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Bruxelles, le 22 juin 2022 (OR. fr, en)

9786/2/21 REV 2

LIMITE

AVIATION 161 CODEC 887

DOCUMENT DE TRAVAIL

Origine:	Secrétariat général du Conseil
Destinataire:	délégations
Nº doc. préc.:	ST 9786/21 REV1
N° doc. Cion:	ST 10841/20
Objet:	Proposition de règlement du Parlement européen et du Conseil modifiant le règlement (UE) 2018/1139 en ce qui concerne la capacité de l'Agence de l'Union européenne pour la sécurité aérienne à remplir la fonction d'organe d'évaluation des performances du ciel unique européen
	 Document 4 colonnes

En vue de la réunion du groupe Aviation du 27 juin 2022, les délégations trouveront en annexe un tableau quatre colonnes révisé pour la proposition en objet qui résume l'état des discussions avec le rapporteur. Les propositions de compromis de la Présidence concernant la gouvernance du PRB ne préjugent en aucun cas de la localisation du PRB au sein de l'AESA.

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TREE.2.A **LIMITE FR/EN**

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Regulation (EU) 2018/1139 as regards the capacity of the European Union Aviation Safety Agency to act as Performance Review Body of the Single European Sky

* The EP column contains the provisional version of the adopted text. This table will be checked against the consolidated version once available

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1.	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2018/1139 as regards the capacity of the European Union Aviation Safety Agency to act as Performance Review Body of the Single European Sky	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2018/1139 as regards the capacity of the European Union Aviation Safety Agency to act as Performance Review Body of the Single European Sky	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2018/1139 as regards the requirements applicable to air traffic management and air navigation services	
2.	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,		

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		report P8_TA lative act to the national parliaments,	doc.9162/21 ADD2	
		European Economic and Social Commit	ttaa	
	Having regard to the opinion of the	-	itee,	
	Acting in accordance with the ordin	G ,		
	Acting in accordance with the ordin	ary registative procedure		
3.	Whereas:			
4.	(1)In order to optimise the	(1)In order to optimise the	[]	
	application of the rules	application of the rules regarding		
	regarding the Single European	the Single European Sky,		
	Sky, Regulation [amended	Regulation [amended SES2+]		
	SES2+] establishes the	establishes the competence, for		
	competence, for various tasks	various tasks notably in respect of		
	notably in respect of the	the performance and charging		
	performance and charging	schemes, of a specialised Union		
	schemes, of a specialised Union	body, the European Union		
	body, the European Union	Aviation Safety Agency acting as		
	Aviation Safety Agency acting	Performance Review Body		
	as Performance Review Body	(hereafter the "Agency acting as		
	(hereafter the "Agency acting as	PRB").		
	PRB").			
5.	J ,	(2) In line with this objective, it is	[]	
	is necessary to establish, within	necessary to establish, within the		
	the Agency, a corresponding,	Agency, a corresponding,		
	permanent structure,	permanent structure, guaranteeing		
	guaranteeing that the tasks	that the tasks conferred upon the		
	conferred upon the Agency	Agency acting as PRB be carried		

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	acting as PRB be carried out	out with the required expertise as		
	with the required expertise as	well as independence from		
	well as independence from	governmental or private interests		
	public or private interests and	and that, in this context, the		
	that, in this context, the Agency	Agency can rely on resources		
	can rely on dedicated resources.	dedicated specifically to the new		
		tasks, including staffing and		
		structures.		
6	(2) Description (EII) 2019/1120 of	(2) Pagulatian (ELI) 2019/1120 of	r 1	
0.	(3) Regulation (EU) 2018/1139 of	(3)Regulation (EU) 2018/1139 of	[]	
	the European Parliament and of	the European Parliament and of		
	the Council ¹ , should therefore	the Council ¹ , should therefore be amended, in a manner that		
	be amended, in a manner that	<u> </u>		
	separates the discharge of the	separates the discharge of the		
	tasks regarding the performance and charging schemes of the	tasks regarding the performance and charging schemes of the		
	Single European Sky,	Single European Sky,		
	functionally and hierarchically,	functionally and hierarchically,		
	from the Agency's activity as a	from the Agency's activity as a		
	safety authority.	safety authority.		
	safety authority.	safety authority.		
	Regulation (EU) 2018/1139 of	$\frac{1}{1}$ Regulation (EU) 2018/1139 of		
	the European Parliament and of	the European Parliament and of the		
	the Council of 4 July 2018 on	Council of 4 July 2018 on common		
	common rules in the field of	rules in the field of civil aviation and		

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	civil aviation and establishing a	establishing a European Union		
	European Union Aviation	Aviation Safety Agency, and		
	Safety Agency, and amending	amending Regulations (EC) No		
	Regulations (EC) No	2111/2005, (EC) No 1008/2008,		
	2111/2005, (EC) No 1008/2008,	(EU) No 996/2010, (EU) No	# C * //	
	(EU) No 996/2010, (EU) No	376/2014 and Directives		
	376/2014 and Directives	2014/30/EU and 2014/53/EU of the	~	
	2014/30/EU and 2014/53/EU of	European Parliament and of the		
	the European Parliament and of	Council, and repealing Regulations		
	the Council, and repealing	(EC) No 552/2004 and (EC) No		
	Regulations (EC) No 552/2004	216/2008 of the European		
	and (EC) No 216/2008 of the	Parliament and of the Council and		
	European Parliament and of the	Council Regulation (EEC) No		
	Council and Council Regulation	3922/91 (OJ L 212, 22.8.2018, p. 1)		
	(EEC) No 3922/91 (OJ L 212,			
	22.8.2018, p. 1)			
7.	(4) For these purposes, a	(4) For these purposes, a Regulatory	[]	
	Regulatory Board for	Board for Performance Review		
	Performance Review should be	should be established and a		
	established and a Director for	Director for Performance Review		
	Performance Review should be	should be appointed in order to		
	appointed in order to carry out	carry out specifically the		
	specifically the functions of the	functions of the Agency acting as		
	Agency acting as PRB.	PRB.		

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8.	(5) In line with the principles set	(5) In line with the principles set out	[A]	
	out above, the Regulatory Board	above, the Regulatory Board for		
	for Performance Review should	Performance Review should []		
	act independently and should	be fully independent and should		
	not seek or follow instructions	not seek or follow instructions or	(C)	
	or accept recommendations	accept recommendations from a		
	from a government of a Member	government of a Member State,	~	
	State, from the Commission or	from the Commission, from		
	any other public or private	EASA or any other public or		
	entity.	private entity		
9.	(6) The Management Board of	(6) The [] Regulatory Board of	[]	
	the Agency should have the	[] Performance Review		
	necessary powers in particular	should [] appoint the Director		
	to appoint the Director for	for Performance Review.		
	Performance Review.			
10.	(7) The Director for	(7) The Director for Performance	[]	
	Performance Review should in	Review should in particular be		
	particular be the legal	the legal representative of the		
	representative of the Agency in	Agency in matters of performance		
	matters of performance review	review and be in charge of the		
	and be in charge of the day-to-	day-to-day administration in		
	day administration in respect of	respect of this matter, as well as		
	this matter, as well as of various	of various preparatory tasks. The		
	preparatory tasks. The Director	Director for Performance Review		
	for Performance Review should	should also draft and submit the		
	also draft and submit the section	section on performance review of		

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	on performance review of the	the programming document, the		
	programming document, the	annual work programme and the		
	annual work programme and the	annual activity report of the		
	annual activity report of the	Agency. The Regulatory Board		
	Agency. The Regulatory Board	for Performance Review as a []		
	for Performance Review as an	fully independent body should be		
	independent body should be	involved in those activities as	<u> </u>	
	involved in those activities as	necessary.		
	necessary.			
11.	(8) Cooperation between	(8)Cooperation between national	[]	
	national supervisory authorities	supervisory authorities in the area		
	in the area of performance	of performance review is		
	review is important to ensure	important to ensure smooth		
	smooth application of Union	application of Union law in this		
	law in this area and should thus	area and should thus be		
	be facilitated, namely through	facilitated, namely through the		
	the establishment of an	establishment of an Advisory		
	Advisory Board for	Board for Performance Review,		
	Performance Review.	which should ensure more		
		synergies among actors and		
		stakeholders.		
12.	(9) Where the Agency acting as	(9) Where the Agency acting as PRB	[]	
	PRB has decision-making	has decision-making powers,		
	powers, interested parties	interested parties should, for		
	should, for reasons of	reasons of procedural economy,		
	procedural economy, be granted	be granted a right of appeal to an		

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	a right of appeal to an Appeal	Appeal Board for Performance		
	Board for Performance Review,	Review, which should be part of,		
	which should be part of the	but independent from, the		
	Agency acting as PRB, but	Agency acting as PRB. []		
	independent from its			
	administrative and regulatory			
	structure.			
13.	(10) The Agency acting as PRB	(10) The Agency acting as PRB	[]	
	should carry out any necessary	should carry out any necessary		
	consultations and act	consultations and act		
	transparently.	transparently.		
14.		(10a) In the framework of the		
		European Green Deal, the		
		players involved in the activity		
		of EASA as PRB should act		
		with a particular focus on		
		climate and environmental		
		performance in line with the		
		emission reduction targets		
		within the European Climate		
		legislation, and notably the		
		Single European Sky 10 %		
		sectorial contribution within		
		the aviation sector efforts.		
		Scientific experts with the		
		necessary knowledge about the		

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		environmental and climate		
		impacts of aviation should be		
		involved. Adequate procedures		
		and methodology should be		
		developed and the collection of		
		data should include those		
		related to greenhouse gas		
		emissions.		
15.	(11) The Agency shall account	(11) The Agency shall account the	[]	
	the revenue and expenditure for	revenue and expenditure for		
	performance review separately	performance review separately		
	from other revenue and	from other revenue and		
	expenditure. In line with the	expenditure. In line with the		
	principle of independence of the	principle of independence of the		
	Agency acting as PRB, the draft	Agency acting as PRB, the draft		
	statement of estimates of the	statement of estimates of the		
	revenue and expenditure on	revenue and expenditure on		
	performance review to be	performance review to be		
	presented to the Executive	presented to the Executive		
	Director should be prepared by	Director should be prepared by		
	the Director for Performance	the Director for Performance		
	Review. Within this draft	Review. Within this draft		
	statement of estimates, changes	statement of estimates, changes to		
	to the revenue and expenditure	the revenue and expenditure on		
	on performance review should	performance review should		
	require the approval of the	require the approval of the		

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	Director for Performance	Director for Performance Review.		
	Review. In the event of	[]		
	disagreement between the			
	Director for Performance			
	Review and the Executive			
	Director, the Director for			
	Performance Review should be		~	
	put in a position to state his or			
	her views in an effective manner			
	to the attention of the			
	Management Board, before the			
	latter adopts the provisional			
	draft estimate of revenue and			
	expenditure of the Agency.			
16.	(12) It is appropriate that	(12) It is appropriate that designated	[]	
	designated air traffic service	air traffic service providers		
	providers contribute to the	contribute to the setting up of the		
	setting up of the operation of the	operation of the Agency acting as		
	Agency acting as PRB and its	PRB and its continuous		
	continuous functioning.	functioning. Designated air traffic		
	Designated air traffic service	service providers hold natural		
	providers hold natural	monopolies in respect of the		
	monopolies in respect of the	services concerned, and those		
	services concerned, and those	services are remunerated by		
	services are remunerated by	airspace users. Because of this		
	airspace users. Because of this	specific feature, it is necessary		

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	that the performance and charging schemes be applied to them, so as to optimise the provision of the services concerned on a number of points. The principal role of the Agency acting as PRB consists in the application of those schemes, and the funds necessary for its setting up can therefore be considered as necessary for reasons linked to the peculiar features and the peculiar position of the providers of the services concerned. Another task of the Agency acting as PRB is to contribute to the development of ATM/ANS scalability, for example by promoting the safe and harmonised use of new technologies, re-adjusting approval procedures for	'	Options for compromises
	operating staff and accompanying this with		
	harmonised human-machine		

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		interfaces for ATM/ANS systems.		
17.	(13) Costs related to the supervision of designated air traffic service providers by the Agency acting as PRB can be divided into costs for its setting up and running costs.	of designated air traffic service providers by the Agency acting as PRB can be divided into costs for its setting up and running costs.	[]	
18.	of the Agency acting as PRB are short-term and limited to a few activities, such as recruitment, training and necessary IT equipment, and are necessary to initiate the supervision required for the reasons described.	(14) The costs for the setting up of the Agency acting as PRB [] should not be limited to a few activities, such as recruitment, training and necessary IT equipment, [] but should include all the necessary steps and expenditures to initiate the supervision required for the reasons described.	[]	
19.	(15) Those costs should be paid during five financial years by designated air traffic service providers in the form of annual contributions, calculated in a fair and non-discriminatory manner. Individual contributions by designated air	(15) Those costs should be paid during five financial years [] with a financial contribution from the Union.	[]	

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	traffic service providers should	1 -		
	be determined by reference to			
	their size in order to reflect their			
	importance in the provision of			
	air traffic services in Europe and		// C1	
	hence the relative benefits they			
	draw from the supervised			
	activity. Concretely, such			
	contributions should be			
	calculated based on the amount			
	of actual revenues produced by			
	the provision of air navigation			
	services over the reference			
	period preceding the reference			
	period during which this			
	Regulation enters into force.			
20.	(16) In order to establish uniform	[]	[]	
	rules regarding the calculation			
	of annual contributions, in			
	particular the methodology to			
	allocate the estimated			
	expenditure to categories of			
	designated air traffic service			
	providers and the criteria to			
	determine the level of individual			
	contributions based on size,			

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	implementing powers should be			
	conferred on the Commission.			
	Those powers should be			
	exercised in accordance with			
	Regulation (EU) No 182/2011		(C)	
	of the European Parliament and			
	of the Council ²		~	
	² Regulation (EU) No 182/2011			
	of the European Parliament and			
	of the Council of 16 February			
	2011 laying down the rules and			
	general principles concerning			
	mechanisms for control by			
	Member States of the			
	Commission's exercise of			
	implementing powers (OJ L 55,			
	28.2.2011, p. 13).			
21.	(17) Running costs relate to the	(17) Running costs relate to the cost	[]	
	cost of the activities conducted	of the activities conducted by the		
	by the Agency acting as PRB, in	Agency acting as PRB, in respect		
	respect of the performance and	of the performance and charging		
	charging schemes, once the	schemes, once the operation of		
	operation of this activity has	this activity has been set up.		
	been set up. Running costs of	Running costs of the Agency		

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	the Agency acting as PRB should equally be financed by designated air traffic services providers. However, the funding should be based on fees and charges, on account of interventions necessary for the application of the performance and charging schemes. This form of funding can also be expected to enhance the autonomy and independence of	acting as PRB should [] be financed by designated air traffic services providers. However, the funding should be based on fees and charges, on account of interventions necessary for the application of the performance and charging schemes. This form of funding can also be expected to enhance the autonomy and independence of the Agency acting as PRB.		
22.	the Agency acting as PRB. (18) No revenue received by the Agency, of whatever source, should compromise its independence and impartiality.	(18) No revenue received by the Agency, of whatever source, should compromise its independence and impartiality.	[]	
23.	(19) The Agency acting as PRB should also provide for a reserve fund covering one year of its operational expenditure to ensure the continuity of its operations and the execution of its tasks.	(19) The Agency acting as PRB should also provide for a reserve fund covering one year of its operational expenditure to ensure the continuity of its operations and the execution of its tasks.	[]	

