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From:	General Secretariat of the Council		
То:	Delegations		
No. prev. doc.:	ST 5138/23		
Subject:	Amended Proposal for a regulation of the European Parliament and the Council on the implementation of the Single European Sky (Recast)		
	Presidency compromise text on Chapter IV		

In view of the Aviation Working Party on 16 March 2023, delegations will find in the Annex the four-column document on Chapter IV of the *Amended Proposal for a regulation on the implementation of the Single European Sky (Recast)*, including Presidency's suggestions or comments in the fourth column.

Deleted text compared with the previous version (document 5138/23) is marked with red strikethrough, and new text is marked with <u>bold, italic, underline</u> and the respective cells have an orange background.

TREE.2.A

<u>ANNEX</u>

	Commission proposal	EP mandate	Council mandate	Options for compromise
376.	CHAPTER IV - NETWORK MANAGEMENT	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	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	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,	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 []	 378 1. The air traffic management network functions shall lead to the sustainable and efficient use of the airspace and of scarce resources. They shall also ensure that airspace users can operate environmentally-
	trajectories, while allowing maximum access to airspace and air navigation services. Those network functions,	while allowing maximum access to airspace and air navigation services and avoiding congestion . Those	optimised trajectories and profiles, while allowing [] fair and reasonable access to airspace and air navigation	[] and climate-optimised flight trajectories and profiles, while allowing [] fair and reasonable access to
	enumerated in paragraphs 2 and 3, shall support the achievement of the Union- wide performance targets and shall be based on operational requirements.	network functions, enumerated in paragraphs 2 and 3, shall support the achievement of the Union- wide performance targets including those regarding	services and minimizing congestion. Those network functions, enumerated in paragraph 2[], shall support seamless access to air navigation services by	airspace and air navigation services and minimizing congestion . Those network functions, enumerated in paragraphs 2 [], shall support seamless access to air
		climate and the environment and shall be based on operational requirements.	airspace users as well as the achievement of the []performance targets while	navigation services by airspace users as well as the achievement of the Union-





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		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.	 wide performance targets, referred to in Article 10(2)(a) and shall be based on operational requirements. The implementation of the network functions shall respect the provisions of Article 1, and shall be without prejudice to Member States' sovereignty over their airspace and to their requirements relating to public order, public security and defence matters. + New Recital: Various <u>climate and</u> <u>environmental</u> elements should <u>also</u> be taken into account when optimising flight trajectories <u>and flight profiles</u> ; including both climate and environmental aspects. Details on how to balance those various elements should be



	Commission proposal	EP mandate	Council mandate	Options for compromise
				developed in particular when designing performance indicators.
379.			1a. Without prejudice in	379
			particular to Articles 44 and	Presidency proposal
			46 of Regulation (EU)	(Agreeable to the EP):
			2018/1139 and the delegated	
			and implementing acts	Deletion suggested
			adopted on the basis thereof,	See compromise text proposed in
			Member States shall retain	line 423
			the complete and exclusive	
			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	



	Commission proposal	EP mandate	Council mandate	Options for compromise
			authorities as appropriate.	
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:	 380 Presidency proposal (Agreeable to the EP): 2. The network functions referred to in paragraph 1 [] are the
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;	following:381Presidency proposal(a) [] design and management coordination of [] airspace structures across the EU with a view to offering the required level of safety, capacity, flexibility, responsiveness, environmental performance, with due regard to security and defence needs and without prejudice to the responsibilities of Member States with regard to routes and airspace structures;



	Commission proposal	EP mandate	Council mandate	Options for compromise
382.	(b) air traffic flow	(b) air traffic flow	(b) [] ATFM;	382
	management;	management, including, including climate- optimised flight trajectories ;	C	Provisional agreement: (b) [] ATFM ;
383.	(c) the coordination of scarce		(c) the coordination of scarce	383
	resources within aviation		resources within aviation	Provisional agreement:
	frequency bands used by		frequency bands used by	(c) the coordination of scarce
	general air traffic, in		general air traffic, in	resources within aviation
	particular radio		particular radio frequencies	frequency bands used by general
	frequencies as well as		as well as coordination of	air traffic, in particular radio
	coordination of radar		radar transponder codes.	frequencies as well as
	transponder codes.			coordination of radar transponder
				codes.
384.	3. The network functions		[]	384
	referred to in paragraph 1 also			Provisional agreement:
	include the following:			[]
385.	(a) optimisation of airspace	(a) optimisation of airspace	[]	385
	design for the network and	design and airspace		Presidency proposal
	facilitation of delegation of	structures for the network		(Agreeable to the EP):
	air traffic services	and facilitation of		
	provision through co-	delegation of air traffic		(d) [] facilitation of delegation
	operation with the air	services provision through		of air traffic services provision
	traffic service providers	co-operation with the air		through co-operation with the air
	and Member State	traffic service providers		traffic service providers and



