the conclusion of cooperative arrangements with ICAO."

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				<p><i>in the work of the Network Manager in relation to the network functions;</i></p> <p><i>(k) develop and implement an alert or alarm system to provide the Commission with data based on the analysis of flight plans;</i></p>
410.	through support measures aimed at safe and efficient planning and operations of the network under normal and crisis conditions and through measures aimed at the continuous improvement of network operations in the Single European Sky and the overall performance of the network, especially regarding the implementation of the performance scheme. The action taken by the Network Manager	through support measures aimed at safe and efficient planning and operations of the stakeholders within the network under normal and network crisis conditions and through measures aimed at the continuous improvement of network operations in the Single European Sky and the overall performance of the network, especially regarding the implementation of the performance scheme including in respect of climate and the	4a. The Network Manager shall propose support measures on operational matters aimed at safe and efficient planning and operations of the network under normal and network crisis conditions and measures aimed at the continuous improvement of network operations in the Single European Sky and the overall performance of the network, especially regarding the	<p>Compromise text proposed by EP:</p> <p>4 a. The Network Manager shall take support measures aimed at safe and efficient planning and operations of the stakeholders within the network under normal and network crisis conditions and measures aimed at the continuous improvement of network operations in the Single European Sky and the overall performance of the network, especially regarding the implementation of</p>

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	shall take account of the need to fully integrate the airports in the network.	environment. The action taken by the Network Manager shall take account of the need to fully integrate the airports in the network network and aim to ensure compliance with the performance plans and performance targets of designated air traffic service providers.	implementation of the performance scheme. The action taken by the Network Manager shall fully integrate the airports in the network.	the performance scheme including in respect of climate and the environment. The action taken by the Network Manager shall take account of the need to fully integrate the airports in the network and aim to ensure compliance with the performance plans and performance targets of designated air traffic service providers.
411.	5. The Network Manager shall cooperate closely with the Agency acting as PRB in order to ensure that the performance targets referred to in Article 10 are adequately reflected in the capacity to be delivered by individual air navigation service providers and agreed between the Network Manager and those air navigation service providers in the Network Operations Plan.	5. The Network Manager shall cooperate closely with the Agency acting as PRB in order to ensure that the performance targets referred to in Article 10, including those relating to climate and the environment, are adequately reflected in the overall capacity planning, as well as the capacity to be delivered by individual air navigation service providers and agreed between the Network Manager	5. The Network Manager shall [...] propose measures in case the performance targets referred to in Article 10 are not adequately reflected in the capacity to be delivered by individual air [...] traffic service providers and agreed between the Network Manager and those air traffic service providers in the [...] NOP.	Compromise text proposed by EP: 5. The Network Manager shall cooperate closely with the PRB in order to ensure that the performance targets referred to in Article 10, including those relating to climate and the environment, are adequately reflected in the overall capacity planning, as well as the capacity to be delivered by individual air traffic service providers and agreed between the Network

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		and those air traffic service providers in the Network Operations Plan.		Manager and those air traffic service providers in the NOP.
412.	6. The Network Manager shall:		6. The Network Manager shall,	No change compared to COM proposal
413.	(a) decide on individual measures to implement the network functions and to support the effective implementation of the binding Network Operations Plan and the achievement of the binding performance targets;	(a)decide on individual measures to implement the network functions and to support the effective implementation of the binding Network Operations Plan and the achievement of the binding performance targets. Those measures shall include flight plan corrections in order to provide climate-optimized flight trajectories. In such case, paragraph 7 shall not apply.	[...]	

