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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) – Compromise text proposals by EP for chapters V and VI.

Delegations will find in annex a revised four-column document for Chapter V and VI 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. These proposals have not been discussed yet at technical meeting.

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 no compromise text proposed by the EP rapporteur.

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
436.	CHAPTER V - AIRSPACE, INTEROPERABILITY AND TECHNOLOGICAL INNOVATION	CHAPTER V - AIRSPACE, INTEROPERABILITY AND TECHNOLOGICAL INNOVATION	CHAPTER V - AIRSPACE, INTEROPERABILITY AND TECHNOLOGICAL INNOVATION	
437.	Article 32 - Electronic aeronautical information		Article 32 - Electronic aeronautical information	
438.	Without prejudice to the publication by Member States of aeronautical information and in a manner consistent with that publication, the Network Manager, in cooperation with the Commission, shall establish a Union-wide aeronautical information infrastructure to further the availability of electronic aeronautical information of high quality, presented in an easily accessible way and serving the requirements of all relevant users in terms of		Without prejudice to the publication by Member States of aeronautical information and in a manner consistent with that publication, the Network Manager, in cooperation with [...] EUROCONTROL , shall establish a Union-wide aeronautical information infrastructure to further the availability of electronic aeronautical information of high quality, presented in an easily accessible way and serving the requirements of all relevant users	

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	data quality and timeliness. The aeronautical information thus made available shall only be the information that complies with the essential requirements set out in point 2.1 of Annex VIII of Regulation (EU) 2018/1139.		in terms of data quality and timeliness. The aeronautical information thus made available shall only be the information that complies with the essential requirements set out in point 2.1 of Annex VIII of Regulation (EU) 2018/1139.	
439.			Article 32a (new) - Rules of the air and airspace classification	EP cannot accept Council's text. It considers this is already covered by EASA BR. (lines 439-442)
440.			The Commission shall, in accordance with the examination procedure referred to in Article 37(3):	
441.			a) adopt appropriate provisions on rules of the air based on ICAO standards and recommended practices;	
442.			b) adopt appropriate provisions to ensure uniform implementation of the ICAO airspace classification with	

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			appropriate adaptation, with a view to ensure the seamless provision of safe and efficient air traffic services within the Single European sky.	
443.	Article 33 - Flexible use of airspace	Article 33 - Flexible use of airspace	Article 33 - Flexible use of airspace	
444.	1. Taking into account the organisation of military aspects under their responsibility, Member States shall ensure the application within the single European sky of the concept of the flexible use of airspace as described by ICAO and as developed by Eurocontrol, in order to facilitate airspace management and air traffic management in the context of the common transport policy and in consistency with the European ATM Master Plan.	1. Taking into account the organisation of military aspects under their responsibility, Member States shall ensure the application within the Single European sky of the concept of the flexible use of airspace as described by ICAO and as provided by Union law , in order to facilitate airspace management and air traffic management in the context of the common transport policy and, when circumstances allow , in consistency with the European ATM Master Plan.	1. Taking into account the characteristics and nature of military activity in each Member State as well as the organisation of military aspects under their responsibility, Member States shall ensure the application within the single European sky of the concept of the flexible use of airspace [...], in order to facilitate airspace management and air traffic management in the context of the common transport policy [...].	Compromise text proposed by EP: 1. Taking into account the characteristics and nature of military activity in each Member State as well as the organisation of military aspects under their responsibility, Member States shall ensure the application within the single European sky of the concept of the flexible use of airspace as provided by Union in order to facilitate airspace management and air traffic management in the context of the common transport policy and in consistency with the European ATM Master Plan.