	Commission proposal	EP mandate	Council mandate	Options for compromise
	authorities;	and Member State authorities;		Member State authorities;
386.	(b) management of the delivery		(d) delivery of air traffic	386
	of air traffic control capacity in		control capacity in the network	Presidency proposal:
	the network as set out in the		in accordance with	
	binding Network Operations		commitments set out in the	(e) [] delivery of air traffic
	Plan (NOP);		NOP;	control capacity in the network
				[] in accordance with
				network operational
				performance requirements and
				local reference values, such as
				ATFM delay, as set out in the
				[] NOP;
387.	(c) function for coordination		(e) management of network	387
	and support in case of network		crisis.	Provisional agreement:
	crisis;			(f) management of network
				crisis;
388.			(f) ATFM delay attribution;	388
				Provisional agreement:
				(g) ATFM delay attribution;
389.	(d) air traffic flow and capacity	(d) air traffic flow and capacity	[]	389
	management;	management, in order to fulfil		Provisional agreement:
		key performance targets;		[]



	Commission proposal	EP mandate	Council mandate	Options for compromise
390.	(e) the management of the		(g) [] planning and	390
	planning, monitoring and		implementation activities of the	Provisional agreement:
	coordination of implementation		deployment of infrastructure in	(h) the management of the
	activities of the deployment of		the European ATM network, in	planning, monitoring and
	infrastructure in the European		accordance with the European	coordination of implementation
	ATM network, in accordance		ATM Master Plan.	activities of the deployment of
	with the European ATM Master			infrastructure in the European
	Plan, taking into account			ATM network, in accordance
	operational needs and			with the European ATM Master
	associated operational			Plan, taking into account
	procedures;			operational needs and associated
				operational procedures;
391.	(f) the monitoring of the		[]	391
	functioning of the European			Presidency proposal
	ATM network infrastructure.			(Agreeable to the EP):
				(i) the monitoring of the
				functioning of the European
				ATM network infrastructure.
392.			3. [] Member States and all	392
			relevant operational	Presidency proposal:
			stakeholders shall execute	
			network functions [] with the	3. Member States and all
			support of the Network	relevant operational
			Manager which shall execute	stakeholders shall execute
			the tasks specified in Article	network functions <mark>,</mark> with the



	Commission proposal	EP mandate	Council mandate	Options for compromise
			27(4).	contribution of the Network Manager <u>when relevant</u> .
393.	4. The functions listed in		4. The measures taken for the	393
	paragraphs 2 and 3 shall not		implementation of the functions	Presidency proposal
	involve the adoption of		listed in paragraphs 2 [] shall	(Agreeable to the EP):
	binding measures of a general		be of purely operational or	
	scope or the exercise of		technical nature and shall not	4. The functions listed in
	political discretion. They		involve the [] exercise of	paragraphs 2 [] shall not
	shall be performed in		political discretion. They shall	involve the adoption of binding
	coordination with military		take into account of the	measures of a general scope or
	authorities in accordance with		specificities of the Member	the exercise of political
	agreed procedures concerning		States and of proposals	discretion. They shall be
	the flexible use of airspace.		established at local level. They	performed in coordination with
			shall be performed in	civil and military authorities, in
			coordination with civil and	particular in accordance with
			military authorities, in particular	agreed procedures concerning the
			in accordance with agreed	flexible use of airspace. The
			procedures concerning the	measures taken for the
			flexible use of airspace.	implementation of the functions
				listed in paragraph 2 shall be of
				purely operational or technical
				nature and shall take into
				account the specificities of the
				Member States.

	Commission proposal	EP mandate	Council mandate	Options for compromise
394.	5. The Commission shall be	5. The Commission shall be	[]	394
	empowered to adopt	empowered to adopt delegated		Presidency proposal
	delegated acts in accordance	acts in accordance with Article		(Agreeable to the EP):
	with Article 36 to amend this	36 to amend this Regulation in		
	Regulation in order to add	order to add functions to the	$\langle C \rangle$	[]
	functions to the ones listed in	ones listed in paragraphs 2 and		
	paragraphs 2 and 3, where	3, where necessary for the		
	necessary for the functioning	functioning and performance		
	and performance of the	of the network. Such new		
	network.	functions shall not extend		
		the existing scope of Union		
		competence and shall be		
		without prejudice to the		
		prerogatives and		
		responsibilities of the		
		Member States.		
394a				394a
				Presidency proposal
				(Agreeable to the EP):
				In order to ensure the uniform
				implementation of and
				compliance with the provisions
				referred to in this Article, the
				Commission shall, with a view
				to achieving the objectives set



	Commission proposal	EP mandate	Council mandate	Options for compromise
			C	out in Article 1, adopt implementing acts, in accordance with the examination procedure referred to in Article 37(3), laying down detailed rules regarding the execution of the network functions, including on crisis management.
395.	Article 27 - The Network	Article 27 - The Network	Article 27 - The Network	
	Manager	Manager	Manager	
396.	 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. 	 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. 	 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 	 396 Presidency proposal (Agreeable to the 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



	Commission proposal	EP mandate	Council mandate	Options for compromise
207			Network Manager.	out the tasks referred to in paragraph 4. The Commission shall supervise the proper execution of the tasks of 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.	2. The Commission [] shall, appoint EUROCONTROL or another impartial and competent body to carry out the tasks of the Network Manager.	 397 Presidency proposal (Agreeable to the EP): 2. The Commission [] shall appoint an independent, impartial and competent body to carry out the tasks of the Network Manager. + Recital: Commission appointed Eurocontrol, in 2011 and 2019 as Network Manager; in order to ensure business continuity in the performance of the ATM network functions, the mandate could be renewed subject to the conditions laid down in this Regulation.