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24.	(20) The Agency acting as PRB should be open to the participation of third countries which have concluded agreements with the Union and which have adopted and are applying the relevant rules of Union law.	(20) The Agency acting as PRB should be open to the participation of third countries which have concluded agreements with the Union and which have adopted and are applying the relevant rules of Union law.		
25.			(20a) In order to optimise the application of the rules regarding the Single European Sky, Regulations (EC) 549/2004³, 550/2004⁴ and 551/200⁵ have been replaced and repealed by [Amended SES2+]. It is therefore appropriate to update the references made in Regulation (EU) 2018/1139⁶ to those three Regulations	

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			3 Regulation (EC) No	
			549/2004 of the European	
			Parliament and of the	
			Council of 10 March 2004	
			laying down the framework	
			for the creation of the	
			single European sky	
			(the framework	
			Regulation) (OJ L 96,	
			31.3.2004, p. 1).	
			4 Regulation (EC) No	
			550/2004 of the European	
			Parliament and of the	
			Council of 10 March 2004	
			on the provision of air	
			navigation services in the	
			single European sky	
			(the service provision	
			Regulation) (OJ L 96,	
			31.3.2004, p. 10).	
			5 Regulation (EC) No	
			551/2004 of the European	
			Parliament and of the	
			Council of 10 March 2004	
			on the organisation and use	
			of the airspace in the single	
			European sky (the airspace	

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		3922/91 (OJ L 212, 22.8.2018, p. 1)	

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26.		_	(20b) It is also appropriate to integrate in Regulation (EU) 2018/1139 the requirements linked to certification of air navigation service providers that were previously laid down in Regulation 550/2004 to allow for a simplified regulatory framework for certification and a single certification process. In particular, it is appropriate to provide that, in order to be certified, providers of air traffic management and air navigation services (ATM/ANS) should demonstrate	Options for compromises
			sufficient financial robustness and obtain appropriate liability and insurance cover, comply with applicable	

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			requirements on ownership and organisational structure and manage security risks. The conditions that may be applied to the certificates issued should also be specified.
27.			(20c) Moreover, essential requirements applicable to ATM/ANS and air traffic controllers should be supplemented with respect to requirements applicable to air traffic data services
28.	(21) Regulation (EU) 2018/1139 should therefore be amended accordingly,	(21) Regulation (EU) 2018/1139 should therefore be amended accordingly,	(21) Regulation (EU) 2018/1139 should therefore be amended accordingly,

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30.	Article 1	Article 1	Article 1	
31.	Regulation (EU) 2018/1139 is	Regulation (EU) 2018/1139 is	Regulation (EU) 2018/1139 is	
	amended as follows:	amended as follows:	amended as follows:	
32.			(a1) Article 2 ⁷ is amended as follows:	
			⁷ Changes to this Article are	
			meant to update references	
			contained in Regulation	
			2018/1139.	
33.			(a) Subparagraph (h) of paragraph 1 is replaced by the following:	
34.			'without prejudice to	
			Regulation [Amended	
			SES2+] of the European	
			Parliament and of the	
			Council and the	
			responsibilities of	
			Member States with	
			regard to airspace under	
			their jurisdiction, the	
			design of airspace	
			structures in the Single	
			European Sky airspace.'	

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35.			(b) paragraph 5 is replaced by the following:	
36.			'5. Without prejudice to national security and defence requirements, and Article [1(2)] of [Amended SES2+], Member States shall ensure that:	
37.			(a) the facilities referred to in point (b) of the first subparagraph of paragraph 3 of this Article that are open to public use; and	
38.			(b) the ATM/ANS referred to in point (c) of the first subparagraph of paragraph 3 of this Article that are provided to air traffic to which Regulation	

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			[Amended SES2+] applies,	
39.			offer a level of safety and interoperability with civil systems that is as effective as that	
			resulting from the application of the	
			essential requirements set out in Annexes VII	
			and VIII to this	
			Regulation.'	
40.	(1) in Article 3, point 5 is	(1) in Article 3, point 5 is replaced by	(1)In Article 3, point 5, 33 and	
	replaced by the following:	the following:	34 [] are replaced by the	
			following:	
41.	'(5) 'ATM/ANS' means air	'(5) 'ATM/ANS' means air	'(5) 'ATM/ANS' means air	
	traffic management and air	traffic management and air	traffic management as	
	navigation services and covers	navigation services and covers all	defined in point (9) of	
	all of the following: the air	of the following: the air traffic	Article 2 of [Amended	
	traffic management functions	management functions and	SES2+] [] and air	
	and services as defined in point	services as defined in point (9) of	navigation services as	
	(9) of Article 2 of [amended	Article 2 of [amended SES2+];	defined in point (4) of	
	SES2+]; the air navigation	the air navigation services as	Article 2 of that	
	services as defined in point (4)	defined in point (4) of Article 2 of	Regulation, [] as well	
	of Article 2 of that Regulation,	that Regulation, including the	as the network functions	
	including the network functions	network functions referred to in	referred to in Article 26 of	

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referred to in Article 26 of that	Article 26 of that Regulation, as	that Regulation [] and	
Regulation, as well as services	well as services which augment	services consisting in the	
which augment signals emitted	signals emitted by satellites of	origination and processing	
by satellites of core	core constellations of GNSS for	of data and in the	
constellations of GNSS for the	the purpose of air navigation;	formatting and delivering	
purpose of air navigation; flight	flight procedures design; services	of data to general air	
procedures design; services	consisting in the origination and	traffic for the purpose of	
consisting in the origination and	processing of data and the	air navigation [];'	
processing of data and the	formatting and delivering of data		
formatting and delivering of	to general air traffic for the		
data to general air traffic for the	purpose of air navigation; and air		
purpose of air navigation; and	traffic data services which are the		
air traffic data services which	services consisting in the		
are the services consisting in the	collection, aggregation and		
collection, aggregation and	integration of operational data		
integration of operational data	from providers of surveillance		
from providers of surveillance	services, from providers of		
services, from providers of	meteorological services (MET)		
meteorological services (MET)	and aeronautical information		
and aeronautical information	services (AIS) and network		
services (AIS) and network	functions and from other relevant		
functions and from other	entities, and/or the provision of		
relevant entities, and/or the	processed data for air traffic		
provision of processed data for	control and air traffic		
air traffic control and air traffic	management purposes;';		
management purposes;';			

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42.		'(5a) "designated air traffic service provider" means a designated air traffic service as defined in Article 2(10b new) of [Amended SES2+];		
43.			(33) 'Single European Sky airspace' means airspace above the territory to which the Treaties apply, as well as any other airspace where Member States apply Regulation [Amended SES2+] in accordance with Article 1(4) of that Regulation;	
44.			(34)'national competent authority' means one or more entities designated by a Member State and having the necessary powers and allocated responsibilities for performing the tasks related to certification, oversight and	

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			enforcement in accordance with this Regulation and with the delegated and implementing acts adopted on the basis thereof;	
45.			(1a) Paragraph 1 of Article 40 is replaced by the following:	
46.			'1. The provision of ATM/ANS referred to in point (g) of Article 2(1) shall comply with the essential requirements set out in Annex VIII and, if applicable, Annex VII.	
47.			Providers of ATM/ANS shall also:	
48.			a) In view of ensuring a safe and continuous service provision, demonstrate sufficient financial robustness and have obtained	

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			appropriate liability and insurance cover, taking into account their legal status and the level of commercial insurance cover available;	
49.			b) Comply with applicable requirements on ownership and organisational structure in view of preventing of conflicts of interest to ensure a non-discriminatory service provision; and	
50.			c) Manage security risks.'	
51.			(1b) Article 41 is amended as follows:	
52.			(a)paragraph 2 is replaced by the following:	
53.			'2. The certificate referred to in paragraph 1 of this	

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			Article shall be issued	
			upon application,	
			when the applicant	
			has demonstrated that	
			it complies with the	
			implementing acts	
			referred to in Article	
			43 adopted to ensure	
			compliance with the	
			essential requirements	
			referred to in Article	
			40(1), first	
			subparagraph as well	
			as the requirements	
			referred to in Article	
			40(1), second	
			subparagraph, a), b)	
			and c).'	
54.			(b) The following	
			paragraph 3a is added:	
55.			'3a The certificate	
			referred to in	
			paragraph 1 of this	
			Article may be subject	
			to objectively	
			justified, non-	

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			discriminatory, proportionate and transparent conditions. These conditions may, as appropriate, be related to:	
56.			(a) ring-fencing or restriction of operations of services other than those related to the provision of air navigations services;	
57.			(b) contracts, agreements or other arrangements between the service provider and a third party and which concern the service(s);	
58.			(c) the provision of information reasonably required for the verification of the requirements of	

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			the certificate in	
			Article 41, and	
59.			(d) any other legal	
			conditions which are	
			not specific to air	
			navigation services,	
			such as conditions	
			relating to the	
			suspension or	
			revocation of the	
			certificate.'	
60.			(c) paragraph 4 is amended	
			as follows:	
61.			'4. The certificate	
			referred to in	
			paragraph 1 of this	
			Article may be	
			limited, suspended or	
			revoked when the	
			holder no longer	
			complies with the	
			essential requirements	
			referred to in Article	
			40(1), first	
			subparagraph or the	
			requirements referred	

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			to in Article 40(1), second subparagraph, a), b) and c) and with the rules and procedures for issuing and maintaining such certificate, in accordance with implementing acts referred to in point (b) of the first	
			subparagraph of Article 43(1).'	
62.			(d) paragraph 5 is amended as follows	
63.			'5. By way of derogation	
05.			from paragraph 1 of	
			this Article, in	
			accordance with the	
			implementing acts	
			referred to in Article	
			43, Member States	
			may decide that	
			providers of flight	
			information services	
			are to be allowed to	

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			declare their	
			capability, and the	
			availability to them of	
			the means, to	
			discharge the	
			responsibilities	
			associated with the	
			services provided in	
			compliance with the	
			essential requirements	
			referred to in Article	
			40(1), first	
			subparagraph and the	
			requirements referred	
			to in Article 40(1),	
			second subparagraph,	
			a), b) and c). In that	
			case, the Member	
			State concerned shall	
			inform the	
			Commission, the	
			Agency and the other	
			Member States of its	
			decision.'	
64.			(1c) Article 43 is replaced by	
			the following:	

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65.	0577 final	report P8_TA	1. In order to ensure the uniform implementation of and compliance with the essential requirements referred to in Article 40(1), first subparagraph and the requirements referred to in Article 40(1), second subparagraph, a), b) and c) for the provision of ATM/ANS referred to in point (g) of Article 2(1), the Commission shall, on the basis of the principles set out in Article 4 and with a view to achieving the objectives set out in Article 1, adopt implementing acts laying	
			down detailed provisions	
66.			concerning:	
00.			(a)the specific rules and procedures for the	
			<u>-</u>	
			provision of	

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			ATM/ANS in compliance with the essential requirements referred to in Article 40(1), first subparagraph and the requirements referred to in Article 40(1), second subparagraph, a), b) and c), including the establishment and implementation of the contingency plan in accordance with point 5.1(f) of Annex VIII;	
67.			(b) the rules and procedures for issuing, maintaining, amending, limiting, suspending or revoking the certificates referred to in Article 41(1);	

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68.			(bb) the conditions referred to in Article 41(3a);	
69.			(c) the rules and procedures for the declaration by providers of flight information services referred to in Article 41(5), and for the situations in which such declarations are to be permitted;	
70.			(d) the rules and procedures for issuing, maintaining, amending, limiting, suspending or revoking the certificates referred to in point (b) of Article 42(1), and for the situations in which such certificates are to be required;	

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71.			(e) the rules and procedures for the declaration by organisations referred to in point (a) of Article 42(1), and for the situations in which such declarations are to be required;	
72.			(f) the privileges and responsibilities of the holders of certificates referred to in Article 41(1) and point (b) of 42(1) and of organisations making declarations in accordance with Article 41(5) and point (a) of Article 42(1).	
73.			Those implementing acts shall be adopted in accordance with the examination procedure	

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			referred to in Article 127(3).	
74.			2. The rules referred to in paragraph 1 shall take due account of the ATM Master Plan.	
75.			3. When adopting those implementing acts, the Commission shall ensure compliance with the essential requirements referred to in Article 40(1), first subparagraph and the requirements referred to in Article 40(1), second subparagraph, a), b) and c) of this Regulation and shall take due account of the international standards and recommended practices, in particular those set out in Annexes 2 to 4, 10, 11 and 15 to the Chicago Convention.	

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76.				PCY compromise text: (1d) In Article 62, the following paragraph 4a is added: "In respect of certification, oversight, and enforcement activities relating to the requirements of Article 40(1), second subparagraph, points a), b) and c), the competent authority shall rely on the work of the national supervisory authority referred to in Article 3 of [amended SES2+] and shall take into account the opinion provided by that national supervisory authority. In case of a negative opinion of the national supervisory authority, the competent authority shall not issue a certificate. The national supervisory authority is

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				liable for the opinion provided."
77.		(1 a) Article 84 is replaced by the following:		
78.		"Article 84 Fines and periodic penalty payments		
79.		1 The Commission may, at the request of the Agency acting as PRB, impose on a legal or natural person responsible for the performance of Air Navigation Service Providers, in accordance with this Regulation and Article 42 a of [Amended]		
		SES 2+], either one or both of the following:		
80.		(a)a fine, where that person infringed, intentionally or negligently, one of the provisions of [Amended SES 2+],		

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81.		(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.		
82.		2 The amount of the fines and		
		periodic penalty payments		
		referred to in paragraph 1		
		shall be effective and		
		proportionate. The amount		
		of the fines shall not exceed 4		
		% of the annual income or		
		turnover of the legal or		
		natural person concerned.		
		The amount of the periodic		
		penalty payments shall not		
		exceed 2,5 % of the average		
		daily income or turnover of		
		the legal or natural person		
Ì		concerned.		

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83.		3 The Commission shall only		
		impose fines and periodic		
		penalty payments pursuant		
		to paragraph 1 when other		
		measures provided for in this	(,)	
		Regulation, and in the		
		delegated and implementing	V	
		acts adopted on the basis		
		thereof to address such		
		infringements, are		
		inadequate or		
		disproportionate.		
84.		4 With regard to the		
		imposition of fines and		
		periodic penalty payments in		
		accordance with this Article,		
		the Commission shall adopt		
		delegated acts in accordance		
		with Article 128, laying		
		down:		
85.		(a)detailed criteria and a		
		detailed methodology for		
		establishing the amounts		
		of the fines and periodic		
		penalty payments;		

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86.		(b) detailed rules for		
		enquiries, associated		
		measures and reporting,		
		as well as decision-		
		making, including		
		provisions on rights of		
		defence, access to file,	•	
		legal representation,		
		confidentiality and		
		temporary provisions;		
		and		
87.		(c)procedures for the		
		collection of the fines and		
		periodic penalty		
		payments.		
88.		5 The Court of Justice 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.		