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445.	2. Member States shall report annually to the Commission on the application, in the context of the common transport policy, of the concept of the flexible use of airspace in respect of the airspace under their responsibility.		2. Member States shall report annually to the Commission on the application, in the context of the common transport policy, of the concept of the flexible use of airspace in respect of the airspace under their responsibility.	No change compared to COM proposal
446.	3. Where, in particular following the reports submitted by Member States, it becomes necessary to reinforce and harmonise the application of the concept of the flexible use of airspace within the single European sky, the Commission shall adopt measures within the context of the common transport policy. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).	3. Where, in particular following the reports submitted by Member States, it becomes necessary to reinforce and harmonise the application of the concept of the flexible use of airspace, or to promote technical innovation and in particular the relevant airspace technological infrastructure , within the single European sky, the Commission in close cooperation with the Agency shall adopt implementing acts laying down measures within the context of the common	3. Where, in particular [...] in the light of the reports submitted by Member States, [...] uniform conditions for the application of the concept of the flexible use of airspace within the single European sky are needed, the Commission shall , within the limits of the common transport policy and without prejudice to Member States' responsibilities over their airspace , adopt[...] implementing acts [...] in accordance with the examination procedure	

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		transport policy such as the harmonisation of training for air traffic controllers. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).	referred to in Article 37(3).	
447.			4. In cases where the application of this Article gives rise to significant operational difficulties, Member States may temporarily suspend such application on condition that they inform without delay the Commission and the other Member States thereof. Following the introduction of a temporary suspension, adjustments to the rules adopted under paragraph 3 may be worked out for the airspace under the responsibility of the Member State(s) concerned.	EP cannot accept Council's text.

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448.	Article 34 - SESAR coordination	Article 34 - SESAR coordination	Article 34 - SESAR coordination	
449.	The entities in charge of tasks established in Union law in the areas of coordination of the SESAR definition phase, the SESAR development phase and the SESAR deployment phase, as the case may be, shall cooperate to ensure effective coordination between those three phases so as to achieve a seamless and timely transition between them. All relevant civil and military stakeholders shall be involved to the widest possible extent.	I. The entities in charge of tasks established in Union law in the areas of coordination of the SESAR definition phase, the SESAR development phase and the SESAR deployment phase, as the case may be, shall cooperate to ensure effective coordination between those three phases so as to achieve a seamless and timely transition between them. All relevant civil and military stakeholders shall be involved to the widest possible extent.	The entities in charge of tasks established in Union law in the areas of coordination of the SESAR definition phase, the SESAR development phase and the SESAR deployment phase, as the case may be, shall [...] ensure effective coordination between those three phases so as to achieve a seamless and timely transition between them, focussing in particular on the industrialisation phase. All relevant civil and military stakeholders shall be involved to the widest possible extent. The Commission shall put in place mechanisms for monitoring the effectiveness of SESAR coordination.	Compromise text proposed by EP: 1. The entities in charge of tasks established in Union law in the areas of coordination of the SESAR definition phase, the SESAR development phase and the SESAR deployment phase, as the case may be, shall ensure effective coordination between those three phases so as to achieve a seamless and timely transition between them, focussing in particular on the industrialisation phase. All relevant civil and military stakeholders shall be involved to the widest possible extent. The Commission shall put in place mechanisms for monitoring the effectiveness of SESAR coordination.

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450.		2. The coordination of standardisation activities shall be executed by the Commission with assistance from the Agency. They shall be subject to appropriate governance, which shall recognise the needs and priorities of operational stakeholders.		
451.		3. Commission shall, with a view to achieving the objectives set out in Article 1, adopt, in accordance with the examination procedure referred to in Article 37(3), implementing acts laying down detailed provisions concerning establishment of an integrated European Aviation Standards Coordination Group for the coordination of standards necessary for aviation including decision-making and coordination processes involving operational		

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		stakeholders and aviation- related standards development organisations as referred to in paragraph 2.		
452.	Article 35 - Common projects	Article 35 - Common projects	Article 35 - Common projects	
453.	1. The Commission may set up common projects for implementing the essential operational changes identified in the European ATM Master Plan having a network-wide impact.	1. The Commission may set up common projects for implementing the essential operational changes identified in the European ATM Master Plan which:	1. The Commission may set up common projects, based on the needs for synchronisation amongst stakeholders , for implementing the essential operational changes identified in the European ATM Master Plan having [...] reached sufficient maturity in order to enable interoperable capabilities in all Member States with a view to improving the performance of the Single European Sky.	EP can accept Council's text
454.		(a) have a network-wide impact;		