	Commission proposal	EP mandate	Council mandate	Options for compromise
397.a	To this end, the Commission		To this end, the Commission	397a
	shall adopt an implementing		shall adopt an implementing	Provisional agreement:
	act in accordance with the		act in accordance with the	2a. To this end, the Commission
	examination procedure		examination procedure	shall adopt an implementing
	referred to in Article 37(3).		referred to in Article 37(3),	act in accordance with the
				examination procedure
				referred to in Article 37(3).
397aa.	This appointment Decision shall	The appointment Decision shall	This appointment Decision	3 97aa
	include the terms and	include the terms and	shall include the terms and	Provisional agreement:
	conditions of the	conditions of the	conditions of the appointment,	This appointment Decision
	appointment, including the	appointment, including how	including the financing of the	shall include the terms and
	financing of the Network	the Network Manager will	Network Manager,	conditions of the appointment,
	Manager.	be financed.		including the financing of the
				Network Manager.
397ab.			and detailed the specific	397ab
			tasks of the Network	Provisional agreement:
			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	
			specification of the required	

	Commission proposal	EP mandate	Council mandate	Options for compromise
			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.	
397b.		To that end, the Commission		397b
		shall adopt [] implementing		Presidency proposal
		acts laying down the		(Agreeable to the EP):
		following: []		
				<i>2b.</i> In order to ensure the uniform
				implementation of and
				compliance with the provisions
				referred to in Paragraph 2, the
				Commission shall, with a view t
				achieving the objectives set out
				in Article 1, adopt implementing
				acts laying down detailed
				provisions including:

	Commission proposal	EP mandate	Council mandate	Options for compromise
397c.		(a)the requirements and		397c
		procedure for appointing		Presidency proposal:
		the Network Manager;		
		(b) requirements that		a) Appointment requirements and
		the Network Manager be		procedure;
		free from conflicts of		b) independence requirements;
		interests and act		
		independently;		+ Recital 32c
		(c)requirements for		(32c) In case the Network
		functional and		Manager resides in another
		hierarchical separation of		entity, there should be
		the Agency acting as PRB		functional , <mark>and</mark> hierarchical
		from the Agency;		and financial separation as well
		(d)requirements concerning		<u>as separate accounting</u> from
		the qualifications and		that entity.
		expertise of the Network		
		Manager;		d) requirements of expertise
		(e)financing of the Network		e) financing
		Manager.		f) Commission supervision of
		Those implementing acts		execution by the Network
		shall be adopted in		Manager of its tasks;
		accordance with the		g) Requirements for measuring
		examination procedure		the performance of the Network
		referred to in Article 37(3).		Manager.



	Commission proposal	EP mandate	Council mandate	Options for compromise
397d.		Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).		397d Provisional agreement: Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).
398.	3. The tasks of the Network	3. The Network Manager shall	3. The[] Network Manager	398
	Manager shall be executed in	execute its tasks in an	shall execute its tasks in an	Presidency proposal
	an independent, impartial and	independent, impartial and	[] impartial and cost	
	cost efficient manner . They	cost efficient manner. In the	efficient manner [] and	3. The [] Network Manager
	shall be subject to appropriate	execution of its tasks, the	shall be subject to appropriate	shall execute its tasks in an
	governance, which shall	Network Manager shall be	governance and	[] impartial and cost
	recognise separate	subject to appropriate	independence. [] If the	efficient manner [] and shall
	accountabilities for service	governance and regulation	competent body []	be subject to appropriate
	provision and regulation	where the competent body	appointed as the Network	governance and
	where the competent body	designated as the Network	Manager has also regulatory	independence. [] If the
	designated as the Network	Manager also has regulatory	functions, organisational	competent body []
	Manager also has regulatory	functions. The Network	separation with such	appointed as the Network
	functions. In the execution of	Manager shall respect the	functions shall be ensured.	Manager has also regulatory
	its tasks, the Network	different accountabilities of	In the execution of its tasks,	functions, organisational
	Manager shall take into	its tasks from its activities as	the Network Manager shall	separation with such
	consideration the needs of the	an entity on its own account,	take into consideration the	functions shall be ensured.
	whole ATM network and	and shall keep them separate	needs of the whole ATM	In the execution of its tasks,
	shall fully involve the	at all times. In the execution	network [] while	the Network Manager shall
	airspace users, air navigation	of its tasks, the Network	safeguarding defence	take into consideration the
	service providers, aerodrome	Manager shall take into	capabilities.	needs of the whole ATM