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414.	(b) advise the Commission and provide relevant information to the Agency acting as PRB on the deployment of the ATM network infrastructure in accordance with the European ATM Master Plan, in particular to identify investments necessary for the network.		in coordination with relevant parties, advise the Commission on the deployment of the ATM network infrastructure in accordance with the European ATM Master Plan, in particular to identify investments necessary for the network.	Compromise text proposed by EP: (b) in coordination with relevant parties, advise the Commission and provide relevant information to the PRB on the deployment of the ATM network infrastructure in accordance with the European ATM Master Plan, in particular to identify investments necessary for the network.
415.	7. The Network Manager shall take decisions through a cooperative decision-making process. Parties to the cooperative decision-making process shall act to the maximum extent possible with a view to improving the functioning and performance of the network. The cooperative decision-making process shall promote the interest of the network.		7. [...] All measures taken by the Network Manager in the execution of its tasks shall be taken through a cooperative decision-making process. Parties to the cooperative decision-making process shall act to the maximum extent possible with a view to improving the functioning and performance of the network, [...] in particular as regards the achievement of the Union wide targets in the key	Compromise text proposed by EP: 7. The Network Manager shall take decisions through a cooperative decision-making process. Parties to the cooperative decision-making process shall act to the maximum extent possible with a view to improving the functioning and performance of the network including the achievement of the Union wide targets in the key performance area of climate and environment.

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			performance area of environment, taking into account essential security interests and regional and local circumstances.	The cooperative decision-making process shall promote the interest of the network taking into account essential security and defence interests.
416.			<p>7a. The cooperative decision-making process referred to in paragraph 7 shall be based on:</p> <p>a) the appropriate and regular consultation of operational stakeholders, airport slot coordinators, Member States and, where relevant, the Agency and the Commission;</p>	<p>Compromise text proposed by EP (Lines 416 – 419):</p> <p>Option 1: inclusion of the provisions regarding CDM provided in Articles 15-17 of IR 2019/123</p> <p>Option 2 (preferred by EP): no inclusion of the text from line 415 and 422e</p> <p>PCY proposes to go along with inclusion of provisions regarding CDM in Articles 15-17 of IR 2019/123 and to maintain the GA text</p> <p><i>IR 2019/123</i> <i>1. Member States and operational stakeholders shall execute network functions with the support of the Network Manager through</i></p>

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				<i>cooperative decision-making that includes the following elements: (a) the consultation process provided for in Article 16;</i>
417.			b) detailed working arrangements established by the Network Manager together with, in particular operational stakeholders and Member States, as well as processes for operations established by the Network Manager to address planning and operational aspects related to the execution of network functions.	<i>IR 2019/123 (b) detailed working arrangements and processes for operations provided for in Article 17.</i>
418.			The consultation referred to in point a) and the detailed working arrangements referred to in point b) shall take into account the specific features and requirements of each network function. The cooperative decision-making	<i>IR 2019/123 3.The Network Manager shall adjust the consultation process to the needs of the individual network functions. In order to ensure that regulatory issues can be addressed, Member States' authorities shall be involved when required.</i>

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			process shall aim at consensus. Where Member States' sovereignty over their airspace is concerned, the consent of the Member State(s) concerned is required.	
419.			When measures related to the execution of the Network Manager's tasks are disputed by one or several operational stakeholder(s), the issue shall be referred for resolution to the Network Management Board.	<i>IR 2019/123</i> <i>3. When the Network Manager's actions are disputed by one or several operational stakeholder(s), the Network Manager shall refer the matter to the Network Management Board for resolution.</i>
420.			7b. A Network Management Board shall be established by means of the implementing acts referred to in paragraph 8 in view of ensuring appropriate governance over the execution of the Network functions. The Network Management Board shall be responsible for approving or	Compromise text proposed by EP (Lines 420 and 421) <i>Option 1: inclusion of Article 18 of IR 2019/123</i> <i>Option 2 (preferred by EP): keep text from lines 422g and h</i> <i>PCY proposes to go along with option 1</i>