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455.		(b)require synchronised implementation of multiple operational stakeholders in order to achieve timely performance benefits;		
456.		(c)have reached sufficient maturity;		EP can accept Council's text
457.		(d)aim to enable interoperable capabilities in all Member States; and		
458.		(e)support a timely and synchronised deployment of the Union law as regards digital, climate and environment areas.		
459.	2. The Commission may also establish governance mechanisms for common projects and their implementation.	2. In order to support the priorities set in paragraph 1 of this Article the Commission may also establish governance mechanisms for common projects and their implementation.	2. The Commission may also establish governance mechanisms for common projects and their implementation. All relevant civil and military stakeholders shall be involved in these	Compromise text proposed by EP: 2. In order to support the priorities set in paragraph 1 of this Article, the Commission may also establish governance mechanisms for common projects and their implementation. All relevant civil

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			mechanisms to the widest possible extent and, where possible and as appropriate, have a leading role.	and military stakeholders shall be involved in these mechanisms to the widest possible extent and, where possible and as appropriate, have a leading role.
460.	3. Common projects may be eligible for Union funding. To this end, and without prejudice to Member States' competence to decide on the use of their financial resources, the Commission shall carry out an independent cost-benefit analysis and appropriate consultations with Member States and with relevant stakeholders in accordance with Article 10, exploring all appropriate means for financing the implementation thereof.	3. Common projects may be eligible for Union funding. To this end, and without prejudice to Member States' competence to decide on the use of their financial resources, the Commission shall carry out an independent cost-benefit analysis and appropriate consultations with Member States and with relevant stakeholders in accordance with Article 10, exploring all appropriate means for financing the implementation thereof including financial mechanisms to improve the synchronisation of air-based and ground-based capital expenditure related to the	3. Common projects may be eligible for Union funding within the multiannual financial framework. To this end, and without prejudice to Member States' competence to decide on the use of their financial resources, the Commission shall carry out an independent cost-benefit analysis and appropriate consultations with Member States and with relevant stakeholders in accordance with Article [...] 38 , exploring prioritisation and all appropriate means for financing the implementation thereof.	Compromise text proposed by EP: 3. Common projects may be eligible for Union funding within the multiannual financial framework. To this end, and without prejudice to Member States' competence to decide on the use of their financial resources, the Commission shall carry out an independent cost-benefit analysis and appropriate consultations with Member States and with relevant stakeholders in accordance with Article 38, exploring prioritisation and all appropriate means for financing the implementation thereof, including financial mechanisms to improve the synchronisation of

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		deployment of SESAR solutions.		air-based and ground-based capital expenditure related to the deployment of SESAR solutions.
461.	4. The Commission shall establish the common projects and governance mechanisms referred to in paragraphs 1 and 2 through implementing acts adopted in accordance with the examination procedure referred to in Article 37(3).	4. The Commission shall adopt implementing acts establishing the common projects and governance mechanisms and financial mechanism referred to in paragraphs 1, 2 and 3. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).	4. The Commission shall establish the common projects and governance mechanisms referred to in paragraphs 1 and 2 through implementing acts adopted in accordance with the examination procedure referred to in Article 37(3).	

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462.	CHAPTER VI - FINAL PROVISIONS	CHAPTER VI - FINAL PROVISIONS	CHAPTER VI - FINAL PROVISIONS	
463.	Article 36 - Exercise of the delegation	Article 36 - Exercise of the delegation	Article 36 - Exercise of the delegation	
464.	1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.		[...]	
465.	2. The delegation of power referred to in Articles 6 and 26 shall be conferred on the Commission for a period of seven years from [the date of the publication of this Regulation]. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	2. The delegation of power referred to in Articles 5y, 6, 7, 8, 9, 10, 23, 26 and 42a shall be conferred on the Commission for a period of seven years from [the date of the publication of this Regulation]. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.	[...]	Compromise text proposed by EP: 2. The delegation of power referred to in Articles 4, 6, 7, 8, 9(4a), 10(2), 13, 13a, 13b, 14, 14a, 23, 26 and 42a shall be conferred on the Commission for a period of seven years from [the date of the publication of this Regulation]. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council

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				opposes such extension not later than three months before the end of each period.
466.	3. The delegation of power referred to in Articles 6 and 26 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	3. The delegation of power referred to in Articles 5y , 6, 7 , 8 , 9 , 10 , 23 , 26 and 42a may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	[...]	
467.	4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles		[...]	