Commission proposal	EP mandate	Council mandate	Options for compromise
operators and the military.	consideration the needs of the whole ATM network and shall fully involve the airspace users, air navigation service providers, aerodrome operators and the military	C	network []while safeguarding defence capabilities and it shall fully involve [] all the operational stakeholders.
4. The Network Manager shall	4. The Network Manager shall	4. The Network Manager shall	399
contribute to the execution of the network functions	contribute to the execution of the network functions	[] execute following tasks in support of the network	Presidency proposal:
		functions referred to in Article 26(2):	 4. The Network Manager shall, within the limits of Article 26(4), contribute to the execution of the network functions through tasks related to:
			(a) establishment of the Network Operations Plan and the preparation of the Network Strategy Plan;
			 (b) <u>provide where necessary</u> support to the design and management <u>coordination</u> of the airspace structures; (c) facilitation of delegation of
	operators and the military. 4. The Network Manager shall contribute to the execution of	operators and the military.consideration the needs of the whole ATM network and shall fully involve the airspace users, air navigation service providers, aerodrome operators and the military4. The Network Manager shall contribute to the execution of4. The Network Manager shall contribute to the execution of	operators and the military.consideration the needs of the whole ATM network and shall fully involve the airspace users, air navigation service providers, aerodrome operators and the military4. The Network Manager shall contribute to the execution of the network functions4. The Network Manager shall contribute to the execution of the network functions4. The Network Manager shall contribute to the execution of the network functions4. The Network Manager shall contribute to the execution of the network functions4. The Network Manager shall contribute to the execution of the network functions4. The Network Manager shall contribute to the execution of the network functions4. The Network Manager shall contribute to the execution of the network functions4. The Network Manager shall contribute to the execution of the network functions4. The Network Manager shall contribute to the execution of the network functions4. The Network Manager shall contribute to the execution of the network functions



Commission proposal	EP mandate	Council mandate	Options for compromise
			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;
			(d) coordination and support in
			the delivery of air traffic
			control capacity in the network
			in accordance with network
			operational performance
			requirements and local
			reference values, such as
			ATFM delay, as set out in the
			NOP;
			(e) coordination and support in
			the management of network
			crises,
			(f) coordination of scarce
			resources;
			(g) coordination of ATFM;
			(h) <u>procedures and processes for</u>
			ATFM delay attribution;



Commission proposal	EP mandate	Council mandate	Options for compromise
			 (i) coordination and support in the planning and implementation activities of the deployment of infrastructure in the European ATM network in partnership with the operational stakeholders to ensure their active participation in management and governance; (j) monitoring of the functioning of the ATM infrastructure; (k) coordination with ICAO and ICAO regions in relation with the execution of the network functions; (l) establishment of the Network Manager's work programme and budget, (m) provision of data on flight plans in relation to Regulation (EC) No 2111/2005 or with other safety and security measures.



Commission proposal	EP mandate	Council mandate	Options for compromise
		C	and through any other tasks necessary for, and intrinsically linked to, the contribution by the Network Manager to the execution of the network functions, as specified in the implementing acts referred to in paragraph 6a.
			+ Recital to be added to complement the letter (i): For the period 2022-2027, the European Commission and the SESAR Deployment and Infrastructure Partnership (SDIP) signed a long-term Framework Partnership Agreement, in order for the
			SDIP to carry out tasks related to the timely and synchronised implementation of common projects (Commission Implementing Regulation (EU) 2021/116) and monitoring by coordinating and supporting the stakeholders concerned.



	Commission proposal	EP mandate	Council mandate	Options for compromise
			C	The SDIP is a consortium comprising 20 major European airspace users, air navigation service Providers and airport operators, and EUROCONTROL, as Network Manager.
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;	400 See new suggested compromise text in line 399 - point (b)
401.			(b) coordination of ATFM ;	401 See new suggested compromise text in line 399 - point (g)

	Commission proposal	EP mandate	Council mandate	Options for compromise
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;	402 See new suggested compromise text in line 399 - point (f)
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;	403 See new suggested compromise text in line 399 point (c)
404.			(da) preparation of the NSP and establishment of the NOP;	404 See new suggested compromise text in line 399 - point (a)



	Commission proposal	EP mandate	Council mandate	Options for compromise
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;	405 See new suggested compromise text in line 399 - point (d)
406.			(f) coordination and support in the management of network crisis;	406 See new suggested compromise text in line 399 - point (e)
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;	407 See new suggested compromise text in line 399 - point (h)



	Commission proposal	EP mandate	Council mandate	Options for compromise
408.	Commission proposal	EP mandate	 (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 into account military and operational needs and associated operational procedures, where 	408 See new suggested compromise text in line 399 - point (i)
409.			appropriate; (i) the monitoring of the functioning of the European ATM network infrastructure.	409 See new suggested compromise text in line 399 - point (j)
410.	through support measures aimed at safe and efficient planning and operations of the network under normal and crisis	through support measures aimed at safe and efficient planning and operations of the stakeholders within the network under normal	4a. The Network Manager shall propose support measures on	410 Presidency proposal (Agreeable to the EP):



