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Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and repealing Regulation (EC) No 216/2008 of the European Parliament and of the Council – Preparation for the trilogue

Introduction

On 7 December 2015, the Commission adopted the above-mentioned proposal, part of European Commission's '*Aviation Strategy for Europe*'. Its objective is to prepare the EU aviation safety regulatory framework for the challenges of the next ten to fifteen years.

Content of the proposal

The main objective of the proposal is to maintain the current high European safety levels while allowing the EU aviation sector to continue to grow in the future. For this purpose, the proposal introduces a risk and performance based approach to safety regulation. It also proposes to close existing safety gaps and better take into account interdependencies between aviation safety and other technical domains of regulation, such as aviation security or environmental protection.

Another objective of the proposal is to create an effective regulatory framework for the integration of new business models and emerging technologies. In particular, this initiative proposes to create a Union framework for the safe integration of unmanned aircraft into the European airspace.

The proposal introduces a more proportionate and flexible approach to safety regulation and it eliminates rules which could stifle entrepreneurship with too prescriptive requirements. It notably proposes to introduce a scalable framework which recognises the differences existing between the various sectors of civil aviation and the risks involved therein.

In order to address the challenges faced by some national authorities in maintaining and providing the resources necessary for their oversight and certification responsibilities, the initiative also proposes a framework for pooling and sharing of technical resources between the national authorities and the European Aviation Safety Agency (hereinafter 'the Agency'), which includes the possibility of transferring responsibilities for implementation of Union legislation on a voluntary basis.

Work within the Council bodies

The Commission made a first general presentation of the proposal to the Aviation Working Party (hereinafter the 'Working Party') on 7 December 2015. The Commission also presented the 'Aviation Strategy' to the TTE Council on 10 December 2015. The Working Party began the detailed examination of the Commission proposal, together with its impact assessment, in early January 2016. On 1 December 2016, the Council reached a General Approach on the proposal.

Work within the European Parliament

The European Parliament's Committee on Transport and Tourism has appointed Mr Marian-Jean MARINESCU (EPP) as rapporteur. On 3 May 2016, the rapporteur published his draft report, which contained 242 amendments. The draft report was presented in the TRAN Committee on 24 May 2016 and on 10 November 2016, the Committee adopted the amended draft report with 32 votes in favour, 11 against and 1 abstention. On the same day, the legislative resolution was also carried with 32 in favour, 11 against and 1 abstention, as well as the decision to start inter-institutional negotiations with 32 votes in favour, 10 votes against and 2 abstentions.

ITEMS TO BE DISCUSSED AT THE INFORMAL TRILOGUE

Methodology

As the proposal contains a large number of articles and annexes, only articles 1, 2, 4-8 and 64-90 have been agreed to be discussed in the first informal trilogue.

Changes with respect to the Council General Approach are shown in **bold** and ~~striketrough~~ in the Presidency compromise proposals in the fourth column of the table in annex.

Issues

The Working Party examined the following issues on 12, 19, 26 January and 2 February: the scope of the Regulation, the role of the Commission in opt-ins and exemptions to the Regulation, the references to the Chicago Convention, several terminology issues such as the difference between ‘a high-uniform level of safety’ and ‘an acceptable level of level of safety’, the name of the Agency, the mutual recognition of ultralight aircraft, the continuity of provision of ATM/ANS, the Agency's competence in other safety-related aviation domains (such as security or environment), EP's amendment on socio-economic factors and the Executive Board.

During the informal bilateral or technical meetings with the Presidency, the EP highlighted a series of crucial points in relation to:

1. The name of the Agency (Amendment 236 - line 173 of the Annex)

The EP proposes to delete the word '*safety*' and to change the name of the Agency into the '*European Union Aviation Agency*', instead of the '*European Union Aviation Safety Agency*' (*EASA*). The Presidency suggests to keep the name of the Agency as it stands, as the name of the Agency reflects its mission. The focus of its role is clearly linked to safety and should not encompass other matters.

2. Article 76, 'Interdependencies between civil aviation safety and security'

(Amendments 273-275 - line 324)

Even though the text of this article is very similar between the Council General Approach (hereinafter 'CGA') and the EP amendments, there are some fundamental issues where the positions of the co-legislators are quite different: the EP proposes that the Agency should be able to impose the corrective actions to be taken in case of an urgent security problem which may affect safety by means of binding directives. The Presidency proposes to keep the CGA, since the text of this article already represents a balanced and carefully analysed compromise which maintains the responsibility of Member States over any security-related actions.

3. Socio-economic factors (Amendment 276 - line 333)

EP proposes an amendment whereby socio-economic risks should be prevented when addressing interdependencies between safety and socio-economic factors. The Presidency suggests to reject this amendment, since such issues fall out of the scope of a safety Regulation and are not part of the Agency's competence.

4. Continuity of ATM/ANS services (Amendment 242 -line 201 + amendment 257 -line 254)

In case of a failure in the provision of ATM/ANS services in a Member State (such as a strike of air traffic controllers, or a technical problem like a radar failure), EP wants Member States to ensure a minimum continuity of service for overflights. The EP argues that this could be achieved by the neighbouring countries' air traffic control centres which would take over the traffic affected by the failure. The Presidency proposes to reject this amendment, since it impinges on the right to strike and, moreover, it falls out of the scope of a safety Regulation.

5. Structure of the scope of the Regulation (Amendments 51-54 - lines 33-40 and amendment 64 - line 62)

EP proposes an overhaul of the structure of the scope of the Regulation by dividing its application to '*design and production*' on one hand, and to '*maintenance and operations*' on the other. The Presidency suggests to keep the CGA with a clarifying addition, since the EP's proposed scope restructuring may have unintended consequences for the rest of the Regulation. Moreover, amendment 64 was proposed by the EP in connection with the EP's intention to have unmanned aircraft under 250 grams unregistered and therefore out of the scope of the Regulation.

6. Article 90, the Executive Board (Amendments 292-296, lines 439-448)

The Council General Approach deletes this article, since the current system based on the Management Board has worked very well throughout the years. The EP proposes to reinstate the Executive Board proposed by the Commission in order to have a smaller 5-6 member group who would be able to assist the Executive Director of the Agency in the day-to-day management of the Agency. The Inter-Institutional Agreement on Decentralised Agencies provides that executive boards may be established, if they have an added value in supporting the management boards. In the Agency's case, the Management Board already has its own advisory substructures which deal with those tasks which are proposed to be the responsibility of the new Executive Board. Therefore, Member States consider such a board unnecessary and the Presidency proposes to delete this article.

7. Air operators certification (Amendment 252 - line 239)

Another important point for the EP is to have the Agency carry out the tasks related to certification, oversight and enforcement for all air operators flying across borders, such that only exclusively domestic air operators would remain under the competence of Member States' competent authorities. The EP argues that whenever air operations involve more than one Member State, they should be the responsibility of the Agency. The Presidency proposes to reject this amendment, since such a provision would mean a significant overhaul of the current system and would fail to recognise the long and fruitful experience that Member States have in working together.

8. The role of the Agency/Commission in Article 2 (Amendments 71, 73 - lines 79-85, amendments 76-80- lines 91-101 and amendments 81-84 - lines 104-110)

Another EP red line is the transfer from the Commission to the Agency of decisions regarding the scope of the Regulation. These decisions include the opt-ins for Annex I aircraft falling outside the scope of the Regulation (Article 2(4) - amendments 71, 73), the opt-ins for military and other state aircraft (Article 2(6), amendments 76-80), as well as the exemptions granted to aerodromes (Article 2(7), amendments 81-84).

The Presidency is proposing to keep the CGA and the Commission decision. These opt-in and opt-out situations are different and the procedure necessary for their application should reflect this difference. However, since such an opt-in or opt-out would affect the scope of the Regulation, a simple notification would not be enough and, for legal certainty, a formal decision by the Commission would be necessary.

Other issues:

- An important issue for the EP is to ensure a 'high and uniform'/vs/ 'an acceptable' level of safety in Europe. For that reason, the EP proposes the systematic use of a *'high uniform'* level of safety throughout the proposal. The term *'acceptable'* level of safety originates from ICAO and is used throughout the world. Member States have already accepted a *'high level of safety'* as the main objective of the Regulation in Article 1(1). However, there are situations where it is objectively justified to use the more nuanced *'acceptable'* level of safety without compromising the overall level of safety. The EP's proposal should not be accepted, as it is not possible to determine precisely what a *'high'* level would mean. Moreover, considering the specific circumstances of each Member State, ensuring a *'uniform'* level of safety would not be possible. Along the same line, EP also insists on deleting the phrase *'as far as practicable'* used in the CGA in connection with military or state aircraft (lines 71 and 90 of the Annex). The Presidency proposes to keep the CGA on this issue, since the requirements and the level of risk acceptable for such flights should not be the same as those imposed for commercial air transport.

- In amendment 68 (line 77 of the Annex), the EP proposes to allow automatic mutual recognition of national certificates for Annex I aircraft for a period of 60 days per year, for maintenance, repairs and air shows. Member States have difficulties in accepting this for subsidiarity reasons. Moreover, there are situations when automatic acceptance of such aircraft may create safety or security concerns, since these aircraft might not have approvals issued by their national aviation authorities.
- EP also stresses that the references to ICAO and to the Chicago Convention introduced by the Council in the General Approach should be deleted (lines 15, 130, 144, 155). The references to the Chicago Convention are appropriate as Member States are parties to the Convention and as such have international obligations which need to be taken into account at the same time with the obligations imposed by European legislation. Member States have already shown flexibility in accepting to use references to definition 21 instead (the definition of '*international standards and recommended practices*') in certain occasions, but would not be willing to remove all references to the Chicago Convention.

The Presidency has also presented some compromise proposals in the table in the Annex to this report on other provisions where the positions of the co-legislators are not too far apart, or where the Presidency considers that a certain flexibility could be shown towards the EP.

Conclusion

Following the above, the Permanent Representatives Committee is invited to examine the Presidency compromise proposals on the specific above-mentioned issues and to endorse the Presidency compromise proposals appearing in the fourth column of the table in the Annex, while mandating the Presidency to negotiate with the European Parliament with a view to reaching a first reading agreement on this file.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on common rules in the field of civil aviation and establishing a European Union Aviation Safety Agency, and repealing Regulation (EC) No 216/2008 of the European Parliament and of the Council

	Commission proposal, COM(2015) 613 final	European Parliament 1st reading amendments, PE	Council General Approach, ST 15155/16	Presidency proposal/remarks
1.	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION, Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) thereof, Having regard to the proposal from the European Commission, After transmission of the draft legislative act to the national parliaments, Having regard to the opinion of the European Economic and Social Committee ¹ , Having regard to the opinion of the Committee of the Regions ² , Acting in accordance with the ordinary legislative procedure,			

¹ OJ C , , p.

² OJ C , , p.

	Commission proposal, COM(2015) 613 final	European Parliament 1st reading amendments, PE	Council General Approach, ST 15155/16	Presidency proposal/remarks
2.	CHAPTER I PRINCIPLES		CHAPTER I PRINCIPLES	
3.		<i>Amendment 40 – Article 1 - paragraph 1</i>		
4.	<i>Article 1 Subject matter and objectives</i>	<i>Article 1 Subject matter and objectives</i>	<i>Article 1 Subject matter and objectives</i>	
5.	1. The principal objective of this Regulation is to establish and maintain a high uniform level of civil aviation safety in the Union, while ensuring a high uniform level of environmental protection.	1. The principal objective of this Regulation is to establish, maintain and enforce a high, uniform level of civil aviation safety in the Union.	1. The principal objective of this Regulation is to establish and maintain a high uniform level of civil aviation safety in the Union, while ensuring a high uniform level of environmental protection.	<u>Proposed Presidency compromise:</u> 1. The principal objective of this Regulation is to establish and maintain a high uniform level of civil aviation safety in the Union, while ensuring a high uniform level of environmental protection.
6.	2. This Regulation further aims at: (a) contributing to the wider Union aviation policy and to the improvement of the overall performance of the civil aviation sector;		2. This Regulation further aims at: a) contributing to the wider Union aviation policy and to the improvement of the overall performance and sustainable growth of the civil aviation sector;	COM text 2. This Regulation further aims at: a) contributing to the wider Union aviation policy and to the improvement of the overall performance and sustainable growth of the civil aviation sector;
7.	(b) facilitating, in the fields covered by this Regulation, the free movement of goods, persons, services and capital, providing a level playing field for all actors in the internal aviation market, and improving the competitiveness of the Union's aviation industry		b) facilitating, in the fields covered by this Regulation, the free movement of goods, persons, services and capital, providing a level playing field for all actors in the internal aviation market, and improving the competitiveness of the Union's aviation industry;	COM text.

	Commission proposal, COM(2015) 613 final	European Parliament 1st reading amendments, PE	Council General Approach, ST 15155/16	Presidency proposal/remarks
8.		<i>Amendment 41 Article 1 - paragraph 2 - point ba (new)</i>		
9.		<i>(ba) contributing to a high, uniform level of environmental protection;</i>		EP amendment - acceptable.
10.		<i>Amendment 42 Article 1 - paragraph 2 - point bb (new)</i>		
11.		<i>(bb) facilitating, in the fields covered by this Regulation, the movement of aviation goods, services and personnel worldwide by establishing appropriate cooperation with third countries and their aviation authorities.</i>		EP amendment - acceptable, including amendment 44 in point (f). <u>Proposed Presidency compromise:</u> (bb) facilitating, in the fields covered by this Regulation, the movement of goods, services and personnel worldwide by establishing appropriate cooperation with third countries and their aviation authorities, and promoting the mutual acceptance of certificates and other relevant documents.
12.		<i>Amendment 43 Article 1 - paragraph 2 - point c</i>		
13.	(c) promoting cost-efficiency and effectiveness in the regulatory and certification processes as well as an optimal use of resources at national and Union level;	(c) promoting cost-efficiency, <i>inter alia</i> by avoiding duplication, and promoting effectiveness in the regulatory, certification and oversight processes as well as an optimal use of resources at national and Union level;	(c) promoting cost-efficiency and effectiveness in the regulatory, certification and oversight processes as well as an [...] efficient use of related resources at national and Union level;	EP amendment - acceptable, with an addition from CGA text. <u>Proposed Presidency compromise:</u> (c) promoting cost-efficiency, inter alia by avoiding duplication, and promoting effectiveness in the regulatory, certification and oversight processes as well as

	Commission proposal, COM(2015) 613 final	European Parliament 1st reading amendments, PE	Council General Approach, ST 15155/16	Presidency proposal/remarks
				an efficient use of related resources at national and Union level;
14.	(d) contributing, in the fields covered by this Regulation, to establishing and maintaining a high uniform level of civil aviation security;		d) contributing, in the fields covered by this Regulation, to establishing and maintaining a high uniform level of civil aviation security;	COM text.
15.	(e) assisting Member States in fulfilling their obligations under the Chicago Convention, by ensuring a common interpretation and uniform implementation of its provisions;		(e) assisting Member States, <i>in the fields covered by this Regulation, in exercising their rights and</i> fulfilling their obligations under the Chicago Convention, by ensuring a common interpretation and <i>timely[...]</i> implementation of its provisions, <i>including international standards and recommended practices, as appropriate;</i>	<u>Proposed Presidency compromise:</u> (e) assisting Member States, in the fields covered by this Regulation, in exercising their rights and fulfilling their obligations under the Chicago Convention, by ensuring a common interpretation and timely implementation of its provisions, including international standards and recommended practices, as appropriate;
16.		<i>Amendment 44 Article 1 - paragraph 2 - point f</i>		
17.	(f) promoting, worldwide, the views of the Union regarding civil aviation standards and civil aviation rules by establishing appropriate cooperation with third countries and international organisations;	(f) promoting, worldwide, the views of the Union regarding civil aviation standards and civil aviation rules by establishing appropriate cooperation with third countries and international organisations, <i>with the aim of promoting safety, a level playing field and the mutual acceptance of certificates concerning</i>	f) promoting, worldwide, the views of the Union regarding civil aviation standards and civil aviation rules by establishing appropriate cooperation with third countries and international organisations;	COM text.

	Commission proposal, COM(2015) 613 final	European Parliament 1st reading amendments, PE	Council General Approach, ST 15155/16	Presidency proposal/remarks
		<i>aviation goods, services and personnel;</i>		
18.		Amendment 45 Article 1 - paragraph 2 - point g		
19.	(g) promoting research and innovation, amongst others in regulatory and certification processes;	(g) promoting research and innovation, <i>inter alia</i> in regulatory, certification and oversight processes;	g) promoting research and innovation, amongst others in regulatory, certification and oversight processes;	EP amendment – acceptable.
20.		Amendment 46 Article 1 - paragraph 2 - point h		
21.	(h) promoting, in the fields covered by this Regulation, technical and operational interoperability.	(h) promoting, in the fields covered by this Regulation, administrative , technical and operational interoperability.	h) promoting, in the fields covered by this Regulation, technical and operational interoperability.	Proposed Presidency compromise: h) promoting, in the fields covered by this Regulation, technical and operational interoperability and the sharing of administrative best practices.
		Amendment 47 Article 1 - paragraph 2 - point ha (new)		
22.		(ha) supporting passenger confidence in the safety, security and efficiency of civil aviation.		EP amendment not acceptable Fall back position: proposed Presidency compromise to be included in a recital: (ha) supporting passenger confidence in civil aviation.
23.	3. The objectives set out in paragraphs 1 and 2 shall be achieved by, inter alia: (a) the preparation, adoption and uniform application of all necessary acts;		3. The objectives set out in paragraphs 1 and 2 shall be achieved by, inter alia: a) the preparation, adoption and uniform application of all necessary acts;	COM text.

	Commission proposal, COM(2015) 613 final	European Parliament 1st reading amendments, PE	Council General Approach, ST 15155/16	Presidency proposal/remarks
24.		<i>Amendment 48</i> <i>Article 1 - paragraph 3 - point b</i>		
25.	(b) ensuring that the declarations and certificates issued in accordance with this Regulation and <i>its</i> delegated and implementing acts are valid throughout the Union, without any additional requirements;	(b) ensuring that the declarations, <i>licences</i> and certificates issued in accordance with this Regulation and <i>the</i> delegated and implementing acts <i>adopted on the basis thereof</i> are valid, <i>recognised and applied</i> throughout the Union, without any additional requirements;	b) ensuring that the declarations and certificates issued in accordance with this Regulation and its [...] implementing acts are valid throughout the Union, without any additional requirements;	<u>Proposed Presidency compromise:</u> (b) ensuring that the declarations and certificates issued in accordance with this Regulation and the delegated and implementing acts adopted on the basis thereof are valid and recognised throughout the Union, without any additional requirements;
26.	(c) the development, with the involvement of standardisation and other industry bodies, of detailed technical standards to be used as means of compliance with this Regulation and the delegated and implementing acts adopted on the basis thereof, where appropriate;		c) the development, with the involvement of standardisation and other industry bodies, of detailed technical standards to be used as means of compliance with this Regulation and the [...] implementing acts adopted on the basis thereof, where appropriate;	COM text.
27.		<i>Amendment 49</i> <i>Article 1 - paragraph 3 - point d</i>		
28.	(d) the establishment of an independent European Union Aviation Safety Agency (the 'Agency');	(d) the establishment of an independent European Union Aviation Agency (the 'Agency');	d) the establishment of an independent European Union Aviation Safety Agency (the 'Agency');	EP amendment - not acceptable.
29.	(e) the uniform implementation of all necessary acts by the national competent authorities and the Agency within their respective areas of responsibility;		e) the uniform implementation of all necessary acts by the national competent authorities and the Agency within their respective areas of responsibility;	COM text.