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			<p>endorsing measures taken or proposed by the Network Manager in the conditions set out in the implementing act referred to in paragraph 8, for approving the specifications for the consultation and the detailed working arrangements referred to in paragraph 7a, a) and b), for approving the NOP and endorsing the NSP before it is approved by the Commission together with Member States, for monitoring the implementation of network functions and for providing opinions or recommendations on specific issues. The Network Management Board shall be composed of representatives of the operational stakeholders, of slot</p>	<p><i>Article 18 of IR 2019/123</i> <i>1. The Network Management Board shall be responsible for:</i> <i>(a) endorsing the draft Network Strategy Plan;</i> <i>(b) approving the Network Operations Plans;</i> <i>(c) approving the proposals for remedial measures referred to in Article 10;</i> <i>(d) approving the specifications for the consultation processes as well as the detailed working arrangements and processes for operations for the network functions referred to in Articles 15 and 17 and the post operations adjustment process referred to in Article 7(2)(h);</i> <i>(e) approving the Rules of Procedure of the European Aviation Crisis Coordination Cell provided for in Article 19(5) and its work programme;</i> <i>(f) monitoring the progress in the implementation of the Network Strategy Plan, the Network Operations Plan and the Network</i></p>

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			coordinators, of representatives of the Commission, of representatives of the Network Manager and of representatives of Eurocontrol.	<i>Performance Plan referred to in point (b) of Article 7(2) and addressing any potential deviations from initial plans; (g) monitoring the consultation process of operational stakeholders; (h) monitoring the activities related to management of the network functions and the performance of the tasks of the Network Manager, including the quality of the services it provides to operational stakeholders; (i) monitoring the Network Manager's activities related to network crises; (j) approving the annual report referred to in Article 22(3); (k) addressing the issues referred to in Articles 15(3) and 16(4) which are not solved at the level of the individual network function; (l) endorsing the Network Manager's annual budget; (m) approving the Board's Rules of Procedure; (n) approving the work</i>

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				<p><i>programme referred to in point (j) of Article 7(1) and monitoring its implementation;</i></p> <p><i>(o) endorsing the Network Performance Plan referred to in point (b) of Article 7(2);</i></p> <p><i>(p) giving an opinion on possible additional functions that might be attributed to the Network Manager in application of Article 6(3) or point (c) of Article 6(4) of Regulation (EC) No 551/2004;</i></p> <p><i>(q) providing recommendations for the purpose of the monitoring of the performance of the infrastructure referred to in Article 7(3)(g), including the corresponding cost benefit analyses;</i></p> <p><i>(r) giving opinions on the development and provision of common network support services referred to in Article 7(3)(h), including the corresponding cost benefit analyses;</i></p> <p><i>(s) approving the cooperative arrangements referred to in point (l) of Article 7(1), point (f) of</i></p>

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				<i>Article 7(3) and Article 24; (t) giving an opinion on the appointment of the manager of the Network Manager, as referred to in point (g) of Article 4(4).</i>
421.			7c. Member States shall be fully involved in decisions of strategic importance.	EP cannot accept Council's text.
422.	8. By way of implementing acts adopted in accordance with the examination procedure referred to in Article 37(3), the Commission shall establish detailed rules		8. By way of implementing acts adopted in accordance with the examination procedure referred to in Article 37(3), the Commission shall establish detailed rules for the implementation of Article 26 and this Article, in particular for	EP can accept Council's text.
422a.	for the execution of the network functions, the tasks of the Network Manager, governance mechanisms including decision-making processes and crisis management.		the execution of the network functions,	EP can accept Council's text.

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422b.			including on crisis management;	EP can accept Council's text.
422c.			on the appointment of the Network Manager, the terms and conditions of such appointment	See EP text for line 397c
422d.			and on the detailed [...] tasks of the Network Manager [...] in relation to the network functions;	Compromise text proposed by EP: the detailed tasks of the Network Manager,
422e.			on the composition, the functioning, the decision- making and the detailed tasks of the Network Management Board including in relation with crisis management;	EP can accept Council's text.
422f.			on the cooperative decision- making process;	Compromise text proposed by EP: the cooperative decision-making process;

