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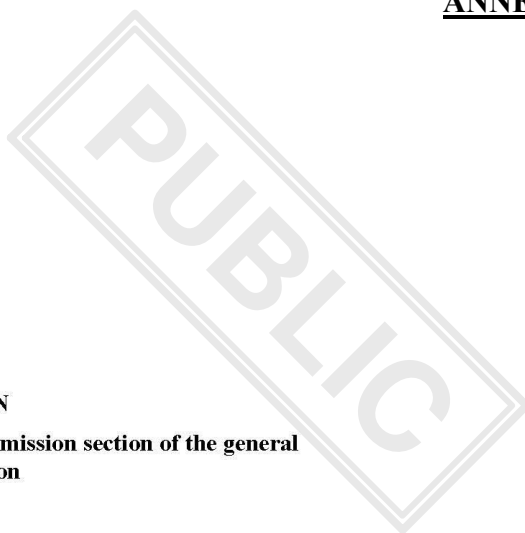
Subject: Single European Sky 2+  
- Legislative financial statement.

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In view of the COREPER 1 meeting on 22 March 2024, delegations will find for their information, in annex, a legislative financial statement prepared by the Commission for SES2+ Recast.

**Annex II A**

**ANNEX 4  
to the  
COMMISSION DECISION  
on the internal rules for the implementation of the Commission section of the general  
budget of the European Union**



**LEGISLATIVE FINANCIAL STATEMENT**

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**1. FRAMEWORK OF THE PROPOSAL/INITIATIVE**

**1.1. Title of the proposal/initiative**

Amended proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the implementation of the Single European Sky (recast)

**1.2. Policy area(s) concerned**

Policy area: Transport and Mobility  
Activity: Single European Sky

**1.3. The proposal/initiative relates to:**

- a new action
- a new action following a pilot project/preparatory action<sup>1</sup>
- the extension of an existing action
- a merger or redirection of one or more actions towards another/a new action

**1.4. Objective(s)**

*1.4.1. General objective(s)*

The Single European Sky (SES) initiative aims to improve the overall efficiency of the way in which European airspace is organised and managed through a reform of the industry providing air navigation services (ANS).  
The amended proposal specifically focuses on accelerating the adaptation of the air navigation services in light of the principles and objectives set in the current regulation on SES.

*1.4.2. Specific objective(s)*

The specific objective is to establish a permanent Performance Review Board, a permanent NSA Cooperation Board, both supported by a Secretariat for Performance Review.

*1.4.3. Expected result(s) and impact*

*Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.*

The establishment of a permanent Performance Review Board and NSA Cooperation Board supported by a Secretariat for Performance Review would ensure that these functions are carried out with the necessary expertise and with the required resources. It should result in a stable structure with its own staff capable of delivering high quality advisory services to the Commission.

*1.4.4. Indicators of performance*

*Specify the indicators for monitoring progress and achievements.*

<sup>1</sup> As referred to in Article 58(2)(a) or (b) of the Financial Regulation.

Performance improvements for air navigation services at EU level and at Member States level, measured in accordance with the key performance indicators referred to in the Regulation in the key performance areas of cost-efficiency, capacity and environment.

## 1.5. Grounds for the proposal/initiative

### 1.5.1. Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative

The main elements related to the Performance Review Board and the NSA Cooperation Board should be applicable as from 2025. However, elements of the governance structure should be in place before then. In particular, the Secretariat for Performance Review should be set-up in advance in order to be effective. By the time of applicability, the Performance Review Board and the NSA Cooperation Board should be operative. The responsibilities of the Secretariat for Performance Review would include qualified technical and expert support to the Performance Review Board, including analysis and report writing, secretariat/administrative support to the Performance Review Board, secretariat/administrative and technical support to the NSA Cooperation Board. Given the numerous tasks, including the performance review of air navigation service providers in the 27 Member States, it requires considerable staffing to be able to efficiently deliver on those tasks. It has been estimated that the Secretariat for Performance Review would need a total of 44 FTE when fully developed including 4 administrative and financial support staff. This also includes 4 officials posts redeployed within the Commission. In addition, costs for technical assistance, costs for experts, contracts for data provision, external studies and for additional consultancy services need to be covered. In total, it is estimated that it amounts as of 2028 to a total of around EUR 8.8 million per year, with lower amounts in the transition phase.