	Commission proposal, COM(2015) 613 final	European Parliament 1st reading amendments, PE	Council General Approach, ST 15155/16	Presidency proposal/remarks
30.	(f) the gathering, analysis and exchange of information to inform evidence-based decision making;		f) the gathering, analysis and exchange of information to support [/...]/evidence-based decision making;	Propose CGA.
31.		Amendment 50 Article 1 - paragraph 3 - point g		
32.	(g) the undertaking of awareness and promotion initiatives, including training, communication and dissemination of relevant safety information.	(g) the undertaking of awareness and promotion initiatives, including training, communication and dissemination of relevant safety and, where interdependencies with aviation security exist, relevant security information.	g) the undertaking of awareness and promotion initiatives, including training, communication and dissemination of relevant safety information.	<u>Proposed Presidency compromise:</u> (g) the undertaking of awareness and promotion initiatives, including training, communication and dissemination of relevant safety information.
33.		Amendment 51 Article 2 - paragraph 1 - point a		
34.	<i>Article 2</i> <i>Scope</i>	<i>Article 2</i> <i>Scope</i>	<i>Article 2</i> <i>Scope</i>	
35.	1. This Regulation shall apply to: (a) the design and production of aircraft by a natural or legal person under the oversight of the Agency or a Member State;	(a) the design and production of aircraft, of products and parts by:	1. This Regulation shall apply to: a) the design and production of products and parts [/.../] by a natural or legal person under the oversight of the Agency or a Member State;	<u>Proposed Presidency compromise:</u> 1. This Regulation shall apply to: a) the design and production of products and parts by a natural or legal person under the oversight of the Agency or a Member State, to the extent not covered by point (b);
36.		Amendment 52 Article 2 - paragraph 1 - point a - point i (new)		
37.		(i) a natural or legal person under the oversight of the Agency or a Member State;		AM is part of point (b)

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38.		Amendment 53 <i>Article 2 - paragraph 1 - point a - point ii (new)</i>		
39.		<i>(ii) a third country natural or legal person, intended to be registered or operated, and respectively used, in the territory to which the Treaties apply;</i>		<i>AM is part of point (b)</i>
40.		Amendment 54 <i>Article 2 - paragraph 1 - point b - introductory part</i>		
41.	(b) the design, production, maintenance and operation of aircraft, as well as associated products, parts and non- installed equipment, where the aircraft is:	(b) the maintenance and operation of aircraft, as well as associated products, parts and non-installed equipment, where the aircraft is:	b) the design, production, maintenance and operation of aircraft, as well as associated products, parts and non- installed equipment, where the aircraft is:	COM text
42.		Amendment 55 <i>Article 2 - paragraph 1 - point b - point i</i>		
43.	(i) registered in a Member State, unless and to the extent that the Member State has transferred its responsibilities pursuant to the Chicago Convention to a third country and the aircraft is operated by a third country operator;	(i) registered or intended to be registered in a Member State, unless and to the extent that the Member State has transferred its responsibilities pursuant to the Chicago Convention to a third country and the aircraft is operated by a third country operator;	i) registered in a Member State, unless and to the extent that the Member State has transferred its responsibilities pursuant to the Chicago Convention to a third country and the aircraft is operated by a third country operator;	COM text <i>EP will consider withdrawing this amendment.</i>
44.		Amendment 56 <i>Article 2 - paragraph 1 - point b - point ii</i>		
45.	(ii) registered in a third country and	(ii) registered in a third country and	ii) registered in a third country and	

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	operated by an operator established, residing or with a principal place of business in the territory to which the Treaties apply;	operated <i>or intended to be operated</i> by an operator established, residing or with a principal place of business in the territory to which the Treaties apply;	operated by an operator established, residing or with a principal place of business in the territory to which the Treaties apply;	COM text <i>EP will consider withdrawing this amendment.</i>
46.		Amendment 57 Article 2 - paragraph 1 - point c		
47.	(c) the operation of aircraft into, within, or out of the Single European Sky airspace by a third country operator;	(c) the operation of aircraft into, within, or out of the airspace to which the Treaties apply by a third country operator;	c) the operation of aircraft into, within, or out of the territory to which the Treaties apply [...] by a third country operator;	Propose CGA. <i>EP will consider CGA, probably acceptable.</i>
48.		Amendment 58 Article 2 - paragraph 1 - point d		
49.	(d) the design, production, maintenance and operation of aerodrome equipment used or intended for use at the aerodromes referred to in point (e) and the provision of ground handling services and apron management services at those aerodromes;	(d) the design, production, maintenance and operation of safety-critical aerodrome equipment used or intended for use at the aerodromes referred to in point (e) and the provision of ground handling services and apron management services at those aerodromes;	d) the design, production, maintenance and operation of safety-related aerodrome equipment used or intended for use at the aerodromes referred to in point (e) and the provision of ground handling services and apron management services at those aerodromes;	Propose CGA. <i>EP will consider CGA, probably acceptable.</i>
50.		Amendment 59 Article 2 - paragraph 1 - point e - introductory part		
51.	(e) the design, maintenance and operation of aerodromes located in the territory to which the Treaties apply, which are:	(e) the design, maintenance and operation of aerodromes including their safety-related equipment located in the territory to which the Treaties apply, which:	e) the design, maintenance and operation of aerodromes located in the territory to which the Treaties apply, which:	EP amendment - acceptable.
52.		Amendment 60		

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		<i>Article 2 - paragraph 1 - point e - point i</i>		
53.	(i) open to public use;	(i) <i>are</i> open to public use;	i) <i>are</i> open to public use;	EP amendment - acceptable.
54.	(ii) serve commercial air transport;		ii) serve commercial air transport;	COM text.
55.		<i>Amendment 61 Article 2 - paragraph 1 - point e - point iii</i>		
56.	(iii) serve operations using instrument approach or departure procedures; and	<i>deleted</i>	iii) [...]; and	EP's deletion acceptable. Keep CGA (+ 'and')
57.		<i>Amendment 62 Article 2 - paragraph 1 - point e - point iv</i>		
58.	have a paved runway of 800 metres or more, <i>or exclusively serve helicopters</i> ;	iv) have a paved, <i>instrument</i> runway of 800 metres or more;	iv) have a paved <i>instrument</i> runway of 800 metres or more, or exclusively serve helicopters;	<i>Proposal to address the MS comments on instrument heliports. ICAO annex 14 vol. 2 uses the term 'instrument heliport' without however defining it. It is therefore proposed to use the language from the current regulation 216/2008 to address this issue:</i> iv) have a paved instrument runway of 800 metres or more, or exclusively serve helicopters using instrument approach or departure procedures ; <i>EP will consider compromise, probably acceptable.</i>
59.	(f) without prejudice to Union and national legislation on environment and land-use		f) without prejudice to Union and national legislation on environment and land-use	COM text.

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	planning, the safeguarding of surroundings of the aerodromes referred to in point (e);		planning, the safeguarding of surroundings of the aerodromes referred to in point (e);	
60.		Amendment 63 Article 2 - paragraph 1 - point g		
61.	(g) the provision of air traffic management and air navigation services ('ATM/ANS') in the Single European Sky airspace, and the design, production, maintenance and operation of systems and constituents used in the provision of those ATM/ANS;	(g) the provision of air traffic management and air navigation services ('ATM/ANS') in the Single European Sky airspace, and the design, production, maintenance and operation of systems and constituents, upon which safety or interoperability is dependent , used in the provision of those ATM/ANS;	g) the provision of [...] 'ATM/ANS' in the Single European Sky airspace, and the design, production, maintenance and operation of systems and constituents used in the provision of those ATM/ANS;	Propose CGA. <i>EP will consider CGA, probably acceptable.</i>
62.		Amendment 64 Article 2 - paragraph 1 - point h		
63.	(h) the design, production, maintenance and operation of unmanned aircraft, their engines, propellers, parts and non-installed equipment, as well as the equipment to control unmanned aircraft remotely, where such aircraft are operated within the Single European Sky airspace by an operator established or residing within the territory to which the Treaties apply .	(h) the maintenance and operation of unmanned aircraft, their engines, propellers, parts and non-installed equipment, as well as the equipment to control unmanned aircraft remotely, where such aircraft are operated within the Single European Sky airspace	h) the design, production, maintenance and operation of unmanned aircraft, their engines, propellers, parts and non-installed equipment, as well as the equipment to control unmanned aircraft remotely, where such aircraft are operated within the [...] territory to which the Treaties apply by an operator established, residing or with the principal place of business within that territory[...].	<u>Proposed Presidency compromise:</u> h) to the extent not covered by points (a) to (c), the design, production, maintenance and operation of unmanned aircraft, their engines, propellers, parts and non-installed equipment, as well as the equipment to control unmanned aircraft remotely, where such aircraft are operated within the territory to which the Treaties apply by an operator established, residing or with the principal place of business within that territory.
64.	2. This Regulation shall also apply to the personnel and		2. This Regulation shall also apply to the personnel and	COM text

	Commission proposal, COM(2015) 613 final	European Parliament 1st reading amendments, PE	Council General Approach, ST 15155/16	Presidency proposal/remarks
	organisations involved in the activities referred to in paragraph 1.		organisations involved in the activities referred to in paragraph 1.	
65.		Amendment 65 Article 2 - paragraph 3 - point a		
66.	3. This Regulation shall not apply to: (a) state aircraft , and their products , parts and non-installed equipment, and the personnel and organisations involved in the activities and services performed by state aircraft;;	(a) aircraft and their engines, propellers , parts and non-installed equipment, a military, customs, police, search and rescue, fire fighting, coastguard or similar activities or services under the control and responsibility of a Member State, undertaken in the public interest by a body invested with public authority powers , and the personnel and organisations involved in the activities and services performed by such aircraft;	3. This Regulation shall not apply to: a) [...] aircraft, and their [...] engines, propellers , parts and non-installed equipment, while carrying out military, customs, police, search and rescue, fire fighting, border control, coastguard or similar activities or services under the control and responsibility of a Member State, undertaken in the public interest by or on behalf of a body vested with public authority powers , and the personnel and organisations involved in the activities and services performed by [...] those aircraft;	Propose CGA.
67.	(b) aerodromes or parts thereof, as well as equipment, personnel and organisations, that are controlled and operated by the military;		b) aerodromes or parts thereof, as well as equipment, personnel and organisations, that are controlled and operated by the military;	COM text.
68.		Amendment 66 Article 2 - paragraph 3 - point c		
69.	(c) ATM/ANS, including systems and constituents, personnel and	(c) ATM/ANS (including systems and constituents upon which	c) ATM/ANS, including systems and constituents, personnel and	Propose CGA.

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	organisations, that are provided or made available by the military;	<i>safety or interoperability depends</i> , personnel and organisations) that are provided or made available by the military;	organisations, that are provided or made available by the military;	<i>EP will consider CGA, probably acceptable.</i>
70.		Amendment 67 Article 2 - paragraph 3 - point d		
71.	<p>(d) the design, production, maintenance and operation of aircraft the operation of which involves low risk for aviation safety, as listed in Annex I, and to the personnel and organisations involved therein.</p> <p>As regards point (a), Member States shall ensure that activities and services performed by the state aircraft referred to in that point are carried out having due regard to the objectives of this Regulation. Member States shall also ensure that, where appropriate, state aircraft are separated from other aircraft.</p> <p>As regards point (d), the Commission shall be</p>	<p>(d) the design, production, maintenance and operation of the aircraft listed in Annex I, the operation of which involves low risk for aviation safety, and for the personnel and organisations involved therein.</p>	<p>d) the design, production, maintenance and operation of aircraft the operation of which involves low risk for aviation safety, as listed in Annex I, and to the personnel and organisations involved therein unless the aircraft has been issued, or deemed to have been issued, with a certificate in accordance with Regulation (EC) No 216/2008.</p> <p>As regards point (a), Member States shall ensure that activities and services performed by the [...] aircraft referred to in that point are carried out having due regard, as far as practicable, to the safety objectives of this Regulation. Member States shall also ensure that, where appropriate, those aircraft are safely separated from other aircraft.</p> <p>[...]</p>	<p><i>Related to the DA/IA issue.</i></p> <p><i>Propose CGA (first and second sentence)</i></p>

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	empowered to adopt delegated acts in accordance with Article 117 in order to adjust, where this is necessary to in light of technical or operational developments, in particular the introduction of new manufacturing techniques or new technologies, and in as far as this is justified in light of the low risk for aviation safety involved in the operation of the aircraft concerned, the following criteria set out in Annex I:			
72.	(i) the dates referred to in point (a)(i) of that Annex;		<i>[...]</i>	<i>Related to the DA/IA issue.</i>
73.		<i>Amendment 69</i> <i>Article 2 - paragraph 3 - subparagraph 3 - point ii</i>		
74.	(ii) the weight, speed, and hot air volume limits referred to in points (e), (f), (g), (h), (i) and (j) of that Annex.	(ii) the weight, speed, and hot air volume limits referred to in points (e), (f), (g), (h), (i) and (j) of that Annex; <i>and</i>	<i>[...]</i>	<i>Related to the DA/IA issue.</i>
75.		<i>Amendment 70</i> <i>Article 2 - paragraph 3 - point d - subparagraph 3 - point ii a (new)</i>		
76.		<i>(iia) the criteria set out in points (b) and (c) of that Annex.</i>		<i>Related to the DA/IA issue.</i>
77.		<i>Amendment 68</i> <i>Article 2 - paragraph 3 - subparagraph 2a (new)</i>		
78.		<i>As regards point (d), Member States</i>		EP amendment - not acceptable.

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		<i>shall recognise without further requirements or evaluations national certificates issued to these aircraft and their pilots when these aircraft and pilots are involved in cross border flights for the purpose of maintenance, repair, tests, modifications or participation in aerial sports and displays, for a maximum period of 60 days during a calendar year.</i>		
79.		Amendment 71 Article 2 - paragraph 4 - introductory part		
80.	4. An organisation responsible for the design of an aircraft type may request the Commission to decide that the provisions of Section I of Chapter III apply to the design, production and maintenance of that aircraft type and to the personnel and organisations involved in those activities, where:	4. An organisation responsible for the design of an aircraft type may request the Agency to decide that the provisions of Section I of Chapter III apply to the design, production and maintenance of that aircraft type and to the personnel and organisations involved in those activities, where:	4. An organisation responsible for the design of an aircraft type may request the Commission to decide that the provisions of Section I of Chapter III apply to the design, production and maintenance of that aircraft type and to the personnel and organisations involved in those activities, where:	Propose CGA.
81.	(a) the aircraft type concerned falls within the scope of points (e), (f), (g), (h) (i), or (j) of Annex I;		a) the aircraft type concerned falls within the scope of points (e), (f), [...] (h), (i), or (j) of point 1 of Annex I ;	<i>Depends on discussion on Annex 1.</i>
82.	(b) that aircraft type is intended for serial production; and		b) that aircraft type is intended for serial production; and	COM text.
83.		Amendment 72 Article 2 - paragraph 4 - subparagraph 1 - point c		

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84.	(c) the design of that aircraft type has not been approved in accordance with the national laws of a Member State.	(c) prior approval of the design of that aircraft type has not been obtained in accordance with the national laws of a Member State.	c) the design of that aircraft type has not been approved in accordance with the national laws of a Member State.	<u>Proposed Presidency compromise:</u> c) the design of that aircraft type has not been previously approved in accordance with the national laws of a Member State. <i>EP will consider compromise, probably acceptable.</i>
85.		<i>Amendment 73</i> <i>Article 2 - paragraph 4 - subparagraph 2</i>		
86.	The Commission shall decide on the basis of that request, after having consulted the Agency and the Member State where the organisation concerned has its principal place of business, whether the criteria of the first subparagraph have been fulfilled. <i>That decision shall be adopted by means of an implementing act which shall be adopted in accordance with the advisory procedure referred to in Article 116(2) and shall be published in the Official Journal of the European Union.</i> The Agency shall also include that decision in the repository referred to in Article 63.	The Agency shall decide on the basis of that request, after having consulted the Member State where the organisation concerned has its principal place of business, whether the criteria of the first subparagraph have been fulfilled. The Agency shall include that decision in the repository referred to in Article 63.	The Commission shall decide on the basis of that request, after having consulted the Agency and the Member State where the organisation concerned has its principal place of business, whether the criteria of the first subparagraph have been fulfilled. That decision shall be adopted by means of an implementing act which shall be adopted in accordance with the <i>[...]</i> procedure referred to in Article 116(2) and shall be published in the Official Journal of the European Union. The Agency shall also include that decision in the repository referred to in Article 63.	<u>Proposed Presidency compromise:</u> The Commission shall decide on the basis of that request, after having consulted the Agency and the Member State where the organisation concerned has its principal place of business, whether the criteria of the first subparagraph have been fulfilled. That decision shall be adopted by means of an implementing act which shall be adopted in accordance with the <i>[...]</i> procedure referred to in Article 116(2) and shall be published in the Official Journal of the European Union. The Agency shall also include that decision in the repository referred to in Article 63.

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87.		Amendment 74 Article 2 - paragraph 4 - subparagraph 3		
88.	From the date specified in that implementing decision, the design, production and maintenance of the aircraft type concerned and the personnel and organisations involved in those activities shall be solely regulated by the provisions of Section I of Chapter III and of the delegated and implementing acts adopted on the basis of those provisions . In that case, the provisions of Chapter IV and Chapter V relating to the application of the provisions of Section I of Chapter III shall also apply with respect to the aircraft type concerned.	From the date specified in that decision, the design, production and maintenance of the aircraft type concerned and the personnel and organisations involved in those activities shall be solely regulated by Section I of Chapter III and of the delegated and implementing acts adopted on the basis thereof . In that case, the provisions of Chapter IV and Chapter V relating to the application of Section I of Chapter III shall also apply with respect to the aircraft type concerned.	From the date specified in that implementing decision, the design, production and maintenance of the aircraft type concerned and the personnel and organisations involved in those activities shall be solely regulated by the provisions of Section I of Chapter III and of the [...] implementing acts adopted on the basis of those provisions. In that case, the provisions of Section IX of Chapter III , Chapter IV and Chapter V relating to the application of the provisions of Section I of Chapter III shall also apply with respect to the aircraft type concerned.	<i>Related to the DA/IA issue.</i>
89.		Amendment 75 Article 2 - paragraph 5		
90.	5. Without prejudice to Article 8 of Regulation (EU) No XXX/XXXX on the implementation of the Single European Sky (recast), Member States shall ensure that the military facilities referred to in paragraph 3(b) of this Article that are open to general air	5. Without prejudice to Article 8 of Regulation (EU) No XXX/XXXX on the implementation of the Single European Sky (recast), Member States shall ensure that the military facilities referred to in paragraph 3(b) of this Article that are open to general air traffic and	5. Without prejudice to Article 7(5) of Regulation (EU) No 550/2004on the [...] provision of air navigation services in the Single European Sky [...], Member States shall, as far as practicable , ensure that the military facilities referred to in paragraph 3(b) of this Article	<u>Propose Presidency compromise:</u> 5. Without prejudice to Article 7(5) of Regulation (EU) No 550/2004on the [...] provision of air navigation services in the Single European Sky [...], Member States shall, as far as practicable, ensure that the military facilities referred to in paragraph 3(b) of this Article

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	traffic and the ATM/ANS referred to in paragraph 3(c) of this Article that are provided or made available by the military to general air traffic offer a level of safety that is equivalent to that resulting from the application of the essential requirements set out in Annexes VII and VIII of this Regulation.	the ATM/ANS referred to in paragraph 3(c) of this Article that are provided or made available by the military to general air traffic offer a level of safety and interoperability with civilian systems that is equivalent to that resulting from the application of the essential requirements set out in Annexes VII and VIII of this Regulation.	that are open to <i>[...]</i> public use and the ATM/ANS referred to in paragraph 3(c) of this Article that are provided or made available by the military to [...] the public offer a level of safety that is equivalent to that resulting from the application of the essential requirements set out in Annexes VII and VIII of this Regulation.	that are open to public use and the ATM/ANS referred to in paragraph 3(c) of this Article that are provided or made available by the military to the public offer a level of safety and interoperability with civil systems that is equivalent to that resulting from the application of the essential requirements set out in Annexes VII and VIII of this Regulation.
91.		Amendment 76 Article 2 - paragraph 6 - subparagraph 2 - introductory part		
92.	6. Member States may decide to apply the provisions of any of the Sections I, II, III, V, VI or VII of Chapter III to some or all activities referred to in paragraph 3(a) and 3(c) of this Article and to the personnel and organisations involved in those activities.		6. Member States may decide to apply the provisions of any of the Sections I, II, III, <i>[...]</i> or VII of Chapter III to some or all activities referred to in paragraph 3(a) <i>[...]</i> of this Article and to the personnel and organisations involved in those activities.	Propose CGA. <i>EP will consider CGA, probably acceptable.</i>
93.	In that case, the Member State concerned shall notify the Commission and the Agency of its intention. That notification shall contain all relevant information, and in particular:	In that case, the Member State concerned shall notify the Agency of its intention. That notification shall contain all relevant information, and in particular:	In that case, the Member State concerned shall notify the Commission and the Agency of its intention. That notification shall contain all relevant information, and in particular:	Propose CGA. <i>EP will consider CGA, probably acceptable.</i>
94.	(a) the Section or Sections which it intends to apply; (b) the activities, personnel and organisations concerned;		a) the Section or Sections which it intends to apply; b) the activities, personnel and organisations concerned;	COM text.

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	(c) the reasons for the intended decision; and (d) the date as of which the intended decision shall be applicable.		c) the reasons for the intended decision; and d) the date as of which the intended decision shall be applicable.	
95.		Amendment 77 Article 2 - paragraph 6 - subparagraph 3		
96.	The Commission shall decide, <i>after having consulted the Agency</i> , whether, in light of the characteristics of the activities, personnel and organisations in question and the purpose and content of the provisions of the Section or Sections notified to it, the provisions in question can be effectively applied and, where appropriate, under what conditions. <i>The Commission decision, taken by means of an implementing act, shall be adopted in accordance with the advisory procedure referred to in Article 116(2) and shall be published in the Official Journal of the European Union.</i> The Agency shall include that decision in the repository referred to in Article 63.	The Agency shall decide whether, in light of the characteristics of the activities, personnel and organisations in question and the purpose and content of the provisions of the Section or Sections notified to it, the provisions in question can be effectively applied and, where appropriate, under what conditions. The Agency shall include that decision in the repository referred to in Article 63.	The Commission shall decide, after having consulted the Agency, whether, in light of the characteristics of the activities, personnel and organisations in question and the purpose and content of the provisions of the Section or Sections notified to it, the provisions in question can be effectively applied and, where appropriate, under what conditions. The Commission decision, taken by means of an implementing act, shall be adopted in accordance with the [...] procedure referred to in Article 116(2) and shall be published in the Official Journal of the European Union. The Agency shall include that decision in the repository referred to in Article 63.	Propose CGA.