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89.		6 The decisions of the Commission taken pursuant to paragraph 1 shall not be of a criminal law nature.";		
90.	(2) Article 93 is replaced by the following:	(2) Article 93 is replaced by the following:	(2)Article 93 is replaced by the following ⁸ :	
			8 Changes to this Article are meant to update references contained in Regulation 2018/1139.	
91.	'Article 93	'Article 93	'Article 93	
	Implementation of Single European Sky	Implementation of Single European Sky	Implementation of Single European Sky	
92.	1. The Agency acting as Performance Review Body (PRB) shall have the tasks and exercise the powers set out in [Amended SES2+].	1. The Agency acting as Performance Review Body (PRB) shall have the tasks and exercise the powers set out in [Amended SES2+].	[]	PCY compromise proposal is to transfer the role of the Commission (assisted by the current PRB) regarding the procedure for assessing and approving the performance plans and targets to another body (the "new" PRB) provided that the Member States and/or their NSA are

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				sufficiently involved in the procedure. The main policy choices: - the EU-wide targets, - the criteria to assess whether the local targets are consistent with the EU-wide performance targets during the reference period and to support alert mechanisms - general principles and requirements for the incentive scheme1; would still be adopted by a Commission decision under examination procedure with the no-opinion clause Corrective measures shall not be adopted or imposed by the new PRB.
93.	2. Where it has the relevant expertise, whether or not in its capacity as PRB, the Agency shall, upon request, provide technical assistance to the Commission, in the	2. Where it has the relevant expertise, whether or not in its capacity as PRB, the Agency shall, upon request, provide technical assistance to the Commission, in the	[] The Agency shall, where it has the relevant expertise [] and upon request, provide technical assistance to the Commission, in the	

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	implementation of the Single	implementation of the Single	implementation of the Single	
	European Sky, including on the	European Sky, including on the	European Sky [], in	
	performance and charging	performance and charging	particular by:	
	scheme, in particular by:	scheme, in particular by:		
94.	(a) conducting technical	(a) conducting technical	(a) conducting technical	
	inspections, technical	inspections, technical	inspections, technical	
	investigations, reviews of	investigations, reviews of	investigations [], and	
	compliance, studies and	compliance, studies and	studies [];	
	projects;	projects, including studies		
		relating to harmonised		
		human-machine interfaces;		
95.			(b) contributing in matters	
			covered by this	
			Regulation, in	
			cooperation with the	
			Performance Review	
			Body (PRB) referred to in	
			Article [9b] of [Amended	
			SES2+], to the	
			implementation of a	
			performance scheme for	
			air navigation services	
			and network functions;	
96.	(b)contributing to the	(b) contributing to the	(c) contributing to the	
	implementation of the ATM	implementation of the ATM	implementation of the	
	Master Plan, including the	Master Plan, including the	ATM Master Plan,	

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	development and deployment of the SESAR programme.';	development and deployment of the SESAR programme.';	including the development and deployment of the SESAR programme.';	
97.		(b a) requesting corrective measures, including fines and periodic penalty payments as laid down in Article 84 a.';		
98.	(3) in Article 94, paragraph 5 is replaced by the following:	(3)in Article 94, paragraph 5 is replaced by the following:	[]	
99.	'5. The Agency shall be legally represented by its Executive Director. For matters related to the Agency acting as PRB, the Agency shall be legally represented by the Director for Performance Review.';	'5. The Agency shall be legally represented by its Executive Director. For matters related to the Agency acting as PRB, the Agency shall be legally represented by the Director for Performance Review.';	[]	
100.	(4) Article 98 is amended as follows:	(4) Article 98 is amended as follows:	[]	
101.	(a) paragraph 2 is amended as follows:	(a) paragraph 2 is amended as follows:	[]	
102.	(i) point (f) is replaced by the following:	(i) point (f) is replaced by the following:	[]	

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103.	'(f) carry out its functions	'(f) carry out its	[]	
105.	relating to the Agency's	functions relating to the		
	budget pursuant to Articles	Agency's budget		
	120, 120a, 121 and 125;',	pursuant to Articles 120,		
	,,, ,, ,,	120a, 121 and 125;',		
104.	(ii) point (l) is replaced by	(ii) point (l) is replaced by	[]	
	the following:	the following:		
105.	'(l) take decisions on the	'(l) take decisions on	[]	
	establishment of the internal	the establishment of the		
	structures of the Agency at	internal structures of the		
	directors' level and, where	Agency at directors'		
	necessary, their modifications,	level and, where		
	subject, in the case of internal	necessary, their		
	structures concerning	modifications [] with		
	performance review, to a	the exception of the		
	corresponding request by the	structure of the agency		
	Director for Performance	acting as PRB. Any		
	Review and a positive opinion	such decisions shall		
	of the Regulatory Board for	guarantee the separation		
	Performance Review. Any	between the Regulatory		
	such decisions shall not affect	Board for Performance		
	the separation between the	Review, the Director for		
	Regulatory Board for	Performance Review, the		
	Performance Review, the	Advisory Board for		
	Director for Performance	Performance Review, the		
	Review, the Advisory Board	Appeal Board for		

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	for Performance Review, the	Performance Review and		
	Appeal Board for Performance	the staff working		
	Review and the staff working	exclusively for the		
	for the Agency acting as PRB	Agency acting as PRB		
	on the one hand, and the other	on the one hand, and the		
	bodies and function holders of	other bodies and		
	the Agency on the other	function holders of the	~	
	hand;',	Agency on the other		
		hand;		
106.	(iii) point (o) is	(iii) point (o) is replaced by	[]	
	replaced by the following:	the following:		
107.	'(o) adopt rules for the	'(o) adopt rules for the	[]	
	prevention and management	prevention and		
	of conflicts of interest in	management of conflicts		
	respect of its members, as	of interest in respect of		
	well as of the members of the	its members, as well as		
	Board of Appeal, the	of the members of the		
	members of the Regulatory	Board of Appeal, the		
	Board for Performance	members of the		
	Review, the members of the	Regulatory Board for		
	Advisory Board for	Performance Review, the		
	Performance Review and the	members of the		
	members of the Appeal	Advisory Board for		
	Board for Performance	Performance Review and		
	Review;';	the members of the		

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		Appeal Board for Performance Review;';		
108.	(b) the following paragraph 2a is inserted	[]	[]	
109.	'2a. In respect of matters regarding performance review, the Management Board shall:	[]	[]	
110.	(a) after consulting the Regulatory Board for Performance Review and obtaining its favourable opinion, appoint the Director for Performance Review in accordance with Article 114g and where relevant extend his or her term of office or remove him or her from office;	[]	[]	See line 202

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111.	(b)appoint the members of	[]	[]	See line 184
	the Regulatory Board for			
	Performance Review in			
	accordance with Article			
	114c			
112.	(c) after consulting the	[]	[]	See line 252
	Regulatory Board for			
	Performance Review,			
	appoint the members of			
	the Appeal Board for			
	Performance Review in			
	accordance with Article			
	1141;			
113.	(d)decide, after obtaining the	[]	[]	
	agreement of the			
	Commission, and as			
	regards the revenue and			
	expenditure in respect of			
	performance review,			
	whether to accept any			
	legacies, donations or			
	grants from other Union			
	sources or any voluntary			
	contribution from the			
	Member States or from			
	the national supervisory			

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	authorities referred to in			
	Article 3 of [Amended			
	SES2+];			
114.	(e) after consulting the	[]	[]	
	Regulatory Board for			
	Performance Review,			
	exercise disciplinary		~	
	authority over the Director			
	for Performance Review;			
115.	(f) after consultation of the	[]	[]	
	Regulatory Board for			
	Performance Review,			
	establish procedures for			
	issuing opinions,			
	recommendations and			
	decisions by the Agency			
	acting as PRB as referred			
	to in Article 119a(4);			
116.	(g)subject to the favourable	[]	[]	
	opinion of the Regulatory			
	Board for Performance			
	Review, and on the basis			
	of a proposal by the			
	Director for Performance			
	Review, adopt and			
	regularly update the			

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	communication and			
	dissemination plans on			
	performance review			
	referred to Article			
	119a(5);			
117.	(h)subject to the favourable	[]	[]	
	opinion of the Regulatory		~	
	Board for Performance			
	Review, authorise the			
	conclusion of working			
	arrangements in			
	accordance with Article			
	129a(4);			
118.	(i) subject to the favourable	[]	[]	
	opinion of the Regulatory			
	Board for Performance			
	Review, and on the basis			
	of a proposal by the			
	Director for Performance			
	Review, establish			
	mechanisms and			
	procedures for			
	consultation of			
	stakeholders referred to in			
	Article 38 of [Amended			

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	SES2+] and Article 119a			
	of this Regulation.';			
119.	(c) paragraphs 3 and 4 are	(c)paragraphs 3 and 4 are replaced	[]	
	replaced by the following	by the following:		
120.	'3. The Management Board may	'3. The Management Board	[]	
	advise the Executive Director	may advise the Executive		
	on any matter related to areas	Director on any matter related	~	
	covered by this Regulation,	to areas covered by this		
	except on matters of	Regulation, except on matters		
	performance review.	of performance review.		
121.	4. The Management Board shall	4. The Management Board shall	[]	
	establish an advisory body	establish an advisory body		
	representing the full range of	representing the full range of		
	interested parties affected by	interested parties affected by		
	the work of the Agency,	the work of the Agency, which		
	which it shall consult prior to	it shall consult prior to making		
	making decisions in the	decisions in the fields referred		
	fields referred to in paragraph	to in paragraph 2, points (c),		
	2, points (c), (e), (f) and (i).	(e), (f) and (i). The		
	The Management Board shall	Management Board shall fully		
	fully integrate the	integrate the contribution		
	contribution provided by the	provided by the Director for		
	Director for Performance	Performance Review in		
	Review in accordance with	accordance with Article 114h		
	Article 114h when making	when making decisions in the		
	decisions in the fields	fields referred to in paragraph		

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	referred to in paragraph 2,	2, points (c) and (f). The		
	points (c) and (f). The	Management Board may also		
	Management Board may also	decide to consult the advisory		
	decide to consult the advisory	body on other issues referred		
	body on other issues referred	to in paragraphs 2 and 3,	(C)	
	to in paragraphs 2 and 3,	except the areas related to the		
	except the areas related to the	function of the Agency acting		
	function of the Agency acting	as PRB. The Management		
	as PRB. The Management	Board shall not, in any case, be		
	Board shall not, in any case,	bound by the opinion of the		
	be bound by the opinion of	advisory body.';		
	the advisory body.';			
122.	(d) paragraph 6 is replaced by	(d) paragraph 6 is replaced by the	[]	
	the following:	following:		
123.	'6. The Management Board	'6. The Management Board	[]	
	shall adopt, in accordance	shall adopt, in accordance with		
	with Article 110 of the Staff	Article 110 of the Staff		
	Regulations, a decision based	Regulations, a decision based		
	on Article 2(1) of the Staff	on Article 2(1) of the Staff		
	Regulations and on Article 6	Regulations and on Article 6 of		
	of the Conditions of	the Conditions of Employment		
	Employment of Other	of Other Servants, delegating		
	Servants, delegating relevant	relevant appointing authority		
	appointing authority powers	powers to the Executive		
	to the Executive Director and	Director and defining the		
	defining the conditions under	conditions under which that		

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	which that delegation of	delegation of powers can be		
	powers can be suspended.	suspended. The Executive		
	The Executive Director shall	Director shall be authorised to		
	be authorised to sub-delegate	sub-delegate those powers.		
	those powers.		// C.//	
124.	Where exceptional	Where exceptional	[]	
	circumstances so require, the	circumstances so require, the	~	
	Management Board may	Management Board may		
	decide to temporarily	decide to temporarily suspend		
	suspend the delegation of the	the delegation of the		
	appointing authority powers	appointing authority powers to		
	to the Executive Director and	the Executive Director and		
	those sub-delegated by the	those sub-delegated by the		
	latter and exercise them itself	latter and exercise them itself		
	or delegate them to one of its	or delegate them to one of its		
	members or to a staff	members or to a staff member		
	member other than the	other than the Executive		
	Executive Director.	Director.		
125.	The first and second	The first and second	[]	
	subparagraphs shall not apply	subparagraphs shall not apply		
	to members of staff whose	to members of staff whose		
	posts are attributed to the	posts are attributed to the		
	function of the Agency acting	function of the Agency acting		
	as PRB.';	as PRB.';		
126.	(e) the following paragraph 7 is	[]	[]	
	added:			

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127.	'7. 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 relevant			
	appointing authority powers			
	to the Director for			
	Performance Review as			
	regards members of staff			
	whose posts are attributed to			
	the function of the Agency			
	acting as PRB, and defining			
	the conditions under which			
	that delegation of powers can			
	be suspended. The Director			
	for Performance Review			
	shall be authorised to sub-			
	delegate those powers.			
128.	Where exceptional	[]	[]	See line 168
	circumstances so require, the			
	Management Board may			
	decide to temporarily			

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suspend the delegation of the			
appointing authority powers			
to the Director for			
Performance Review and			
those sub-delegated by the		# C * >	
latter and exercise them itself			
or delegate them to one of its		~	
members or to a staff			
member other than the			
Director for Performance			
Review. A decision to this			
effect shall require a positive			
vote on the part of the			
representative of the			
Commission in the			
Management board. The			
exceptional circumstances			
shall be strictly limited to			
administrative, budgetary or			
managerial matters, without			
prejudice to the Director for			
Performance Review's full			
independence concerning his			
or her tasks pursuant to point			
(d) of Article 114h(3).';			

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129.	(5) in Article 99, paragraph 5 is	(5)in Article 99, paragraph 5 is	1 l	
	replaced by the following:	replaced by the following:		
130.	'5. The advisory body referred to	'5. The advisory body referred to	[]	
	in Article 98(4) shall appoint	in Article 98(4) shall appoint		
	four of its members to	four of its members to	(C.)	
	participate with observer	participate with observer status		
	status in the Management	in the Management Board,		
	Board, except for matters	except for matters related to		
	related to performance	performance review, in		
	review, in particular areas	particular areas referred to in		
	referred to in Article 98(2a).	Article 98(2a). They shall		
	They shall represent, as	represent, as broadly as		
	broadly as possible, the	possible, the different views		
	different views represented in	represented in the advisory		
	the advisory body. The initial	body, with at least one of the		
	term of office shall be 48	members being a workers'		
	months and shall be	representative. The initial		
	extendable.';	term of office shall be 48		
		months and shall be		
		extendable.';		
131.	(6) Article 101 is amended as	(6)Article 101 is amended as	[]	
	follows:	follows:		
132.	(a) paragraph 3 is replaced by	(a) paragraph 3 is replaced by the	[]	
	the following:	following:		

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133.	'3. The Executive Director of the	'3. The Executive Director of the	[]	
	Agency shall take part in the	Agency shall take part in the		
	deliberations, without the	deliberations, without the right		
	right to vote. Upon invitation	to vote. Upon invitation of the		
	of the Director for	Director for Performance		
	Performance Review, the	Review, the Executive		
	Executive Director of the	Director of the Agency may be	~	
	Agency may be invited to	invited to take part in the		
	take part in the deliberations	deliberations on matters		
	on matters related to the the	related to the function of the		
	function of the Agency acting	Agency acting as PRB,		
	as PRB, without the right to	without the right to vote.;		
	vote.',			
134.	(b) the following paragraph 3a	(b) the following paragraph [] is	[]	
	is inserted:	inserted:		
135.	'3a. The Director for	'3a. The Director for	[]	
	Performance Review shall	Performance Review shall take		
	take part in the deliberations	part in the deliberations on		
	on areas directly or indirectly	areas directly or indirectly		
	related to the function of the	related to the function of the		
	Agency acting as PRB,	Agency acting as PRB,		
	without the right to vote.';	without the right to vote. The		
		Director for Performance		
		Review may be invited by the		
		Executive Director of the		
		Agency to take part in the		