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	laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.			
468.	5. A delegated act adopted pursuant to Articles 6 and 26 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European	5. A delegated act adopted pursuant to Articles 5y 6, 7, 8, 9, 10, 23, 26 and 42a shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the	[...]	

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	Parliament or the Council.	initiative of the European Parliament or the Council.		
469.	Article 37 - Committee procedure	Article 37 - Committee procedure	Article 37 - Committee procedure	
470.	1. The Commission shall be assisted by the Single Sky Committee, hereinafter referred to as ‘the Committee’, composed of two representatives of each Member State and chaired by the Commission. The Committee shall ensure an appropriate consideration of the interests of all categories of users. The Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.		1. The Commission shall be assisted by the Single Sky Committee, hereinafter referred to as ‘the Committee’, composed of two representatives of each Member State and chaired by the Commission. The Committee shall ensure an appropriate consideration of the interests of all categories of users. The Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	No change compared to COM proposal
471.	2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.		[...]	

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472.	3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.		3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	No change compared to COM proposal
473.			4. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.	EP cannot accept Council's text
474.	Article 38 - Consultation of stakeholders	Article 38 - Consultation of stakeholders	Article 38 - Consultation of stakeholders	
475.	1. Member States, national supervisory authorities, the Agency whether or not it is acting as PRB and the Network Manager shall establish consultation mechanisms for appropriate consultation of stakeholders for the exercise of their tasks in the implementation of this		1. Member States, national supervisory authorities, the [...] PRB, where a PRB has been designated in accordance with Article 9b, and the Network Manager shall establish consultation mechanisms for appropriate consultation of stakeholders for the exercise of their tasks	

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	Regulation.		in the implementation of this Regulation.	
476.	2. The Commission shall establish such a mechanism at Union level to consult on matters related to the implementation of this Regulation where appropriate.	2. The Commission shall establish such a mechanism at Union level to consult on matters related to the implementation of this Regulation in all areas including those regarding climate and the environment.	2. The Commission shall establish a mechanism at Union level to consult the relevant stakeholders on matters related to the implementation of this Regulation [...].	EP can accept Council's text.
477.	The specific Sectoral Dialogue Committee set up under Commission Decision 98/500/EC shall be involved in the consultation. For the purpose of point (e) of paragraph 3, when consultation relating to military aspects is required, the Commission shall, in addition to Member States, consult the European Defence Agency and other competent military experts designated by the Member States.	The specific Sectoral Dialogue Committee set up under Commission Decision 98/500/EC shall be involved in the consultation. For the purpose of point (e) of paragraph 3, when consultation relating to military aspects is required, the Commission shall, in addition to Member States, consult the European Defence Agency and other competent military experts designated by the Member States.	The specific Sectoral Dialogue Committee set up under Commission Decision 98/500/EC shall be involved in the consultation. For the purpose of point (e) of paragraph 3, when consultation relating to military aspects is required, the Commission shall, in addition to Member States, consult the European Defence Agency and [...] national military authorities.	EP can accept Council's text.