As regards experts, EU funds should cover the costs incurred by members of the Performance Review Board for their participation in the Board (part time): allowances, expenses (travel, subsistence etc). CEF funding will be used to cover the allowances and expenses of the selected members without application of public procurement thresholds, as after their appointment, there exist no competing alternative experts to the pre-identified experts.

### 1.5.2. Added value of Union involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this point 'added value of Union involvement' is the value resulting from Union intervention, which is additional to the value that would have been otherwise created by Member States alone.

By nature, air traffic management affects the airspace of the entire European Union, and cross-border movements of persons, goods, services and capital are inherent to aviation. The establishment of a permanent Performance Review Board to provide advisory services to the Commission for the regulation of air navigation services in Europe can only be brought about by the Union and not by its Member States. Similarly, a platform for exchange between national supervisory authorities by means of the NSA Cooperation Board should be established at Union level.

1.5.3. *Lessons learned from similar experiences in the past*

According to the existing rules, the Commission may designate a body as Performance Review Body, which would have an advisory role to the Commission. The Commission ensures that the PRB acts independently. The PRB therefore does not have a permanent structure today and it is therefore operating under volatile conditions, with a lot of instability regarding the human resources, loss of technical expertise and high training and support costs.

The establishment of a permanent Performance Review Board and a NSA Cooperation Board supported by a Secretariat for Performance Review is compatible with the Multiannual Financial Framework.

1.5.4. *Compatibility with the Multiannual Financial Framework and possible synergies with other appropriate instruments*

In order to establish an advisory Performance Review Board having a permanent structure dedicated to performance review, supported with necessary expertise and dedicated resources, an alternative governance and set up is required, which goes beyond the framework provided by existing instruments, as those instruments do not currently ensure that there can be a permanent structure with dedicated resources.

1.5.5. *Assessment of the different available financing options, including scope for redeployment*

External staff and other administrative expenditure will be funded from a new administrative support budget line under CEF Transport following the joint declaration from the co-legislators, given that the objective of this regulation – improving the provision of air navigation services – contributes directly to key objectives of Connecting Europe Facility for Transport – smart, interoperable, sustainable, safe and secure mobility. Appropriations will be redeployed from the programme's main envelope under this Multiannual Financial Framework (2021-2027), where the performance review activity is currently financed mostly via procurement. The permanent staff will be redeployed within the Commission.

**1.6. Duration and financial impact of the proposal/initiative**

**limited duration**

- in effect from [DD/MM]YYYY to [DD/MM]YYYY
- Financial impact from YYYY to YYYY for commitment appropriations and from YYYY to YYYY for payment appropriations.

**unlimited duration**

- Implementation with a start-up period from 2024 to 2027,
- followed by full-scale operation.

**1.7. Method(s) of budget implementation planned<sup>2</sup>**

**Direct management** by the Commission

- by its departments, including by its staff in the Union delegations;
- by the executive agencies

**Shared management** with the Member States

**Indirect management** by entrusting budget implementation tasks to:

- third countries or the bodies they have designated;
- international organisations and their agencies (to be specified);
- the EIB and the European Investment Fund;
- bodies referred to in Articles 70 and 71 of the Financial Regulation;
- public law bodies;
- bodies governed by private law with a public service mission to the extent that they are provided with adequate financial guarantees;
- bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that are provided with adequate financial guarantees;
- bodies or persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.
- *If more than one management mode is indicated, please provide details in the 'Comments' section.*

Comments

<sup>2</sup> Details of budget implementation methods and references to the Financial Regulation may be found on the BUDGpedia site: <https://myintracomm.ec.europa.eu/corp/budget/financial-rules/budget-implementation/Pages/implementation-methods.aspx>

## 2. MANAGEMENT MEASURES

### 2.1. Monitoring and reporting rules

*Specify frequency and conditions.*

The Regulation will be reviewed and evaluated in accordance with the timeline provided for in the Regulation. The Commission will report on the findings of the evaluation to the European Parliament and to the Council.

### 2.2. Management and control system(s)

2.2.1. *Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed*

The Regulation maintains the role of the Commission as regulator for air navigation services. The Regulation establishes a permanent Performance Review Board, providing independent advice to the Commission, and a permanent NSA Cooperation Board. It requires that the Commission provides secretariat and expert support to those Boards.