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		deliberations on matters		
		related to the function of the		
		Agency, without the right to		
		vote.		
136.	(7) in Article 102, paragraphs 2,	(7) in Article 102, paragraphs 2, 3	[]	
	3 and 4 are replaced by the	and 4 are replaced by the		
	following:	following:	•	
137.	'2. Each member appointed	'2. Each member appointed	[]	
	pursuant to Article 99(1)	pursuant to Article 99(1) shall		
	shall have one vote. In the	have one vote. In the absence		
	absence of a member, his or	of a member, his or her		
	her alternate shall be entitled	alternate shall be entitled to		
	to exercise his or her right to	exercise his or her right to		
	vote. Neither observers nor	vote. Neither observers nor the		
	the Executive Director of the	Executive Director of the		
	Agency nor the Director for	Agency nor the Director for		
	Performance Review shall	Performance Review shall		
	have the right to vote.	have the right to vote.		
138.	3. The Rules of Procedure of	3. The Rules of Procedure of the	[]	
	the Management Board shall	Management Board shall		
	establish more detailed	establish more detailed voting		
	voting arrangements, in	arrangements, in particular the		
	particular the procedure for	procedure for voting on urgent		
	voting on urgent matters, the	matters, the conditions under		
	conditions under which a	which a member may act on		
	member may act on behalf of	behalf of another member, as		

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	another member, as well as	well as any quorum		
	any quorum requirements,	requirements, where		
	where appropriate.	appropriate.		
139.	4. In order for them to be	4. In order for them to be	[]	
	adopted, decisions on	adopted, decisions on	(C)	
	budgetary, human resources	budgetary, human resources or		
	or administrative matters, in	administrative matters, in	~	
	particular matters referred to	particular matters referred to in		
	in Article 98(2), points (d),	Article 98(2), points (d), (f),		
	(f), (h), (m), (n), (o) and (q),	(h), (m), (n), (o) and (q) []		
	Article 98(2a), points (a), (b),	require a positive vote from		
	(c), (e) and (f)), and Article	the representative of the		
	98(7) require a positive vote	Commission in the		
	from the representative of	Management Board.		
	Commission in the			
	Management Board.';			
140.	(8) Article 104 is amended as	(8) Article 104 is amended as		
	follows:	follows:		
141.	(a) paragraph 1 is replaced by	(a) paragraph 1 is replaced by the	[]	
	the following:	following:		
142.	'1. The Executive Director shall	'1. The Executive Director	[]	
	manage the Agency. The	shall manage the Agency.		
	Executive Director shall be	The Executive Director		
	accountable to the	shall be accountable to the		
	Management Board. Without	Management Board.		
	prejudice to the powers of the	Without prejudice to the		

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	Commission and of the	powers of the Commission		
	Management Board, the	and of the Management		
	Executive Director shall be	Board, the Executive		
	independent in the	Director shall be		
	performance of his or her	independent in the	(C.)	
	duties and shall neither seek	performance of his or her		
	nor take instructions from	duties and shall neither seek	~	
	any government or from any	nor take instructions from		
	other body. The Executive	any government or from		
	Director shall not give	any other body. The		
	instructions to the Director	Executive Director shall not		
	for Performance Review nor	give instructions to the		
	to staff dedicated to the	Director for Performance		
	function of the Agency acting	Review nor to staff		
	as PRB.',	dedicated to the function of		
		the Agency acting as		
		PRB.';		
143.	(b) paragraph 3 is amended as	(b)paragraph 3 is amended as	[]	
	follows:	follows:		
144.	(i) the introductory wording	(i) the introductory wording is	[]	
	is replaced by the	replaced by the following:		
	following:			
145.	'3. The Executive Director shall	'3. The Executive Director	[]	
	be responsible for the	shall be responsible for		
	implementation of the tasks	the implementation of		
	assigned to the Agency by this	the tasks assigned to the		

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	Regulation or other Union acts,	Agency by this		
	except for matters related to the	Regulation or other		
	function of the Agency acting as	Union acts, except for		
	PRB. In particular, the Executive	matters related to the		
	Director shall be responsible for:'.	function of the Agency	(C)	
		acting as PRB. In		
		particular, the Executive	~	
		Director shall be		
		responsible for:';		
146.	(ii) point (h) is replaced by	(ii) point (h) is replaced by	[]	
	the following:	the following:		
147.	'(h)preparing the Agency's draft	'(h) preparing the	[]	
	statement of estimates of	Agency's draft statement		
	revenue and expenditure	of estimates of revenue		
	pursuant to Article 120,	and expenditure pursuant		
	integrating the draft estimate	to Article 120,		
	of the revenue and	integrating the draft		
	expenditure of the Agency	estimate of the revenue		
	for its functions as PRB	and expenditure of the		
	prepared by the Director for	Agency for its functions		
	Performance Review in	as PRB prepared by the		
	accordance with Articles	Director for Performance		
	114h and 120a, and	Review in accordance		
	implementing its budget	with Articles 114h and		
	pursuant to Article 121,	120a, and implementing		
	except the budget of the	its budget pursuant to		

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	Agency for its functions as	Article 121, except the		
	PRB;',	budget of the Agency for		
		its functions as PRB;';		
148.	(iii) point (j) is replaced by	(iii) point (j) is replaced by	[]	
	the following:	the following:	(,)	
149.	'(j) preparing the programming	'(j) preparing the	[]	
	document referred to in	programming document	_	
	Article 117(1) and, after	referred to in Article		
	having integrated the PRB's	117(1) and, after having		
	section submitted by the	integrated the PRB's		
	Director for Performance	section submitted by the		
	Review in accordance with	Director for Performance		
	point (g) of Article	Review in accordance		
	114h(3)and Article 117a,	with point (g) of Article		
	submitting it to the	114h(3) and Article		
	Management Board for	117a, submitting it to the		
	adoption, after having	Management Board for		
	obtained the opinion of the	adoption, after having		
	Commission. Any change to	obtained the opinion of		
	the PRB's section shall only	the Commission. Any		
	be made upon approval of the	change to the PRB's		
	Director for Performance	section shall only be		
	Review;',	made upon approval of		
		the Director for		
		Performance Review;';		

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150.	(iv) point (l) is replaced by	(iv) point (l) is replaced by	[]	
	the following:	the following:		
151.	'(1) preparing an action plan	'(l) preparing an action	[]	
	following up conclusions of	plan following up		
	internal or external audit	conclusions of internal	(C.)	
	reports and evaluations, as	or external audit reports		
	well as investigations by	and evaluations, as well	~	
	OLAF, and reporting on	as investigations by		
	progress twice a year to the	OLAF, and reporting on		
	Commission and regularly to	progress twice a year to		
	the Management Board. The	the Commission and		
	Executive Director shall	regularly to the		
	coordinate with the Director	Management Board. The		
	for Performance Review to	Executive Director shall		
	ensure coherence with the	coordinate with the		
	action plan prepared by the	Director for Performance		
	Director for Performance	Review to ensure		
	Review as regards activities	coherence with the		
	related to the function of the	action plan prepared by		
	Agency acting as PRB;',	the Director for		
		Performance Review as		
		regards activities related		
		to the function of the		
		Agency acting as PRB;';		

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152.	(v)point (u) is replaced by the	(v)point (u) is replaced by the	[]	
	following:	following:		
153.	'(u) taking all decisions on the	'(u) taking all decisions	[]	
	establishment of the internal	on the establishment of		
	structures of the Agency and,	the internal structures of		
	where necessary, on any	the Agency and, where		
	changes to them, except for	necessary, on any		
	those at directors' level,	changes to them, except		
	which will be approved by	for those at directors'		
	the Management Board, and	level, which will be		
	except decisions related to	approved by the		
	the internal structures	Management Board, and		
	concerning performance	except decisions related		
	review. Decisions taken by	to the internal structures		
	the Executive Director shall	concerning performance		
	not affect the separation	review. Decisions taken		
	between the Regulatory	by the Executive		
	Board for Performance	Director shall []		
	Review, the Director for	guarantee the separation		
	Performance Review, the	between the Regulatory		
	Advisory Board for	Board for Performance		
	Performance Review, the	Review, the Director for		
	Appeal Board for	Performance Review, the		
	Performance Review and the	Advisory Board for		
	staff working for the Agency	Performance Review, the		

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	acting as PRB on the one	Appeal Board for		
	hand, and the other bodies	Performance Review and		
	and function holders of the	the staff working for the		
	Agency on the other hand;',	Agency acting as PRB		
		on the one hand, and the		
		other bodies and		
		function holders of the		
		Agency on the other		
		hand;		
154.	(c) paragraph 4 is replaced by	(c)paragraph 4 is replaced by	[]	
	the following:	the following:		
155.	'4. The Executive Director shall	4. The Executive Director	[]	
	also be responsible for deciding	of the Agency shall also		
	whether it is necessary for the	be responsible for		
	purpose of carrying out the	deciding whether it is		
	Agency's tasks in an efficient	necessary for the		
	and effective manner to	purpose of carrying out		
	establish one or more local	the Agency's tasks in an		
	offices in one or more Member	efficient and effective		
	States or to co-locate staff in	manner to establish one		
	Union delegations in third	or more local offices in		
	countries subject to the	one or more Member		
	appropriate agreements with the	States or to co-locate		
	European External Action	staff in Union		
	Service.	delegations in third		
		countries subject to the		

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		appropriate agreements		
		with the European		
		External Action Service.		
156.	The first subparagraph shall not	The first subparagraph	[]	
	apply to the Agency in its	shall not apply to the	(C)	
	function as PRB. In respect of	Agency in its function as		
	those functions, the Director for	PRB. []	~	
	Performance Review shall be			
	responsible for deciding			
	whether it is necessary for the			
	purpose of carrying out the			
	work of the Agency in an			
	efficient and effective manner to			
	establish one or more local			
	offices in one or more Member			
	States.			
157.	The decisions referred to in the	The decisions referred to	[]	
	first and second subparagraphs	in the first and second		
	require the prior consent of the	subparagraphs require		
	Commission, the Management	the prior consent of the		
	Board and, where applicable,	Commission, the		
	the Member State where the	Management Board and,		
	local office is to be established.	where applicable, the		
	Those decisions shall specify	Member State where the		
	the scope of the activities to be	local office is to be		
	carried out at that local office or	established. Those		

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	by that co-located staff in a	decisions shall specify		
	manner that avoids unnecessary	the scope of the activities		
	costs and duplication of	to be carried out at that		
	administrative functions of the	local office or by that co-		
	Agency.';	located staff in a manner	(,)	
		that avoids unnecessary		
		costs and duplication of	<u> </u>	
		administrative functions		
		of the Agency.';		
158.	(9) the following section IIa is	(9) the following section is	[]	
	inserted:	inserted:		
159.	'SECTION IIa	'SECTION IIa	[]	
160.	Specific rules on the internal	Specific rules on the internal	[]	
	structure related to performance	structure related to performance		
	review	review		
161.	Article 114a	Article 114a	[]	
	Structure of the Agency acting	Structure of the Agency acting as		
	as PRB	PRB		
162.	For carrying out its tasks on	For carrying out its tasks on	[]	
	performance review, the Agency	performance review, the Agency		
	acting as PRB shall have:	acting as PRB shall have:		
163.	(a) A Regulatory Board for	(a) A Regulatory Board for	[]	
	Performance Review;	Performance Review;		
164.	(b)A Director for	(b)A Director for Performance	[]	
	Performance Review;	Review;		

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165.	(c) An Advisory Board for	(c) An Advisory Board for	1l	
	Performance Review;	Performance Review;		
166.	(d) Appeal Board for	(d)An Appeal Board for	[]	
	Performance Review.	Performance Review,		
		independent from the bodies	(C.)	
		and function holders listed in		
		points (a) to (c).	~	
167.	Article 114b	Article 114b	[]	
	Functions of the Regulatory	Functions of the Regulatory		
	Board for Performance Review	Board for Performance Review		
168.	1. The Regulatory Board for	1. The Regulatory Board for	[]	PCY compromise proposal :
	Performance Review shall:	Performance Review shall:		The adoption of decisions on performance plans by the director for performance review on the local performance plans and targets shall require a simple majority of the members of the Regulatory Board on the content of the draft decision (each voting member having one voting right). The Regulatory Board may also deliver opinions or recommendations to the director for performance review, voted in the same manner, for other purposes.

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				The Regulatory Board shall also approve the appointment of the director for performance review.
169.	(a) provide opinions and, where appropriate, comments on and amendments to the text of the Director for Performance Review's proposals for draft opinions, recommendations and decisions related to the tasks listed in [amended SES2+], as well as those referred to in Article 129a of this Regulation which are considered for adoption;	(a) provide opinions and, where appropriate, comments on and amendments to the text of the Director for Performance Review's proposals for draft opinions, recommendations and decisions related to the tasks listed in [amended SES2+], [] including when they are carried out pursuant to a cooperation agreement under Article 129a of this Regulation, which are considered for adoption;		See line 168
170.	(b)within its field of competence, provide guidance to the Director for Performance Review in the execution of his or her tasks;	(b)within its field of competence, provide guidance to the Director for Performance Review in the execution of his or her tasks;	[]	See line 168

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171.	(c)provide an opinion to the	(c)[] appoint the	[h]	See line 168
	Management Board on the	Director for Performance		
	candidate to be appointed as	Review in accordance with		
	Director for Performance	[]Article 114g(2), and		
	Review in accordance with	where applicable decide on	(C.)	
	point (a) of Article 98(2a)	his or her removal from		
	and Article 114g(2), and	office in accordance with	~	
	where applicable his or her	Article 114g(6)		
	removal from office in			
	accordance with Article			
	114g(6);			
172.	(d)approve the section on	(d)approve the section on	[]	See line 168
	performance review activities	performance review		
	of the programming	activities of the		
	document to be submitted by	programming document to		
	the Director for Performance	be submitted by the		
	Review to the Executive	Director for Performance		
	Director in accordance with	Review to the Executive		
	point (g) of Article 114h(3)	Director in accordance with		
	and Article 117a;	point (g) of Article 114h(3)		
		and Article 117a;		
173.		(d a) decide, after obtaining		See line 168
		the agreement of the		
		Commission, and as		
		regards the revenue and		
		expenditure in respect of		

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		performance review, whether to accept any legacies, donations or grants from other Union sources or any voluntary contribution from the Member States or from the national supervisory authorities referred to in Article 3 of [Amended SES2+];		
174.	(e)approve the independent section on regulatory activities of the section on performance review of the consolidated annual activity report to be submitted by the Director for Performance Review to the Executive Director in accordance with point (i) of Article 114h(3)and Article 118a;	(e) approve the independent section on regulatory activities of the section on performance review of the consolidated annual activity report to be submitted by the Director for Performance Review to the Executive Director of the Agency in accordance with point (i) of Article 114h(3) and Article 118a;	[]	See line 168
175.	(f) provide an opinion to the Management Board on the procedures for issuing	(f) [] elaborate and approve the procedures for issuing opinions,	[]	See line 168

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	opinions, recommendations	recommendations and		
	and decisions by the Agency	decisions by the Agency		
	acting as PRB in accordance	acting as PRB in		
	with point (f) of Article	accordance with Article		
	98(2a);	119a (4);		
176.	(g)provide an opinion to the	(g)[] on the basis of a	[]	See line 168
	Director for Performance	proposal by the Director	•	
	Review on its proposal for	for Performance Review,		
	the communication and	[] adopt and regularly		
	dissemination plans on	update the communication		
	performance review referred	and dissemination plans on		
	to in Article 119a(5), in	performance review		
	accordance with point (g) of	referred to in Article		
	Article 98(2a);	119a(5) [],		
177.	(h)provide an opinion to the	(h)[] on the basis of a	[]	See line 168
	Director for Performance	proposal by the Director		
	Review on the establishment	for Performance Review,		
	or modification of the	establish or modify []		
	internal structures concerning	the internal structures		
	performance review;	concerning performance		
		review;		
178.		(h a) authorise the		See line 168
		conclusion of working		
		arrangements in		
		accordance with Article		
		129a(3);		