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478.	3. The stakeholders may include:		3. For the purposes of paragraphs 1 and 2, at least the following operational and non-operational stakeholders [...] shall be consulted if relevant:	EP can accept Council's text.
479.	(a) air navigation service providers or relevant groups representing them;		(a)air navigation service providers or groups representing them;	No change compared to COM proposal
480.	(b) the Network Manager;		(b)the Network Manager;	No change compared to COM proposal
481.	(c) airport operators or relevant groups representing them;		(c)airport operators or [...] groups representing them;	No change compared to COM proposal
482.	(d) airspace users or relevant groups representing them;		(d) airspace users or [...] groups representing them;	No change compared to COM proposal
483.	(e)the military ;		[...]	EP can accept deletion.
484.	(f) the manufacturing industry;		(f) the manufacturing industry;	No change compared to COM proposal
485.	(g)professional staff representative bodies;		(g)professional staff representative bodies;	No change compared to COM proposal
486.		(ga) scientific experts in the fields of climate and the environment		

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487.	(h) relevant non-governmental organisations.		(h) [...] national authorities, including competent national military authorities;	EP cannot accept Council's text
488.			(i) airport slot coordinators.	EP can accept Council's text
489.			(j) non-governmental organisations with an interest in aviation or ATM.	EP can accept Council's text
490.		(ha) Expert Group on Human Dimension of the Single European Sky		
491.		3 a. The outcome of the consultations shall be made publicly available in due time.		
492.			Article 38a (new) - Relations with stakeholders	<i>Moved to Article 29</i>
493.	Article 39 - Relations with third countries	Article 39 - Relations with third countries	Article 39 - Relations with third countries	
494.	The Union and its Member States shall aim at and support the extension of the Single European		The Union and its Member States shall aim at and support the extension of the Single European	Compromise text proposed by EP: The Union and its Member States

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	<p>Sky to countries which are not members of the European Union. To that end, they shall endeavour, in the framework of agreements concluded with neighbouring third countries , to extend the Single European Sky to those countries. In addition, they shall endeavour to cooperate with those countries either in the context of agreements on network functions, or in the framework of the Agreement between the Union and Eurocontrol providing a general framework for enhanced cooperation, reinforcing the ‘pan-European dimension’ of ATM.</p>		<p>Sky to countries which are not members of the European Union. To that end, they shall endeavour, in the framework of agreements concluded with neighbouring third countries in particular in the EUROCONTROL area or in the ICAO EUR region, to extend the Single European Sky to those countries. In addition, they shall endeavour to cooperate with those countries either in the context of agreements on cross-border service provision with third countries, on cooperation on ATM modernisation, on network functions, or in the framework of the Agreement between the Union and EUROCONTROL providing a general framework for enhanced cooperation, reinforcing the ‘pan-European dimension’ of ATM. This Article shall be without prejudice to the decision of</p>	<p>shall aim at and support the extension of the Single European Sky to countries which are not members of the European Union. To that end, they shall endeavour, in the framework of agreements concluded with neighbouring third countries in particular in the EUROCONTROL area or in the ICAO EUR region, to extend the Single European Sky to those countries. In addition, they shall endeavour to cooperate with those countries either in the context of agreements on cross-border service provision on cooperation on ATM modernisation, on network functions, or in the framework of the Agreement between the Union and EUROCONTROL providing a general framework for enhanced cooperation, reinforcing the ‘pan-European dimension’ of ATM. This Article shall be without</p>

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			Member States on whether the Single European Sky should be extended to their overseas countries and territories or autonomous territories in other ICAO regions.	prejudice to the decision of Member States on whether the Single European Sky should be extended to their overseas countries and territories or autonomous territories in other ICAO regions.
495.	Article 40 - Support by other bodies	Article 40 - Support by other bodies	Article 40 - Support by other bodies	
496.	The Commission may request support from other bodies for the fulfilment of its tasks under this Regulation.		The Commission may request support from other bodies for the fulfilment of its tasks under this Regulation , including from EUROCONTROL in the framework of the Agreement between the Union and EUROCONTROL providing a general framework for enhanced cooperation.	EP can accept Council's text
497.	Article 41 - Confidentiality	Article 41 - Confidentiality	Article 41 - Confidentiality	
498.	1. Neither the national supervisory authorities, acting in accordance with their national legislation, nor the Commission, nor the		1. Neither the national supervisory authorities, acting in accordance with their national legislation, nor the	Compromise text proposed by EP: 1. Neither the national supervisory authorities, acting in