In order to face these tasks, it is necessary to appropriately resource the Commission's services. The enforcement of the Regulation is estimated to require 44 FTE. This includes 4 officials post redeployed within the Commission and 40 new Contract Agents posts.

2.2.2. *Information concerning the risks identified and the internal control system(s) set up to mitigate them*

In order to ensure that the members of the Boards have the possibility to make informed analysis on the basis of factual evidence, it is foreseen that the Performance Review Board and the NSA Cooperation Board should be supported by the Secretariat for Performance Review within the administrative structure of the Commission.

2.2.3. *Estimation and justification of the cost-effectiveness of the controls (ratio of "control costs ÷ value of the related funds managed"), and assessment of the expected levels of risk of error (at payment & at closure)*

For the meeting expenditure, given the low value per transaction (e.g. refunding travel costs for a delegate for a meeting), the Commission standard control procedures will apply.

### 2.3. Measures to prevent fraud and irregularities

*Specify existing or envisaged prevention and protection measures, e.g. from the Anti-Fraud Strategy.*

The existing fraud prevention measures applicable to the Commission will cover the appropriations necessary for this Regulation.

### 3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

#### 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

*In order of multiannual financial framework headings and budget lines.*

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff. <sup>3</sup>	from EFTA countries <sup>4</sup>	from candidate countries and potential candidates <sup>5</sup>	From other third countries	other assigned revenue
1	02 03 01 Connecting Europe Facility (CEF) — Transport	Diff.	No	Yes	No	
7	20 02 01 01 (Headquarters and Commission's Representation Offices)	Non-diff	No	No	No	
7	20 02 06 01 Mission and representation expenses	Non-diff	No	No	No	

- New budget lines requested

*In order of multiannual financial framework headings and budget lines.*

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff.	from EFTA countries	from candidate countries and potential candidates	from other third countries	other assigned revenue
	02 01 21 02 Support expenditure for the Secretariat for Performance Review <sup>6</sup>	Non-diff	Yes <sup>7</sup>	Yes	Yes	

<sup>3</sup> Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

<sup>4</sup> EFTA: European Free Trade Association.

<sup>5</sup> Candidate countries and, where applicable, potential candidates from the Western Balkans.

<sup>6</sup> The amounts indicated in the LFS for this newly created budget line will be redeployed from budget line 02 03 01 CEF Transport in 2025, 2026 and 2027

<sup>7</sup> To be discussed and agreed with EEA-EFTA Member States

**3.2. Estimated financial impact of the proposal on appropriations**

**3.2.1. Summary of estimated impact on operational appropriations**

- The proposal/initiative does not require the use of operational appropriations
- The proposal/initiative requires the use of operational appropriations, as explained below:

EUR million (to three decimal places)

<b>Heading of multiannual financial framework</b>	01	Single Market, Research and Innovation
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DG: MOVE			Year 2022	Year 2023	Year 2024	Year 2025	Year 2026	Year 2027	Year 2028 <sup>8</sup>	TOTAL until 2027
○ Operational appropriations										
Budget line <sup>9</sup> 02 03 01 CEF Transport	Commitments	(1)			4.229	2.645	3.000	3.662	4.000	13.536
	Payments	(2)			1.269	3.754	2.752	3.199	2.563 (+1.2 for 2028)	10.973
Appropriations of an administrative nature financed from the envelope of specific programmes <sup>10</sup>										
Budget line 02 01 21 02 Support expenditure for the Secretariat for Performance Review <sup>11</sup> - Amounts redeployed from the CEF-T operational line.		(3)			0.119	1.575	2.650	3.725	4.800	8.069
	<b>TOTAL appropriations</b>	Commitments	=1+3			4.348	4.220	5.650	7.387	8.800

<sup>8</sup> Figures in this column are indicative and do not prejudice from future MFF discussions and budget availability

<sup>9</sup> According to the official budget nomenclature.