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97.		<i>Amendment 78</i> <i>Article 2 - paragraph 6 -</i> <i>subparagraph 4</i>		
98.	The Member State concerned shall apply the provisions of the Section or Sections notified to the Commission only after a positive Commission decision and, where relevant, after having ensured that the conditions attached to that decision have been fulfilled. In that case, from the date specified in the Member State's decision, the activities, personnel and organisations concerned shall solely be regulated by those provisions and by the provisions of the delegated and implementing acts adopted on the basis thereof . In that case, the provisions of Chapter IV and Chapter V relating to the application of the provisions of the Section or the Sections notified with respect to the activities, personnel and organisations concerned shall also apply.	The Member State concerned shall apply the provisions of the Section or Sections notified to the Agency only after a positive Agency decision and, where relevant, after having ensured that the conditions attached to that decision have been fulfilled. In that case, from the date specified in the Member State's decision, the activities, personnel and organisations concerned shall solely be regulated by those provisions and by the delegated and implementing acts adopted on the basis thereof. In that case, the provisions of Chapter IV and Chapter V relating to the application of the provisions of the Section or the Sections notified with respect to the activities, personnel and organisations concerned shall also apply.	The Member State concerned shall apply the provisions of the Section or Sections notified to the Commission only after a positive Commission decision and, where relevant, after having ensured that the conditions attached to that decision have been fulfilled. In that case, from the date specified in the Member State's decision, the activities, personnel and organisations concerned shall solely be regulated by those provisions and by the provisions of the [...] implementing acts adopted on the basis thereof. In that case, the provisions of Section IX of Chapter III , Chapter IV and Chapter V relating to the application of the provisions of the Section or the Sections notified with respect to the activities, personnel and organisations concerned shall also apply.	Propose CGA.

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99.		Amendment 79 <i>Article 2 - paragraph 6 - subparagraph 5</i>		
100.	The Commission , the Agency and the competent authorities of the Member State concerned shall cooperate for the purpose of the application of this paragraph.	The Agency and the competent authorities of the Member State concerned shall cooperate for the purpose of the application of this paragraph.	The Commission, the Agency and the competent authorities of the Member State concerned shall cooperate for the purpose of the application of this paragraph.	Propose COM text.
101.		Amendment 80 <i>Article 2 - paragraph 6 - subparagraph 6</i>		
102.	Member States may decide to revoke their decisions adopted pursuant to this paragraph. In that case the Member State concerned shall notify the Commission and the Agency . That notification shall be published in the Official Journal of the European Union, and the Agency shall include it in the repository referred to in Article 63. An appropriate transition period shall be provided for by the Member State concerned.	Member States may decide to revoke their decisions adopted pursuant to this paragraph. In that case the Member State concerned shall notify the Agency. The Agency shall include that decision in the repository referred to in Article 63. An appropriate transition period shall be provided for by the Member State concerned.	Member States may decide to revoke their decisions adopted pursuant to this paragraph. In that case the Member State concerned shall notify the Commission and the Agency. That notification shall be published in the Official Journal of the European Union, and the Agency shall include it in the repository referred to in Article 63. An appropriate transition period shall be provided for by the Member State concerned.	Propose COM text.
103.	7. Member States may decide to exempt from the provisions of this Regulation the design, maintenance and operation of an aerodrome, and the equipment used at that		7. Member States may decide to exempt from the provisions of this Regulation the design, maintenance and operation of an aerodrome, and the equipment used at that	<u>Proposed Presidency compromise:</u> 7. Member States may decide to exempt from the provisions of this Regulation the design, maintenance and operation of an aerodrome, and the safety-related equipment used

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	aerodrome, where that aerodrome handles no more than 10 000 passengers per year and no more than 850 movements related to cargo operations per year, and provided that such exemption does not endanger compliance with the essential requirements referred to in Article 29.		aerodrome, where that aerodrome handles no more than 10 000 commercial passengers per year and no more than 850 movements related to cargo operations per year, and provided that Member States concerned ensure that such exemption does not endanger compliance with the essential requirements referred to in Article 29.	at that aerodrome, where that aerodrome handles no more than 10 000 commercial air transport passengers per year and no more than 850 movements related to cargo operations per year, and provided that Member States concerned ensure that such exemption does not endanger compliance with the essential requirements referred to in Article 29.
104.		Amendment 81 Article 2 - paragraph 7 - subparagraph 2		
105.	In such a case, the Member State concerned shall notify, through a reasoned submission, the Commission and the Agency of its intention to take such a decision. That submission shall contain all relevant information relating to the intended decision.	In such a case, the Member State concerned shall notify, through a reasoned submission, the Agency of its intention to take such a decision. That submission shall contain all relevant information relating to the intended decision	In such a case, the Member State concerned shall [...] inform the Commission and the Agency of its [...]decision and the reasons thereof. [...]	Propose CGA.
106.		Amendment 82 Article 2 - paragraph 7 - subparagraph 3		
107.	The Commission shall decide, after having consulted the Agency , whether the conditions of the first subparagraph have been fulfilled. The Commission decision, taken by means of an	The Agency shall decide whether the conditions of the first subparagraph have been fulfilled. The Agency shall include that decision in the repository referred to in Article 63.	[...]	Propose CGA.

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	<i>implementing act, shall be adopted in accordance with the advisory procedure referred to in Article 116(2) and shall be published in the Official Journal of the European Union.</i> The Agency shall include that decision in the repository referred to in Article 63.		The Agency shall include that decision in the repository referred to in Article 63.	
108.		Amendment 83 Article 2 - paragraph 7 - subparagraph 4		
109.	The Member State concerned shall only adopt the intended decision after a positive Commission decision. In that case, from the date specified in the Member State's decision, the design, maintenance and operation of the aerodrome concerned, and its equipment, shall no longer be regulated by the provisions of this Regulation and of the delegated and implementing acts adopted on the basis thereof.	The Member State concerned shall only adopt the intended decision after a positive Agency decision. In that case, from the date specified in the Member State's decision, the design, maintenance and operation of the aerodrome concerned, and its equipment, shall no longer be regulated by the provisions of this Regulation and of the delegated and implementing acts adopted on the basis thereof.	<i>[...]</i> In that case, from the date specified in the Member State's decision, the design, maintenance and operation of the aerodrome concerned, its safety-related equipment, and groundhandling services and apron management service at that aerodrome shall no longer be regulated by the provisions of this Regulation and of the <i>[...]</i> implementing acts adopted on the basis thereof. <i>If such exemption by a Member State does not comply with the conditions specified in the first subparagraph, the Commission shall take the decision not to permit the exemption. The Commission</i>	<i>Related to the DA/IA issue.</i>

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			<i>decision, taken by means of an implementing act, shall be adopted in accordance with the procedure referred to in Article 116 paragraph 2. The decision of the Commission shall be published in the Official Journal of the European Union and the Agency shall include it in the repository referred to in Article 63. In such a case, the Member State concerned shall revoke the exemption.</i>	
110.		Amendment 84 Article 2 - paragraph 7 - subparagraph 5		
111.	Member States shall, on an annual basis, examine the traffic figures of the aerodromes that they have exempted pursuant to this paragraph. Where that examination demonstrates that, over three consecutive years, one of those aerodromes handles more than 10 000 passengers per year and more than 850 movements related to cargo operations per year, the Member State concerned shall revoke the exemption of that aerodrome. In that case, it shall	Member States shall, on an annual basis, examine the traffic figures of the aerodromes that they have exempted pursuant to this paragraph. Where that examination demonstrates that, over three consecutive years, one of those aerodromes handles more than 10 000 passengers per year and more than 850 movements related to cargo operations per year, the Member State concerned shall revoke the exemption of that aerodrome. In that case, it shall inform the Agency accordingly. The	Member States shall, on an annual basis, examine the traffic figures of the aerodromes that they have exempted pursuant to this paragraph. Where that examination demonstrates that, over three consecutive years, one of those aerodromes handles more than 10 000 commercial passengers per year or more than 850 movements related to cargo operations per year, the Member State concerned shall revoke the exemption of that	<u>Proposed Presidency compromise:</u> Member States shall, on an annual basis, examine the traffic figures of the aerodromes that they have exempted pursuant to this paragraph. Where that examination demonstrates that, over three consecutive years, one of those aerodromes handles more than 10 000 commercial air transport passengers per year or more than 850 movements related to cargo operations per year, the Member State concerned shall revoke the exemption of that aerodrome. In that case, it shall inform the

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	inform the <i>Commission and the Agency</i> accordingly. The decision revoking the exemption shall be published <i>in the Official Journal of the European Union and the Agency shall include it</i> in the repository referred to in Article 63.	decision revoking the exemption shall be published in the repository referred to in Article 63.	aerodrome. In that case, it shall inform the Commission and the Agency accordingly. [...]The Agency shall include <i>the decision</i> revoking the exemption in the repository referred to in Article 63.	Commission and the Agency accordingly. The Agency shall include the decision revoking the exemption in the repository referred to in Article 63.
112.	The provisions of this paragraph shall not affect the exemptions granted by Member States pursuant to Article 4(3b) of Regulation (EC) No 216/2008. The decisions providing for those exemptions shall be published in the Official Journal of the European Union and the Agency shall include them in the repository referred to in Article 63.		The provisions of this paragraph shall not affect the exemptions granted by Member States pursuant to Article 4(3b) of Regulation (EC) No 216/2008. [...]The Agency shall include <i>the decisions providing for those exemptions</i> in the repository referred to in Article 63.	Propose CGA. <i>EP will consider accepting CGA, but suggests to move this subparagraph to Final Provisions.</i>
113.	<i>Article 4 Principles for measures under this Regulation</i>		<i>Article 4 Principles for measures under this Regulation</i>	
114.	1. When taking measures under this Regulation the Member States, the Commission and the Agency shall:		1. When taking measures under this Regulation the Member States, the Commission and the Agency shall:	COM text.

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115.		Amendment 99 <i>Article 4 - paragraph 1 - point aa (new)</i>		
116.		<i>(aa) take into account the different types of aircraft and operations;</i>		<i>Presidency proposes to delete this amendment, as it is covered by AMs 104 and 105.</i> <i>EP will consider withdrawing.</i>
117.	(a) reflect the state of the art and best practices in the field of aviation, and take into account worldwide aviation experience and scientific and technical progress in the respective fields;		a) reflect the state of the art and best practices in the field of aviation, and take into account worldwide aviation experience and scientific and technical progress in the respective fields;	COM text.
118.	(b) build on the best available evidence and analysis;		b) build on the best available evidence and analysis;	COM text.
119.	(c) allow for immediate reaction to established causes of accidents, serious incidents and intentional security breaches;		c) allow for immediate reaction to established causes of accidents, serious incidents and intentional security breaches;	COM text.
120.		Amendment 100 <i>Article 4 - paragraph 1 - point d</i>		
121.	(d) take into account interdependencies between the different domains of aviation safety, and between aviation safety and other technical domains of aviation regulation;	(d) take into account interdependencies between the different domains of aviation safety, and between aviation safety, cyber security and other technical domains of aviation regulation;	d) take [...]due account of interdependencies between the different domains of aviation safety, and between aviation safety and other technical domains of aviation regulation;	EP amendment – acceptable.

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122.		<i>Amendment 101</i> <i>Article 4 - paragraph 1 - point e</i>		
123.	(e) lay down, where possible, requirements <i>in a manner</i> which <i>focuses</i> on objectives to be achieved, while allowing different means of achieving compliance with <i>these</i> objectives;	(e) lay down, where possible, requirements which <i>are performance-based and focus</i> on objectives to be achieved, while allowing different means of achieving compliance with <i>those performance-based</i> objectives.	e) lay down, where possible, requirements <i>and procedures</i> in a manner which focuses on objectives to be achieved, while allowing different means of achieving compliance with these objectives;	<u>Proposed Presidency compromise:</u> e) lay down, where possible, requirements and procedures in a manner which is performance-based and focuses on objectives to be achieved, while allowing different means of achieving compliance with those performance-based objectives. <i>EP will consider compromise, probably acceptable.</i>
124.	(f) promote cooperation and efficient use of resources between authorities at Union and Member State level;		f) promote cooperation and efficient use of resources between authorities at Union and Member State level;	COM text.
125.		<i>Amendment 102</i> <i>Article 4 - paragraph 1 - point fa (new)</i>		
126.		<i>(fa) ensure separation between service provision activities and regulatory and oversight tasks;</i>		EP amendment – not acceptable.
127.	(g) take non-binding measures, including safety promotion actions, where possible;		g) take non-binding measures, including safety promotion actions, where possible;	COM text.
128.		<i>Amendment 103</i> <i>Article 4 - paragraph 1 - point ga (new)</i>		
129.		<i>(ga) take measures to promote and improve safety standards;</i>		<i>EP will consider withdrawing.</i>

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130.	(h) take into account the international obligations in the field of civil aviation of the Union and of the Member States.		h) take into account the international <i>rights and</i> obligations in the field of civil aviation of the Union and of the Member States, <i>including those under the Chicago Convention</i> .	Propose CGA.
131.	2. The measures taken under this Regulation shall correspond and be proportionate to the nature and risk of each particular activity to which they relate. In preparing and enacting such measures, the Member States, the Commission and the Agency shall take into account, as appropriate for the activity concerned:		2. The measures taken under this Regulation shall correspond and be proportionate to the nature and risk of each particular activity to which they relate. In preparing and enacting such measures, the Member States, the Commission and the Agency shall take into account, as appropriate for the activity concerned:	COM text.
132.	(a) whether persons other than flight crew are carried on board, and in particular whether the operation is open to members of the public;		(a) whether persons other than flight crew are carried on board, and in particular whether the operation is open to members of the public;	COM text.
133.	(b) to what extent third parties or property on the ground could be endangered by the activity;		(b) to what extent third parties or property on the ground could be endangered by the activity;	COM text.
134.		Amendment 104 Article 4 - paragraph 2 - point c		
135.	(c) the complexity <i>and</i> performance of the aircraft involved;	(c) the complexity, performance <i>and specific needs</i> of the aircraft involved;	(c) the complexity and performance of the aircraft involved;	<u>Proposed Presidency compromise:</u> (c) the complexity, <i>and</i> performance <i>and operational characteristics</i> of the aircraft

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				involved; <i>EP will consider compromise, probably acceptable.</i>
136.		Amendment 105 Article 4 - paragraph 2 - point d		
137.	(d) the purpose of the flight and type of airspace used;	(d) the purpose of the flight, the type of aircraft and type of airspace used;	d) the purpose of the flight and type of airspace used;	EP AM - acceptable.
138.	(e) the type, scale, and complexity of the operation or activity, including, where relevant, the size and type of the traffic handled by the responsible organisation or person;		e) the type, scale, and complexity of the operation or activity, including, where relevant, the size and type of the traffic handled by the responsible organisation or person;	COM text.
139.	(f) the extent to which the persons affected by the risks involved in the operation are able to assess and exercise control over those risks;		f) the extent to which the persons affected by the risks involved in the operation are able to assess and exercise control over those risks;	COM text.
140.	(g) the results of past certification and oversight activities.		g) the results of past certification and oversight activities.	COM text.
141.	CHAPTER II AVIATION SAFETY MANAGEMENT		CHAPTER II AVIATION SAFETY MANAGEMENT	
142.	<i>Article 5</i> <i>European Aviation Safety</i> <i>Programme</i>		<i>Article 5</i> <i>European Aviation Safety</i> <i>Programme</i>	
143.	1. The Commission shall, after consulting the Agency, adopt, publish and update as required a document describing the functioning of the European		1. The Commission shall, after consulting the Agency and the Member States , adopt, publish and update as required a document describing the	COM text.

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	aviation safety system, containing the rules, activities and processes which are used to manage the safety of civil aviation in the Union in accordance with this Regulation (the 'European Aviation Safety Programme').		functioning of the European aviation safety system, containing the rules, activities and processes which are used to manage the safety of civil aviation in the Union in accordance with this Regulation (the 'European Aviation Safety Programme').	
144.	<p>2. The European Aviation Safety Programme shall include a description of, at least:</p> <p>(a) European aviation safety policy, objectives and resources;</p> <p>(b) European aviation safety risk management;</p> <p>(c) European aviation safety assurance;</p> <p>(d) European aviation safety promotion.</p> <p>The European Aviation Safety Programme shall also describe the process for the development, adoption, update and implementation of the European Plan for Aviation Safety referred to in Article 6, which shall closely involve the Member States and relevant stakeholders.</p>		<p>2. The European Aviation Safety Programme shall include at least[...] <i>the elements related to State safety management responsibilities as described in Annex 19 to the Chicago Convention.</i></p> <p>The European Aviation Safety Programme shall also describe the process for the development, adoption, update and implementation of the European Plan for Aviation Safety referred to in Article 6, which shall closely involve the Member States and relevant stakeholders.</p>	<p>Propose CGA.</p> <p>Fall-back position: 2. The European Aviation Safety Programme shall include at least the elements related to State safety management responsibilities as described in Annex 19 to the Chicago Convention the international standards and recommended practices.</p>

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145.		<i>Amendment 106</i> <i>Article 6 - paragraph 3</i>		
146.	<i>Article 6</i> <i>European Plan for Aviation Safety</i>		<i>Article 6</i> <i>European Plan for Aviation Safety</i>	
147.	1. The Agency shall develop, adopt, publish, and subsequently update at least on a yearly basis a European Plan for Aviation Safety. Based on the assessment of relevant safety information, the European Plan for Aviation Safety shall identify the main safety risks affecting the European aviation safety system and set out the necessary actions to mitigate those risks.		1. The Agency, <i>in close collaboration with Member States and relevant stakeholders</i> , shall develop, adopt, publish, and subsequently update at least on a yearly basis a European Plan for Aviation Safety. Based on the assessment of relevant safety information, the European Plan for Aviation Safety shall identify the main safety risks affecting the European aviation safety system and set out the necessary actions to mitigate those risks.	COM text.
148.	2. The Agency shall document in a dedicated safety risk portfolio the safety risks referred to in paragraph 1 and monitor the implementation of related mitigation actions by the parties concerned, including, where appropriate, by setting safety performance indicators.		2. The Agency, <i>in close collaboration with Member States and relevant stakeholders</i> , shall document in a dedicated safety risk portfolio the safety risks referred to in paragraph 1 and monitor the implementation of related mitigation actions by the parties concerned, including, where appropriate, by setting safety performance indicators.	COM text.

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149.	3. The European Plan for Aviation Safety shall specify, taking into account the objectives set out in Article 1, <i>an acceptable</i> level of safety performance in the Union, which the Member States, the Commission and the Agency shall jointly aim <i>at achieving</i> .	3. The European Plan for Aviation Safety shall specify, taking into account the objectives set out in Article 1, <i>the high, uniform</i> level of safety performance in the Union, which the Member States, the Commission and the Agency shall jointly aim <i>to achieve</i> .	3. The European Plan for Aviation Safety shall specify, taking into account the objectives set out in Article 1, an acceptable level of safety performance in the Union, which the Member States, the Commission and the Agency shall jointly aim at achieving.	COM text.
150.		<i>Amendment 107 – Article 7 - title</i>		
151.	<i>Article 7</i> <i>National Aviation Safety Programme</i>	<i>State Safety Programme</i>	<i>Article 7</i> <i>[...] State Safety Programme</i>	Identical text.
152.		<i>Amendment 108</i> <i>Article 7 - paragraph 1</i>		
153.	1. Each Member State shall establish a <i>national aviation</i> safety programme for the management of civil aviation safety in relation to the aviation activities under its responsibility (<i>the 'National Aviation Safety Programme'</i>). That programme shall be commensurate with the size and the complexity of those activities and shall be consistent with the European Aviation Safety Programme.	1. Each Member State shall, <i>in cooperation with relevant industry stakeholders</i> , establish <i>and maintain a State</i> safety programme for the management of civil aviation safety in relation to the aviation activities under its responsibility (' <i>State</i> Safety Programme'). That programme shall be commensurate with the size and the complexity of those activities and shall be consistent with the European Aviation Safety Programme.	1. Each Member State shall establish <i>and maintain a [...]state</i> safety programme for the management of civil aviation safety in relation to the aviation activities under its responsibility (the " <i>[...]State</i> Safety Programme'). That programme shall be commensurate with the size and the complexity of those activities and shall be consistent with the European Aviation Safety Programme.	<u>Proposed Presidency compromise:</u> 1. Each Member State shall, in <i>consultation</i> with relevant stakeholders, establish and maintain a state safety programme for the management of civil aviation safety in relation to the aviation activities under its responsibility (the ' <i>State Safety Programme</i> '). That programme shall be commensurate with the size and the complexity of those activities and shall be consistent with the European Aviation Safety Programme. <i>EP will consider compromise, probably acceptable.</i>

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154.		<i>Amendment 109</i> <i>Article 7 - paragraph 2 - introductory part</i>		
155.	2. The <i>National Aviation</i> Safety Programme shall include, at least, <i>the following components</i> :	2. The <i>State</i> Safety Programme shall include at least <i>the State Safety Programme elements described in international standards and recommended practices</i> .	2. The[...] <i>State</i> Safety Programme shall include at least[...] <i>the elements related to State safety management responsibilities as described in Annex 19 to the Chicago Convention</i> .	EP proposed compromise: 2. The State Safety Programme shall include at least the elements related to State safety management responsibilities as described in Annex 19 to the Chicago Convention the international standards and recommended practices . <i>EP will consider compromise, probably acceptable.</i>
156.		<i>Amendment 110</i> <i>Article 7 - paragraph 2 - point a</i>		
157.	<i>(a) aviation safety policy, objectives and resources;</i>	<i>deleted</i>	[...]	EP amendment and CGA are identical.
158.		<i>Amendment 111</i> <i>Article 7 - paragraph 2 - point b</i>		
159.	<i>(b) aviation safety risk management;</i>	<i>deleted</i>	[...]	EP amendment and CGA are identical.
160.		<i>Amendment 112</i> <i>Article 7 - paragraph 2 - point c</i>		
161.	<i>(c) aviation safety assurance;</i>	<i>deleted</i>	[...]	EP amendment and CGA are identical.
162.		<i>Amendment 113</i> <i>Article 7 - paragraph 2 - point d</i>		
163.	<i>(d) aviation safety promotion.</i>	<i>deleted</i>	[...]	EP amendment and CGA are identical.