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422g.			the criteria and factors that the Network Manager and the Network Management Board must follow when exercising the tasks conferred on them	EP can accept Council's text.
422h.			and on the network governance mechanisms.	EP can accept Council's text.
423.	9. Aspects of design of airspace structures other than those referred to in paragraphs 2 and 3 of Article 26 shall be addressed by Member States. In this regard, Member States shall take into account air traffic demands, seasonality and complexity of air traffic and of performance plans. Before deciding on those aspects, they shall consult airspace users concerned or groups representing such airspace users and military authorities as appropriate.	9. Aspects of design of airspace structures other than those referred to in paragraphs 2 and 3 of Article 26 shall be addressed by Member States. In this regard, Member States shall take into account air traffic demands, seasonality and complexity of air traffic and of performance plans including those regarding climate and the environment. Before deciding on those aspects, they shall give due consideration to the needs of the airspace users concerned or to groups representing such airspace users and military	[...]	Compromise text proposed by EP: 9. Aspects of design of airspace structures other than those referred to in paragraphs 2 of Article 26 shall be addressed by Member States. In this regard, Member States shall take into account air traffic demands, seasonality and complexity of air traffic and of performance plans including those regarding climate and the environment. Before deciding on those aspects, they shall take under due consideration needs of airspace users concerned or groups representing such airspace users and military

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		authorities as appropriate.		authorities as appropriate.
424.	Article 28 - Transparency of accounts of the Network Manager	Article 28 - Transparency of accounts of the Network Manager	Article 28 - Transparency of accounts of the Network Manager	
425.	1. The Network Manager shall draw up, submit to and publish its financial accounts. Those accounts shall comply with the international accounting standards adopted by the Union. Where, due to the legal status of the Network Manager, full compliance with the international accounting standards is not possible, the Network Manager shall achieve such compliance to the maximum possible extent.		1. The financial accounts of the Network Manager shall [...] be drawn up [...], and published annually. Those accounts shall comply with the international accounting standards adopted by the Union. Where, due to the legal status of the Network Manager, full compliance with the international accounting standards is not possible, the Network Manager shall achieve such compliance to the maximum possible extent.	EP can accept Council's text.
426.	2. The Network Manager shall publish an annual report and regularly undergo an independent audit.		2. The Network Manager shall publish an annual report on its activities and regularly undergo an independent audit.	

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427.	Article 29 - Relations with stakeholders	Article 29 - Relations with stakeholders	Article 38a - Relations with stakeholders	
428.	The air traffic service providers shall establish consultation mechanisms to consult the relevant airspace users and aerodrome operators on all major issues related to services provided, including relevant changes to airspace configurations, or strategic investments which have a relevant impact on air traffic management and air navigation service provision and/or charges. The airspace users shall also be involved in the process of approving strategic investment plans. The Commission shall adopt measures detailing the modalities of the consultation and of the involvement of airspace users in approving investment plans. Those	The air traffic service providers shall establish consultation mechanisms to consult the stakeholders, as necessary, referred to in Article 38(3) , on all major issues related to services provided, including relevant changes to airspace configurations such as those resulting from the required emission reduction efforts , or strategic investments which have a relevant impact on air traffic management and air navigation service provision and/or charges. The airspace users shall also be involved in the process of approving strategic investment plans, especially as regards aspects requiring synchronisation between air and ground equipment deployment . The Commission	The air traffic service providers shall establish consultation mechanisms to consult the relevant airspace users, aerodrome operators and military authorities on all major issues related to services provided, including relevant changes to airspace configurations, or major investments which have a relevant impact on air traffic management and air navigation service provision and/or charges.	

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	implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).	shall adopt implementing acts laying down detailed arrangements for the consultation and the involvement of airspace users and the Agency acting as PRB and Network Manager in drafting and approving investment plans to ensure in particular their consistency with the ATM Master Plan and common projects referred to in Article 35. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).		
429.	Article 30 - Relations with military authorities		Article 30 - Relations with military authorities	
430.	Member States shall, within the context of the common transport policy, ensure that written agreements between the competent civil and military authorities or equivalent legal arrangements are established or		Member States shall, within the context of the common transport policy, ensure that written agreements between the competent civil and military authorities or equivalent legal arrangements are established or	