Commission proposal	EP mandate	Council mandate	Options for compromise
conditions and through	and network crisis conditions	operational matters aimed at	4a. In the execution of its tasks,
measures aimed at the	and through measures aimed at	safe and efficient planning and	the Network Manager shall
continuous improvement of	the continuous improvement of	operations of the network	take support measures aimed at
network operations in the	network operations in the Single	under normal and network	safe and efficient planning and
Single European Sky and the	European Sky and the overall	crisis conditions and []	operations of the stakeholders
overall performance of the	performance of the network,	measures aimed at the	within the network under normal
network, especially regarding	especially regarding the	continuous improvement of	and network crisis conditions
the implementation of the	implementation of the	network operations in the	and [] measures aimed at the
performance scheme. The	performance scheme including	Single European Sky and the	continuous improvement of
action taken by the Network	in respect of climate and the	overall performance of the	network operations in the Single
Manager shall take account of	environment. The action taken	network, especially regarding	European Sky and the overall
the need to fully integrate the	by the Network Manager shall	the implementation of the	performance of the network,
airports in the network.	take account of the need to fully	performance scheme. The	especially regarding the
	integrate the airports in the	action taken by the Network	implementation of the
	network and aim to ensure	Manager shall fully integrate	performance scheme including
	compliance with the	the airports in the network.	in respect of climate and the
	performance plans and		environment. The action taken
	performance targets of		by the Network Manager shall
	designated air traffic service		take account of the need to fully
	providers.		integrate the airports in the
			network and aim to ensure
			compliance with the
			performance plans and
			performance targets of
			designated air traffic service
			providers.



	Commission proposal	EP mandate	Council mandate	Options for compromise
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 and those air traffic service providers in the Network Operations Plan. 	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.	411 [to be considered in the context of discussions on the PRB]
412.	6. The Network Manager shall:		6. The Network Manager shall,	412Provisional agreement:6. The Network Manager shall:
413.	 (a) decide on individual measures to implement the network functions and to support the effective implementation of the binding Network 	(a) decide on individual measures to implement the network functions and to support the effective implementation of the binding Network	[]	413 Presidency suggested compromise text: (a) determine, through cooperative decision



Commission proposal	EP mandate	Council mandate	Options for compromise
Operations Plan and the achievement of the binding performance targets;	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.		 making, operational actions and propose remedial measures to be taken by operational stakeholders with a view to contributing to the achievement of the Union-wide performance targets and binding local performance targets with due consideration for regional and local circumstances, and to implementing the network operational performance requirements and local reference values as set out in the NOP and advise on climate-optimized flight trajectories. <u>+ New Recital:</u> (xy) The Network Manager and operational stakeholders should work in partnership with a view to contributing to the achievement of the Union-wide



	Commission proposal	EP mandate	Council mandate	Options for compromise
				performance targets and of the local performance targets. For this purpose, the Network Manager should, as part of the execution of its tasks and without prejudice to the responsibilities of the Member States, propose remedial measures to be taken by operational stakeholders. The operational stakeholders should retain the competence to decide whether any of the remedial measures proposed should be implemented.
414.	(b) advise the Commission		in coordination with relevant	414
	and provide relevant		parties, advise the Commission	Presidency proposal
	information to the Agency		on the deployment of the ATM	(Agreeable to the EP):
	acting as PRB on the		network infrastructure in	
	deployment of the ATM		accordance with the European	(b) in coordination with
	network infrastructure in		ATM Master Plan, in	relevant parties, advise the
	accordance with the		particular to identify	Commission [and provide
	European ATM Master		investments necessary for the	relevant information to the PRB]
	Plan, in particular to		network.	on the deployment of the ATM



	Commission proposal	EP mandate	Council mandate	Options for compromise
	identify investments necessary for the network.		C	network infrastructure in accordance with the European ATM Master Plan, in particular to identify investments necessary for the network.
414a.				414a Presidency proposal (Agreeable to the EP):
				6a. In order to ensure the uniform implementation of the provisions referred to in Paragraph 4 to 6, the Commission shall, with a view to achieving the objectives set out in Article 1, adopt implementing acts establishing detailed rules for the implementation of the tasks of the Network Manager, as defined to in those paragraphs.
				Those implementing acts shall be adopted in accordance with the examination procedure



	Commission proposal	EP mandate	Council mandate	Options for compromise
				referred to in Article 37(3).
415.	7. The Network Manager shall take decisions through a cooperative decision-making		7. []All measures taken by the Network Manager in the execution of its tasks shall be	 415 Presidency proposal: 7. In the execution of its tasks, the Network Manager shall take measures through a cooperative
	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		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	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. The cooperative decision-making process shall promote the interest of the network taking into account essential security and defence interests.
	interest of the network.		the achievement of the Union wide targets in the key performance area of environment, taking into account essential security interests and regional and local circumstances.	

	Commission proposal	EP mandate	Council mandate	Options for compromise
415a.			C	415a Provisional agreement: Member States shall be fully involved in decisions of strategic importance, in particular in the shaping of the network strategy plan. (moved from line 421)
415b				415b Presidency proposal
				<i>New Recital:</i> In the context of the cooperative decision-making process of the Network Manager, Member States should ensure adequate coordination at national level with the civil and military operational stakeholders.
416.			 7a. The cooperative decision- making process referred to in paragraph 7 shall be based on: a) the appropriate and regular 	416 Presidency proposal (Agreeable to the EP): The cooperative decision-