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164.		Amendment 114 Article 7 - paragraph 3		
165.	3. The <i>National Aviation</i> Safety Programme shall specify, taking into account the objectives set out in Article 1 and the acceptable level of safety performance referred to in Article 6(3), an acceptable level of safety performance to be <i>achieved at national level in respect of the aviation activities under the responsibility of the Member State concerned</i> .	3. The <i>State</i> Safety Programme shall specify, taking into account the objectives set out in Article 1, the aviation activities for which the Member State concerned is responsible and which are to be performed with a view to achieving the high, uniform level of safety performance referred to in Article 6(3) .	3. The[...] <i>State</i> Safety Programme shall specify, taking into account the objectives set out in Article 1 and the acceptable level of safety performance referred to in Article 6(3), an acceptable level of safety performance to be achieved at national level in respect of the aviation activities under the responsibility of the Member State concerned.	Propose CGA.
166.	<i>Article 8</i> <i>National Plan for Aviation Safety</i>		<i>Article 8</i> [...] State Plan for Aviation Safety	Propose CGA.
167.		Amendment 115 Article 8 - paragraph 1		
168.	1. The <i>National Aviation</i> Safety Programme shall be accompanied by a National Plan for Aviation Safety. Based on the assessment of relevant safety information, each Member State shall identify in that plan the main safety risks affecting its national civil aviation safety system and set out the necessary actions to mitigate those risks.	1. The <i>State</i> Safety Programme shall include or be accompanied by a <i>State</i> Plan for Aviation Safety. Based on the assessment of relevant safety information, each Member State, in cooperation with relevant stakeholders , shall identify in that plan the main safety risks affecting its national civil aviation safety system and set out the necessary actions to mitigate those risks.	1. The[...] <i>State</i> Safety Programme shall include or be accompanied by a [...]State Plan for Aviation Safety. Based on the assessment of relevant safety information, each Member State shall identify in that plan the main safety risks affecting its national civil aviation safety system and set out the necessary actions to mitigate those risks.	<u>Proposed PCY compromise:</u> 1. The State Safety Programme shall include or be accompanied by a State Plan for Aviation Safety. Based on the assessment of relevant safety information, each Member State, in consultation with relevant stakeholders , shall identify in that plan the main safety risks affecting its national civil aviation safety system and set out the necessary actions to mitigate those risks.

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				<i>EP will consider compromise, probably acceptable.</i>
169.	2. The National Plan for Aviation Safety shall include the risks and actions identified in the European Plan for Aviation Safety that are relevant for the Member State concerned. The Member State shall inform the Agency of the risks and actions identified in the European Plan for Aviation Safety that it considers not relevant for its national aviation safety system and the reasons thereof.		2. The <i>[...]</i> State Plan for Aviation Safety shall include the risks and actions identified in the European Plan for Aviation Safety that are relevant for the Member State concerned. The Member State shall inform the Agency of the risks and actions identified in the European Plan for Aviation Safety that it considers not relevant for its national aviation safety system and the reasons thereof.	Propose CGA. <i>EP will consider CGA, probably acceptable.</i>

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170.	CHAPTER V THE EUROPEAN UNION AVIATION SAFETY AGENCY		CHAPTER V THE EUROPEAN UNION AVIATION SAFETY AGENCY	
171.	SECTION I TASKS		SECTION I TASKS	
172.	<i>Article 64</i> <i>Establishment and functions of the</i> <i>Agency</i>		<i>Article 64</i> <i>Establishment and functions of the</i> <i>Agency</i>	
173.		<i>Amendment 236</i> <i>Article 64 – paragraph 1</i>		
174.	1. A European Union Aviation Safety Agency is hereby established.	1. A European Union Aviation Agency is hereby established.	1. A European Union Aviation Safety Agency is hereby established.	EP amendment - not acceptable.
175.	2. For the purposes of ensuring the proper functioning and development of civil aviation in the Union in accordance with the objectives set out in Article 1, the Agency shall:		2. For the purposes of ensuring the proper functioning and development of civil aviation in the Union in accordance with the objectives set out in Article 1, the Agency shall:	COM text.
176.	(a) undertake any task and formulate opinions on all matters covered by this Regulation;		a) undertake any task and formulate opinions on all matters covered by this Regulation;	COM text.
177.	(b) assist the Commission by preparing measures to be taken under this Regulation. Where those measures comprise technical rules, the Commission may not change their content without prior coordination with the Agency;		b) assist the Commission by preparing measures to be taken under this Regulation. Where those measures comprise technical rules, the Commission may not change their content without prior coordination with the Agency;	COM text.
178.	(c) provide the Commission with the necessary technical,		c) provide the Commission with the necessary technical,	COM text.

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	scientific and administrative support to carry out its tasks;		scientific and administrative support to carry out its tasks;	
179.	(d) take the necessary measures within the powers conferred on it by this Regulation or other Union legislation;		d) take the necessary measures within the powers conferred on it by this Regulation or other Union legislation;	COM text.
180.	(e) conduct inspections, other monitoring activities and investigations as necessary to fulfil its tasks under this Regulation, or as requested by the Commission;		e) conduct inspections, other monitoring activities and investigations as necessary to fulfil its tasks under this Regulation, or as requested by the Commission;	COM text.
181.	(f) within its field of competence, carry out, on behalf of Member States, functions and tasks ascribed to them by applicable international conventions, in particular the Chicago Convention;		f) within its field of competence, carry out, on behalf of Member States, functions and tasks ascribed to them by applicable international conventions, in particular the Chicago Convention;	COM text
182.	(g) assist the national competent authorities in carrying out their tasks, in particular by providing a forum for exchanges of information and expertise;		g) assist the national competent authorities in carrying out their tasks, in particular by providing a forum for exchanges of information and expertise;	COM text.
183.	(h) contribute, upon request, to the establishment, measurement, reporting and analysis of performance indicators, where Union legislation establishes performance schemes relating to civil aviation;		h) contribute, upon request by the Commission , to the establishment, measurement, reporting and analysis of performance indicators, where Union legislation establishes performance schemes relating to civil aviation, for safety and other technical matters where	Propose CGA. <i>EP Rapporteur proposes to delete the new text in CGA.</i>

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			<i>the Agency has the relevant expertise;</i>	
184.		Amendment 237 Article 64 – paragraph 2 – point h a (new)		
185.		(ha) promote European Union aviation standards and rules at international level by establishing appropriate cooperation with third countries and international organisations.		<u>Proposed Presidency compromise:</u> ha) promote European Union aviation standards and rules at international level by establishing appropriate cooperation with the competent authorities of third countries and with international organisations. <i>EP will consider compromise, probably acceptable.</i>
186.		Amendment 238 Article 64 – paragraph 2 – point i		
187.	(i) cooperate with other Union institutions, bodies, offices and agencies in areas where their activities relate to technical aspects of civil aviation.	(i) cooperate with other Union institutions, bodies, offices and agencies in areas where their activities relate to technical aspects of civil aviation, in which case, the costs of such activities shall not be borne by the Agency.	i) cooperate with other Union institutions, bodies, offices and agencies in areas where their activities relate to technical aspects of civil aviation.	COM text.
188.	<i>Article 65</i> <i>Agency measures</i>		<i>Article 65</i> <i>Agency measures</i>	
189.		Amendment 239 Article 65 – paragraph 1		
190.	1. The Agency shall, upon request, assist the Commission in the preparation of proposals	1. The Agency shall, upon request, from the Commission or any legal or natural person subject	1. The Agency shall, upon request, assist the Commission in the preparation of proposals	<u>Proposed Presidency compromise:</u> 1. The Agency shall, upon request, assist the Commission in the

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	for amendments to this Regulation and of delegated and implementing acts to be adopted on the basis of this Regulation. The documents that the Agency submits to the Commission for those purposes shall take the form of opinions.	<i>to this Regulation</i> , assist the Commission in the preparation of proposals for amendments to this Regulation and of delegated and implementing acts to be adopted on the basis of this Regulation. <i>Such proposals shall, where possible, lay down requirements that focus on the objectives to be achieved, while allowing different means of achieving compliance with those objectives.</i> The documents that the Agency submits to the Commission for those purposes shall take the form of opinions.	for amendments to this Regulation and of delegated and implementing acts to be adopted on the basis of this Regulation. The documents that the Agency submits to the Commission for those purposes shall take the form of opinions.	preparation of proposals for amendments to this Regulation and of delegated and implementing acts to be adopted on the basis of this Regulation, in accordance with the principles laid out in Article 4. The documents that the Agency submits to the Commission for those purposes shall take the form of opinions. <i>EP will consider compromise, probably acceptable.</i>
191.	2. The Agency shall issue recommendations addressed to the Commission for the application of Articles 59 and 60.		2. The Agency shall issue recommendations addressed to the Commission for the application of Articles 59 and 60.	COM text.
192.	3. The Agency shall, in accordance with Article 104 and the applicable delegated and implementing acts adopted on the basis of this Regulation, issue certification specifications, acceptable means of compliance and guidance material for the application of this Regulation and the delegated and implementing acts adopted on		3. The Agency shall, in accordance with Article 104 and the applicable [...] implementing acts adopted on the basis of this Regulation, issue certification and other detailed specifications , acceptable means of compliance and guidance material for the application of this Regulation and the [...] implementing acts adopted on	Propose CGA. <i>The word 'delegated' will be reinstated instead of the square brackets.</i>

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	the basis thereof.		the basis thereof.	
193.		Amendment 240 Article 65 – paragraph 4 – subparagraph 1		
194.	4. The Agency shall take the appropriate decisions for the application of Articles 53, 54, 55, 66, 67, 68, 69, 70, 71 and 73.	The Agency shall take the appropriatedecisions for the application of Articles 53, 54, 55, 66, 67, 67a , 67b , 68, 69, 70, 71 and 73.	4. The Agency shall take the appropriate decisions for the application of paragraph 6, Articles [...] 66, 67, 67a , 68, 69, 70, 71 and 73 and where tasks have been allocated to it pursuant to Articles 53 and 54.	<i>Depends on discussion on Articles 67a and 67b.</i>
195.		Amendment 241 Article 65 – paragraph 4 – subparagraph 2		
196.	The Agency may grant exemptions to any legal or natural person to whom it has issued a certificate in the situations and subject to the conditions set out in Article 60(1).	The Agency may grant exemptions to any legal or natural person to whom it has issued a certificate in the situations and subject to the conditions set out in Article 60(1).	The Agency may grant exemptions to any legal or natural person to whom it has issued a certificate in the situations and subject to the conditions set out in Article 60(1).	COM text.
197.	In such a case , the Agency shall immediately notify the Commission and the Member States, through the repository established under Article 63, of the exemptions granted, the reasons for granting them and, where applicable, the necessary mitigation measures applied.	When those exemptions go beyond the specific competencies of the Agency, which are defined in Article 66(1) and 2(a) , the Agency shall immediately notify the Commission and the Member States, through the repository established under Article 63, of the exemptions granted, the reasons for granting them and, where applicable, of the necessary mitigation measures applied.	In such a case, the Agency shall immediately notify the Commission and the Member States, through the repository established under Article 63, of the exemptions granted, the reasons for granting them and, where applicable, the necessary mitigation measures applied.	EP amendment not acceptable. <i>EP will consider withdrawing.</i>
198.	Where the duration of an exemption exceeds eight consecutive months or where the Agency has granted	In addition , where the duration of an exemption exceeds two consecutive months or where the Agency has	Where the duration of an exemption exceeds eight consecutive months or where the Agency has granted	Propose CGA. <u>Fall-back position:</u>

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	the same exemption repetitively and their total duration exceeds eight months, the Commission shall assess whether those conditions have been met, and where it considers that this is not the case, it shall adopt an implementing decision to that effect, which shall be published in the Official Journal of the European Union and entered into the repository established under Article 63.	granted the same exemption repeatedly and their total duration exceeds two months, the Commission shall assess whether those conditions have been met, and where it considers that this is not the case, it shall adopt implementing acts containing its finding to that effect, which shall be published in the <i>Official Journal of the European Union</i> and entered into the repository established under Article 63.	the same exemption repetitively and their total duration exceeds eight months, the Commission shall assess whether those conditions have been met, and where it considers that this is not the case, it shall adopt an implementing decision to that effect, which shall be published in the Official Journal of the European Union and entered into the repository established under Article 63.	<u>(has to be commensurate with solution in Art 60):</u> Where the duration of an exemption exceeds eight six consecutive months or where the Agency has granted the same exemption repetitively and their total duration exceeds eight six months, the Commission shall assess whether those conditions have been met, and where it considers that this is not the case, it shall adopt an implementing decision to that effect, which shall be published in the Official Journal of the European Union and entered into the repository established under Article 63.
199.	The Agency shall immediately revoke the exemption upon the notification of that implementing decision .	The Agency shall immediately revoke the exemption upon the notification of those implementing acts .	The Agency shall immediately revoke the exemption upon the notification of that implementing decision.	COM text.
200.	5. The Agency shall issue reports on the inspections and other monitoring activities conducted pursuant to Article 73.		5. The Agency shall issue reports on the inspections and other monitoring activities conducted pursuant to Article 73.	COM text.
201.		Amendment 242 Article 65 – paragraph 5 a (new)		
202.		5a. The Agency shall issue the appropriate binding directives for the application of Article 68(2)(1a).		EP amendment - not acceptable.

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203.		Amendment 243 Article 65 – paragraph 6		
204.	6. The Agency shall react without undue delay to an urgent safety problem falling within the scope of this Regulation by determining corrective action to be taken by national competent authorities or legal and natural persons subject to the provisions of this Regulation and by disseminating related information to those national competent authorities and persons, including directives or recommendations, where this is necessary to safeguard the objectives set out in Article 1.	6. The Agency shall react without undue delay to an urgent safety problem falling within the scope of this Regulation and within its area of competence by determining corrective action to be taken by national competent authorities or legal and natural persons subject to the provisions of this Regulation to safeguard the objectives set out in Article 1. The Agency shall disseminate information on that corrective action to those national competent authorities and to those persons for which it is the competent authority.	6. The Agency shall react without undue delay to an urgent safety problem falling within the scope of this Regulation by determining corrective action to be taken by [...] legal and natural persons [...] in respect of which it acts as the competent authority and by disseminating related information to those [...] persons, including directives or recommendations, where this is necessary to safeguard the objectives set out in Article 1. The Agency shall react without undue delay to an urgent safety problem falling within the scope of this Regulation by determining safety objectives to be achieved and recommending corrective action to be taken by national competent authorities and by disseminating related information to those national competent authorities where this is necessary to safeguard the objectives set out in Article 1.	Propose CGA.
205.	7. The Agency shall issue		7. The Agency shall issue	Linked to DA/IA issue.

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	opinions on the individual flight time specification schemes proposed by the Member States pursuant to the delegated acts adopted in accordance with Article 28(1)(f) which deviate from the certifications specifications adopted by the Agency.		opinions on the individual flight time specification schemes proposed by the Member States pursuant to the implementing acts adopted in accordance with Article 28(1)(<i>da</i>) which deviate from the certifications specifications adopted by the Agency.	
206.	<i>Article 66 Airworthiness and environmental certification</i>		<i>Article 66 Airworthiness and environmental certification</i>	
207.		<i>Amendment 244 Article 66 – paragraph 1 – introductory part</i>		
208.	1. With regard to the products, parts and non-installed equipment referred to in Article 2(1)(a) and 2(1)(b)(i) , the Agency shall, where applicable and as specified in the Chicago Convention or the Annexes thereto, carry out on behalf of Member States the functions and tasks of the state of design, manufacture or registry, when those functions and tasks are related to design certification and mandatory continuing airworthiness information. To that end, it shall in particular:	1. With regard to the products, parts and non-installed equipment referred to in Article 2(1)(a), the Agency shall, where applicable and as specified in the Chicago Convention or the Annexes thereto, carry out on behalf of Member States the functions and tasks of the state of design, manufacture or registry, when those functions and tasks are related to design certification and mandatory continuing airworthiness information. To that end, it shall in particular:	1. With regard to the products, parts and non-installed equipment referred to in Article 2(1)(a) and 2(1)(b)(i), the Agency shall, where applicable and as specified in the Chicago Convention or the Annexes thereto, carry out on behalf of Member States the functions and duties of the state of design, manufacture or registry, when those functions and duties are related to design certification and mandatory continuing airworthiness information. To that end, it shall in particular:	Propose CGA.
209.	(a) for each design of a product for		a) for each design of a product for	Propose CGA.

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	which a type certificate, certificate of changes, including a supplemental type certificate, or an approval of a repair design, has been applied for in accordance with Article 11, establish and notify to the applicant the type-certification basis;		which a type certificate, <i>a restricted type certificate, [...]</i> a change <i>to a type certificate or a restricted type certificate</i> , including a supplemental type certificate, an approval of repair design, <i>or an approval of operational suitability data</i> has been applied for in accordance with Article 11, establish and notify to the applicant the <i>[...]</i> certification basis;	
210.	(b) for each product for which a restricted certificate of airworthiness or a restricted noise certificate has been applied for in accordance with Article 17(2)(a), establish and notify to the applicant the specific airworthiness specifications or the specific code for environmental compatibility of products;		b) <i>[...]</i>	Propose CGA.
211.	(c) for each design of a part or non-installed equipment for which a certificate has been applied for in accordance with Articles 12 or 13 respectively, establish and notify to the applicant the certification basis;		c) for each design of a part or non-installed equipment for which a certificate has been applied for in accordance with Articles 12 or 13 respectively, establish and notify to the applicant the certification basis;	COM text.
212.	(d) for aircraft for which a permit to fly has been applied for in accordance with Article		d) for aircraft for which a permit to fly has been applied for in accordance with Article <i>[...]</i>	<i>Related to DA/IA issue.</i>

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	17(2)(b), issue the approval for associated flight conditions related to the design;		14(4) , issue the approval for associated flight conditions related to the design;	
213.	(e) establish and make available the airworthiness and environmental compatibility specifications applicable to the design of products and parts which are subject to a declaration in accordance with Article 17(1)(a);		e) establish and make available the airworthiness and environmental compatibility specifications applicable to the design of products, parts and non-installed equipment which are subject to a declaration in accordance with Articles[...] 11(8), 12(7) and 13(1) ;	<i>EP to consider 'non-installed equipment'.</i> <i>Related to DA/IA issue.</i>
214.		Amendment 245 Article 66 – paragraph 1 – point f		
215.	(f) be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(3) with respect to the type certificates, restricted type certificates, certificates of changes, including supplemental type certificates, and approvals of repair designs for the design of products in accordance with Articles 11 and 17(1)(b);	(f) be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(2) with respect to the type certificates, restricted type certificates, certificates of changes, including supplemental type certificates, and approvals of repair designs for the design of products in accordance with Articles 11 and 17(1)(b);	f) be responsible for the performance of the tasks related to certification, oversight and enforcement in accordance with Article 51(2) with respect to the type certificates, restricted type certificates, certificates of changes, including supplemental type certificates, approvals of repair design and approvals of operational suitability data for the design of products in accordance with Article 11;	Propose CGA. <i>EP won't accept 'the performance of'.</i>
216.		Amendment 246 Article 66 – paragraph 1 – point g		
217.	(g) be responsible for the tasks related to certification,	(g) be responsible for the tasks related to certification, oversight	g) be responsible for the performance of the tasks	<i>Same as above</i>

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	oversight and enforcement in accordance with Article 51(3) with respect to the certificates for the design of parts and for non-installed equipment in accordance with Articles 12 and 13;	and enforcement in accordance with Article 51(2) with respect to the certificates for the design of parts and for non-installed equipment in accordance with Articles 12 and 13;	related to certification, oversight and enforcement in accordance with Article 51(2) with respect to the certificates for the design of parts and for non-installed equipment in accordance with Articles 12 and 13;	
218.	(h) issue the appropriate environmental data sheets on the design of products which it certifies in accordance with Article 11;		h) issue the appropriate environmental data sheets on the design of products which it certifies in accordance with Article 11;	COM text.
219.		<i>Amendment 247 Article 66 – paragraph 1 – point i</i>		
220.	(i) ensure the continuing airworthiness functions associated with the design of products, the design of parts and non-installed equipment it has certified and in respect of which it performs oversight, including reacting without undue delay to a safety or security problem and issuing and disseminating the applicable mandatory information;	(i) ensure the continuing airworthiness functions associated with the design of products, the design of parts and non-installed equipment it has certified and in respect of which it performs oversight, including reacting without undue delay to a <i>flight</i> safety or security problem and issuing and disseminating the applicable mandatory information;	i) ensure the continuing airworthiness functions associated with the design of products, the design of parts and non-installed equipment it has certified and in respect of which it performs oversight, including reacting without undue delay to a safety or security problem and issuing and disseminating the applicable mandatory information.	COM text. <i>EP will consider withdrawing.</i>
221.		<i>Amendment 248 Article 66 – paragraph 2 – introductory part</i>		
222.	2. The Agency shall be responsible for the tasks related	2. The Agency shall be responsible for the tasks related to	2. The Agency shall be responsible <i>for the</i>	Same issue as above - <i>'the performance of'.</i>