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179.	(i) provide an opinion to the	(i) []exercise disciplinary	[···]	See line 168
	Management Board as	authority over the		
	regards potential actions to	Director for Performance		
	be taken pursuant to point (e)	Review;		
	of Article 98(2a);		(C)	
180.	(j) provide an opinion to the	[]	[]	See line 168
	Management Board on the		~	
	conclusion of working			
	arrangements in accordance			
	with Article 129a(4);			
181.	(k)provide an opinion to the	(k)on the basis of a proposal	[]	See line 168
	Director for Performance	[] by the Director for		
	Review on its proposal for	Performance Review, []		
	mechanisms and procedures	establish mechanisms and		
	for consultation of	procedures for consultation		
	stakeholders referred to in	of stakeholders referred to		
	Article 38 of [Amended	in Article 38 of [Amended		
	SES2+] and in Article 119a	SES2+] and Article 119a		
	of this Regulation;	of this Regulation;		

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182.	(l) provide an opinion to the	(l) provide an opinion to the	[h]	See line 168
	Management Board on the	[] Commission on the		
	candidates to be appointed as	candidates to be appointed		
	members of the Appeal	as members of the Appeal		
	Board for Performance	Board for Performance		
	Review in accordance with	Review in accordance with		
	article 114l. That opinion	article 114l. That opinion		
	shall not be binding.	shall not be binding.		
183.	Article 114c	Article 114c	[]	
	Composition and independence	Composition and independence of		
	of the Regulatory Board for	the Regulatory Board for		
	Performance Review	Performance Review		
184.	1. The Regulatory Board for	1. The Regulatory Board for	[]	EP compromise proposal:
	Performance Review shall be	Performance Review shall be		9 NSA representatives (voting
	composed of 9 voting members	composed of 9 voting		members) (*)
	and one non-voting	members and one non-voting		+ 1 Commission (non-voting)
	representative of the	representative of the		
	Commission. Each member	Commission. Each member		(*) also members of the
	shall have an alternate. One of	shall have an alternate. One of		Advisory Board. They
	the members shall be the	the members shall be the		must come from Member
	Chairperson of the Advisory	Chairperson of the Advisory		States covering at least 3
	Board for Performance Review.	Board for Performance		benchmark groups of
	A member of the Management	Review. A member of the		ATSP
	Board shall not be a member of	Management Board shall not		
	the Regulatory Board for	be a member of the Regulatory		PCY compromise proposal :
	Performance Review. The term	Board for Performance		27 NSA representatives

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	of office for members and their	Review. The term of office for		+ 1 observer of each NSA of
	alternates shall be five years,	members and their alternates		non-EU States to which
	and that term shall be	shall be five years, and that		the regulation applies.
	extendable.	term shall be extendable.		
185.	2. The members of the Regulatory	2. The members of the	[]	See line 184
	Board for Performance Review	Regulatory Board for		
	and their alternates shall be	Performance Review and their	~	
	formally appointed by the	alternates shall be formally		
	Management Board, on a	appointed by [] the		
	proposal from the Commission,	Commission, [], following a		
	after consultation of	public call for expression of		
	Eurocontrol, following a public	interest. The members of the		
	call for expression of interest.	Regulatory Board for		
	The members of the Regulatory	Performance Review shall be		
	Board for Performance Review	appointed on the basis of merit		
	shall be appointed on the basis	as well as [] to ensure a		
	of merit as well as skills and	mix of skills and experience		
	experience relevant to the air	relevant to the air traffic		
	traffic management or economic	management or economic		
	regulation of network industries.	regulation of network		
	In order for it to be adopted, the	industries, together with		
	decision on the appointment of	scientific knowledge and		
	the members of the Regulatory	expertise about the		
	Board for Performance Review	environmental and climate		
	requires a positive vote from the	impacts of the aviation		
		sector. Gender and		

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	Commission representative in	geographical balance shall be		
	the Management Board.	taken into account [].		
186.	3. When carrying out the tasks	3. When carrying out the tasks	[]	
	conferred upon it by this	conferred upon it by this		
	Regulation, the Regulatory	Regulation, the Regulatory		
	Board for Performance Review	Board for Performance Review		
	shall act independently and shall	shall [] be independent and	~	
	not seek or follow instructions	shall not seek or follow		
	from any government of a	instructions from any		
	Member State, from the	government of a Member		
	Commission, or from another	State, from the Commission,		
	public or private entity.	[] from EASA or any		
		another public or private		
		entity.		
187.	Article 114d	Article 114d	[]	
	Chairperson of the Regulatory	Chairperson of the Regulatory		
	Board for Performance Review	Board for Performance Review		
188.	1. The Regulatory Board for	The Regulatory Board for	[]	
	Performance Review shall elect	Performance Review shall		
	a Chairperson and a Deputy	elect a Chairperson and a		
	Chairperson from among its	Deputy Chairperson from		
	members with voting rights by a	among its members with		
	two-thirds majority. The Deputy	voting rights by a two-thirds		
	Chairperson shall replace the	majority. The Deputy		
	Chairperson if the latter is not in	Chairperson shall replace the		
		Chairperson if the latter is not		

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	a position to perform his or her	in a position to perform his or		
	duties.	her duties.		
189.	2. The term of office of the	2. The term of office of the	[]	
	Chairperson and of the Deputy	Chairperson and of the Deputy		
	Chairperson shall be two-and-a-	Chairperson shall be two-and-		
	half years and shall be	a-half years and shall be		
	renewable. If their membership	renewable. If their membership		
	of the Regulatory Board for	of the Regulatory Board for		
	Performance Review ceases at	Performance Review ceases at		
	any time during their term of	any time during their term of		
	office, their term of office shall	office, their term of office shall		
	automatically expire on that	automatically expire on that		
	date.	date.		
190.	Article 114e	Article 114e	[]	
	Meetings of the Regulatory	Meetings of the Regulatory Board		
	Board for Performance Review	for Performance Review		
191.	1. Meetings of the Regulatory	Meetings of the Regulatory	[]	
	Board for Performance Review	Board for Performance Review		
	shall be convened by its	shall be convened by its		
	Chairperson.	Chairperson.		

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192.	2. The Regulatory Board for	2. The Regulatory Board for	[h]	
	Performance Review shall hold	Performance Review shall		
	at least two ordinary meetings a	hold at least two ordinary		
	year. In addition it shall meet at	meetings a year. In addition it		
	the request of the Chairperson,	shall meet at the request of the	(C)	
	of the Commission or of at least	Chairperson, of the		
	one third of its members.	Commission or of at least one	~	
		third of its members.		
193.	3. The Director for Performance	3. The Director for Performance	[]	
	Review shall take part in the	Review shall take part in the		
	deliberations, without the right	deliberations, without the right		
	to vote.	to vote.		
194.	4. The Regulatory Board for	4. The Regulatory Board for	[]	
	Performance Review may invite	Performance Review may		
	any person whose opinion might	invite any person whose		
	be of interest to attend its	opinion might be of interest,		
	meetings with observer status.	such as scientific experts in		
		the domain of climate and		
		environmental performance,		
		to attend its meetings with		
		observer status.		
195.	5. The Agency shall provide the	5. The Agency shall provide the	[]	
	secretariat for the Regulatory	secretariat for the Regulatory		
	Board for Performance Review.	Board for Performance		
		Review.		

	COM proposal COM(2020)	Environce David mon4/ Discours	Council/Consuel Annuageh	Outions for communicat
	COM proposal, COM(2020) 0577 final	European Parliament/ Plenary	Council/General Approach,	Options for compromises
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196.	J	Article 114f	[A]	
	Voting rules of the Regulatory	Voting rules of the Regulatory		
	Board for Performance Review	Board for Performance Review		
197.	1. Unless otherwise specified in this Regulation, the Regulatory Board for Performance Review shall take decisions by a simple majority of the members with voting rights.	1. Unless otherwise specified in this Regulation, the Regulatory Board for Performance Review shall take decisions by a simple majority of the members with voting rights.		PCY compromise proposal: The adoption of decisions on performance plans by the director for performance review on the local performance plans and targets shall require a simple majority of the members of the Regulatory Board on the content of the draft decision (each voting member having one voting right).
198.	2. Each member with voting rights appointed pursuant to Article 114c(2) shall have one vote. In the absence of a member, his or her alternate shall be entitled to exercise his or her right to vote. Neither observers nor the Director for Performance Review shall have the right to vote.	2. Each member with voting rights appointed pursuant to Article 114c(2) shall have one vote. In the absence of a member, his or her alternate shall be entitled to exercise his or her right to vote. Neither observers nor the Director for Performance Review shall have the right to vote.	[]	EP compromise proposal: I vote per member PCY compromise proposal: I vote per member

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199.	3. The Regulatory Board for	3. The Regulatory Board for	[]	
	Performance Review shall adopt	Performance Review shall		
	its rules of procedure, which	adopt its rules of procedure,		
	shall set out in greater detail the	which shall set out in greater		
	arrangements governing voting,	detail the arrangements	(,)	
	in particular the conditions on	governing voting.[]		
	the basis of which one member		<u> </u>	
	may act on behalf of another			
	and also, where appropriate, the			
	rules governing quorums.			
200.	Article 114g	Article 114g	[]	
	Director for Performance	Director for Performance Review		
	Review			
201.	1. The Director for Performance	1. The Director for Performance	[]	
	Review shall be engaged as a	Review shall be engaged as a		
	temporary agent of the Agency	temporary agent of the Agency		
	under Article 2, point (a) of the	under Article 2, point (a) of the		
	Conditions of Employment of	Conditions of Employment of		
	Other Servants.	Other Servants.		
202.	2. The Director for Performance	2. The Director for Performance	[]	PCY compromise: The
	Review shall be appointed by	Review shall be appointed by		Regulatory Board shall also
	the Management Board	[] the Regulatory Board for		approve the appointment of the
	following a favourable opinion	Performance Review, on the		director for performance review.
	of the Regulatory Board for	basis of merit as well as skills		
	Performance Review, on the	and experience relevant to the		
	basis of merit as well as skills	aeronautical industry, [] or		

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	and experience relevant to the	economic regulation of		
	air traffic management or	network industries, from a list		
	economic regulation of network	of at least three candidates		
	industries, from a list of at least	proposed by the Commission		
	three candidates proposed by the	and following an open and	(C)	
	Commission and following an	transparent selection		
	open and transparent selection	procedure. [] The Director	~	
	procedure. In order for it to be	for Performance Review		
	adopted, the decision on the	shall not have held any		
	appointment of the Director for	professional position or		
	Performance Review requires a	responsibility with any air		
	positive vote from the	navigation service provider		
	representative of the	or airline company for the		
	Commission in the Management	one year prior to the		
	Board. For the purpose of	appointment.		
	concluding the contract with the			
	Director for Performance			
	Review, the Agency shall be			
	represented by the Chairperson			
	of the Management Board.			
203.	3. The Director for Performance	3. The Director for Performance	[]	
	Review's term of office shall be	Review's term of office shall		
	five years. In the course of the	be five years. In the course of		
	nine months preceding the end	the nine months preceding the		
	of that period, the Commission	end of that period, the		
	shall undertake an assessment.	Commission shall undertake		

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	In the assessment, the	an assessment. In the		
	Commission shall examine in	assessment, the Commission		
	particular:	shall examine in particular:		
204.	(a) the performance of the	(a) the performance of the	[]	
	Director for Performance	Director for Performance		
	Review;	Review;		
205.	(b)the duties and requirements	(b)the duties and requirements	[]	
	concerning performance	concerning performance		
	review in the following	review in the following		
	years.	years.		
206.	4. The Management Board, acting	4. The [] Regulatory Board	[]	See line 202
	on a proposal from the	for Performance Review,		
	Commission and giving the	acting on a proposal from the		
	utmost consideration to the	Commission and giving the		
	assessment referred to in	utmost consideration to the		
	paragraph 3 and following a	assessment referred to in		
	favourable opinion of the	paragraph 3, [] may extend		
	Regulatory Board for	the term of office of the		
	Performance Review, may	Director for Performance		
	extend the term of office of the	Review once by no more than		
	Director for Performance	five years. A Director for		
	Review once by no more than	Performance Review whose		
	five years. A Director for	term of office has been		
	Performance Review whose	extended shall not participate		
	term of office has been extended	in another selection procedure		
	shall not participate in another			

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	selection procedure for the same	for the same post at the end of		
	post at the end of the extended	the extended period.		
	period.			
207.	5. If his or her term of office is not	5. If his or her term of office is	[]	
	extended, the Director for	not extended, the Director for	(C.)	
	Performance Review shall	Performance Review shall		
	remain in office until the	remain in office until the	V	
	appointment of his or her	appointment of his or her		
	successor.	successor.		
208.	6. The Director for Performance	6. The Director for Performance	[]	See line 202
	Review may be removed from	Review may be removed from		
	office only upon a decision of	office only [] by a decision		
	the Management Board, acting	of the [] Regulatory Board		
	on a proposal from the	for Performance Review,		
	Commission, after having	acting on a proposal from the		
	obtained a favourable opinion of	Commission. []		
	the Regulatory Board for			
	Performance Review.			
209.	7. The Management Board shall	7. The [] Regulatory Board	[]	See line 202
	reach decisions on appointment,	for Performance Review		
	extension of the term of office	shall reach decisions on		
	or removal from office of the	appointment, extension of the		
	Director for Performance	term of office or removal from		
	Review on the basis of a two-	office of the Director for		
	thirds majority of its members	Performance Review on the		
	with voting rights. The Director	basis of a two-thirds majority		

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	for Performance Review shall	of its members with voting		
	not hold any professional	rights. The Director for		
	position or responsibility with	Performance Review shall not		
	any air navigation service	hold any professional position		
	provider after his or her term as	or responsibility with any air	#:C,	
	Director for Performance	navigation service provider, or		
	Review, for at least a period of	with any other entity which		
	two years.	could give rise to a conflict of		
		interests, after his or her term		
		as Director for Performance		
		Review, for at least a period of		
		two years.		
210.	Article 114h	Article 114h	[]	
	Responsibilities of the Director	Responsibilities of the Director		
	for Performance Review	for Performance Review		
211.	1. The Director for Performance	The Director for Performance	[]	
	Review shall be accountable to	Review shall be accountable to		
	the Management Board with	the Regulatory Board for		
	respect to administrative,	Performance Review with		
	budgetary and managerial	respect to administrative,		
	matters, but shall remain fully	budgetary and managerial		
	independent concerning his or	matters, but shall remain fully		
	her tasks under paragraph 3,	independent concerning his or		
	point (d). Without prejudice to	her tasks under paragraph		
	the respective roles of the	3.[] Without prejudice to the		
	Management Board and the	[] role of the Regulatory		