	Commission proposal	EP mandate	Council mandate	Options for compromise
			consultation of operational stakeholders, airport slot coordinators, Member States and, where relevant, the Agency and the Commission;	making process referred to in paragraph 7 shall be based, in particular, on consultation process of operational stakeholders, airport slot coordinators, Member States and, where relevant, the Agency and the Commission, on working arrangements and processes for operations and on resolution mechanisms involving the Network Management Board where necessary. Where Member States' sovereignty over their airspace is concerned, the consent of the Member State(s) concerned is required.
417.			b) detailed working arrangements established by the Network Manager together with, in particular operational	417 Provisional agreement: []
			stakeholders and Member States, as well as processes for operations established by the	



	Commission proposal	EP mandate	Council mandate	Options for compromise
			Network Manager to address planning and operational aspects related to the execution of network functions.	
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 process shall aim at consensus. Where Member States' sovereignty over their airspace is concerned, the consent of the Member 	418 Provisional agreement: []
419.			When measures related to the execution of the NetworkManager's tasks are disputed by one or several operational stakeholder(s), the issue shall be referred	419 Provisional agreement: []



	Commission proposal	EP mandate	Council mandate	Options for compromise
			for resolution to the Network Management Board.	
419a.			Board.	419a Provisional agreement: 7aa. In order to ensure the uniform implementation of and compliance with the provisions referred to in Paragraph 7 and 7a, the Commission shall, with a view to achieving the objectives set out in Article 1, adopt implementing acts laying down, detailed provisions regarding the cooperative decision-making process including: (a) consultation process of operational stakeholders, airport slot coordinators, Member States and, where relevant, the Agency and the
				Commission; (b) working arrangements and processes for operations;



	Commission proposal	EP mandate	Council mandate	Options for compromise
			C	 (c) involvement of Member States' authorities when required; (d) resolution mechanisms involving the Network Management Board where necessary; (e) any other measure necessary with regard to the
419b.				decision-making processes. 419b
4170.				Provisional agreement:
				-
				Those implementing acts shall
				be adopted in accordance with
				the examination procedure referred to in Article 37(3).
420.			7b. A Network Management	420
			Board shall be established	Presidency proposal:
			by means of the	
			implementing acts referred	7b. A Network Management
			to in paragraph 8 in view of	Board shall be established by
			ensuring appropriate governance over the	means of the implementing acts referred to in paragraph 8 in
			execution of the Network	view of ensuring appropriate



		Come all many data		
Commission proposal	EP mandate	Council mandate	Options for compromise	
		functions. The Network	governance over the execution	
		Management Board shall be	of the Network functions. The	
		responsible for approving or	Network Management Board	
		endorsing measures taken or	shall be responsible for	
		proposed by the Network	approving or endorsing	
		Manager in the conditions	measures taken or proposed by	
		set out in the implementing	the Network Manager in the	
		act referred to in paragraph	conditions set out in the	
		8, for approving the	implementing act referred to in	
		specifications for the	paragraph 8, for approving the	
		consultation and the detailed	specifications for the	
		working arrangements	consultation and the detailed	
		referred to in paragraph 7a,	working arrangements referred	
		a) and b), for approving the	to in paragraph 7a and 7aa,	
		NOP and endorsing the NSP	for approving the NOP and	
		before it is approved by the	endorsing the NSP, before it is	
		Commission together with	approved by the Commission	
		Member States, for	after consultation with	
		monitoring the	Member States by means of an	
		implementation of network	implementing act adopted in	
		functions and for providing	accordance with the	
		opinions or	examination procedure referred	
		recommendations on specific	<u>to in Article 37(3)</u> , for	
		issues. The Network	monitoring the implementation	
		Management Board shall be	of network functions and for	
		composed of representatives	providing opinions or	
	Commission proposal	EP mandate	Council mandate	Options for compromise
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			of the operational stakeholders, of slot coordinators, of representatives of the Commission, of representatives of the Network Manager and of representatives of Eurocontrol.	recommendations on specific issues and for any other measure necessary for the execution of the governance mechanism. The Network Management Board shall be composed of voting and non voting members, representatives of the operational stakeholders, of representatives of the Commission, of representatives of the Network Manager and of representatives of Eurocontrol.
421.			7c. Member States shall be	421 <i>Moved to 415a.</i>
			fully involved in decisions of strategic importance.	Movea to 415a.
422.	8. By way of implementing acts		8. By way of implementing acts	422
	adopted in accordance with		adopted in accordance with	Presidency proposal
	the examination procedure		the examination procedure	(Agreeable to the EP):
	referred to in Article 37(3),		referred to in Article 37(3), the	
	the Commission shall		Commission shall establish	8. In order to ensure the
	establish detailed rules		detailed rules for the	uniform implementation of and
			implementation of Article 26	compliance with the provisions
			and this Article, in	referred to in Paragraph 7b,

	Commission proposal	EP mandate	Council mandate	Options for compromise
			particular for	the Commission shall, with a view to achieving the objectives set out in Article 1, adopt implementing acts, in accordance with the examination procedure referred to in Article 37(3), laying down detailed rules regarding the Network Management Board in particular for:
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,	422a Presidency proposal (Agreeable to the EP): [] See line 394a.
422b.			including on crisis management;	422b Presidency proposal (Agreeable to the EP): [] See line 394a.