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	to certification, oversight and enforcement in accordance with Article 51(3) with respect to:	certification, oversight and enforcement in accordance with Article 51(2) with respect to:	<i>performance</i> of the tasks related to certification, oversight and enforcement in accordance with Article 51(2) with respect to:	
223.	(a) the approvals of the organisations responsible for the design of products, parts and non-installed equipment, in accordance with Article 15(1);		a) the approvals of <i>and the declarations made by</i> the organisations responsible for the design of products, parts and non-installed equipment, in accordance with Article 15(1)(a) <i>and (3d), respectively</i> ;	<i>Related to DA/IA issue.</i>
224.	(b) the approvals of the organisations responsible for the manufacture, maintenance and continuing airworthiness management of products, parts and non-installed equipment and to the organisations involved in the training of personnel, in accordance with Article 15, where those organisations have their principal place of business outside the territory for which a Member State is responsible under the Chicago Convention.		b) the approvals of <i>and the declarations made by</i> the organisations responsible for the <i>production</i> , maintenance and continuing airworthiness management of products, parts and non-installed equipment and by the organisations involved in the training of personnel, in accordance with Article 15(1) <i>and (3d)</i> , where those organisations have their principal place of business outside the territories for which Member States are responsible under the Chicago Convention.	<i>EP to consider CGA.</i> <i>Related to DA/IA issue.</i>
225.	3. The Agency shall be responsible for the tasks related to oversight and enforcement in accordance with Article 54(3) with respect to the declarations		3. The Agency shall be responsible for the performance of the tasks related to oversight and enforcement in accordance with Article [...] 51(2) with	<i>Related to DA/IA issue.</i>

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	made by organisations in accordance with Article 17(1)(a).		respect to the declarations made by organisations in accordance with Articles [...] 11(8), 12(7) and 13(1).	
226.	<i>Article 67 Aircrew certification</i>		<i>Article 67 Aircrew certification</i>	
227.		<i>Amendment 249 Article 67 – paragraph 1</i>		
228.	1. The Agency shall be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(3) with respect to the approvals of the pilot and cabin crew training organisations and the aero-medical centres referred to in Article 22, where those organisations and centres have their principal place of business outside the territory for which a Member State is responsible under the Chicago Convention.	1. The Agency shall be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(2) with respect to the approvals of the pilot and cabin crew training organisations and the aero-medical centres referred to in Article 22, where those organisations and centres have their principal place of business outside the territory for which a Member State is responsible under the Chicago Convention.	1. The Agency shall be responsible for the <i>performance of the</i> tasks related to certification, oversight and enforcement in accordance with Article 51(2) with respect to the approvals of <i>and the declarations made by</i> the pilot training organisations, cabin crew training organisations and the aero-medical centres referred to in Article 22, where those organisations and centres have their principal place of business outside the territories for which Member States are responsible under the Chicago Convention.	Propose CGA.

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229.		Amendment 250 Article 67 – paragraph 2 – introductory part		
230.	2. The Agency shall be responsible for the tasks related to certification, oversight and enforcement in accordance with Articles 51(3) with respect to the certificates for flight simulation training devices in accordance with Article 23 in each of the following cases:	2. The Agency shall be responsible for the tasks related to certification, oversight and enforcement in accordance with Articles 51(2) with respect to the certificates for flight simulation training devices in accordance with Article 23 in each of the following cases:	2. The Agency shall be responsible for the performance of the tasks related to certification, oversight and enforcement in accordance with Articles 51(2) with respect to the certificates for flight simulation training devices in accordance with Article 23 in each of the following cases:	Propose CGA.
231.	(a) the device is operated by an organisation to which the Agency has issued a certificate in accordance with paragraph 1;		a) the device is operated by an organisation [...] with a principal place of business outside the territories for which Member States are responsible under the Chicago Convention;	Propose CGA.
232.	(b) the device is located within the territory for which a Member State is responsible under the Chicago Convention and the device is operated by an organisation which has been certified by the Agency in accordance with paragraph 1 and which has its principal place of business outside that territory;		(combination of COM's points (a) and (b))	
233.	(c) the device is located outside the territory for which a Member State is responsible under the Chicago Convention, except		b) the device is located outside the territories for which Member States are responsible under the Chicago Convention[...];	Propose CGA.

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	where the device is operated by an organisation to which the Agency has not issued a certificate in accordance with paragraph 1 and which has its principal place of business within that territory;			
234.		<i>Amendment 251 Article 67 a (new)</i>		
235.		<i>Article 67a Safety-Critical aerodrome equipment</i>	<i>Article 67a Safety-Related Aerodrome Equipment</i>	Propose CGA. EP will consider CGA, except the IA issue.
236.		<i>With regard to safety-critical aerodrome equipment, referred to in Article 31, the Agency shall:</i>	<i>With regard to the safety-related aerodrome equipment referred to in Article 31, the Agency shall:</i>	
237.		<i>(a) establish and notify to the applicant the detailed specifications for the safety-critical aerodrome equipment which are subject to a certification in accordance with Article 31;</i>	<i>1. Where the implementing acts adopted pursuant to Article 31a so provide, establish and notify to the applicant the detailed specifications for the safety-related aerodrome equipment which is subject to a certificate or a declaration in accordance with Article 31(1);</i>	
238.		<i>(b) be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(2) with respect to the certificates for, and the declarations made in respect of safety-critical aerodrome equipment in accordance with</i>	<i>2. Where the implementing acts adopted pursuant to Article 31a so provide, be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(2) with respect to the certificates for, and the</i>	

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		<i>Article 31.</i>	<i>declarations made in respect of the design of safety-related aerodrome equipment in accordance with Article 31(1).</i>	
239.		<i>Amendment 252 Article 67 b (new)</i>		
240.		<i>Article 67b Air operators certification</i>		
241.		<p><i>The Agency shall, where applicable and as specified in the Chicago Convention or the Annexes thereto, carry out on behalf of Member States the functions and tasks of the State of Operator with regard to air operators referred to in Article 27(1) and engaged in commercial air transport operations:</i></p> <p><i>(a) between aerodromes located in the territories of different Member States;</i></p> <p><i>(b) involving an aerodrome located outside the territory of a Member State.</i></p> <p><i>To that end, the Agency shall be responsible for the tasks related to certification, oversight and enforcement, in accordance with Article 51(2), with respect to those operators.</i></p>		EP amendment - not acceptable.
242.	<i>Article 68 ATM/ANS</i>		<i>Article 68 ATM/ANS</i>	

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243.		Amendment 253 Article 68 – paragraph 1 – introductory part		
244.	1. The Agency shall be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(3) with respect to:	1. The Agency shall be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(2) with respect to:	1. The Agency shall be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(2) with respect to:	Propose CGA. <i>EP won't accept 'performance of'.</i>
245.	(a) the certificates for the ATM/ANS providers referred to in Article 36, where those providers have their principal place of business located outside the territory to which the Treaties apply and they are responsible for providing ATM/ANS in the airspace of that territory;		a) the certificates for the ATM/ANS providers referred to in Article 36, where those providers have their principal place of business located outside the territories [...] for which Member States are responsible under the Chicago Convention and they are responsible for providing ATM/ANS in the airspace [...] above the territory to which the Treaties apply;	Propose CGA.
246.	(b) the certificates for the ATM/ANS providers referred to in Article 36, where those providers provide pan-European ATM/ANS;		b) the certificates for the ATM/ANS providers referred to in Article 36, where those providers provide [...] ATM/ANS within most or all Member States and which may also extend beyond the airspace above the territory to which the Treaties apply;	Propose CGA.

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247.		Amendment 254 Article 68 – paragraph 1 – point c		
248.	(c) the certificates for, and the declarations made by, the organisations referred to in Article 37, where those organisations are involved in the design, manufacture or maintenance of pan-European ATM/ANS systems and constituents;	(c) the certificates for, and the declarations made by, the organisations referred to in Article 37, where those organisations are involved in the design, manufacture or maintenance of pan-European ATM/ANS systems and constituents, <i>on which safety or interoperability depends</i> ;	c) the certificates for, and the declarations made by, the organisations referred to in Article 37, where those organisations are involved in the design, production or maintenance of[...] ATM/ANS systems and constituents <i>used in the provision of the services referred to in point (b)</i> ;	Propose CGA.
249.		Amendment 255 Article 68 – paragraph 1 – point d		
250.	(d) the declarations made by the ATM/ANS providers to which the Agency has issued a certificate in accordance with points (a) and (b), in respect of ATM/ANS systems and constituents which are put in operation by those providers in accordance with Article 38(1).	(d) the declarations made by the ATM/ANS providers to which the Agency has issued a certificate in accordance with points (a) and (b), in respect of ATM/ANS systems and constituents, <i>on which safety or interoperability depends</i> , which are put in operation by those providers in accordance with Article 38(1).	d) the declarations made by the ATM/ANS providers to which the Agency has issued a certificate in accordance with points (a) and (b), in respect of ATM/ANS systems and constituents which are put in operation by those providers in accordance with Article 38(1).	Propose COM text.
251.	2. With regard to systems and constituents referred to in Article 38, the Agency shall: (a) where the delegated acts adopted pursuant to Article 39 so provide, establish and notify		2. With regard to systems and constituents referred to in Article 38, the Agency shall: a) where the [...] <i>implementing</i> acts adopted pursuant to Article [...] <i>38a</i> so provide, establish	<i>Related to the DA/IA issue.</i>

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	to the applicant the detailed specifications for the ATM/ANS systems and constituents, upon which safety or interoperability are dependent and which are subject to a certificate or a declaration in accordance with Article 38(2);		and notify to the applicant the detailed specifications for the ATM/ANS systems and constituents, upon which safety or interoperability is dependent and which are subject to a certificate or a declaration in accordance with Article 38(2);	
252.		<i>Amendment 256 Article 68 – paragraph 2 – point b</i>		
253.	(b) where the delegated acts adopted pursuant to Article 39 so provide, be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(3) with respect to the certificates for, and the declarations made in respect of, ATM/ANS systems and constituents upon which safety or interoperability are dependent in accordance with Article 38(2).	(b) where the delegated acts adopted pursuant to Article 39 so provide, be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(2) with respect to the certificates for, and the declarations made in respect of, ATM/ANS systems and constituents upon which safety or interoperability are dependent in accordance with Article 38(2).	b) where the [...] implementing acts adopted pursuant to Article [...] 38a so provide, be responsible for the performance of the tasks related to certification, oversight and enforcement in accordance with Article 51(2) with respect to the certificates for, and the declarations made in respect of, ATM/ANS systems and constituents upon which safety or interoperability is dependent in accordance with Article 38(2).	<i>Related to the DA/IA issue.</i>
254.		<i>Amendment 257 Article 68 – paragraph 2 – subparagraph 1 a (new)</i>		
255.		<i>In order to assure the continuity in the provision of ATM/ANS in</i>		EP AM not acceptable

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		<i>Single European Sky airspace the Agency, in close cooperation with the Network Manager shall issue binding directives in accordance with the delegated act referred to in Article 39(1)(a).</i>		
256.	<i>Article 69 Air traffic controller certification</i>		<i>Article 69 Air traffic controller training organisations certification</i>	Propose CGA.
257.		Amendment 258 Article 69 – paragraph 1		
258.	The Agency shall be responsible for the tasks related to certification, oversight, and enforcement in accordance with Article 51(3) with respect to the certificates for the air traffic controller training organisations referred to in Article 42, where those organisations have their principal place of business located outside the territory for which a Member State is responsible under the Chicago Convention and, where relevant, their personnel.	The Agency shall be responsible for the tasks related to certification, oversight, and enforcement in accordance with Article 51(2) with respect to the certificates for the air traffic controller training organisations referred to in Article 42, where those organisations have their principal place of business located outside the territory for which a Member State is responsible under the Chicago Convention and, where relevant, their personnel.	The Agency shall be responsible for the performance of the tasks related to certification, oversight, and enforcement in accordance with Article 51(2) with respect to the certificates for the air traffic controller training organisations referred to in Article 42, where those organisations have their principal place of business located outside the territories for which Member States are responsible under the Chicago Convention and, where relevant, their personnel.	Propose CGA. <i>Again, EP won't accept 'the performance of the tasks.'</i>
259.	<i>Article 70 Third-country operators and international safety oversight</i>		<i>Article 70 Third-country aircraft operators and international safety oversight</i>	Propose CGA.

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260.		Amendment 259 Article 70 – paragraph 1		
261.	1. The Agency shall be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(3) with respect to the authorisations for the operations referred to in Article 49(1) and (2) and the declarations made by the operators referred to in Article 49(2), unless a Member State carries out the functions and tasks of the state of operator in respect of the operators concerned.	1. The Agency shall be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(2) with respect to the authorisations for the operations referred to in Article 49(1) and (2) and the declarations made by the operators referred to in Article 49(2), unless a Member State carries out the functions and tasks of the state of operator in respect of the operators concerned.	1. The Agency shall be responsible for the performance of the tasks related to certification, oversight and enforcement in accordance with Article 51(2) with respect to the authorisations for [...] and the declarations made by aircraft operators referred to in Article 49(1), unless a Member State carries out the functions and duties of the state of operator in respect of the aircraft operators concerned.	<i>Related to the DA/IA issue.</i> <i>Again, EP won't accept 'the performance of' the tasks.</i>
262.	2. The Agency shall be responsible for the tasks related to certification, oversight and enforcement in accordance with Article 51(3) with respect to the authorisations for aircraft and pilots referred to in Article 50(1)(a).		2. The Agency shall be responsible for the performance of the tasks related to certification, oversight and enforcement in accordance with Article 51(2) with respect to the authorisations for aircraft and pilots referred to in Article 50(1)(a).	Propose CGA. <i>Again, EP won't accept 'the performance of' the tasks.</i>
263.		Amendment 260 Article 70 – paragraph 3		
264.	3. The Agency shall, upon request, assist the Commission in the implementation of Regulation (EC) No 2111/2005	3. The Agency shall, upon request, assist the Commission in the implementation of Regulation (EC) No 2111/2005 by	3. The Agency shall, upon request, assist the Commission in the implementation of Regulation (EC) No 2111/2005	EP AM acceptable.

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	by conducting the necessary assessments, including on-site visits, of third country operators and authorities responsible for their oversight. It shall provide the results of those assessments, with appropriate recommendations, to the Commission.	conducting <i>all</i> the necessary <i>safety</i> assessments, including on-site visits, of third country operators and authorities responsible for their oversight. It shall provide the results of those assessments, with appropriate recommendations, to the Commission	by conducting the necessary assessments, including on-site visits, of third country aircraft operators and authorities responsible for their oversight. It shall provide the results of those assessments, with appropriate recommendations, to the Commission.	
265.	<i>Article 71</i> <i>Investigations by the Agency</i>		<i>Article 71</i> <i>Investigations by the Agency</i>	
266.	1. The Agency shall conduct either itself or through national competent authorities or qualified entities the investigations necessary for the performance of its tasks related to certification, oversight and enforcement in accordance with Article 51(3)		1. The Agency shall conduct either itself or through national competent authorities or qualified entities the investigations necessary for the performance of its tasks related to certification, oversight and enforcement in accordance with Article 51(2) .	Propose CGA.
267.	2. For the purposes of conducting the investigations referred to in paragraph 1, the Agency shall be empowered to:		2. For the purposes of conducting the investigations referred to in paragraph 1, the Agency shall be empowered to:	COM text
268.	(a) require the legal or natural persons to whom it has issued a certificate, or who made a declaration to it, to provide all necessary information;		a) require the legal or natural persons to whom it has issued a certificate, or who made a declaration to it, to provide all necessary information;	COM text
269.	(b) require those persons to provide oral explanations on any fact, document, object, procedure or other subject matter relevant for		b) require those persons to provide oral explanations on any fact, document, object, procedure or other subject matter relevant for	COM text

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	determining whether the person complies with the provisions of this Regulation and of the delegated and implementing acts adopted on the basis thereof;		determining whether the person complies with the provisions of this Regulation and of the delegated and implementing acts adopted on the basis thereof;	
270.	(c) enter any premises, land and means of transport of those persons;		c) enter relevant premises, land and means of transport of those persons;	Propose CGA. <i>EP will consider CGA, probably acceptable.</i>
271.	(d) examine, copy or make extracts from any document, record or data held by or accessible to those persons, irrespective of the medium on which the information in question is stored. The Agency shall, where required for determining whether a person to whom it has issued a certificate, or who has made a declaration to it, complies with the provisions of this Regulation and of the delegated and implementing acts adopted on the basis thereof, also be empowered to exercise the powers set out in the first subparagraph in relation to any other legal or natural person who can		d) examine, copy or make extracts from any document, record or data held by or accessible to those persons, irrespective of the medium on which the information in question is stored. The Agency shall, where required for determining whether a person to whom it has issued a certificate, or who has made a declaration to it, complies with the provisions of this Regulation and of the /... implementing acts adopted on the basis thereof, also be empowered to exercise the powers set out in the first subparagraph in relation to any other legal or natural person who can reasonably be	<u>Proposed Presidency compromise:</u> d) examine, copy or make extracts from any relevant document, record or data held by or accessible to those persons, irrespective of the medium on which the information in question is stored. The Agency shall, where required for determining whether a person to whom it has issued a certificate, or who has made a declaration to it, complies with the provisions of this Regulation and of the /... delegated and implementing acts adopted on the basis thereof, also be empowered to exercise the powers set out in the first subparagraph in relation to any other legal or natural person who can reasonably be expected to

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	<p>reasonably be expected to possess or have access to information relevant for those purposes.</p> <p>The powers of this paragraph shall be exercised in compliance with the national law of the Member State or of the third country where the investigation takes place, with due regard for the rights and legitimate interests of persons concerned and in compliance with the principle of proportionality. Where in accordance with the applicable national law prior authorisation from the judicial authority of the Member State or third country concerned is needed to enter premises, land and means of transport as referred to in point (c) of the first subparagraph, those powers shall be exercised only after having obtained such prior authorisation.</p>		<p>expected to possess or have access to information relevant for those purposes.</p> <p>The powers of this paragraph shall be exercised in compliance with the national law of the Member State or of the third country where the investigation takes place, with due regard for the rights and legitimate interests of persons concerned and in compliance with the principle of proportionality. Where in accordance with the applicable national law prior authorisation from the judicial <i>or administrative</i> authority of the Member State or third country concerned is needed to enter premises, land and means of transport as referred to in point (c) of the first subparagraph, those powers shall be exercised only after having obtained such prior authorisation.</p>	<p>possess or have access to information relevant for those purposes.</p> <p>The powers of this paragraph shall be exercised in compliance with the national law of the Member State or of the third country where the investigation takes place, with due regard for the rights and legitimate interests of persons concerned and in compliance with the principle of proportionality. Where in accordance with the applicable national law prior authorisation from the judicial <i>or administrative</i> authority of the Member State or third country concerned is needed to enter relevant premises, land and means of transport as referred to in point (c) of the first subparagraph, those powers shall be exercised only after having obtained such prior authorisation.</p> <p><i>EP will consider compromise, probably acceptable.</i></p>
272.	3. The Agency shall ensure that the members of its staff and, where relevant, any other expert participating in the investigation are sufficiently		3. The Agency shall ensure that the members of its staff and, where relevant, any other expert participating in the investigation are sufficiently	COM text

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	qualified, adequately instructed and duly authorised. Those persons shall exercise their powers upon production of a written authorisation.		qualified, adequately instructed and duly authorised. Those persons shall exercise their powers upon production of a written authorisation.	
273.	4. Officials of the competent authorities of the Member State in whose territory the investigation is to be conducted shall, at the request of the Agency, assist it in carrying out the investigation. Where such assistance is required, the Agency shall, in good time before the investigation, inform the Member State in whose territory the investigation is to be conducted of the investigation and of the assistance required.		4. Officials of the competent authorities of the Member State in whose territory the investigation is to be conducted shall, at the request of the Agency, assist it in carrying out the investigation. Where such assistance is required, the Agency shall, in good time before the investigation, inform the Member State in whose territory the investigation is to be conducted of the investigation and of the assistance required.	COM text
274.	<i>Article 72</i> <i>Fines and periodic penalty payments</i>		<i>Article 72</i> <i>Fines and periodic penalty payments</i>	
275.		<i>Amendment 261</i> <i>Article 72 – paragraph 1 – introductory part</i>		COM text
276.	1. The Commission may, at the request of the Agency, impose on an legal or natural person to whom it has issued a certificate, or who has made a declaration to it, in accordance with this Regulation, either one or both	1. The Commission <i>shall</i> , at the request of the Agency, impose on an legal or natural person to whom it has issued a certificate, or who has made a declaration to it, in accordance with this Regulation, either one or both of	1. The Commission may, at the request of the Agency, impose on a legal or natural person to whom [...] <i>the Agency</i> has issued a certificate, or who has made a declaration to it, in accordance with this	Propose CGA. <i>EP R will accept CGA if fines and periodic penalties go to the Agency budget.</i>