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	Regulatory Board for	Board for Performance Review		
	Performance Review in relation	in relation to the tasks of the		
	to the tasks of the Director for	Director for Performance		
	Performance Review, the	Review, the Director for		
	Director for Performance	Performance Review shall		
	Review shall neither seek nor	neither seek nor follow any		
	follow any instruction from any	instruction from any	~	
	government, from the Union	government, from the Union		
	institutions, or from any other	institutions, from EASA or		
	public or private entity or	from any other public or		
	person.	private entity or person		
212.	2. The Director for Performance	2. The Director for Performance	[]	
	Review may attend the meetings	Review may attend the		
	of the Regulatory Board for	meetings of the Regulatory		
	Performance Review as an	Board for Performance Review		
	observer.	as an observer		
213.	3. The Director for Performance	3. The Director for Performance	[]	
	Review shall be responsible for	Review shall be responsible		
	the implementation of the tasks	for the implementation of the		
	regarding performance review	tasks regarding performance		
	carried out in accordance with	review carried out in		
	[Amended SES2+]. The	accordance with [Amended		
	Director for Performance	SES2+]. The Director for		
	Review shall take account of the	Performance Review shall take		
	guidance referred to in Article	account of the guidance		
	114b(1), point (b) and, where	referred to in Article 114b(1),		

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	provided for in this Regulation,	point (b) and, where provided		
	the opinions of the Regulatory	for in this Regulation, the		
	Board for Performance Review.	opinions of the Regulatory		
	In particular, the Director for	Board for Performance		
	Performance Review shall be	Review. In particular, the	(,)	
	responsible for:	Director for Performance		
		Review shall be responsible	~	
		for:		
214.	(a) ensuring the legal	(a) ensuring the legal	[]	
	representation of the Agency	representation of the		
	in matters of performance	Agency in matters of		
	review;	performance review;		
215.	(b)carrying out the day-to-day	(b)carrying out the day-to-day	[]	
	administration of the work on	administration of the work		
	performance review;	on performance review,		
		including exercising		
		appointing authority		
		powers as regard		
		members of the staff		
		whose posts are attributed		
		to the function of the		
		Agency acting as PRB;		
216.	(c) with respect to areas directly	(c)with respect to areas	[]	
	or indirectly linked to the	directly or indirectly linked		
	work on performance review,	to the work on performance		
	preparing the work of the	review, preparing the work		

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	Management Board,	of the Management Board,		
	participating, without having	participating, without		
	the right to vote, in the work	having the right to vote, in		
	of the Management Board	the work of the		
	and implementing the	Management Board and	# C * }	
	decisions adopted by the	implementing the decisions		
	Management Board on areas	adopted by the Management	V	
	related to the function of the	Board on areas related to		
	Agency acting as PRB;	the function of the Agency		
		acting as PRB;		
217.	(d) drafting, consulting,	(d)drafting, consulting,	[]	
	adopting and publishing	adopting and publishing		
	opinions, recommendations	opinions, recommendations		
	and decisions in respect of	and decisions in respect of		
	the tasks laid out in	its tasks laid out in		
	[Amended SES2+] and in	[Amended SES2+], []		
	respect of the tasks referred	including when they are		
	to in Article 129a;	carried out pursuant to a		
		cooperation agreement		
		under Article 129a;		
218.	(e)implementing the section on	(e)implementing the section on	[]	
	performance review activities	performance review		
	of the programming	activities of the		
	document referred to in	programming document		
	Article 117a;	referred to in Article 117a;		

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219.	(f)taking the necessary	(f) taking the necessary	[·]	
	measures, in particular as	measures, in particular as		
	regards adopting internal	regards adopting internal		
	administrative instructions	administrative instructions		
	and publishing notices, to	and publishing notices, to	(C)	
	ensure the functioning of	ensure the functioning of		
	Agency's work on	the Agency's work on		
	performance review in	performance review in		
	accordance with [amended	accordance with [amended		
	SES2+];	SES2+];		
220.	(g) each year, preparing the	(g)each year, preparing the	[]	
	section on performance	section on performance		
	review activities of the	review activities of the		
	programming document	programming document		
	referred to in Article 117a,	referred to in Article 117a,		
	which shall be submitted to	which shall be submitted to		
	the Executive Director and	the Executive Director and		
	integrated in the Agency's	integrated in the Agency's		
	draft programming document	draft programming		
	for the purpose of point (j) of	document for the purpose of		
	Article 104(3). Any change to	point (j) of Article 104(3).		
	the input related to	Any change to the input		
	performance review shall	related to performance		
	only be made upon approval	review shall only be made		
	of the Director for	upon approval of the		
	Performance Review;			

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		Director for Performance		
		Review;		
221.	(h)drawing up a provisional	(h)drawing up a provisional	[]	
	draft estimate of the revenue	draft estimate of the		
	and expenditure in respect of	revenue and expenditure in	(C,)	
	performance review in	respect of performance		
	accordance with Article	review in accordance with		
	120a(7) and submitting it to	Article 120a(7) and		
	the Executive Director for the	submitting it to the		
	purpose of Article 104(3),	Executive Director for the		
	point (h) and implement the	purpose of Article 104(3),		
	revenue and expenditure in	point (h) and implementing		
	respect of performance	the revenue and expenditure		
	review in accordance with	in respect of performance		
	Article 121. Any change to	review in accordance with		
	the input related to	Article 121. Any change to		
	performance review shall	the input related to		
	only be made upon approval	performance review shall		
	of the Director for	only be made upon		
	Performance Review;	approval of the Director for		
		Performance Review;		
222.	(i) preparing annually the draft	(i) preparing annually the draft	[]	
	section on performance	section on performance		
	review of the consolidated	review of the consolidated		
	annual activity report	annual activity report		
	including an independent	including an independent		

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	section on the regulatory	section on the regulatory		
	activities related to	activities related to		
	performance review and a	performance review and a		
	section on financial and	section on financial and		
	administrative matters, and	administrative matters, and		
	submitting it to the Executive	submitting it to the		
	Director for its integration in	Executive Director for its		
	the consolidated annual	integration in the		
	activity report. Any change	consolidated annual activity		
	to the input on performance	report. Any change to the		
	review shall only be made	input on performance		
	upon approval of the Director	review shall only be made		
	for Performance Review;	upon approval of the		
		Director for Performance		
		Review;		
223.	(j) where activities of the	(j) where activities of the	[]	
	Agency acting as PRB are	Agency acting as PRB are		
	concerned, preparing, in	concerned, preparing, in		
	coordination with the	coordination with the		
	Executive Director, an action	Executive Director, an		
	plan following up on the	action plan following up on		
	conclusions of internal or	the conclusions of internal		
	external audit reports and	or external audit reports and		
	evaluations, as well as on	evaluations, as well as on		
	investigations by OLAF, and	investigations by OLAF,		
	reporting on progress twice a	and reporting on progress		

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	year to the Commission and	twice a year to the		
	report regularly on progress	Commission and reporting		
	to the Management Board;	regularly on progress to the		
		Management Board;		
224.	(k)preparing a proposal for	(k)preparing a proposal for	[]	
	mechanisms and procedures	mechanisms and procedures		
	for consultation of	for consultation of		
	stakeholders referred to in	stakeholders referred to in		
	Article 38 of [amended	Article 38 of [amended		
	SES2+], to be submitted to	SES2+], to be submitted to		
	the Management Board for	[] the Regulatory Board		
	adoption following a	for Performance Review for		
	favourable opinion of the	adoption;		
	Regulatory Board for			
	Performance Review;			
225.	(l) following a favourable	(l) [] requesting the	[]	
	opinion of the Regulatory	Regulatory Board for		
	Board for Performance	Performance Review[] to		
	Review, requesting the	establish or modify the		
	Management Board to	internal structures		
	establish or modify the	concerning performance		
	internal structures concerning	review;		
	performance review;			
226.	(m)preparing the draft	(m) preparing the draft	[]	
	communication and	communication and		
	dissemination plans	dissemination plans		

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	concerning performance	concerning performance		
	review referred to Article	review referred to in Article		
	119a(5), to be submitted to	119a(5), to be submitted to		
	the Management Board for	[] the Regulatory Board		
	adoption following the	for Performance Review;	#:C,	
	favourable opinion of the			
	Regulatory Board for			
	Performance Review.			
227.		(m a) deciding whether		
		in order for the Agency		
		acting as PRB to be able		
		to carry out its work in an		
		efficient and effective		
		manner it is necessary to		
		establish one or more		
		local offices in one or		
		more Member States. The		
		decisions referred to in		
		the first subparagraphs		
		require the prior consent		
		of the Regulatory Board		
		for Performance Review		
		and, where applicable, the		
		Member State where the		
		local office is to be		
		established. Those		

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		decisions shall specify the scope of the activities to be carried out at that local office or by that colocated staff in a manner that avoids unnecessary costs and duplication of administrative functions of the Agency.		
228.	4. For the purposes paragraph 3, point (d), opinions, recommendations and decisions of the Agency acting as PRB referred to in [Amended SES2+] and in Article 129a of this Regulation shall be adopted only after having obtained the favourable opinion of the Regulatory Board for Performance Review.	4. For the purposes of paragraph 3, point (d), opinions, recommendations and decisions of the Agency acting as PRB referred to in [Amended SES2+], [] including when carried out pursuant to a cooperation agreement under Article 129a of this Regulation, shall be adopted only after having obtained the favourable opinion of the Regulatory Board for Performance Review.	[]	See line 168

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229.	Before submitting draft	Before submitting draft	1]	
	opinions, recommendations or	opinions, recommendations or		
	decisions to a vote by the	decisions to a vote by the		
	Regulatory Board for	Regulatory Board for		
	Performance Review, the	Performance Review, the		
	Director for Performance	Director for Performance		
	Review shall submit proposals	Review shall submit proposals		
	for the draft opinions,	for the draft opinions,		
	recommendations or decisions	recommendations or decisions		
	to the relevant working group	to the relevant working group		
	for consultation sufficiently in	for consultation sufficiently in		
	advance.	advance.		
230.	The Director for Performance	The Director for Performance	[]	See line 168
	Review shall take the comments	Review shall take the		
	and amendments of the	comments and amendments of		
	Regulatory Board for	the Regulatory Board for		
	Performance Review into	Performance Review into		
	account and shall resubmit the	account and shall resubmit the		
	revised draft opinion,	revised draft opinion,		
	recommendation or decision to	recommendation or decision to		
	the Regulatory Board for	the Regulatory Board for		
	Performance Review for a	Performance Review for a		
	favourable opinion. Where the	favourable opinion. Where the		
	Director for Performance	Director for Performance		
	Review deviates from or rejects	Review deviates from or		
	the comments and amendments	rejects the comments and		

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	received from the Regulatory	amendments received from the		
	Board for Performance Review,	Regulatory Board for		
	the Director for Performance	Performance Review, the		
	Review shall also provide a duly	Director for Performance		
	justified written explanation.	Review shall also provide a	(C1)	
		duly justified written		
		explanation.		
231.	The Director for Performance	The Director for Performance	[]	See line 168
	Review may withdraw	Review may withdraw		
	submitted draft opinions,	submitted draft opinions,		
	recommendations or decisions	recommendations or decisions		
	provided that he/she submits a	provided that he/she submits a		
	duly justified written	duly justified written		
	explanation where he/she	explanation where he/she		
	disagrees with the amendments	disagrees with the amendments		
	submitted by the Regulatory	submitted by the Regulatory		
	Board for Performance Review.	Board for Performance		
	In the case of a withdrawal of a	Review. In the case of a		
	draft opinion, recommendation	withdrawal of a draft opinion,		
	or decision, the Director for	recommendation or decision,		
	Performance Review may issue	the Director for Performance		
	a new draft opinion,	Review may issue a new draft		
	recommendation or decision	opinion, recommendation or		
	following the procedure set out	decision following the		
	in Article 114b(1), point (a) and	procedure set out in Article		
		114b(1), point (a) and in the		

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	in the second subparagraph of	second subparagraph of this		
	this paragraph.	paragraph.		
232.	If the Regulatory Board for	If the Regulatory Board for	[]	See line 168
	Performance Review does not	Performance Review does not		
	give a favourable opinion on the	give a favourable opinion on		
	resubmitted text of the draft	the resubmitted text of the		
	opinion, recommendation or	draft opinion, recommendation	~	
	decision because its comments	or decision because its		
	and amendments were not	comments and amendments		
	adequately reflected in the	were not adequately reflected		
	resubmitted text, the Director	in the resubmitted text, the		
	for Performance Review may	Director for Performance		
	revise the text of the draft	Review may revise the text of		
	opinion, recommendation or	the draft opinion,		
	decision further in accordance	recommendation or decision		
	with the amendments and	further in accordance with the		
	comments proposed by the	amendments and comments		
	Regulatory Board for	proposed by the Regulatory		
	Performance Review in order to	Board for Performance Review		
	obtain its favourable opinion,	in order to obtain its		
	without having to provide	favourable opinion, without		
	additional written reasons.	having to provide additional		
		written reasons.		

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233.	Article 114i	Article 114i		
	Functions and operations of the	Functions and operations of the		
	Advisory Board for	Advisory Board for Performance		
	Performance Review	Review		
234.	1. The Advisory Board for	1. The Advisory Board for	[]	
	Performance Review shall:	Performance Review shall:		
235.	(a) exchange information about	(a) exchange information about	[]	
	the work of national	the work of national		
	supervisory authorities and	supervisory authorities and		
	decision making principles,	decision making principles,		
	best practices and procedures	best practices and		
	as well as with regard to the	procedures as well as with		
	application of [Amended	regard to the application of		
	SES2+];	[Amended SES2+];		
236.	(b)provide opinions and	(b)provide opinions and	[]	
	recommendations on	recommendations on		
	guidance material to be	guidance material to be		
	issued by the Agency acting	issued by the Agency acting		
	as PRB. The opinions and	as PRB. The opinions and		
	recommendations of the	recommendations of the		
	Advisory Board for	Advisory Board for		
	Performance Review shall	Performance Review shall		
	not be binding.	not be binding.		

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237.	2. The Advisory Board for	2. The Advisory Board for	1]	
	Performance Review shall meet	Performance Review shall		
	at regular intervals, in order to	meet at regular intervals, in		
	ensure that national supervisory	order to ensure that national		
	authorities consult and work	supervisory authorities consult		
	together in a network.	and work together in a		
		network, in synergy with	V	
		stakeholders.		
238.	3. The Chairperson of the	3. The Chairperson of the	[]	
	Regulatory Board for	Regulatory Board for		
	Performance Review and the	Performance Review and the		
	Director for Performance	Director for Performance		
	Review may participate in	Review may participate in		
	meetings of the Advisory Board	meetings of the Advisory		
	for Performance Review and	Board for Performance Review		
	may make recommendations to	and may make		
	national supervisory authorities	recommendations to national		
	convened as the Advisory Board	supervisory authorities		
	for Performance Review, as	convened as the Advisory		
	appropriate, on matters related	Board for Performance		
	to their expertise on the	Review, as appropriate, on		
	performance and charging	matters related to their		
	scheme referred to in [Amended	expertise on the performance		
	SES2+].	and charging scheme referred		
		to in [Amended SES2+].		