	Commission proposal	EP mandate	Council mandate	Options for compromise
422c.			on the appointment of the	422c
			Network Manager, the terms	Provisional agreement:
			and conditions of such	[]
			appointment	See line 397c.
422d.			and on the detailed [] tasks of	422d
			the Network Manager [] in	Presidency proposal
			relation to the network	(Agreeable to the EP):
			functions;	
				[]
				See line 399.
422e.			on the composition, the	422e
			functioning, the decision-	Presidency proposal
			making and the detailed tasks	(Agreeable to the EP):
			of the Network Management	
			Board including in relation	(a) composition of Network
			with crisis management;	Management Board:
				(b) the functioning and
				responsibilities of Network
				Management Board as defined
				in paragraph 7b;
422f.			on the cooperative decision-	422f
			making process;	Provisional agreement:
				[]
				See line 319a

	Commission proposal	EP mandate	Council mandate	Options for compromise	
422g.			the criteria and factors that the	422g	
			Network Manager and the	Provisional agreement:	
			Network Management Board	[]	
			must follow when exercising		
			the tasks conferred on them		
422h.			and on the network governance	422h	
			mechanisms.	Provisional agreement:	
				(c) the network governance	
				mechanisms.	
423.	9. Aspects of design of airspace	9. Aspects of design of airspace	[]	423	
	structures other than those	structures other than those		Presidency proposal:	
	referred to in paragraphs 2	referred to in paragraphs 2 and			
	and 3 of Article 26 shall be	3 of Article 26 shall be		Without prejudice in particular	
	addressed by Member States.	addressed by Member States.		to Articles 44 and 46 of	
	In this regard, Member States	In this regard, Member States		Regulation (EU) 2018/1139 and	
	shall take into account air	shall take into account air		the delegated and	
	traffic demands, seasonality	traffic demands, seasonality		implementing acts adopted on	
	and complexity of air traffic	and complexity of air traffic		the basis thereof, Member	
	and of performance plans.	and of performance plans		States shall retain the complete	
	Before deciding on those	including those regarding		and exclusive competence <u>be</u>	
	aspects, they shall consult	climate and the		<u>fully competent</u> for the	
	airspace users concerned or	environment. Before deciding		development, approval and	
	groups representing such	on those aspects, they shall		establishment of the routes and	
	airspace users and military	give due consideration to the		airspace structures for the	
	authorities as appropriate.	needs of the airspace users		airspace under their	
		concerned or to groups		responsibility. In this regard,	



	Commission proposal	EP mandate	Council mandate	Options for compromise
		representing such airspace		Member States shall take into
		users and military authorities		account air traffic demands,
		as appropriate.		seasonality and complexity of air
				traffic and of performance plans.
			$\langle C \rangle$	Before deciding on those aspects,
				they shall [] take under due
			×	consideration needs of airspace
				users concerned or groups
				representing such airspace users
				and military authorities as
				appropriate.
424.	Article 28 - Transparency of	Article 28 - Transparency of	Article 28 - Transparency of	Article 28 - Transparency of
	accounts of the Network	accounts of the Network	accounts of the Network	accounts of the Network
	Manager	Manager	Manager	Manager
425.	1. The Network Manager shall		1. The financial accounts of the	425
	draw up, submit to and		Network Manager shall []be	Provisional agreement:
	publish its financial accounts.		drawn up [], and	1. The financial accounts of the
	Those accounts shall comply		published annually. Those	Network Manager shall [] be
	with the international		accounts shall comply with the	drawn up [] and published
	accounting standards adopted		international accounting	annually. Those accounts shall
	by the Union. Where, due to		standards adopted by the	comply with the international
	the legal status of the		Union. Where, due to the legal	accounting standards adopted by
	Network Manager, full		status of the Network	the Union. Where, due to the
	compliance with the		Manager, full compliance with	legal status of the Network
	international accounting		the international accounting	Manager, full compliance with
	standards is not possible, the		standards is not possible, the	the international accounting



	Commission proposal	EP mandate	Council mandate	Options for compromise
	Network Manager shall		Network Manager shall	standards is not possible, the
	achieve such compliance to		achieve such compliance to	Network Manager shall achieve
	the maximum possible extent.		the maximum possible extent.	such compliance to the maximum
				possible extent.
426.	2. The Network Manager shall		2. The Network Manager shall	426
	publish an annual report and		publish an annual report on its	Presidency proposal
	regularly undergo an		activities and regularly	(Agreeable to the EP):
	independent audit.		undergo an independent audit.	
				2. The Network Manager shall
				publish an annual report on its
				activities and regularly undergo
				an independent audit.
427.	Article 29 - Relations with	Article 29 - Relations with	Article 38a - Relations with	427
	stakeholders	stakeholders	stakeholders	
428.	The air traffic service providers	The air traffic service providers	The air traffic service providers	428
	shall establish consultation	shall establish consultation	shall establish consultation	Presidency proposal
	mechanisms to consult the	mechanisms to consult the	mechanisms to consult the	(Agreeable to the EP):
	relevant airspace users and	stakeholders, as necessary,	relevant airspace users [],	
	aerodrome operators on all	referred to in Article 38(3), on	aerodrome operators and	The air traffic service providers
	major issues related to services	all major issues related to	military authorities on all major	shall establish consultation
	provided, including relevant	services provided, including	issues related to services	mechanisms to consult the
	changes to airspace	relevant changes to airspace	provided, including relevant	relevant airspace users [],
	configurations, or strategic	configurations such as those	changes to airspace	aerodrome operators and
	investments which have a	resulting from the required	configurations, or [] major	military authorities on all major
	relevant impact on air traffic	emission reduction efforts, or	investments which have a	issues related to services
	management and air navigation	strategic investments which have	relevant impact on air traffic	provided, including relevant