<sup>10</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

<sup>11</sup> Refers to a newly created budget sub-line according to the Declaration by the Co-legislators

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<b>for DG MOVE</b>	Payments	=2+3			1.388	5.329	5.402	6.924	2.563 (+1.2+4.800 for 2028)	<b>19.043</b>
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○ TOTAL operational appropriations	Commitments	(4)			4.229	2.645	3.000	3.662	4.000	13.536
	Payments	(5)			1.269	3.754	2.752	3.199	2.563 (+1.2 for 2028)	10.973
○ TOTAL appropriations of an administrative nature financed from the envelope for specific programmes										
		(6)			0.119	1.575	2.650	3.725	4.800	8.069
<b>TOTAL appropriations under HEADING 1 of the multiannual financial framework</b>	Commitments	=4+6			4.348	4.220	5.650	7.387	8.800	21.604
	Payments	=5+6			1.388	5.329	5.402	6.924	2.563 (+1.2+4.800 for 2028)	19.043

**If more than one operational heading is affected by the proposal / initiative, repeat the section above:**

○ TOTAL operational appropriations (all operational headings)	Commitments	(4)								
	Payments	(5)								
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes (all operational headings)										
		(6)								
<b>TOTAL appropriations under HEADINGS 1 to 6 of the multiannual financial framework (Reference amount)</b>	Commitments	=4+6			4.348	4.220	5.650	7.387	8.800	21.604
	Payments	=5+6			1.388	5.329	5.402	6.924	2.563 (+1.2+4.800 for 2028)	19.043

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3.2.3. *Summary of estimated impact on administrative appropriations*

- The proposal/initiative does not require the use of appropriations of an administrative nature
- The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	Year 2024	Year 2025	Year 2026	Year 2027	Yearly after 2028 <sup>16</sup>	TOTAL until 2027
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HEADING 7 of the multiannual financial framework						
Human resources	0.712	0.712	0.712	0.712	0.712	<b>2.848</b>
Other administrative expenditure	0.05	0.05	0.05	0.05	0.05	<b>0.200</b>
<b>Subtotal HEADING 7 of the multiannual financial framework</b>	<b>0.762</b>	<b>0.762</b>	<b>0.762</b>	<b>0.762</b>	<b>0.762</b>	<b>3.048</b>

Outside HEADING 7 <sup>17</sup> of the multiannual financial framework						
Human resources	0.119	0.950	1.900	2.850	3.800	<b>5.819</b>
Other expenditure of an administrative nature		0.625	0.750	0.875	1.000	<b>2.250</b>
<b>Subtotal outside HEADING 7 of the multiannual financial framework</b>	<b>0.119</b>	<b>1.575</b>	<b>2.650</b>	<b>3.725</b>	<b>4.800</b>	<b>8.069</b>

<b>TOTAL</b>	<b>0.881</b>	<b>2.337</b>	<b>3.412</b>	<b>4.487</b>	<b>5.562</b>	<b>11.117</b>
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The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

<sup>16</sup> Figures in this column are indicative and do not prejudice from future MFF discussions and budget availability

<sup>17</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

3.2.3.1. Estimated requirements of human resources

- The proposal/initiative does not require the use of human resources.
- The proposal/initiative requires the use of human resources, as explained below:

*Estimate to be expressed in full time equivalent units*

	Year 2024	Year 2025	Year 2026	Year 2027	After 2027 <sup>18</sup>		
<b>○ Establishment plan posts (officials and temporary staff)</b>							
20 01 02 01 (Headquarters and Commission’s Representation Offices)	4	4	4	4	4		
20 01 02 03 (Delegations)							
01 01 01 01 (Indirect research)							
01 01 01 11 (Direct research)							
Other budget lines (specify)							
<b>○ External staff (in Full Time Equivalent unit: FTE)<sup>19</sup></b>							
20 02 01 (AC, END, INT from the ‘global envelope’)							
20 02 03 (AC, AL, END, INT and JPD in the delegations)							
XX 01 xx yy zz <sup>20</sup>	- at Headquarters						
	- in Delegations						
01 01 01 02 (AC, END, INT - Indirect research)							
01 01 01 12 (AC, END, INT - Direct research)							
Budget line 02 01 21 02 Support expenditure for the Secretariat for Performance Review	5	10	20	30	40		
<b>TOTAL</b>	<b>9</b>	<b>14</b>	<b>24</b>	<b>34</b>	<b>44</b>		

XX is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	<p>According to the draft Regulation, the following tasks need to be carried out by the Commission:</p> <ul style="list-style-type: none"> <li>• Commission to adopt Union-wide performance targets for en route air navigation services and indicative performance values for terminal services and may define complementary baseline values, alert thresholds, breakdown values and benchmark groups, for the purpose of enabling the assessment and approval of draft performance plan, and related consultations of Member States and stakeholders.</li> </ul>
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<sup>18</sup> Figures in this column are indicative and do not prejudice from future MFF discussions and budget availability

<sup>19</sup> AC= Contract Staff; AL = Local Staff; END= Seconded National Expert; INT = agency staff; JPD= Junior Professionals in Delegations.