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	Agency, whether or not it is acting as PRB, nor the Network Manager shall disclose information of a confidential nature, in particular information about air navigation service providers, their business relations or their cost components.		national competent authorities , nor the Commission, nor the [...] PRB, nor the Network Manager shall disclose information of a confidential nature, in particular information about air navigation service providers, their business relations or their cost and revenues components.	accordance with their national legislation, nor the national competent authorities, nor the Commission, nor the Agency, nor the PRB, nor the Network Manager shall disclose information of a confidential nature, in particular information about air navigation service providers, their business relations or their cost and revenues components.
499.	2. Paragraph 1 shall be without prejudice to the right of disclosure by national supervisory authorities , the Commission or the Agency acting as PRB where this is essential for the fulfilment of their duties, in which case such disclosure shall be proportionate and shall have regard to the legitimate interests of air navigation service providers, airspace users,		2. Paragraph 1 shall be without prejudice to the right of disclosure by national supervisory authorities [...] and the Commission [...] where this is essential for the fulfilment of their duties. In [...] that case such disclosure shall be proportionate and shall have regard to the legitimate interests of air navigation service providers, airspace users, airports or other relevant	Compromise text proposed by EP: 2. Paragraph 1 shall be without prejudice to the right of disclosure by national supervisory authorities , the Commission or the PRB where this is essential for the fulfilment of their duties. In that case such disclosure shall be proportionate and shall have regard to the legitimate interests of air navigation service providers, airspace users, airports

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	airports or other relevant stakeholders in the protection of their commercially sensitive information.		stakeholders in the protection of their commercially sensitive information.	or other relevant stakeholders in the protection of their commercially sensitive information.
500.	3. Information and data provided pursuant to the charging scheme laid down in Articles 19 to 24, in particular as regards determined costs, actual costs and revenues of designated air traffic service providers shall be publicly disclosed.		3. Information and data [...] made accessible pursuant to Articles 13(3b), 13a(6), 13b(2), 25(3) and 25(4) or reported pursuant to Articles 19 (6) in particular as regards determined costs [...] and actual costs [...] of designated air traffic service providers shall be publicly disclosed , subject to the protection of commercial interests of a natural or legal person, including intellectual property, unless there is an overriding public interest in disclosure.	Compromise text proposed by EP: 3. Information and data made accessible pursuant to Articles 13(3)(b), 13b(4), 14a(1), 21, 25(3) and 25(4) or reported pursuant to Articles 19 (6) in particular as regards determined and actual costs and revenues of designated air traffic service providers shall be publicly disclosed.

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501.	Article 42 - Penalties	Article 42 - Penalties	Article 42 - Penalties	
502.	Member States shall lay down rules on penalties applicable to infringements of this Regulation and of the delegated and implementing acts adopted on the basis thereof in particular by airspace users, airport operators and air navigation service providers, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.	Member States shall lay down rules on penalties applicable to infringements of this Regulation, except for the rules on fines and periodic penalty payments when the Agency is acting in accordance with in Article 42a , and of the delegated and implementing acts adopted on the basis thereof in particular by airspace users, airport operators and air navigation service providers, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.	Member States shall lay down rules on penalties applicable to infringements of this Regulation and of the implementing acts adopted on the basis thereof in particular by airspace users, airport operators and air navigation service providers, and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive.	
503.		Article 42a (new) - Fines and periodic penalty payments when the Agency is acting as PRB 1. The Commission may, at the request of the Agency acting		

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		<p>as PRB, impose on a legal or natural person responsible for the performance of Air Navigation Service Providers, in accordance with this Regulation and Article 84 of the [Regulation (EU) 2018/1139 as amended by Regulation PRB], either one or both of the following:</p> <p>(a) a fine, where that person infringed, intentionally or negligently, one of the provisions of this Regulation;</p> <p>(b) a periodic penalty payment where that person continues to infringe one of those provisions, in order to compel that person to comply with those provisions.</p> <p>2. The fines and periodic penalty payments referred to in paragraph 1 shall be effective and proportionate.</p>		