	Commission proposal	EP mandate	Council mandate	Options for compromise
	service provision and/or charges. The airspace users shall also be involved in the process of approving strategic investment plans.	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.	management and air navigation service provision and/or charges. []	changes to airspace configurations, or [] major investments which have a relevant impact on air traffic management and air navigation service provision and/or charges []; in particular, their positions shall be taken into consideration at an early stage in the process of [] developing long-term strategic investment plans especially as regards aspects requiring synchronisation between air and ground equipment deployment.
428a.	The Commission shall adopt measures detailing the modalities of the consultation and of the involvement of airspace users in approving investment plans. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).	The Commission shall adopt measures detailing the modalities of the consultation and of the involvement of airspace users, PRB and Network Manager in drafting and approving investment plans to ensuring in particular their consistency with the ATM Master Plan and common projects as referred to	[]	428a Presidency proposal (Agreeable to the EP): []



	Commission proposal	EP mandate	Council mandate	Options for compromise
		<i>in Article 35.</i> 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	429
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 renewed in respect of the management of specific airspace blocks and notify the Commission thereof.		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 renewed in respect of the management of specific airspace blocks [].	430 Presidency proposal (<i>Agreeable to the EP</i>): 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 renewed in respect of the management of specific airspace blocks and [] inform the Commission [] accordingly .

	Commission proposal	EP mandate	Council mandate	Options for compromise
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	431
432.	1. With regard to general air	1. With regard to general air	1. With regard to general air	432
	traffic, relevant operational	traffic, relevant operational	traffic, relevant operational data	Provisional agreement:
	data shall be made available	data shall be made available in	shall be made available in real-	With regard to general air traffic,
	in real-time, on a non-	an interoperable format in	time, on a non-discriminatory	relevant operational data shall be
	discriminatory basis and	real-time, on a transparent	basis and without prejudice to	made available in an
	without prejudice to security	and non-discriminatory basis	national security, public order	interoperable format in real-
	or defence policy interests, by	and without prejudice to	and defence policy interests, by	time, on a transparent and non-
	all air navigation service	security or defence policy	all air navigation service	discriminatory basis and without
	providers, airspace users,	interests, by all air navigation	providers, airspace users, airports	prejudice to national security,
	airports, and the Network	service providers, airspace	and the Network Manager,	public order and defence policy
	Manager, including on cross-	users, airports, and the	including on a cross-border and a	interests, by all air navigation
	border basis and on a Union-	Network Manager, including	Union-wide basis. Such	service providers, airspace users,
	wide basis. Such availability	on cross-border basis and on a	availability shall be to the benefit	airports and the Network
	shall be to the benefit of	Union-wide basis. Such	of certified or declared air []	Manager, including on a cross-
	certified or declared air traffic	availability shall be to the	navigation service providers,	border and a Union-wide basis.
	service providers, entities	benefit of certified or	military entities [] in charge	Such availability shall be to the
	having a proven interest in	declared air navigation	of security and defense	benefit of certified or declared air
	considering the provision of	service providers, entities	activities, military air	[] navigation service
	air navigation services,	having a proven interest in	navigation service providers,	providers, entities having a
	airspace users and airports as	considering the provision of	airspace users and airports as	proven interest in considering the
	well as the Network Manager.	air navigation services,	well as the Network Manager.	provision of air navigation
	The data shall be used only	military air traffic service	The data shall be used only for	services, military entities in
	for operational purposes.	providers, airspace users and	operational purposes.	charge of security and defence

	Commission proposal	EP mandate	Council mandate	Options for compromise
		airports as well as the Network Manager. The data shall be used only for operational purposes	C	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.		[]	 433 Presidency proposal (Agreeable to the EP): 2. Prices for the service referred to in paragraph 1 shall be based on general principles and common pricing rules to be established in the implementing act referred to in paragraph 4.
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 including those regarding oversight of climate and the environment and network oversight, including the	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	 434 Provisional agreement: 3. Access to relevant operational data as referred to in paragraph 1 shall be granted free of charge to the authorities in charge of safety oversight, performance and network oversight, security, public

Commission proposal	EP mandate	Council mandate	Options for compromise
	Agency. The military bodies responsible for oversight and protection of airspace shall also be granted access to that	to the Agency in accordance with Regulation (EU) 2018/1139.	order, and defence, including the Agency, in accordance with Regulation (EU) 2018/1139.
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).	 data. 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.	Presidency proposal (Agreeable to the 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, the general principles and common pricing rules for setting the prices as referred to in paragraph 2 and requirements for the identification of entities having a proven interest in considering the provision of air navigation services. Those implementing acts shall be adopted in accordance with the examination



Commission proposal	EP mandate	Council mandate	Options for compromise
			procedure referred to in Article 37(3).