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	of the following:	the following:	Regulation, either one or both of the following:	
277.	(a) a fine, where that person infringed, intentionally or negligently, one of the provisions of this Regulation or of the delegated and implementing acts adopted on the basis thereof;		a) a fine, where that person infringed, intentionally or negligently, one of the provisions of this Regulation or of the [...] implementing acts adopted on the basis thereof;	COM text <i>The word 'delegated' will be reinstated instead of the square brackets.</i>
278.	(b) a periodic penalty payment where that person infringed one of those provisions, or where such an infringement is imminent, in order to compel that person to comply with those provisions.		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.	Propose CGA. <i>EP will consider CGA, probably acceptable.</i>
279.	2. The fines and periodic penalty payments referred to in paragraph 1 shall be effective, proportionate and dissuasive. They shall be set taking account of the gravity of the case, and in particular the extent to which safety or protection of the environment has been compromised, and the economic capacity of the legal or natural person concerned.		2. The fines and periodic penalty payments referred to in paragraph 1 shall be effective, proportionate and dissuasive. They shall be set taking account of the gravity of the case, and in particular the extent to which safety or protection of the environment has been compromised, and the economic capacity of the legal or natural person concerned.	COM text
280.		Amendment 262 Article 72 – paragraph 2 – subparagraph 2		
281.	The amount of the fines shall not exceed 4 % of the annual	The amount of the fines shall not exceed 4 % of the annual income	The amount of the fines shall not exceed 4 % of the annual	<i>To be redrafted.</i>

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	income or turnover of the legal or natural person concerned. 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.	or turnover <i>achieved by</i> the legal or natural person concerned <i>through activities connected with the violation</i> . The amount of the periodic penalty shall not exceed 2,5 % of the average daily income or turnover of the <i>natural or legal</i> person concerned.	income or turnover of the legal or natural person <i>referred to in paragraph 1 calculated on the basis of the economic activities associated with the certificate or declaration</i> concerned. The amount of the periodic penalty shall not exceed 2.5 % of the average daily income or turnover of that legal or natural person.	
282.		Amendment 263 Article 72 – paragraph 3		
283.	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 delegated acts adopted on the basis thereof to address such infringements are inadequate or disproportionate.	3. The Commission shall only impose fines and periodic penalty payments pursuant to paragraph 1 <i>in cases where the infringements referred to in paragraph 1 affect the maintaining of safety or the protection of the environment</i> and when other measures provided for in this Regulation and in delegated acts adopted on the basis thereof to address such infringements <i>have proved to be insufficient</i> or disproportionate.	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 delegated acts adopted on the basis thereof to address such infringements are inadequate or disproportionate.	COM text
284.	4. With regard to the imposition of fines and periodic penalty payments in accordance with the provisions of this Article, the Commission shall, by means of delegated acts in accordance with Article 117,		4. With regard to the imposition of fines and periodic penalty payments in accordance with the provisions of this Article, the Commission shall, by means of [...] <i>implementing</i> acts in accordance with the	<i>Related to the DA/IA issue.</i>

	Commission proposal, COM(2015) 613 final	European Parliament 1st reading amendments, PE	Council General Approach, ST 15155/16	Presidency proposal/remarks
	lay down:		procedure referred to in Article [...] 116(3) , lay down:	
285.	(a) detailed criteria and a detailed methodology for establishing the amounts of the fines and periodic penalty payments;		a) detailed criteria and a detailed methodology for establishing the amounts of the fines and periodic penalty payments;	COM text
286.	(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 temporal provisions; and		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 temporal provisions; and	COM text
287.	(c) procedures for the collection of the fines and periodic penalty payments.		c) procedures for the collection of the fines and periodic penalty payments.	COM text
288.	5. The Court of Justice of the European Union shall have unlimited jurisdiction to review decisions of the Commission taken pursuant to paragraph 1. It may cancel, reduce or increase the fine or periodic penalty payment imposed.		5. The Court of Justice of the European Union shall have unlimited jurisdiction to review decisions of the Commission taken pursuant to paragraph 1. It may cancel, reduce or increase the fine or periodic penalty payment imposed.	COM text
289.	6. The decisions of the Commission taken pursuant to paragraph 1 shall not be of a criminal law nature.		6. The decisions of the Commission taken pursuant to paragraph 1 shall not be of a criminal law nature.	COM text
290.	<i>Article 73</i> <i>Monitoring of Member States</i>		<i>Article 73</i> <i>Monitoring of Member States</i>	COM text
291.	1. The Agency shall assist the Commission in monitoring the		1. The Agency shall assist the Commission in monitoring the	Propose CGA.

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	<p>application by the Member States of the provisions of this Regulation and of the delegated and implementing acts adopted on the basis thereof by conducting inspections and other monitoring activities. Those inspections and other monitoring activities shall also aim at assisting the Member States in ensuring the uniform application of those provisions.</p> <p>The Agency shall report to the Commission on the inspections and other monitoring activities conducted pursuant to this paragraph.</p>		<p>application by the Member States of the provisions of this Regulation and of the [...] implementing acts adopted on the basis thereof by conducting inspections and other monitoring activities. Those inspections and other monitoring activities shall also aim at assisting the Member States in ensuring the uniform application of those provisions and in sharing best practices. The Agency shall report to the Commission on the inspections and other monitoring activities conducted pursuant to this paragraph.</p>	<i>The word 'delegated' will be reinstated instead of the square brackets.</i>
292.	2. For the purposes of conducting the inspections and other monitoring activities referred to in paragraph 1, the Agency shall be empowered to:		2. For the purposes of conducting the inspections and other monitoring activities referred to in paragraph 1, the Agency shall be empowered to:	COM text
293.	(a) require any national competent authority and any legal and natural person subject to this Regulation to provide all necessary information;		a) require any national competent authority and any legal and natural person subject to this Regulation to provide all necessary information;	COM text
294.	(b) require those authorities and persons to provide oral explanations on any fact, document, object, procedure or other subject matter relevant for		b) require those authorities and persons to provide oral explanations on any fact, document, object, procedure or other subject matter relevant for	COM text

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	determining whether a Member State complies with the provisions of this Regulation and of the delegated and implementing acts adopted on the basis thereof;		determining whether a Member State complies with the provisions of this Regulation and of the delegated and implementing acts adopted on the basis thereof;	
295.	(c) enter any premises, land and means of transport of those authorities and persons;		c) enter [...] relevant premises, land and means of transport of those authorities and persons;	Propose CGA
296.		Amendment 264 Article 73 – paragraph 2 – point d		
297.	<p>(d) examine, copy or make extracts from any document, record or data held by or accessible to those authorities and persons, irrespective of the medium on which the information in question is stored.</p> <p>The Agency shall, where required for determining whether a Member State complies with the provisions of this Regulation and of the delegated and implementing acts adopted on the basis thereof, also be empowered to exercise the powers set out in the first subparagraph in relation to any other legal or natural person who can reasonably be expected to</p>	<p>(d) examine, copy or make extracts from any document, record or data, which is relevant for the purposes of the inspection or monitoring activity which is being carried out, and which is held by or accessible to those authorities and persons, irrespective of the medium on which the information in question is stored.</p>	<p>d) examine, copy or make extracts from any document, record or data held by or accessible to those authorities and persons, irrespective of the medium on which the information in question is stored.</p> <p>The Agency shall, where required for determining whether a Member State complies with the provisions of this Regulation and of the [...] implementing acts adopted on the basis thereof, also be empowered to exercise the powers set out in the first subparagraph in relation to any other legal or natural person who can reasonably be expected to possess or have</p>	<p><u>Proposed Presidency compromise:</u></p> <p>d) examine, copy or make extracts from any relevant document, record or data held by or accessible to those authorities and persons, irrespective of the medium on which the information in question is stored.</p> <p>The Agency shall, where required for determining whether a Member State complies with the provisions of this Regulation and of the [...] delegated and implementing acts adopted on the basis thereof, also be empowered to exercise the powers set out in the first subparagraph in relation to any other legal or natural person who can reasonably be expected to possess or have access to information relevant for those</p>

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	<p>possess or have access to information relevant for those purposes.</p> <p>The powers of this paragraph shall be exercised in compliance with the national law of the Member State where the inspection or other monitoring activities take place, with due regard for the rights and legitimate interests of the authorities and persons concerned and in compliance with the principle of proportionality. Where in accordance with the applicable national law prior authorisation from the judicial authority of the Member State concerned is needed to enter premises, land and means of transport as referred to in point (c) of the first subparagraph, those powers shall be exercised only after having obtained such prior authorisation.</p>		<p>access to information relevant for those purposes.</p> <p>The powers of this paragraph shall be exercised in compliance with the national law of the Member State where the inspection or other monitoring activities take place, with due regard for the rights and legitimate interests of the authorities and persons concerned and in compliance with the principle of proportionality. Where in accordance with the applicable national law prior authorisation from the judicial <i>or the administrative authority</i> of the Member State concerned is needed to enter premises, land and means of transport as referred to in point (c) of the first subparagraph, those powers shall be exercised only after having obtained such prior authorisation.</p>	<p>purposes.</p> <p>The powers of this paragraph shall be exercised in compliance with the national law of the Member State where the inspection or other monitoring activities take place, with due regard for the rights and legitimate interests of the authorities and persons concerned and in compliance with the principle of proportionality. Where in accordance with the applicable national law prior authorisation from the judicial or the administrative authority of the Member State concerned is needed to enter relevant premises, land and means of transport as referred to in point (c) of the first subparagraph, those powers shall be exercised only after having obtained such prior authorisation.</p>
298.	3. The Agency shall ensure that the members of its staff and, where relevant, any other expert participating in the inspection or the other monitoring activity are		3. The Agency shall ensure that the members of its staff and, where relevant, any other expert participating in the inspection or the other monitoring activity are	Propose CGA.

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	<p>sufficiently qualified, adequately instructed and duly authorised. Those persons shall exercise their powers upon production of a written authorisation.</p> <p>In good time before the inspection or the other monitoring activity, the Agency shall inform the Member State concerned of the activity and of the identity of the members of its staff and any other expert carrying out that activity.</p>		<p>sufficiently qualified <i>and</i> adequately instructed [...]. <i>In the case of inspections</i>, those persons shall exercise their powers upon production of a written authorisation.</p> <p>In good time before the inspection[...], the Agency shall inform the Member State concerned [...] <i>of the subject matter, the purpose</i> of the activity, <i>the date on which it is to begin</i> and of the identity of the members of its staff and any other expert carrying out that activity.</p>	
299.	<p>4. The Member State concerned shall facilitate the inspection or the other monitoring activity. It shall ensure that the authorities and persons concerned cooperate with the Agency. Where a legal or a natural person does not cooperate with the Agency, the competent authorities of the Member State concerned shall provide the necessary assistance to the Agency to enable it to carry out the inspection or other monitoring activity.</p>		<p>4. The Member State concerned shall facilitate the inspection or the other monitoring activity. It shall ensure that the authorities and persons concerned cooperate with the Agency. Where a legal or a natural person does not cooperate with the Agency, the competent authorities of the Member State concerned shall provide the necessary assistance to the Agency to enable it to carry out the inspection or other monitoring activity.</p>	COM text
300.	<p>5. When an inspection or another</p>		<p>5. When an inspection or another</p>	COM text

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	monitoring activity conducted in accordance with this Article entails an inspection or another monitoring activity in respect of a legal or a natural person subject to this Regulation, the provisions of Article 71(2), (3) and (4) shall apply.		monitoring activity conducted in accordance with this Article entails an inspection or another monitoring activity in respect of a legal or a natural person subject to this Regulation, the provisions of Article 71(2), (3) and (4) shall apply.	
301.	6. Upon request of the Member State, reports drawn up by the Agency pursuant to paragraph 1 shall be made available to it in the official Union language or languages of the Member State where the inspection took place.		6. Upon request of the Member State, reports drawn up by the Agency pursuant to paragraph 1 shall be made available to it in the official Union language or languages of the Member State where the inspection took place.	COM text
302.		Amendment 265 Article 73 – paragraph 7		
303.	7. The Agency shall publish a summary of information about the application by each Member State of the provisions of this Regulation and of the delegated and implementing acts adopted on the basis thereof. It shall include that information in the annual safety review referred to in Article 61(6).	7. The Agency shall publish a summary of information about the application by each Member State of the provisions of this Regulation and of the delegated and implementing acts adopted on the basis thereof, including a summary of the results of the inspections the Agency carried out. It shall include that information in the annual safety review referred to in Article 61(6).	7. The Agency shall publish a summary of information about the application by each Member State of the provisions of this Regulation and of the [...] implementing acts adopted on the basis thereof. It shall include that information in the annual safety review referred to in Article 61(6).	COM text <i>The word 'delegated' will be reinstated instead of the square brackets.</i>
304.	8. The Agency shall contribute to the assessment of the impact of		8. The Agency shall contribute to the assessment of the impact of	COM text

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	the implementation of this Regulation and the delegated and implementing acts adopted on the basis thereof, without prejudice to the Commission's assessment under Article 113, having regard to the objectives set out in Article 1.		the implementation of this Regulation and the delegated and implementing acts adopted on the basis thereof, without prejudice to the Commission's assessment under Article 113, having regard to the objectives set out in Article 1.	
305.	9. The Commission shall adopt detailed rules on the working methods of the Agency for conducting the tasks under this Article. Those rules shall be contained in implementing acts which shall be adopted in accordance with the advisory procedure referred to in Article 116(2).		9. The Commission shall adopt detailed rules on the working methods of the Agency for conducting the tasks under this Article. Those rules shall be contained in implementing acts which shall be adopted in accordance with the procedure referred to in Article 116(3).	Propose CGA, examination procedure.
306.		<i>Amendment 266 Article 73 a (new)</i>		
307.		<i>Article 73a Common certification and oversight culture The Agency shall play an active role in building a common certification and oversight culture and consistent authority practises in order to ensure that the objectives of Article 1 are fulfilled. To this end, and taking into consideration the results of its monitoring activities, the Agency shall carry out at least the</i>		<i>First sentence may be acceptable in a recital.</i>

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		<i>following activities:</i> (a) <i>organising a system of peer reviews of competent authorities with the aim of capability building and knowledge transfer</i> (b) <i>providing the necessary coordination to enable personnel exchanges between national authorities</i> (c) <i>consulting all the relevant stakeholders as necessary on progress achieved in monitoring.</i>		
308.	<i>Article 74 Research and innovation</i>		<i>Article 74 Research and innovation</i>	
309.		Amendment 267 Article 74 – paragraph 1		
310.	1. The Agency shall assist the Member States and the Commission in identifying key research themes in the field of civil aviation to contribute to ensuring consistency and coordination between publicly funded research and development and policies falling within the scope of this Regulation.	1. <i>The Agency shall help the Commission to identify priority research themes in order to contribute to the continuous progress of aviation safety and security and to facilitate the free movement of goods and persons, as well as improvements in the competitiveness of the Union's aviation industry. In addition,</i> the Agency shall assist the Member States and the Commission in identifying key research themes in the field of civil aviation, <i>inter alia on safety, security, climate and environment protection,</i> to	1. The Agency shall assist the Member States and the Commission in identifying key research themes in the field of civil aviation to contribute to ensuring consistency and coordination between publicly funded research and development and policies falling within the scope of this Regulation.	Propose COM text.

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		contribute to ensuring consistency and coordination between publicly funded research and development and policies falling within the scope of this Regulation		
311.	2. The Agency shall support the Commission in the definition and accomplishment of the relevant Union framework programmes for research and innovation activities and of the annual and multi-annual work programmes, including in the conduct of evaluation procedures, in the review of funded projects and in the exploitation of the results of research and innovation projects.		2. The Agency shall support the Commission in the definition and accomplishment of the relevant Union framework programmes for research and innovation activities and of the annual and multi-annual work programmes, including in the conduct of evaluation procedures, in the review of funded projects and in the exploitation of the results of research and innovation projects.	COM text
312.	3. The Agency may develop and finance research in so far as is strictly related to the improvement of activities in its field of competence. The Agency's research needs and activities shall be included in its annual work programme.		3. The Agency may develop and finance research in so far as is strictly related to the improvement of activities in its field of competence. The Agency's research needs and activities shall be included in its annual work programme.	COM text
313.	4. The results of research funded by the Agency shall be published, unless the applicable rules of intellectual property law or the security rules of the		4. The results of research funded by the Agency shall be published, unless the applicable rules of intellectual property law or the security rules of the	COM text

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	Agency referred to in Article 112 preclude such publication.		Agency referred to in Article 112 preclude such publication.	
314.	5. In addition to the tasks set out in paragraphs 1 to 4 and in Article 64, the Agency may also engage in ad hoc research activities, provided that those activities are compatible with the Agency's tasks and the objectives of this Regulation.		5. In addition to the tasks set out in paragraphs 1 to 4 and in Article 64, the Agency may also engage in ad hoc research activities, provided that those activities are compatible with the Agency's tasks and the objectives of this Regulation.	COM text
315.	<i>Article 75 Environmental protection</i>		<i>Article 75 Environmental protection</i>	
316.		<i>Amendment 268 Article 75 – paragraph 1</i>		
317.	1. The measures taken by the Agency as regards emissions and noise, for the purpose of the certification of the design of products in accordance with Article 11, shall aim at preventing significant harmful effects on the environment and human health caused by the civil aviation activities concerned.	1. The measures taken by the Agency as regards <i>civil aviation aircraft</i> emissions and noise, for the purpose of the certification of the design of products in accordance with Article 11 <i>and in the framework of international standards and recommended practices</i> , shall aim <i>to prevent effects which have been shown to be significantly harmful to the climate</i> , environment and human health caused by the civil aviation activities concerned <i>giving due consideration to environmental benefits, technological feasibility and economic capacity</i> .	1. The measures taken by the Agency as regards emissions and noise, for the purpose of the certification of the design of products in accordance with Article 11, shall aim at preventing significant harmful effects on the environment and human health caused by the civil aviation [...] <i>products</i> concerned.	<u>Proposed compromise text:</u> 1. The measures taken by the Agency as regards emissions and noise, for the purpose of the certification of the design of products in accordance with Article 11, shall aim at preventing significant harmful effects on <i>climate</i> , environment and human health caused by the civil aviation activities and products concerned, <i>giving due consideration to the international standards and recommended practices, environmental benefits, technological feasibility and economic capacity impact</i> .

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318.		Amendment 269 Article 75 – paragraph 2		
319.	2. The Member States, the Commission, the Agency and other Union institutions, bodies, offices and agencies shall, within their respective fields of competence, cooperate on environmental matters, including those addressed in Regulation (EC) No 1907/2006 of the European Parliament and of the Council ³ , with a view to ensuring that interdependencies between environmental protection, human health and other technical domains of civil aviation are taken into account.	2. The Member States, the Commission, the Agency and other Union institutions, bodies, offices and agencies shall, within their respective fields of competence, cooperate on environmental matters, including those addressed in Regulation (EC) No 1907/2006 of the European Parliament and of the Council ²¹ , in Directive 2003/87/CE of the European Parliament and of the Council^{21a} and in the REACH Regulation with a view to ensuring that interdependencies between climate and environmental protection, human health and other technical domains of civil aviation are taken into account, and that due regard is given to environmental benefits, technical feasibility and economic capacity, as well as the framework of international standards and recommended practices ^{21a} <i>Directive 2003/87/EC of the European</i>	2. The Member States, the Commission, the Agency and other Union institutions, bodies, offices and agencies shall, within their respective fields of competence, cooperate on environmental matters, including those addressed in Regulation (EC) No 1907/2006 of the European Parliament and of the Council ³² , with a view to ensuring that interdependencies between environmental protection, human health and other technical domains of civil aviation are taken into account.	<u>Proposed PCY compromise:</u> 2. The Member States, the Commission, the Agency and other Union institutions, bodies, offices and agencies shall, within their respective fields of competence, cooperate on environmental matters, including those addressed in Regulation (EC) No 1907/2006 of the European Parliament and of the Council ²¹ , in Directive 2003/87/CE of the European Parliament and of the Council^{21a} with a view to ensuring that interdependencies between climate and environmental protection, human health and other technical domains of civil aviation are taken into account, giving due consideration to the international standards and recommended practices, environmental benefits, technological feasibility and economic capacity impact.

³ Regulation (EC) No 1907/2006 of the European Parliament and of the Council of 18 December 2006 concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH), establishing a European Chemicals Agency, amending Directive 1999/45/EC and repealing Council Regulation (EEC) No 793/93 and Commission Regulation (EC) No 1488/94 as well as Council Directive 76/769/EEC and Commission Directives 91/155/EEC, 93/67/EEC, 93/105/EC and 2000/21/EC (OJ L 396, 30.12.2006, p. 1).