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239.	4. Subject to the rules on data	4. Subject to the rules on data	II	
	provided for in Article 31 of	provided for in Article 31 of		
	[Amended SES2+] and in	[Amended SES2+] and in		
	Regulation (EU) 2018/1725 of	Regulation (EU) 2018/1725 of		
	the European Parliament and of	the European Parliament and	(C.)	
	the Council ⁷ , the Agency shall	of the Council ⁷ , the Agency		
	provide the secretariat to the	shall provide the secretariat to	~	
	Advisory Board for	the Advisory Board for		
	Performance Review and shall	Performance Review and shall		
	support the exchange of the	support the exchange of the		
	information referred to in	information referred to in		
	paragraph 1 among the members	paragraph 1 among the		
	of the Advisory Board for	members of the Advisory		
	Performance Review, respecting	Board for Performance		
	the confidentiality of	Review, respecting the		
	commercially sensitive	confidentiality of		
	information of air navigation	commercially sensitive		
	service providers.	information of air navigation		
		service providers.		
	7 Regulation (EU) 2018/1725 of			
	the European Parliament and of	7 Regulation (EU) 2018/1725 of the		
	the Council of 23 October 2018	European Parliament and of the		
	on the protection of natural	Council of 23 October 2018 on		
	persons with regard to the	the protection of natural persons		

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	processing of personal data by	with regard to the processing of		
	the Union institutions, bodies,	personal data by the Union		
	offices and agencies and on the	institutions, bodies, offices and		
	free movement of such data, and	agencies and on the free		
	repealing Regulation (EC) No	movement of such data, and	(C)	
	45/2001 and Decision No	repealing Regulation (EC) No		
	1247/2002/EC (OJ L 295,	45/2001 and Decision No		
	21.11.2018, p. 39)	1247/2002/EC (OJ L 295,		
		21.11.2018, p. 39)		
240.	Article 114j	Article 114j	[]	
	Composition of the Advisory	Composition of the Advisory		
	Board for Performance Review	Board for Performance Review		
241.	1. The Advisory Board for	1. The Advisory Board for	[]	
	Performance Review shall be	Performance Review shall be		
	composed of:	composed of:		
242.	(a) one senior representative per	(a) one senior representative	[]	
	Member State from the	per Member State from the		
	national supervisory	national supervisory		
	authorities referred to in	authorities referred to in		
	Article 3 of [Amended	Article 3 of [Amended		
	SES2+], and one alternate	SES2+], and one alternate		
	per Member State from the	per Member State from the		
	current senior staff of those	current senior staff of those		
	authorities, both nominated	authorities, both nominated		
	by the national supervisory	by the national supervisory		
	authority.	authority;		

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243.	(b)one non-voting representative	(b)one non-voting	[···]	
	of the Commission, and one	representative of the		
	alternate.	Commission, and one		
		alternate with expertise		
		and knowledge on the		
		environmental and		
		climate impact of		
		aviation;		
244.		(b a) three non-voting		
		representatives of Air		
		navigation Services		
		Providers, commercial		
		and non-commercial civil		
		airspace users and of the		
		airport operators;		
245.		(b b) one non-voting		
		professional staff		
		organisation		
		representative.		
246.	2. The Advisory Board for	2. The Advisory Board for	[]	
	Performance Review shall elect	Performance Review shall		
	a Chairperson and a Deputy-	elect a Chairperson and a		
	Chairperson from among its	Deputy-Chairperson from		
	members. The Deputy-	among its members. The		
	Chairperson shall replace the	Deputy-Chairperson shall		
	Chairperson if the latter is not in	replace the Chairperson if the		

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	a position to perform his or her duties. The term of office of the Chairperson and of the Deputy-Chairperson shall be two-and-ahalf years and shall be renewable. If their membership of the Advisory Board for Performance Review ceases at any time during their term of office, their term of office shall automatically expire on that date.	latter is not in a position to perform his or her duties. The term of office of the Chairperson and of the Deputy-Chairperson shall be two-and-a-half years and shall be renewable. If their membership of the Advisory Board for Performance Review ceases at any time during their term of office, their term of office shall automatically		
247.	Article 114k Powers of the Appeal Board for Performance Review	expire on that date. Article 114k Powers of the Appeal Board for Performance Review	[]	
248.		1. The Appeal Board for Performance Review shall be responsible for deciding on appeals against the decisions referred to in [Amended SES2+]. The Appeal Board for Performance Review shall be convened as necessary.	[]	PCY compromise proposal: The Appeal Board decides on appeals against decisions on the performance plans and targets.

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249.		1bis. The Appeal Board for		PCY compromise proposal :
		Performance Review shall be		A NSA representative cannot
		independent from the		take part in the vote on the
		Regulatory Board for		performance plan of its State.
		Performance Review, from		
		the Advisory Board for		
		Performance Review and	~	
		from the Director for		
		Performance Review.		
250.	2. The decisions of the Appeal	2. The decisions of the Appeal	[]	
	Board for Performance Review	Board for Performance Review		
	shall be adopted by a majority	shall be adopted by a majority		
	of at least four of its six	of at least four of its six		
	members.	members.		
251.	Article 1141	Article 114l	[]	
	Members of the Appeal Board	Members of the Appeal Board for		
	for Performance Review	Performance Review		
252.	1. The Appeal Board for	1. The Appeal Board for	[]	EP compromise proposal:
	Performance Review shall be	Performance Review shall be		6 members selected from current
	composed of six members and	composed of six members and six		or former senior NSA staff,
	six alternates selected from	alternates selected from among		competition authorities or other
	among current or former senior	current or former senior staff of		Union or national institutions
	staff of the national supervisory	the national supervisory		with relevant experience in the
	authorities referred to in Article	authorities referred to in Article 3		aviation sector.
	3 of [Amended SES2+],	of [Amended SES2+],		
	competition authorities or other	competition authorities or other		PCY compromise proposal :

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253.	Union or national institutions with relevant experience in the aviation sector. The Appeal Board for Performance Review shall designate its Chairperson.	Union or national institutions with relevant experience in the aviation sector. The Appeal Board for Performance Review shall designate its Chairperson. 2. The members of the Appeal Board for Performance Review shall be formally appointed by [] the Commission, following a public call for expression of interest, after consulting the Regulatory Board for Performance Review.	[]	10 NSA representatives + 1 observer of one NSA of non- EU States to which the regulation applies. EP compromise proposal: Members appointed for 5 years by the Commission, following public call for expression of interest, after consulting the Regulatory Board. PCY compromise proposal: 2 NSA representatives for each of the 5 "comparator groups" defined on the basis of EC decision (EU) 2021/891 – to be agreed within each group of
251	2 TH 1 2 1 1	2 (7)		States.
254.	3. The members of the Appeal Board for Performance Review shall undertake to act independently and in the public interest. For that purpose, they shall make a written declaration of commitments and a written	3. The members of the Appeal Board for Performance Review shall undertake to act independently and in the public interest. For that purpose, they shall make a written declaration of	[]	

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	declaration of interests indicating either the absence of any interest which might be considered prejudicial to their independence or indicating any direct or indirect interest which might be considered prejudicial to their independence. Those declarations shall be made public annually.	commitments and a written declaration of interests indicating either the absence of any interest which might be considered prejudicial to their independence or indicating any direct or indirect interest which might be considered prejudicial to their independence. Those declarations shall be made public annually.		
255.	4. The term of office of the members of the Appeal Board for Performance Review shall be five years. That term shall be renewable once.	4. The term of office of the members of the Appeal Board for Performance Review shall be five years. That term shall be renewable once.	[]	EP compromise proposal: Members appointed for 5 years by the Commission, following public call for expression of interest, after consulting the Regulatory Board. PCY compromise proposal: Rotation of 5 members at each reference period (2 years before the beginning of the next period), while keeping a balanced representation of each comparator group

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256.	5. The members of the Appeal	5. The members of the Appeal	[h]	
	Board for Performance Review	Board for Performance Review		
	shall be independent in making	shall be independent in making		
	their decisions. They shall not	their decisions. They shall not		
	be bound by any instructions.	be bound by any instructions.	(C)	
	They shall not perform any	They shall not perform any		
	other duties in the Agency, in its	[] duties in the Agency, in	~	
	Management Board or in the	its Management Board, in the		
	Advisory Board for	Regulatory Board for		
	Performance Review. A	Performance Review or in the		
	member of the Appeal Board for	Advisory Board for		
	Performance Review shall not	Performance Review. A		
	be removed during his or her	member of the Appeal Board		
	term of office, unless he or she	for Performance Review shall		
	has been found guilty of serious	not be removed during his or		
	misconduct, and the	her term of office, unless he or		
	Commission, after receiving the	she has been found guilty of		
	opinion of the Management	serious misconduct, and the		
	Board, has taken a decision to	Commission, [], has taken a		
	that effect.	decision to that effect.		
257.	6. The Appeal Board for	6. The Appeal Board for	[]	
	Performance Review shall adopt	Performance Review shall		
	and publish its rules of	adopt and publish its rules of		
	procedure. Those rules shall set	procedure. Those rules shall		
	out in detail the arrangements	set out in detail the		
	governing the organisation and	arrangements governing the		

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	functioning of the Appeal Board	organisation and functioning		
	for Performance Review and the	of the Appeal Board for		
	rules applicable to appeals	Performance Review and the		
	before the Appeal Board for	rules applicable to appeals		
	Performance Review pursuant	before the Appeal Board for		
	to Articles 114k to 114s. The	Performance Review pursuant		
	Appeal Board for Performance	to Articles 114k to 114s. The	~	
	Review shall notify the	Appeal Board for Performance		
	Commission of its draft rules of	Review shall notify the		
	procedure as well as any	Commission of its draft rules		
	significant change to those	of procedure as well as any		
	rules. The Commission may	significant change to those		
	provide an opinion on those	rules. The Commission may		
	rules within three months of the	provide an opinion on those		
	date of receipt of the	rules within three months of		
	notification.	the date of receipt of the		
		notification.		
258.	Article 114m	Article 114m	[]	
	Exclusion and objection in the	Exclusion and objection in the		
	Appeal Board for Performance	Appeal Board for Performance		
	Review	Review		
259.	1. The members of the Appeal	1. The members of the Appeal	[]	See line 249
	Board for Performance Review	Board for Performance Review		
	shall not take part in any appeal	shall not take part in any		
	proceedings if they have any	appeal proceedings if they		
	personal interest therein, if they	have any personal interest		

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	have previously been involved	therein, if they have previously		
	as representatives of one of the	been involved as		
	parties to the proceedings or if	representatives of one of the		
	they participated in the adoption	parties to the proceedings or if		
	of the decision under appeal.	they participated in the	// C1 >>	
		adoption of the decision under		
		appeal.		
260.	2. If, for one of the reasons listed	2. If, for one of the reasons listed	[]	
	in paragraph 1 or for any other	in paragraph 1 or for any other		
	reason, a member of the Appeal	reason, a member of the		
	Board for Performance Review	Appeal Board for Performance		
	considers that he or she should	Review considers that he or		
	not take part in any appeal	she should not take part in any		
	proceeding, he or she shall	appeal proceeding, he or she		
	inform the Appeal Board for	shall inform the Appeal Board		
	Performance Review	for Performance Review		
	accordingly.	accordingly.		
261.	3. Any party to the appeal	3. Any party to the appeal	[]	
	proceedings may object to any	proceedings may object to any		
	member of the Appeal Board for	member of the Appeal Board		
	Performance Review on any of	for Performance Review on		
	the grounds given in paragraph	any of the grounds given in		
	1, or if the member is suspected	paragraph 1, or if the member		
	of partiality. Any such objection	is suspected of partiality. Any		
	shall not be admissible if, while	such objection shall not be		
	being aware of a reason for	admissible if, while being		

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	objecting, the party to the appeal	aware of a reason for	d0c.9102/21 ADD2	
	proceedings has taken a	objecting, the party to the		
	procedural step. No objection	appeal proceedings has taken a		
	may be based on the nationality	procedural step. No objection		
	of members.	may be based on the		
		nationality of members.		
262.	4. The Appeal Board for	4. The Appeal Board for	[]	
	Performance Review shall	Performance Review shall		
	decide as to the action to be	decide as to the action to be		
	taken in the cases specified in	taken in the cases specified in		
	paragraphs 2 and 3 without the	paragraphs 2 and 3 without the		
	participation of the member	participation of the member		
	concerned. For the purposes of	concerned. For the purposes of		
	taking this decision, the member	taking this decision, the		
	concerned shall be replaced on	member concerned shall be		
	the Appeal Board for	replaced on the Appeal Board		
	Performance Review by his or	for Performance Review by his		
	her alternate. If the alternate	or her alternate. If the alternate		
	finds him or herself in a similar	finds him or herself in a		
	situation to that of the member,	similar situation to that of the		
	the Chairperson shall designate	member, the Chairperson shall		
	a replacement from among the	designate a replacement from		
	available alternates.	among the available alternates.		
263.	Article 114n	Article 114n	[]	
	Decisions issued by the Agency	Decisions issued by the Agency		
	acting as PRB subject to appeal	acting as PRB subject to appeal		

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264.	1. An appeal may be brought	1. An appeal may be brought	11	
	against decisions of the Agency	against decisions of the		
	acting as PRB taken pursuant to	Agency acting as PRB taken		
	[Amended SES2+].	pursuant to [Amended		
265		SES2+].		
265.	2. An appeal lodged pursuant to	2. An appeal lodged pursuant to	[]	
	paragraph 1 shall not have	paragraph 1 shall not have		
	suspensory effect. The Appeal	suspensory effect. The Appeal		
	Board for Performance Review	Board for Performance Review		
	may, however, if it considers	may, however, if it considers		
	that circumstances so require,	that circumstances so require,		
	suspend the application of the	suspend the application of the		
2.5.5	contested decision	contested decision.		
266.	3. The Agency acting as PRB shall	3. The Agency acting as PRB	[]	
	publish the decisions taken by	shall publish the decisions		
	the Appeal Board for	taken by the Appeal Board for		
	Performance Review.	Performance Review.		
267.	Article 114o	Article 114o	[]	
	Persons entitled to appeal	Persons entitled to appeal		
268.	Any natural or legal person may	Any natural or legal person may	[]	PCY compromise proposal:
	appeal against a decision issued	appeal against a decision issued		Appeals may be only filed by
	by the Agency acting as PRB	by the Agency acting as PRB		designated ATS providers or by
	addressed to that person, or	addressed to that person, or		individual airlines or groups of
	against a decision issued by the	against a decision issued by the		airlines, under the principle that
	Agency acting as PRB which,	Agency acting as PRB which,		only interested parties may appeal. Neither the Commission
	although in the form of a decision	although in the form of a decision		appear. Neumer the Commission

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addressed to another person, is of direct and individual concern to the former. The parties to proceedings may be party to the appeal proceedings.	addressed to another person, is of direct and individual concern to the former. The parties to proceedings may be party to the appeal proceedings.		nor the Member States nor their NSAs would be considered as interested parties entitled to appeal a decision. A second appeal against a new decision on a performance plan, or an original decision if confirmed, should not be allowed from the same ATS provider, or by airspace users. This calls for a specific provision to ensure that only one appeal procedure can take place on a given decision to approve or to disapprove a performance plan. This objective might be enabled by an "open" process for all parties being allowed to take part in case that one appeal is filed from any party, though respecting the time limit of two months as proposed.