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		<p>The amount of the fines shall not exceed 4 % of the annual income or turnover of the legal or natural person concerned.</p> <p>The amount of the periodic penalty shall not exceed 2,5 % of the average daily income or turnover of the legal or natural person concerned.</p> <p>3. The Commission shall only impose fines and periodic penalty payments pursuant to paragraph 1 when other measures provided for in this Regulation and in the delegated and implementing acts adopted on the basis thereof to address such infringements are inadequate or disproportionate.</p> <p>4. With regard to the imposition of fines and periodic penalty payments in accordance with</p>		

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		<p>this Article, the Commission shall adopt delegated acts in accordance with Article 36, laying down:</p> <p>(a) detailed criteria and a detailed methodology for establishing the amounts of the fines and periodic penalty payments;</p> <p>(b) detailed rules for enquiries, associated measures and reporting, as well as decision-making, including provisions on rights of defence, access to file, legal representation, confidentiality and temporary provisions; and</p> <p>(c) procedures for the collection of the fines and periodic penalty payments.</p> <p>5. Legal or natural person who is directly effected by a decision taken by the Commission pursuant to paragraph 1 may appeal that</p>		

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		<p>decision to the Court of Justice of the European Union. The Court of Justice may cancel, reduce or increase the fine or periodic penalty payment imposed.</p> <p>6. The decisions of the Commission taken pursuant to paragraph 1 shall not be of a criminal law nature.</p>		
504.	Article 43 - Evaluation	Article 43 - Evaluation	Article 43 - Evaluation	
505.	1. The Commission shall conduct an evaluation to assess the application of this Regulation by 2030. When justified for this purpose, the Commission may request from the Member States information relevant to the application of this Regulation.	1. The Commission shall conduct an evaluation to assess the application of this Regulation including the effects of the different performance targets, and particularly on the overall impact on the reduction of climate-impacting emissions, by 2026. When justified for this purpose, the Commission may request from the Member States information relevant to the application of this	1. The Commission shall conduct an evaluation to assess the [...] legal, social, economic and environmental impacts of this Regulation and its added value both at national and European level 5 to 8 years after its entry into force. When justified for this purpose, the Commission may request from the Member States, including military authorities , information relevant to the application of	<p>Compromise text proposed by EP:</p> <p>1. The Commission shall conduct an evaluation to assess the legal, social, economic and environmental impacts of this Regulation and its added value both at national and European level, including its effects in the different performance targets, and particularly on the overall impact on the reduction of climate-impacting emissions, by 2026. When justified for this purpose,</p>

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		Regulation.	this Regulation.	the Commission may request from the Member States, including military authorities, information relevant to the application of this Regulation.
506.	2. The Commission shall forward its findings to the European Parliament and to the Council. The findings of the evaluation shall be made public.		2. The Commission shall [...] submit its findings to the European Parliament and to the Council. The findings of the evaluation shall be made public.	EP can accept Council's text
507.	Article 44 - Safeguards	Article 44 - Safeguards	Article 44 - Safeguards	
508.	This Regulation shall not prevent the application of measures by a Member State to the extent that these are needed to safeguard essential security or defence policy interests. Such measures are in particular those which are imperative:		This Regulation shall not prevent the application of measures by a Member State to the extent that these are needed to safeguard essential security or defence policy interests. Such measures are in particular those which are imperative:	No change compared to COM proposal
509.	(e) for the surveillance of airspace that is under its responsibility in accordance with ICAO Regional Air		(a) for the surveillance of airspace that is under its responsibility in accordance with ICAO Regional Air Navigation	No change compared to COM proposal

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	Navigation agreements, including the capability to detect, identify and evaluate all aircraft using such airspace, with a view to seeking to safeguard safety of flights and to take action to ensure security and defence needs;		agreements, including the capability to detect, identify and evaluate all aircraft using such airspace, with a view to seeking to safeguard safety of flights and to take action to ensure security and defence needs;	
510.	(f) in the event of serious internal disturbances affecting the maintenance of law and order;		(b) in the event of serious internal disturbances affecting the maintenance of law and order;	No change compared to COM proposal
511.	(g) in the event of war or serious international tension constituting a threat of war;		(c) in the event of war or serious international tension constituting a threat of war;	No change compared to COM proposal
512.	(h) for the fulfilment of a Member State's international obligations in relation to the maintenance of peace and international security;		(d) for the fulfilment of a Member State's international obligations in relation to the maintenance of peace and international security;	No change compared to COM proposal
513.	(i) in order to conduct military operations and training, including the necessary possibilities for exercises.	(e) in order to maintain operational readiness, gather information supporting the development of national	(e) in order to conduct military operations and training, including the necessary possibilities for exercises.	