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		<i>Parliament and of the Council of 13 October 2003 establishing a scheme for greenhouse gas emission allowance trading within the Community and amending Council Directive 96/61/EC (OJ L 275, 25.10.2003, p. 32).</i>		
320.		Amendment 270 Article 75 – paragraph 3		
321.	3. The Agency shall assist the Commission with the definition and coordination of civil aviation environmental protection policies and actions, in particular by conducting studies, simulations and providing technical advice.	3. The Agency shall assist the Commission with the definition and coordination of civil aviation environmental protection policies and actions, in particular by conducting studies, simulations and providing technical advice in areas in which there are interdependencies with environmental protection, human health and other technical aspects of civil aviation.	3. The Agency shall, where it has the relevant expertise , assist the Commission with the definition and coordination of civil aviation environmental protection policies and actions, in particular by conducting studies, simulations and providing technical advice.	<u>Proposed PCY compromise:</u> 3. The Agency shall, where it has the relevant expertise, assist the Commission with the definition and coordination of civil aviation environmental protection policies and actions, in particular by conducting studies, simulations and providing technical advice in areas in which there are while taking into account the interdependencies with between climate and environmental protection, human health and other technical aspects domains of civil aviation.
322.		Amendment 271 Article 75 – paragraph 4		
323.	4. In order to inform interested parties and the general public, the Agency shall, every three years, publish an environmental review, which shall give an objective account of the state of environmental protection relating to civil aviation in the	4. In order to inform interested parties and the general public, the Agency shall, at least every three years, publish an environmental review, which shall give an objective account of the state of environmental protection relating to civil aviation in the Union.	4. In order to inform interested parties and the general public, the Agency shall, every three years, publish an environmental review, which shall give an objective account of the state of environmental protection relating to civil aviation in the	<u>Proposed Presidency compromise:</u> 4. In order to inform interested parties and the general public, the Agency shall, at least every three years, publish an environmental review, which shall give an objective account of the state of

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	Union.	<i>When preparing that review, the Agency shall primarily rely on information already available to Union institutions and bodies, as well as on publicly available information. The Agency shall also make recommendations with the aim of achieving a higher level of environmental protection performance, in accordance with international standards and recommended practices. In addition, the Agency shall make recommendations with the aim of avoiding gaps and overlaps in the system by ensuring the identification, planning, coordination and consistency of the different Union measures needed in this domain.</i>	Union. <i>The Agency shall associate the Member States and consult relevant stakeholders and organisations in the development of this review.</i>	environmental protection relating to civil aviation in the Union. When preparing that review, the Agency shall primarily rely on information already available to Union institutions and bodies, as well as on publicly available information. The Agency shall associate the Member States and consult relevant stakeholders and organisations in the development of this review.
324.		Amendment 272 Article 76 – title		
325.	<i>Article 76</i> <i>Aviation security</i>	Interdependencies between civil aviation safety and security	<i>Article 76</i> Interdependencies between civil aviation safety and security	Propose CGA for entire Article 76.
326.		Amendment 273 Article 76 – paragraph 1		
327.	1. The Member States, the Commission and the Agency shall cooperate on security matters related to civil aviation, including cyber security, with a	1. The Agency, Member States and the Commission shall cooperate on security matters related to civil aviation, including cyber security, where	1. The Member States, the Commission and the Agency shall cooperate on security matters related to civil aviation, including cyber security, [...]	

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	view to ensuring that interdependencies between civil aviation safety and security are taken into account.	interdependencies between civil aviation safety and security <i>exist</i> .	<i>where</i> interdependencies between civil aviation safety and security[...] <i> exist</i> .	
328.		Amendment 274 Article 76 – paragraph 2		
329.	2. The Agency shall, upon request, provide technical assistance to the Commission in the implementation of Regulation (EC) No 300/2008 of the European Parliament and of the Council ⁴ , including in the performance of security inspections and in the preparation of the measures to be adopted under that Regulation.	2. <i>Where interdependencies exist between civil aviation safety and security,</i> the Agency shall, upon request, provide technical assistance to the Commission in the implementation of <i>relevant provisions of Union legislation</i> , including in the performance of security inspections <i>related to aircraft, aerodromes and ATM safety systems, as well as</i> in the preparation of the measures to be adopted under that Regulation.	2. <i>Where interdependencies between civil aviation safety and security exist</i> , the Agency shall, upon request, provide technical assistance to the Commission, <i>where the Agency has the relevant safety expertise</i> , in the implementation of <i>Chapters 3, 4.3, 10 and 11 of Annex I</i> to Regulation (EC) No 300/2008 of the European Parliament and of the Council ³⁴ [...].	
330.		Amendment 275 Article 76 – paragraph 3		
331.	3. To protect civil aviation against acts of unlawful interference, the Agency may take the necessary measures under Article 65(6) and Article 66(1)(i).	3. <i>In order to contribute to protecting</i> civil aviation against acts of unlawful interference, the Agency <i>shall, where necessary, react without undue delay to an urgent problem which is of common concern to Member States where interdependencies exist between civil aviation</i>	3. To <i>contribute to protecting</i> civil aviation against acts of unlawful interference, the Agency may, <i>where necessary, react without undue delay to an urgent problem which is of common concern to Member States and where interdependencies between</i>	<i>EP won't accept 'may' instead of 'shall'.</i>

⁴ Regulation (EC) No 300/2008 of the European Parliament and of the Council of 11 March 2008 on common rules in the field of civil aviation security and repealing Regulation (EC) No 2320/2002 (OJ L 97, 9.4.2008, p. 72.)

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		<p><i>safety and security and where that urgent problem falls within the scope of this Regulation. To that end, the Agency may:</i></p> <p>(a) take the necessary measures under Article 66(1)(i) <i>to address vulnerabilities in aircraft design;</i></p> <p>(b) <i>determine corrective action to be taken by the national competent authorities or legal and natural persons, subject to the provisions of this Regulation by issuing binding directives or recommendations and disseminate relevant information to those authorities and persons, when the problem affects aircraft operation, including the risks to civil aviation arising from conflict zones.</i></p>	<p><i>civil aviation safety and security exist and which falls within the scope of this Regulation by:</i></p> <p>a) taking measures under Article [...] 66(1)(i) <i>to address vulnerabilities in aircraft design;</i></p> <p>b) <i>recommending actions to be taken by national competent authorities or legal and natural persons subject to the provisions of this Regulation, and/or disseminating relevant information to those authorities and persons, when the problem affects aircraft operations, including risks to civil aviation arising from conflict zones</i></p>	<p><i>EP insists on 'determine corrective action' and on 'binding /operational directives'.</i></p>
332.	Before taking such measures, the Agency shall obtain the agreement of the Commission and consult the Member States.	Before taking <i>the</i> measures <i>referred to in paragraphs 3(a) and 3(b)</i> , the Agency shall obtain the agreement of the Commission and consult the Member States. <i>The Agency shall base these measures, where possible, on common Union risk assessments and take into account the need for a rapid reaction in emergency cases.</i>	Before taking [...] <i>the</i> measures <i>referred to in points (a) and (b) of the first subparagraph</i> , the Agency shall obtain the agreement of the Commission and consult the Member States. <i>The Agency shall base those measures, where possible, on common Union risk assessments and take into account the need for rapid reaction in emergency cases.</i>	

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333.		<i>Amendment 276 Article 76 a (new)</i>		
334.		<i>Article 76a</i> <i>Socio-Economic Factors</i> 1. <i>The Member States, the Commission, the Agency and other bodies, shall cooperate with a view to ensuring that interdependencies between civil aviation safety and related socio-economic factors are taken into account, inter alia in regulatory procedures, as well as with a view of identifying measures to prevent socio-economic risks to aviation safety where they exist.</i> 2. <i>The Agency shall consult and involve relevant stakeholders when addressing such interdependencies.</i> 3. <i>The Agency shall, every three years, publish a review, which shall give an objective account of the actions and measures undertaken, in particular those addressing the interdependencies between civil aviation safety and socio-economic factors.</i>		EP AM not acceptable
335.	<i>Article 77 International cooperation</i>		<i>Article 77 International cooperation</i>	

	Commission proposal, COM(2015) 613 final	European Parliament 1st reading amendments, PE	Council General Approach, ST 15155/16	Presidency proposal/remarks
336.		Amendment 277 Article 77 – paragraph 1		
337.	1. The Agency shall, upon request , assist the Commission in its management of relations with third countries and international organisations relating to matters covered by this Regulation. Such assistance shall in particular contribute to the harmonisation of rules and the mutual recognition of certificates.	1. The Agency shall assist the Commission in its management of relations with third countries and international organisations relating to matters covered by this Regulation. Such assistance shall in particular contribute to the harmonisation of rules and the mutual recognition of certificates and promote and protect the interests of the European aerospace industry.	1. The Agency shall, upon request, assist the Commission in its management of relations with third countries and international organisations relating to matters covered by this Regulation. Such assistance shall in particular contribute to the harmonisation of rules and the mutual recognition of certificates.	Propose CGA.
338.		Amendment 278 Article 77 – paragraph 2		
339.	2. The Agency may cooperate with the competent authorities of third countries and with international organisations competent in matters covered by this Regulation. To this end, the Agency may, subject to prior approval by the Commission , establish working arrangements with those authorities and international organisations.	2. The Agency may cooperate with the competent authorities of third countries and with international organisations competent in matters covered by this Regulation. To this end, the Agency may establish working arrangements with those authorities and international organisations.	2. The Agency may cooperate with the competent authorities of third countries and with international organisations competent in matters covered by this Regulation. To this end, the Agency may, subject to prior approval by the Commission, establish working arrangements with those authorities and international organisations.	Propose CGA.
340.		Amendment 279 Article 77 – paragraph 3		
341.	3. The Agency shall assist Member States in respecting their obligations under	3. The Agency shall assist Member States in respecting their obligations under international	3. Agency shall assist Member States in [...]exercising their rights and fulfilling their	Propose CGA.

	Commission proposal, COM(2015) 613 final	European Parliament 1st reading amendments, PE	Council General Approach, ST 15155/16	Presidency proposal/remarks
	international agreements relating to matters covered by this Regulation, in particular their obligations under the Chicago Convention.	agreements relating to matters covered by this Regulation, in particular their obligations under the Chicago Convention. <i>In this respect, the Agency shall act as, and be granted the privileges of, a Regional Safety Oversight Organisation under the Chicago Convention.</i>	obligations under international agreements relating to matters covered by this Regulation, in particular their obligations under the Chicago Convention.	
342.	4. The Agency shall, in cooperation with the Member States and the Commission, establish, and update where necessary, a repository which shall include:		4. The Agency shall, in cooperation with the Member States and the Commission, [...] <i>include</i> and update where necessary, <i>the following information in the repository [...] referred to in Article 63:</i>	Propose CGA.
343.	(a) information on compliance of this Regulation, the delegated and implementing acts adopted on the basis thereof and the measures taken by the Agency under this Regulation with the international standards and recommended practices;		a) information on compliance of this Regulation, the [...] implementing acts adopted on the basis thereof and the measures taken by the Agency under this Regulation with the international standards and recommended practices;	COM text <i>The word 'delegated' will be reinstated instead of the square brackets.</i>
344.	(b) other information related to the implementation of this Regulation, which is common to all Member States and which is relevant for monitoring by ICAO of the compliance of Member States with the Chicago Convention and		b) other information related to the implementation of this Regulation, which is common to all Member States and which is relevant for monitoring by ICAO of the compliance of Member States with the Chicago Convention and	Propose CGA.

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	international standards and recommended practices; The Member States shall use the information contained in this repository when implementing their obligations under Article 38 of the Chicago Convention and when providing to ICAO information under the Universal Safety Oversight Audit Programme.		international standards and recommended practices; The Member States shall use <i>[...] that</i> information <i>[...]</i> when implementing their obligations under Article 38 of the Chicago Convention and when providing to ICAO information under the Universal Safety Oversight Audit Programme.	
345.	5. Without prejudice to the relevant Treaty provisions, the Commission, the Agency and the national competent authorities shall collaborate, through a network of experts, on technical matters falling within the scope of this Regulation and related to the work of ICAO. The Agency shall provide this network with the necessary administrative support, including assistance for the preparation and organisation of its meetings.		5. Without prejudice to the relevant Treaty provisions, the Commission, the Agency and the national competent authorities <i>who are involved in ICAO activities</i> shall collaborate, through a network of experts, on technical matters falling within the scope of this Regulation and related to the work of ICAO. The Agency shall provide this network with the necessary administrative support, including assistance for the preparation and organisation of its meetings.	Propose CGA.
346.	6. In addition to the tasks set out in paragraphs 1 to 5 and in Article 64, the Agency may also engage in ad hoc technical cooperation, and research and		6. In addition to the tasks set out in paragraphs 1 to 5 and in Article 64, the Agency may also engage in ad hoc technical cooperation, and research and	COM text.

	Commission proposal, COM(2015) 613 final	European Parliament 1st reading amendments, PE	Council General Approach, ST 15155/16	Presidency proposal/remarks
	assistance projects with third countries and international organisations, provided that those activities are compatible with the Agency's tasks and the objectives set out in Article 1.		assistance projects with third countries and international organisations, provided that those activities are compatible with the Agency's tasks and the objectives set out in Article 1.	
347.		Amendment 280 Article 77 – paragraph 6 a (new)		
348.		6a. Where the Agency deems that its presence is necessary to support certification activities and work on other technical matters, within the scope of this Regulation, the Agency may, in consultation with the Commission, establish offices in those third countries and regions.		<i>Covered by CGA text in Article 91(4).</i> <i>EP will consider CGA, probably acceptable.</i>
349.	<i>Article 78</i> <i>Crisis Management</i>		<i>Article 78</i> Aviation <i>Crisis Management</i>	
350.	1. The Agency shall, within its field of competence, contribute to a timely response to and mitigation of aviation crises.		1. The Agency shall, within its field of competence, contribute to a timely response to and mitigation of aviation crises, in coordination, where relevant, with other stakeholders.	Propose CGA.
351.	2. The Agency shall participate in the European Aviation Crisis Coordination Cell ('EACCC') established in accordance with		2. The Agency shall participate in the European Aviation Crisis Coordination Cell ('EACCC') established in accordance with	COM text.

	Commission proposal, COM(2015) 613 final	European Parliament 1st reading amendments, PE	Council General Approach, ST 15155/16	Presidency proposal/remarks
	Article 18 of Commission Regulation (EU) No 677/2011 ⁵ .		Article 18 of Commission Regulation (EU) No 677/2011 ³⁵ .	
352.	<i>Article 79 Aviation training</i>		<i>Article 79 Aviation training</i>	COM text
353.		<i>Amendment 281 Article 79 – paragraph 1</i>		
354.	In order to promote best practices and uniformity in the implementation of this Regulation and the measures adopted on the basis thereof, the Agency may provide training, including through external providers, to national competent authorities, competent authorities of third countries, international organisations, the legal and natural persons subject to the provisions of this Regulation and other interested parties. The Agency shall establish and publish in its official publication the conditions to be met by external training providers when used by the Agency for the purposes of this Article.	In order to promote best practices and uniformity in the implementation of this Regulation and measures adopted on the basis thereof, the Agency may <i>recognise training institutes, in accordance with the standards that it has set, for the purpose of delivering training to</i> national competent authorities, competent authorities of third countries, international organisations, the legal and natural persons subject to the provisions of this Regulation and other interested parties.	<p>1. In order to promote best practices and uniformity in the implementation of this Regulation and the measures adopted on the basis thereof, the Agency may [...] <i>approve providers of aviation training after having assessed their compliance with the conditions established by the Agency and published</i> in its official publication.[...]</p> <p>2. The Agency may provide training, [...] <i>primarily addressed to its and national competent authorities' staff, either through its own training resources or, where necessary, by relying on external training providers.</i></p>	<p><u>Presidency compromise proposal on paragraph 1:</u></p> <p>1. In order to promote best practices and uniformity in the implementation of this Regulation and the measures adopted on the basis thereof, the Agency may, <i>upon request by a provider of aviation training, approve assess the compliance of that providers and of its training courses of aviation training after having assessed their compliance</i> with the conditions established by the Agency and published in its official publication. <i>Upon having established such compliance, the provider shall be entitled to provide Agency approved training courses.</i></p> <p>Propose CGA for paragraph 2.</p>
355.	<i>Article 80</i>		<i>Article 80</i>	COM text

⁵ Commission Regulation (EU) No 677/2011 of 7 July 2011 laying down detailed rules for the implementation of air traffic management (ATM) network functions and amending Regulation (EU) No 691/2010 (OJ L 185, 15.7.2011, p. 1.)

	Commission proposal, COM(2015) 613 final	European Parliament 1st reading amendments, PE	Council General Approach, ST 15155/16	Presidency proposal/remarks
	<i>Implementation of Single European Sky</i>		<i>Implementation of Single European Sky</i>	
356.		Amendment 282 Article 80 – paragraph 1 – introductory part		
357.	The Agency shall, upon request, provide technical assistance to the Commission, where the Agency has the relevant expertise, in the implementation of the Single European Sky, in particular by:	The Agency shall, upon request, and within its field of competence , provide technical assistance to the Commission, where the Agency has the relevant expertise, in the implementation of the Single European Sky, in particular by	The Agency shall, where it has the relevant expertise and upon request, provide technical assistance to the Commission[...], in the implementation of the Single European Sky, in particular by:	Propose CGA <i>EP will consider CGA, probably acceptable.</i>
358.	(a) conducting technical inspections, technical investigations, and studies;		a) conducting technical inspections, technical investigations, and studies;	COM text
359.	(b) contributing to the implementation of a performance scheme for air navigation services and network functions;		b) contributing to the implementation of a performance scheme for air navigation services and network functions for safety and other technical matters in cooperation with the Performance Review Body foreseen in Article 11 of Regulation No 549/2004;	Propose CGA.
360.		Amendment 283 Article 80 – paragraph 1 – point c		
361.	(c) contributing to the implementation of the ATM Master Plan, including the development and deployment of the Single European Sky	(c) contributing to the implementation of the ATM Master Plan, including the development, certification and deployment of the Single	c) contributing to the implementation of the ATM Master Plan, including the development and deployment of the Single European Sky	Propose CGA.

	Commission proposal, COM(2015) 613 final	European Parliament 1st reading amendments, PE	Council General Approach, ST 15155/16	Presidency proposal/remarks
	ATM Research (SESAR) programme.	European Sky ATM Research (SESAR) programme <i>and results</i> .	ATM Research (SESAR) programme.	
362.	SECTION II INTERNAL STRUCTURE		SECTION II INTERNAL STRUCTURE	COM text
363.	<i>Article 81</i> <i>Legal status, location and local offices</i>		<i>Article 81</i> <i>Legal status, location and local offices</i>	COM text
364.	1. The Agency shall be a body of the Union. It shall have legal personality.		1. The Agency shall be a body of the Union. It shall have legal personality.	COM text
365.	2. In each of the Member States, the Agency shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular, acquire or dispose of movable and immovable property and may be a party to legal proceedings.		2. In each of the Member States, the Agency shall enjoy the most extensive legal capacity accorded to legal persons under their laws. It may, in particular, acquire or dispose of movable and immovable property and may be a party to legal proceedings.	COM text
366.	3. The seat of the Agency shall be Cologne, Federal Republic of Germany.		3. The seat of the Agency shall be Cologne, Federal Republic of Germany.	COM text
367.		<i>Amendment 284</i> <i>Article 81 – paragraph 4</i>		
368.	4. The Agency may establish local offices in the Member States, subject to their consent and in accordance with Article 91(4).	4. The Agency may establish local offices in the Member States in accordance with Article 91(4) <i>or, where appropriate, in third countries, in accordance with Article 77 (6a)</i> .	4. The Agency may establish local offices in the Member States <i>or in third countries</i> , in accordance with Article 91(4).	Propose CGA. <i>EP will consider CGA, probably acceptable.</i>
369.	5. The Agency shall be legally represented by its Executive		5. The Agency shall be legally represented by its Executive	COM text

	Commission proposal, COM(2015) 613 final	European Parliament 1st reading amendments, PE	Council General Approach, ST 15155/16	Presidency proposal/remarks
	Director.		Director.	
370.	<i>Article 82 Staff</i>		<i>Article 82 Staff</i>	COM text
371.	1. The Staff Regulations of Officials of the European Union, the Conditions of Employment of Other Servants of the European Union ⁶ and the rules adopted by agreement between the institutions of the Union for giving effect to those Staff Regulations and Conditions of Employment shall apply to the staff employed by the Agency.		1. The Staff Regulations of Officials of the European Union, the Conditions of Employment of Other Servants of the European Union ³⁶ and the rules adopted by agreement between the institutions of the Union for giving effect to those Staff Regulations and Conditions of Employment shall apply to the staff employed by the Agency.	COM text
372.	2. The Agency may make use of seconded national experts or other staff not employed by the Agency. The Management Board shall adopt a decision laying down rules on the secondment of national experts to the Agency.		2. The Agency may make use of seconded national experts or other staff not employed by the Agency. The Management Board shall adopt a decision laying down rules on the secondment of national experts to the Agency.	COM text
373.	<i>Article 83 Privileges and immunities</i>		<i>Article 83 Privileges and immunities</i>	COM text
374.	The Protocol on the Privileges and Immunities of the European Union shall apply to the Agency and its staff.		The Protocol on the Privileges and Immunities of the European Union shall apply to the Agency and its staff.	COM text
375.	<i>Article 84 Liability</i>		<i>Article 84 Liability</i>	COM text

⁶ Regulation (EEC, Euratom, ECSC) No 259/68 of the Council of 29 February 1968 laying down the Staff Regulations of Officials and the Conditions of Employment of Other Servants of the European Communities and instituting special measures temporarily applicable to officials of the Commission (OJ L 56, 4.3.1968, p. 1).