<sup>20</sup> Sub-ceiling for external staff covered by operational appropriations (former ‘BA’ lines).

	<ul style="list-style-type: none"> <li>• Commission to establish general principles for the allocation of costs between en route and terminal services and related consultations of Member States and stakeholders.</li> <li>• Commission to assess the initial and revised draft performance plans of Member States, including taking due account of local circumstances if necessary and if necessary conducting detailed examinations</li> <li>• Commission to monitor the performance of the provision of air navigation services in all EU Member States and carry out regular assessments of the overall achievement of the performance targets.</li> <li>• In case of persisting underperformance, the Commission may initiate an investigation and may issue an opinion on non-compliance with the performance and charging schemes.</li> <li>• Commission to assess the draft Network Performance Plan.</li> <li>• Commission to revise Union-wide targets during a reference period.</li> <li>• Commission to assess and approve the requests for revisions of national performance plans and targets during a reference period.</li> <li>• Commission to verify annually the unit rates to be set by Member States.</li> <li>• The Commission to carry out investigations into any allegation of non-compliance with the performance and charging schemes.</li> </ul> <p>To carry out these tasks, a total staff of 4 is required, which includes the staff to supervise the contract agents.</p>
External staff	<p>The tasks described above rely on the assistance and advice of the Performance Review Board, supported by the Secretariat for Performance Review. In addition, the Secretariat for Performance Review will also have the following tasks:</p> <ul style="list-style-type: none"> <li>• The Secretariat for Performance Review to provide support to the Board for Performance Review for assistance to NSAs on their request.</li> <li>• The Secretariat for Performance Review to provide secretariat/administrative support to the Board for Performance Review.</li> <li>• The Secretariat for Performance Review to provide secretariat/administrative and technical support to the NSA Cooperation Board.</li> <li>• The Secretariat for Performance Review to provide support for the reports and recommendations of the Performance Review Board for inputs for the future development and for the implementation of the performance and charging schemes (eg work on new indicators, ad-hoc studies, etc).</li> </ul> <p>Overall, the tasks to be carried out by external staff require a total of 40 FTEs.</p>

3.2.4. *Compatibility with the current multiannual financial framework*

The proposal/initiative:

- can be fully financed through redeployment within the relevant heading of the Multiannual Financial Framework (MFF).

The allocation of the new administrative support budget line will be offset by a compensatory reduction of programmed spending under CEF Transport (02 03 01) under the Multiannual Financial Framework 2021-2027. The budget impact beyond the current MFF is an indicative overview, without prejudice to the future MFF Agreement.

- requires use of the unallocated margin under the relevant heading of the MFF and/or use of the special instruments as defined in the MFF Regulation.

- requires a revision of the MFF.

3.2.5. *Third-party contributions*

The proposal/initiative:

- does not provide for co-financing by third parties
- provides for the co-financing by third parties estimated below:

Appropriations in EUR million (to three decimal places)

	Year N <sup>21</sup>	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body								
TOTAL appropriations co-financed								

<sup>21</sup> Year N is the year in which implementation of the proposal/initiative starts. Please replace "N" by the expected first year of implementation (for instance: 2021). The same for the following years.

**3.3. Estimated impact on revenue**

- The proposal/initiative has no financial impact on revenue.
- The proposal/initiative has the following financial impact:
  - on own resources
  - on other revenue
  - please indicate, if the revenue is assigned to expenditure lines

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative <sup>22</sup>					
		Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)	
Article .....							

For assigned revenue, specify the budget expenditure line(s) affected.

Other remarks (e.g. method/formula used for calculating the impact on revenue or any other information).

<sup>22</sup> As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 20 % for collection costs.