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	renewed in respect of the management of specific airspace blocks and notify the Commission thereof.		renewed in respect of the management of specific airspace blocks [...].	
431.	Article 31 - Availability of and access to operational data for general air traffic	Article 31 - Availability of and access to operational data for general air traffic	Article 9a - Availability of and access to operational data for general air traffic	
432.	1. With regard to general air traffic, relevant operational data shall be made available in real-time, on a non-discriminatory basis and without prejudice to security or defence policy interests, by all air navigation service providers, airspace users, airports, and the Network Manager, including on cross-border basis and on a Union-wide basis. Such availability shall be to the benefit of certified or declared air traffic service providers, entities having a proven interest in considering the provision of	1. With regard to general air traffic, relevant operational data shall be made available in an interoperable format in real-time, on a transparent and non-discriminatory basis and without prejudice to security or defence policy interests, by all air navigation service providers, airspace users, airports, and the Network Manager, including on cross-border basis and on a Union-wide basis. Such availability shall be to the benefit of certified or declared air navigation service providers, entities having a	1. With regard to general air traffic, relevant operational data shall be made available in real-time, on a non-discriminatory basis and without prejudice to national security, public order and defence policy interests, by all air navigation service providers, airspace users, airports and the Network Manager, including on a cross-border and a Union-wide basis. Such availability shall be to the benefit of certified or declared air navigation service providers, military entities in charge of security and defense activities,	Compromise text proposed by EP: 1. With regard to general air traffic, relevant operational data shall be made available in an interoperable format in real-time, on a transparent and non-discriminatory basis and without prejudice to national security, public order and defence policy interests, by all air navigation service providers, airspace users, airports and the Network Manager, including on a cross-border and a Union-wide basis. Such availability shall be to the benefit of certified or declared air navigation service providers,

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	air navigation services, airspace users and airports as well as the Network Manager. The data shall be used only for operational purposes.	proven interest in considering the provision of air navigation services, military air traffic service providers , airspace users and airports as well as the Network Manager. The data shall be used only for operational purposes	military air navigation service providers, airspace users and airports as well as the Network Manager. The data shall be used only for operational purposes.	entities having a proven interest in considering the provision of air navigation services, military entities in charge of security and defence activities, military air navigation service providers, airspace users and airports as well as the Network Manager. The data shall be used only for operational purposes.
433.	2. Prices for the service referred to in paragraph 1 shall be based on the marginal cost of making the data available.		[...]	
434.	3. Access to relevant operational data as referred to in paragraph 1 shall be granted to the authorities in charge of safety oversight, performance oversight and network oversight, including the Agency.	3. Access to relevant operational data as referred to in paragraph 1 shall be granted to the authorities in charge of safety oversight, performance oversight including those regarding oversight of climate and the environment and network oversight, including the Agency. The military bodies responsible for oversight and	2. Access to relevant operational data as referred to in paragraph 1 shall be granted free of charge to the authorities in charge of security, public order, and defence, to national supervisory authorities, to national competent authorities, to the Network Manager, and to the Agency in accordance with Regulation (EU) 2018/1139.	Compromise text proposed by EP: 3. Access to relevant operational data as referred to in paragraph 1 shall be granted to the authorities in charge of safety oversight, performance and network oversight, including the Agency, in accordance with Regulation (EU) 2018/1139, security, public order, and

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		protection of airspace shall also be granted access to that data.		defence, to national supervisory authorities, to national competent authorities and to the Network Manager,
435.	4. The Commission may lay down the detailed requirements for the making available of and the access to data in accordance with paragraphs 1 and 3 and the methodology to set the prices as referred to in paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).	4. The Commission may adopt implementing acts laying down the detailed requirements for the making available of and the access to data in accordance with paragraphs 1 and 3 and the methodology to set the prices as referred to in paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).	3. The Commission shall, in accordance with the examination procedure referred to in Article 37(3), determine the specific operational data covered by this Article and define the technicalities of such data provision.	Compromise text proposed by EP: The Commission shall adopt implementing acts laying down the detailed requirements for the making available of and the access to data in accordance with paragraphs 1 and 3, including the specific operational data concerned, and the methodology to set the prices as referred to in paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).