	Commission proposal, COM(2015) 613 final	European Parliament 1st reading amendments, PE	Council General Approach, ST 15155/16	Presidency proposal/remarks
376.	1. The contractual liability of the Agency shall be governed by the law applicable to the contract in question.		1. The contractual liability of the Agency shall be governed by the law applicable to the contract in question.	COM text
377.	2. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by the Agency.		2. The Court of Justice of the European Union shall have jurisdiction to give judgment pursuant to any arbitration clause contained in a contract concluded by the Agency.	COM text
378.	3. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by its services or by its staff in the performance of their duties.		3. In the case of non-contractual liability, the Agency shall, in accordance with the general principles common to the laws of the Member States, make good any damage caused by [...] it or by its staff in the performance of their duties.	Propose CGA.
379.	4. The Court of Justice of the European Union shall have jurisdiction in disputes over compensation for damages referred to in paragraph 3.		4. The Court of Justice of the European Union shall have jurisdiction in disputes over compensation for damages referred to in paragraph 3.	COM text
380.	5. The personal liability of its staff towards the Agency shall be governed by the provisions laid down in the Staff Regulations or Conditions of Employment applicable to them.		5. The personal liability of its staff towards the Agency shall be governed by the provisions laid down in the Staff Regulations or Conditions of Employment applicable to them.	COM text
381.	<i>Article 85 Functions of the Management Board</i>		<i>Article 85 Functions of the Management Board</i>	COM text
382.	1. The Agency shall have a		1. The Agency shall have a	COM text

	Commission proposal, COM(2015) 613 final	European Parliament 1st reading amendments, PE	Council General Approach, ST 15155/16	Presidency proposal/remarks
	Management Board.		Management Board.	
383.	2. The Management Board shall:		2. The Management Board shall:	
384.	(a) appoint the Executive Director, and where relevant extend his or her term of office or remove him or her from office, in accordance with Article 92;		a) appoint the Executive Director, and where relevant extend his or her term of office or remove him or her from office, in accordance with Article 92;	COM text
385.	(b) adopt a consolidated annual activity report on the Agency's activities and send it by 1 July each year to the European Parliament, the Council, the Commission, and the Court of Auditors. The consolidated annual activity report shall be made public;		b) adopt a consolidated annual activity report on the Agency's activities and send it by 1 July each year to the European Parliament, the Council, the Commission, and the Court of Auditors. The consolidated annual activity report shall be made public;	COM text
386.	(c) adopt each year the Agency's programming document by a majority of two-thirds of members entitled to vote and in accordance with Article 106;		c) adopt each year the Agency's programming document by a majority of two-thirds of members entitled to vote and in accordance with Article 106;	COM text
387.	(d) adopt the annual budget of the Agency by a majority of two-thirds of the members entitled to vote and in accordance with Article 109(11);		d) adopt the annual budget of the Agency by a majority of two-thirds of the members entitled to vote and in accordance with Article 109(11);	COM text
388.	(e) establish procedures for making decisions by the Executive Director as referred to in Articles 104 and 105;		e) establish procedures for making decisions by the Executive Director as referred to in Articles 104 and 105;	COM text
389.	(f) carry out its functions relating to the Agency's budget pursuant to Articles 109, 110 and 114;		f) carry out its functions relating to the Agency's budget pursuant to Articles 109, 110 and 114;	COM text

	Commission proposal, COM(2015) 613 final	European Parliament 1st reading amendments, PE	Council General Approach, ST 15155/16	Presidency proposal/remarks
390.	(g) appoint the members of the Board(s) of Appeal pursuant to Article 94;		g) appoint the members of the Board(s) of Appeal pursuant to Article 94;	<i>To be discussed together with Article 94. EP proposes one Board of Appeal.</i>
391.	(h) exercise disciplinary authority over the Executive Director;		h) exercise disciplinary authority over the Executive Director;	COM text
392.	(i) give its opinion on the rules relating to fees and charges as referred to in Article 115(2);		i) give its opinion on the rules relating to fees and charges as referred to in Article 115(6a);	<i>Related to the IA/DA issue.</i>
393.	(j) adopt its Rules of Procedure and the Rules of Procedure of the Executive Board;		j) adopt its Rules of Procedure[...];	<i>Depends on the discussion on the Executive Board.</i>
394.	(k) decide on the linguistic arrangements for the Agency;		k) decide on the linguistic arrangements for the Agency;	COM text
395.		Amendment 285 Article 85 – paragraph 2 – point l deleted		
396.	(l) take all decisions on the establishment of the internal structures of the Agency and, where necessary, their modifications;		l) take decisions on the establishment of the main elements of the internal structures of the Agency and, where necessary, their modifications;	Propose CGA <i>EP wants to move this to the 'Responsibilities of the Executive Director'</i>
397.	(m) in accordance with paragraph 6, exercise, with respect to the staff of the Agency, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment ("the appointing authority powers");		m) in accordance with paragraph 6, exercise, with respect to the staff of the Agency, the powers conferred by the Staff Regulations on the Appointing Authority and by the Conditions of Employment of Other Servants on the Authority Empowered to Conclude a Contract of Employment ("the appointing authority powers");	COM text
398.	(n) adopt appropriate implementing		n) adopt appropriate implementing	COM text

	Commission proposal, COM(2015) 613 final	European Parliament 1st reading amendments, PE	Council General Approach, ST 15155/16	Presidency proposal/remarks
	rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;		rules for giving effect to the Staff Regulations and the Conditions of Employment of Other Servants in accordance with Article 110 of the Staff Regulations;	
399.		<i>Amendment 286 Article 85 – paragraph 2 – point p</i>		
400.	(p) adopt rules for the prevention and management of conflicts of interest in respect of its members, as well as of the members of the Board(s) of Appeal;	(p) adopt rules for the prevention and management of conflicts of interest in respect of its members, as well as of the members of the Board(s) of Appeal, <i>participants in working groups and groups of experts, and other members of staff not covered by the Staff Regulations, which shall include provisions on declarations of interest and, where appropriate, post-employment occupational activities;</i>	p) adopt rules for the prevention and management of conflicts of interest in respect of its members, as well as of the members of the Board(s) of Appeal;	Propose CGA. <i>Fall-back position: Include EP amendment in the responsibilities of the Executive Director (which would reflect the current situation)</i>
401.	(o) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-fraud Office ('OLAF');		o) ensure adequate follow-up to findings and recommendations stemming from the internal or external audit reports and evaluations, as well as from investigations of the European Anti-fraud Office ('OLAF');	COM text
402.	(q) adopt the financial rules applicable to the Agency in accordance with Article 114;		q) adopt the financial rules applicable to the Agency in accordance with Article 114;	COM text
403.	(r) appoint an Accounting Officer, subject to the Staff Regulations		r) appoint an Accounting Officer, subject to the Staff Regulations	COM text

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	and the Conditions of Employment of Other Servants, who shall be totally independent in the performance of his or her duties;		and the Conditions of Employment of Other Servants, who shall be totally independent in the performance of his or her duties;	
404.	(s) adopt an anti-fraud strategy, proportionate to fraud risks taking into account the costs and benefits of the measures to be implemented;		s) adopt an anti-fraud strategy, proportionate to fraud risks taking into account the costs and benefits of the measures to be implemented;	COM text
405.	(t) give its opinion on the draft of the European Aviation Safety Programme in accordance with Article 5;		t) give its opinion on the draft of the European Aviation Safety Programme in accordance with Article 5;	COM text
406.	(u) adopt the European Plan for Aviation Safety in accordance with Article 6.		u) adopt the European Plan for Aviation Safety in accordance with Article 6; <i>ua) take duly reasoned decisions in relation to waiver of immunity in accordance with Article 17 of Protocol No 7 on the privileges and immunities of the European Union;</i> <i>ub) establish procedures for expedient cooperation of the Agency with national judicial authorities, without prejudice to the provisions of Regulation (EU) No 996/2010 and Regulation (EU) No 376/2014.</i>	Propose CGA.
407.	3. The Management Board may advise the Executive Director on any matter related to areas		3. The Management Board may advise the Executive Director on any matter related to areas	COM text

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	covered by this Regulation.		covered by this Regulation.	
408.		Amendment 287 Article 85 – paragraph 4		
409.	4. The Management Board shall establish an advisory body representing the full range of interested parties affected by the work of the Agency, which it shall consult prior to making decisions in the fields referred to in paragraph 2(c), (e), (f) and (i). The Management Board may also decide to consult the advisory body on other issues referred to in paragraphs 2 and 3. The Management Board shall not, in any case, be bound by the opinion of the advisory body.	4. The Management Board shall establish an advisory body representing the full range of interested parties affected by the work of the Agency, which it shall consult prior to making decisions in the fields referred to in paragraph 2(c), (d), (e), (f),(i), (t) and (u). The Management Board may also decide to consult the advisory body on other issues referred to in paragraphs 2 and 3. The Management Board shall not, in any case, be bound by the opinion of the advisory body.	4. The Management Board shall establish an advisory body representing the full range of interested parties affected by the work of the Agency, which it shall consult prior to making decisions in the fields referred to in paragraph 2(c), (e), (f) and (i). The Management Board may also decide to consult the advisory body on other issues referred to in paragraphs 2 and 3. The Management Board shall not, in any case, be bound by the opinion of the advisory body.	COM text <i>EP will consider withdrawing.</i>
410.	5. The Management Board may establish working bodies to assist in carrying out its tasks, including the preparation of its decisions and monitoring the implementation thereof.		5. The Management Board may establish working bodies to assist in carrying out its tasks, including the preparation of its decisions and monitoring the implementation thereof.	COM text
411.	6. The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating		6. The Management Board shall adopt, in accordance with Article 110 of the Staff Regulations, a decision based on Article 2(1) of the Staff Regulations and on Article 6 of the Conditions of Employment of Other Servants, delegating	COM text

	Commission proposal, COM(2015) 613 final	European Parliament 1st reading amendments, PE	Council General Approach, ST 15155/16	Presidency proposal/remarks
	relevant appointing authority powers to the Executive Director and defining the conditions under which that delegation of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers. Where exceptional circumstances so require, the Management Board may, by way of a decision, temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.		relevant appointing authority powers to the Executive Director and defining the conditions under which that delegation of powers can be suspended. The Executive Director shall be authorised to sub-delegate those powers. Where exceptional circumstances so require, the Management Board may, by way of a decision, temporarily suspend the delegation of the appointing authority powers to the Executive Director and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Executive Director.	
412.	<i>Article 86 Composition of the Management Board</i>		<i>Article 86 Composition of the Management Board</i>	COM text
413.		<i>Amendment 288 Article 86 – paragraph 1</i>		
414.	1. The Management Board shall be composed of representatives from Member States and from the Commission, all with voting rights. Each Member State shall appoint one member of the Management Board and one	1. The Management Board shall be composed of representatives from Member States and from the Commission, all with voting rights. Each Member State shall appoint one member of the Management Board and one	1. The Management Board shall be composed of representatives from Member States and from the Commission, all with voting rights. Each Member State shall appoint one member of the Management Board and	Propose CGA.

	Commission proposal, COM(2015) 613 final	European Parliament 1st reading amendments, PE	Council General Approach, ST 15155/16	Presidency proposal/remarks
	alternate who will represent the member in his or her absence. The Commission shall appoint two representatives and their alternates. The term of office for members and their alternates shall be four years. That term shall be extendable.	alternate who will represent the member in his or her absence. The Commission shall appoint one representative and one alternate . The term of office for members and their alternates shall be four years. That term shall be extendable.	[...] two alternates who will represent the member in his or her absence. The Commission shall appoint two representatives and their alternates. The term of office for members and their alternates shall be four years. That term shall be extendable.	
415.		Amendment 289 Article 86 – paragraph 2		
416.	2. Members of the Management Board and their alternates shall be appointed in light of their knowledge, recognised experience and commitment in the field of civil aviation, taking into account relevant managerial, administrative and budgetary expertise, which are to be used to further the objectives of this Regulation. <i>They shall have overall responsibility at least for civil aviation safety policy in their respective Member States.</i>	2. Members of the Management Board and their alternates shall be appointed in light of their knowledge, recognised experience and commitment in the field of civil aviation, taking into account relevant managerial, administrative and budgetary expertise, which are to be used to further the objectives of this Regulation.	2. Members of the Management Board and their alternates shall be appointed in light of their knowledge, recognised experience and commitment in the field of civil aviation, taking into account relevant managerial, administrative and budgetary expertise, which are to be used to further the objectives of this Regulation. [...] The members shall have overall responsibility at least for civil aviation safety policy in their respective Member States.	Propose CGA
417.	3. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of the work of the Management Board. All		3. All parties represented in the Management Board shall make efforts to limit turnover of their representatives, in order to ensure continuity of the work of the Management Board. All	COM text.

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	parties shall aim to achieve a balanced representation between men and women on the Management Board.		parties shall aim to achieve a balanced representation between men and women on the Management Board.	
418.	4. Where appropriate, the participation of representatives of European third countries in the Management Board with observer status and the conditions of such participation shall be established in the agreements referred to in Article 118.		4. Where appropriate, the participation of representatives of European third countries in the Management Board with observer status and the conditions of such participation shall be established in the agreements referred to in Article 118.	COM text.
419.		<i>Amendment 290</i> <i>Article 86 – paragraph 5</i>		
420.	5. The advisory body referred to in Article 85(4) shall appoint four of its members to participate with observer status in the Management Board. They shall represent, as broadly as possible, the different views represented in the advisory body. The term of office shall be 24 months and shall be extendable once for a further 24 months.	5. The advisory body referred to in Article 85(4) shall appoint four of its members to participate with observer status in the Management Board. They shall represent, as broadly as possible, the different views represented in the advisory body. The <i>initial</i> term of office shall be <i>no more than 48</i> months <i>but</i> shall be extendable.	5. The advisory body referred to in Article 85(4) shall appoint four of its members to participate with observer status in the Management Board. They shall represent, as broadly as possible, the different views represented in the advisory body. The term of office shall be 24 months and shall be extendable[...].	<u>Presidency compromise text:</u> 5. The advisory body referred to in Article 85(4) shall appoint four of its members to participate with observer status in the Management Board. They shall represent, as broadly as possible, the different views represented in the advisory body. The <i>initial</i> term of office shall be <i>24 48</i> months and shall be extendable.
421.	<i>Article 87</i> <i>Chairperson of the Management Board</i>		<i>Article 87</i> <i>Chairperson of the Management Board</i>	COM text
422.	1. The Management Board shall elect a Chairperson and a Deputy Chairperson from		1. The Management Board shall elect a Chairperson and a Deputy Chairperson from	COM text

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	among its members with voting rights. The Deputy Chairperson shall ex officio replace the Chairperson in the event of his or her inability of attending to his or her duties.		among its members with voting rights. The Deputy Chairperson shall ex officio replace the Chairperson in the event of his or her inability of attending to his or her duties.	
423.	2. The term of office of the Chairperson and Deputy Chairperson shall be four years and shall be extendable once for a further four years. If their membership of the Management Board ceases at any time during their term of office, their term of office shall automatically expire on that date.		2. The term of office of the Chairperson and Deputy Chairperson shall be four years and shall be extendable once for a further four years. If their membership of the Management Board ceases at any time during their term of office, their term of office shall automatically expire on that date.	COM text
424.	<i>Article 88 Meetings of the Management Board</i>		<i>Article 88 Meetings of the Management Board</i>	COM text.
425.	1. Meetings of the Management Board shall be convened by its Chairperson.		1. Meetings of the Management Board shall be convened by its Chairperson.	COM text.
426.	2. The Management Board shall hold at least two ordinary meetings a year. In addition it shall meet at the request of the Chairperson, of the Commission or of at least one third of its members.		2. The Management Board shall hold at least two ordinary meetings a year. In addition it shall meet at the request of the Chairperson, of the Commission or of at least one third of its members.	COM text.
427.	3. The Executive Director of the Agency shall take part in the deliberations, without the right		3. The Executive Director of the Agency shall take part in the deliberations, without the right	COM text.

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	to vote.		to vote.	
428.			3a. The members of the Management Board may, subject to the provisions of its Rules of Procedure, be assisted by their advisers or experts.	Propose CGA. <i>EP will consider CGA, if AM 289 is accepted.</i>
429.	4. The Management Board may invite any person whose opinion might be of interest to attend its meetings with observer status.		4. The Management Board may invite any person whose opinion might be of interest to attend its meetings with observer status.	COM text
430.	5. The Agency shall provide the secretariat for the Management Board.		5. The Agency shall provide the secretariat for the Management Board.	COM text
431.	<i>Article 89 Voting rules of the Management Board</i>		<i>Article 89 Voting rules of the Management Board</i>	COM text
432.		Amendment 291 Article 89 – paragraph 1		
433.	1. Without prejudice to Articles 85(2)(c) and (d), and 92(7), the Management Board shall take decisions by majority of its members with voting rights. At the request of a member of the Management Board, the decision referred to in Article 85(2)(k) shall be taken by unanimity.	1. Without prejudice to Articles 85(2)(c) and (d), and 92(7), the Management Board shall take decisions by majority of its members with voting rights.	1. Without prejudice to Articles 85(2)(c) and (d), and 92(7), the Management Board shall take decisions by majority of its members with voting rights. At the request of a member of the Management Board, the decision referred to in Article 85(2)(k) shall be taken by unanimity.	COM text <i>EP will consider withdrawing the amendment.</i>
434.	2. Each member appointed pursuant to Article 86(1) shall have one vote. In the absence of a member, his or her alternate		2. Each member appointed pursuant to Article 86(1) shall have one vote. In the absence of a member, his or her alternate	COM text

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	shall be entitled to exercise his or her right to vote. Neither observers nor the Executive Director of the Agency shall vote.		shall be entitled to exercise his or her right to vote. Neither observers nor the Executive Director of the Agency shall vote.	
435.	3. The Rules of Procedure of the Management Board shall establish more detailed voting arrangements, in particular the conditions under which a member may act on behalf of another member as well as any quorum requirements, where appropriate.		3. The Rules of Procedure of the Management Board shall establish more detailed voting arrangements, in particular the conditions under which a member may act on behalf of another member as well as any quorum requirements, where appropriate.	COM text.
436.	4. Decisions on budgetary or human resources matters require a positive vote from the Commission to be adopted.		4. Decisions on budgetary or human resources matters, in particular Article 85(2), (d), (f), (h), (m), (n), (p), and (r) , require a positive vote from the Commission to be adopted.	Propose CGA <i>EP will consider CGA, probably acceptable.</i>
	<i>Article 90 Executive Board</i>		<i>Article 90 Executive Board</i>	Propose CGA
437.	1. The Management Board shall be assisted by an Executive Board.		[...]	
438.	2. The Executive Board shall: (a) prepare decisions to be adopted by the Management Board; (b) ensure, together with the Management Board, adequate follow-up to the findings and recommendations stemming from the internal or external			

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	audit reports and evaluations, as well as from investigations of OLAF;			
439.		Amendment 292 Article 90 – paragraph 2 – point c		
440.	(c) without prejudice to the responsibilities of the Executive Director, as set out in Article 91 , assist and advise him or her in the implementation of the decisions of the Management Board, with a view to reinforcing supervision of administrative and budgetary management.	(c) without prejudice to the responsibilities of the Executive Director assist and advise him or her in the implementation of the decisions of the Management Board, with a view to reinforcing supervision of administrative and budgetary management.		
441.		Amendment 293 Article 90 – paragraph 3		
442.	3. When necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board, in particular on administrative management matters, including the suspension of the delegation of the appointing authority powers and budgetary matters. They shall be referred to the earliest meeting of the Management Board for confirmation.	3. When necessary, because of urgency, the Executive Board may take certain provisional decisions on behalf of the Management Board, in particular on administrative management matters, including the suspension of the delegation of the appointing authority powers and budgetary matters. They shall be referred to the earliest meeting of the Management Board for confirmation. The decisions shall be taken by a majority of five of the seven members of the Executive Board. The		

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		<i>Management Board may revoke those decisions by an absolute majority of the votes cast.</i>		
443.		Amendment 294 Article 90 – paragraph 4		
444.	4. The Executive Board shall be composed of the Chairperson of the Management Board, two representatives of the Commission and six other members appointed by the Management Board from among its members with the right to vote. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board. The Executive Director shall take part in the meetings of the Executive Board, but shall not have the right to vote. The Advisory Board may appoint one of its members as observer.	4. The Executive Board shall be composed of the Chairperson of the Management Board, one representative of the Commission and five other members appointed by the Management Board from among its members with the right to vote. The Chairperson of the Management Board shall also be the Chairperson of the Executive Board. The Executive Director shall take part in the meetings of the Executive Board, but shall not have the right to vote. The advisory body, referred to in Article 85(4) , may appoint one of its members as an observer who shall not have the right to vote.		
445.	5. The term of office of members of the Executive Board shall be the same as that of members of the Management Board. The term of office of members of the Executive Board shall end when their membership of the Management Board ends.			

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446.		<i>Amendment 295</i> <i>Article 90 – paragraph 6</i>		
447.	6. The Executive Board shall hold at least one ordinary meeting every three months. In addition, it shall meet on the initiative of its Chairperson or at the request of its members.	6. The Executive Board shall hold at least one ordinary meeting every three months. In addition, it shall meet on the initiative of its Chairperson, <i>the Executive Director</i> or at the request of <i>one third of</i> its members.		
448.		<i>Amendment 296</i> <i>Article 90 – paragraph 7</i>		
449.	7. The <i>Management</i> Board shall <i>lay down the</i> rules of procedure <i>of the Executive Board</i> .	7. The <i>Executive</i> Board shall <i>adopt its own</i> rules of procedure.		