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		defence capacities , conduct military operations and training, including the necessary possibilities for exercises.		
514.	Article 45 – Repeal Regulations (EC) Nos 549/2004, 550/2004 and 551/2004 are repealed. References to the repealed Regulations shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.		Article 45 – Repeal Regulations (EC) Nos 549/2004, 550/2004 and 551/2004 are repealed. References to the repealed Regulations shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex III.	No change compared to COM proposal
515.	Article 46 - Entry into force and application	Article 46 - Entry into force and application	Article 46 - Entry into force and application	
516.	1. This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .		1. This Regulation shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	No change compared to COM proposal

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517.	2. Article 3(3) shall apply from <i>[OP please insert the date - 48 months after the entry into force of this Regulation]</i> .	2. Article 3(3) shall apply from <i>[OP please insert the date - 12 months after the entry into force of this Regulation]</i> .	2. Article 3(3) and Article 25(3) shall apply from <i>[OP please insert the date - [...] 72 months after the entry into force of this Regulation]</i> .	Compromise text proposed by EP: 2. Article 3(3) and Article 25(3) shall apply from [OP please insert the date - 12 months after the entry into force of this Regulation].
518.	Articles 10 to 24 shall apply as from 1 July 2023.		Articles 10 to 24 shall apply as from [...] one year after its adoption.	Compromise text proposed by EP: Articles 10 to 24 shall apply from [OP please insert the date - 12 months after the entry into force of this Regulation].
519.	However, Article 11 of Regulation (EC) No 549/2004 and Article 15 of Regulation (EC) No 550/2004, and the implementing acts adopted on the basis thereof, shall continue to apply for the purposes of the implementation of the performance and charging schemes pertaining to the third reference period.		However, Article 11 of Regulation (EC) No 549/2004 and Article 15 of Regulation (EC) No 550/2004, and the implementing acts adopted on the basis thereof, shall continue to apply for the purposes of the implementation of the performance and charging schemes pertaining to the third reference period.	No change compared to COM proposal

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520.			Commission Implementing Decision (EU) 2019/709, as adopted on 6 May 2019, shall continue to apply until the end of the fourth reference period.	EP cannot accept Council's text
521.	Article 26(3) and Article 32 shall apply to the Network Manager from the day on which an appointment decision, adopted in accordance with Article 27(2) after the entry into force of this Regulation and encompassing those provisions, becomes applicable.		[...] Article 27(4) and Article 32 shall apply to the Network Manager from the day on which an appointment decision, adopted in accordance with Article 27(2) [...] becomes applicable.	Compromise proposed by EP: Article 26(2)(c) to (h), Article 27(4) and Article 32 shall apply to the Network Manager from the day on which an appointment decision, adopted in accordance with Article 27(2) after the entry into force of this Regulation and encompassing those provisions, becomes applicable.
522.			Article 42 shall apply from <i>[OP please insert the date of entry into force of this Regulation]</i> . Measures adopted by Member States pursuant to that Article shall apply from: 24.	EP cannot accept Council's text.

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523.			- <i>[OP please insert the date - 72 months after the entry into force of this Regulation]</i> with respect to infringements of Article 3(3) and Article 25(3);	EP cannot accept Council's text.
524.			- from one year after the adoption of this Regulation with respect to infringements to Articles 10 to 24.	EP cannot accept Council's text.
525.	This Regulation shall be binding in its entirety and directly applicable in all Member States.		This Regulation shall be binding in its entirety and directly applicable in all Member States.	