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From:	General Secretariat of the Council
To:	Delegations
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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2018/1139 as regards the capacity of the European Union Aviation Safety Agency to act as Performance Review Body of the Single European Sky

Delegations will find below questions meant to steer the discussion in the informal videoconference of the members of the Aviation Working Group of 16 September 2021.

Following the mandate of the first trilogue on the SES II+ package to explore possible ways to bridge the very different positions between the Council and the European Parliament, the Presidency is putting forward a set of questions that could pave the way towards a convergence of the two positions.

With regard to the Performance Review Body (PRB), would the Member States consider a model that was used in other sectors, such as in the energy sector¹?

In particular,

- 1. Would the Member States consider the establishment of a PRB if the representation of the national authorities within the organisational structure of the PRB were more pronounced, e.g. within the Regulatory, Advisory and Appeals boards? What would the Member States suggest in this regard?*
- 2. If the representation of the national authorities was better ensured within the organisational structure of the PRB, would the Member States consider a role of regulator and not simply an advisory role for the PRB?*
- 3. If the representation of the national authorities was better ensured within the organisational structure of the PRB, would the Member States be open to having the PRB within the European Union Aviation Safety Agency (EASA)? If so, would the Member States consider that further separation within EASA than already proposed in the Commission's proposal would be needed?*

¹ Regulation (EU) 2019/942 of the European Parliament and of the Council of 5 June 2019 establishing a European Union Agency for the Cooperation of Energy Regulators (Text with EEA relevance.) *OJ L 158, 14.6.2019, p. 22–53*