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269.	Article 114p	Article 114p	1]	
	Time limit and form	Time limit and form		
270.	The appeal shall include a	The appeal shall include a	[]	PCY compromise proposal :
	statement of the grounds for	statement of the grounds for		The timelines for procedures to
	appeal and shall be filed in writing	appeal and shall be filed in	\(\(\C^* \)	take place should be scrutinized
	to the Agency acting as PRB	writing to the Agency acting as		and specified in order to ensure
	within two months of the	PRB within two months of the	~	consistency with the procedures
	notification of the decision to the	notification of the decision to the		for adopting the unit rates of the
	person concerned, or, in the	person concerned, or, in the		first year(s) of each reference
	absence thereof, within two	absence thereof, within two		period. In particular, the
	months of the date on which the	months of the date on which the		possibility should be kept for an
	Agency acting as PRB published	Agency acting as PRB published		ATS provider to apply the unit
	its decision. The Appeal Board for	its decision. The Appeal Board		rates stemming from the latest
	Performance Review shall decide	for Performance Review shall		performance plan submitted, in
	upon the appeal within four	decide upon the appeal within		case approval is not yet granted
	months of the lodging of the	four months of the lodging of the		at the time of submitting the said
	appeal.	appeal.		unit rates and the whole
				procedure is not over, including
				where an appeal is filed by the
				ATS provider concerned.
271.	Article 114q	Article 114q	[]	
	Interlocutory revision	Interlocutory revision		
272.	1. Before examining the appeal,	1. Before examining the appeal,	[]	See line 168
	the Appeal Board for	the Appeal Board for		
	Performance Review shall give	Performance Review shall give		
	the Agency acting as PRB the	the Agency acting as PRB the		

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	opportunity to review its	opportunity to review its		
	decision. If the Director for	decision. If the Director for		
	Performance Review considers	Performance Review considers		
	the appeal to be well founded,	the appeal to be well founded,		
	he or she shall rectify the	he or she shall rectify the		
	decision within two months	decision within two months		
	from being notified by the	from being notified by the	~	
	Appeal Board for Performance	Appeal Board for Performance		
	Review. That shall not apply	Review. That shall not apply		
	where the appellant is opposed	where the appellant is opposed		
	to another party to the appeal	to another party to the appeal		
	proceedings.	proceedings.		
273.	2. If the decision is not	2. If the decision is not rectified,	[]	
	rectified, the Appeal Board for	the Appeal Board for		
	Performance Review shall	Performance Review shall		
	forthwith decide whether or not	forthwith decide whether or		
	to suspend the application of the	not to suspend the application		
	decision pursuant to Article	of the decision pursuant to		
	114n(2).	Article 114n(2).		
274.	Article 114r	Article 114r	[]	
	Examination of appeals	Examination of appeals		
275.	1. The Appeal Board for	1. The Appeal Board for	[]	
	Performance Review shall	Performance Review shall		
	assess whether the appeal is	assess whether the appeal is		
	admissible and well founded.	admissible and well founded.		

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276.	2. When examining the appeal	2. When examining the appeal	[]	
	pursuant to paragraph 1, the	pursuant to paragraph 1, the		
	Appeal Board for Performance	Appeal Board for Performance		
	Review shall act expeditiously.	Review shall act expeditiously.		
277.	It shall as often as necessary	It shall as often as necessary	[]	
	invite the parties to the appeal	invite the parties to the appeal		
	proceedings to file, within	proceedings to file, within		
	specified time limits, written	specified time limits, written		
	observations on notifications	observations on notifications		
	issued by itself or on	issued by itself or on		
	communications from other	communications from other		
	parties to the appeal	parties to the appeal proceedings.		
	proceedings. The Appeal Board	The Appeal Board for		
	for Performance Review may	Performance Review may decide		
	decide to hold an oral hearing,	to hold an oral hearing, either of		
	either of its own motion or at	its own motion or at the		
	the substantiated request of one	substantiated request of one of the		
	of the parties to the appeal.	parties to the appeal.		
278.	Article 114s	Article 114s	[]	
	Decisions on appeal	Decisions on appeal		
279.	Where the Appeal Board for	Where the [] Board of Appeal	[]	PCY compromise proposal : The
	Performance Review finds that	[] finds that the appeal is not		"new reasoned decision taking
	the appeal is not admissible or	admissible or that the grounds for		into account the decision by the
	that the grounds for appeal are not	appeal are not founded, it shall		Board of Appeal" shall be
	founded, it shall reject the appeal.	reject the appeal. Where the []		adopted by the director for
	Where the Appeal Board for	Board of Appeal [] finds that		performance review after a new

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	Performance Review finds that	the appeal is admissible and that		vote by the Regulatory Board,
	the appeal is admissible and that	the grounds for appeal are		following the same procedure
	the grounds for appeal are	founded, it shall remit the case to		as for an initial decision.
	founded, it shall remit the case to	the Agency acting as PRB. The		
	the Agency. The Agency shall	Agency acting as PRB shall take		
	take a new reasoned decision	a new reasoned decision taking		
	taking into account the decision	into account the decision by the		
	by the Appeal Board for	Board of Appeal.		
	Performance Review.			
280.	Article 114t	Article 114t	[]	
	Actions before the Court of	Actions before the Court of		
	Justice	Justice		
281.	1. Actions for the annulment of a	1. Actions for the annulment of a	[]	
	decision issued by the Agency	decision issued by the Agency		
	acting as PRB pursuant to	acting as PRB pursuant to		
	[Amended SES2+] and actions	[Amended SES2+] and actions		
	for failure to act within the	for failure to act within the		
	applicable time limits may be	applicable time limits may be		
	brought before the Court of	brought before the Court of		
	Justice only after the exhaustion	Justice only after the		
	of the appeal procedure referred	exhaustion of the appeal		
	to in Articles 114k to 114s.	procedure referred to in		
		Articles 114k to 114s.		

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282.	2. The Agency acting as PRB shall	2. The Agency acting as PRB	[A]	
	take the necessary measures to	shall take the necessary		
	comply with the judgments of	measures to comply with the		
	the Court of Justice.';	judgments of the Court of		
		Justice.';	(C1)	
283.	(10) the following Article 117a is	(10) the following Article [] is	[]	
	inserted:	inserted:	~	
284.	'Article 117a	'Article 117a	[]	
	Section on performance	Section on performance review		
	review activities in the annual	activities in the annual and multi-		
	and multi-annual	annual programming		
	programming			
285.	1. Each year, the Director for	1. Each year, the Director for	[]	
	Performance Review shall draft	Performance Review shall		
	the section related to	draft the section related to		
	performance review activities of	performance review activities		
	the programming document	of the programming document		
	referred to in Article 117(1).	referred to in Article 117(1).		
	After the draft being approved	After the draft being approved		
	by the Regulatory Board for	by the Regulatory Board for		
	Performance Review, the	Performance Review, the		
	Director for Performance	Director for Performance		
	Review shall submit it to the	Review shall submit it to the		
	Executive Director in order to	Executive Director in order to		
	be integrated in the Agency's	be integrated in the Agency's		
	draft programming document in	draft programming document		

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	accordance with Article	in accordance with Article		
	114h(3), point (g). Any change	114h(3), point (g). Any change		
	to the section on performance	to the section on performance		
	review shall only be made upon	review shall only be made		
	approval of the Director for	upon approval of the Director	(' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' '	
	Performance Review.	for Performance Review.		
286.	2. The section of the annual work	2. The section of the annual work	[]	
	programme on performance	programme on performance		
	review in the programming	review in the programming		
	document shall comprise	document shall comprise		
	detailed objectives and expected	detailed objectives and		
	results, including performance	expected results, including		
	indicators. It shall also contain a	performance indicators,		
	description of the actions to be	including for climate and		
	financed and an indication of	environment areas. It shall		
	the financial and human	also contain a description of		
	resources allocated to each	the actions to be financed and		
	action, in accordance with the	an indication of the financial		
	principles of activity-based	and human resources allocated		
	budgeting and management. The	to each action, in accordance		
	section on performance review	with the principles of activity-		
	of the annual work programme	based budgeting and		
	shall be coherent with the	management. The section on		
	section on performance review	performance review of the		
	of the multi-annual work	annual work programme shall		
	programme referred to in	be coherent with the section on		

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	paragraph 4. It shall clearly	performance review of the		
	indicate the tasks that have been	multi-annual work programme		
	added, changed or deleted in	referred to in paragraph 4 and		
	comparison with the previous	shall clearly indicate the tasks		
	financial year.	that have been added, changed	(C.)	
		or deleted in comparison with		
		the previous financial year.	~	
287.	3. The Management Board shall	3. The Management Board shall	[]	
	amend the adopted section on	amend the adopted section on		
	performance review of the	performance review of the		
	annual work programme where	annual work programme where		
	a new task is assigned to the	a new task is assigned to the		
	Agency acting as PRB. Any	Agency acting as PRB. Any		
	substantial amendment to the	substantial amendment to the		
	section on performance review	section on performance review		
	of the annual work programme	of the annual work programme		
	shall be adopted by the same	shall be adopted by the same		
	procedure set out for the initial	procedure set out for the initial		
	annual work programme. The	annual work programme. The		
	Management Board may	Management Board may		
	delegate the power to make non-	delegate the power to make		
	substantial amendments to the	non-substantial amendments to		
	section on performance review	the section on performance		
	of the annual work programme	review of the annual work		
	document to the Director for	programme document to the		
	Performance Review.			

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		Director for Performance		
		Review.		
288.	4. The section on performance	4. The section on performance	[]	
	review of the multi-annual work	review of the multi-annual		
	programme in the programming	work programme in the	(C.)	
	document shall set out the	programming document shall		
	overall strategic programming,	set out the overall strategic	~	
	including objectives, expected	programming, including		
	results and performance	objectives, expected results		
	indicators. It shall also set out	and performance indicators. It		
	resource programming,	shall also set out resource		
	including the multi-annual	programming, including the		
	budget and staff.	multi-annual budget and staff.		
289.	The resource programming shall	The resource programming	[]	
	be updated annually. The	shall be updated annually. The		
	strategic programming shall be	strategic programming shall be		
	updated where appropriate, in	updated where appropriate, in		
	particular to address the	particular to address the		
	outcome of the evaluation	outcome of the evaluation		
	referred to in Article 124(4).';	referred to in Article 124(4).';		
290.	(11) the following Article 118a is	(11) the following Article[] is	[]	
	inserted:	inserted:		

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291.	'Article 118a	'Article 118a	[]	
	Section on performance	Section on performance review in		
	review in the consolidated	the consolidated annual activity		
	annual activity report	report		
292.	1. The Director for Performance	1. The Director for Performance	[]	
	Review shall draft the section	Review shall draft the section		
	related on performance review	related on performance review		
	of the annual activity report	of the annual activity report		
	referred to in Article 118(1).	referred to in Article 118(1).		
	After the draft being approved	After the draft being approved		
	by the Regulatory Board for	by the Regulatory Board for		
	Performance Review, the	Performance Review, the		
	Director for Performance	Director for Performance		
	Review shall submit it to the	Review shall submit it to the		
	Executive Director in order to	Executive Director in order to		
	be integrated in the consolidated	be integrated in the		
	annual activity report in	consolidated annual activity		
	accordance with Article	report in accordance with		
	114h(3), point (i). Any change	Article 114h(3), point (i). Any		
	to the section on performance	change to the section on		
	review of the consolidated	performance review of the		
	annual activity report shall only	consolidated annual activity		
	be made upon approval of the	report shall only be made upon		
	Director for Performance	approval of the Director for		
	Review.	Performance Review.		

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293.	2. The section on performance	2. The section on performance	[]	
	review of the consolidated	review of the consolidated		
	annual activity report shall	annual activity report shall		
	include an independent section	include an independent section		
	on regulatory activities and a	on regulatory activities and a		
	section on financial and	section on financial and		
	administrative matters. The	administrative matters. The		
	Regulatory Board for	Regulatory Board for		
	Performance Review shall	Performance Review shall		
	approve the independent section	approve the independent		
	on regulatory activities prior to	section on regulatory activities		
	the submission to the Executive	prior to the submission to the		
	Director, in accordance with	Executive Director, in		
	Article 114b(1), point (e).';	accordance with Article		
		114b(1), point (e).';		
294.	(12) the following Article 119a is	(12) the following Article [] is	[]	
	inserted:	inserted:		
295.	'Article 119a	'Article 119a	[]	
	Transparency, communication	Transparency, communication		
	and procedures for issuing	and procedures for issuing		
	opinions, recommendations	opinions, recommendations and		
	and decisions by the Agency	decisions by the Agency acting as		
	acting as PRB	PRB		
296.	1. In carrying out its tasks, the	1. In carrying out its tasks, the	[]	
	Agency acting as PRB shall	Agency acting as PRB shall		
	extensively consult at an early	extensively consult at an early		

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	stage the stakeholders listed in	stage the stakeholders listed in		
	Article 38(3) of [Amended	Article 38(3) of [Amended		
	SES2+] and, where relevant,	SES2+] and, where relevant,		
	competition authorities, without	competition authorities and		
	prejudice to their respective	the European Environmental		
	competence, in an open and	Agency , without prejudice to		
	transparent manner. In	their respective competence, in	~	
	accordance with Article 38 of	an open and transparent		
	[Amended SES2+], the Agency	manner. In accordance with		
	acting as PRB shall establish	Article 38 of [Amended		
	consultation mechanisms for	SES2+], the Agency acting as		
	appropriate involvement of	PRB shall establish		
	those stakeholders.	consultation mechanisms for		
		appropriate involvement of		
		those stakeholders.		
297.	For this purpose, the Director	For this purpose, the Director	[]	
	for Performance Review shall	for Performance Review shall		
	draft a proposal for those	draft a proposal for those		
	mechanisms and, after having	mechanisms to [] the		
	obtained the favourable opinion	Regulatory Board for		
	of the Regulatory Board for	Performance Review. [].		
	Performance Review on the			
	draft, shall submit it to the			
	Management Board for			
	adoption.			

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298.	2: The Agency acting as PRB shall	2. The Agency acting as PRB	1]	
	ensure that the public and any	shall ensure that the public and		
	interested parties are, where	any interested parties are, [],		
	appropriate, given objective,	given objective, reliable,		
	reliable and easily accessible	updated and easily accessible	(C)	
	information, in particular with	information, in particular with		
	regard to the results of its work.	regard to the results of its	~	
		work.		
299.	All documents and minutes of	All documents and minutes of	[]	
	consultation meetings shall be	consultation meetings shall be		
	made public.	made public.		
300.	3. The Agency acting as PRB shall	3. The Agency acting as PRB	[]	
	make public, on its website, at	shall make public, on its		
	least the agenda, the background	website, at least the agenda,		
	documents and, where	the background documents		
	appropriate, the minutes of the	and, where appropriate, the		
	meetings of the Regulatory	minutes of the meetings of the		
	Board for Performance Review	Regulatory Board for		
	and of the Appeal Board for	Performance Review and of		
	Performance Review.	the Appeal Board for		
		Performance Review.		
301.	4. The Agency acting as PRB shall	4. The Agency acting as PRB	[]	
	adopt and publish adequate and	shall adopt and publish		
	proportionate procedures for	adequate and proportionate		
	issuing opinions,	procedures for issuing		
	recommendations and decisions	opinions, recommendations		

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	by the Agency acting as PRB, in	and decisions by the Agency		
	accordance with the procedure	acting as PRB, in accordance		
	set out in Article 98(2a), point	with the procedure set out in		
	(f). Those procedures shall:	Article [] 114b(1), point (g).		
		Those procedures shall:		
302.	(a) ensure that the Agency	(a) ensure that the Agency	[]	
	acting as PRB publishes	acting as PRB publishes	~	
	documents and widely	documents and widely		
	consults interested parties, in	consults interested parties,		
	accordance with a timetable	in accordance with a		
	and a procedure which	timetable and a procedure		
	includes an obligation on the	which includes an		
	Agency acting as PRB to give	obligation on the Agency		
	a written response to the	acting as PRB to give a		
	consultation process;	written response to the		
		consultation process;		
303.		(a a) undergo, for matters		
		concerning climate and		
		environmental		
		performance, a scientific		
		review by independent		
		experts;		
304.	(b) ensure that before taking any	(b)ensure that before taking	[]	
	individual decision as	any individual decision as		
	provided for in this	provided for in this		
	Regulation and in [Amended	Regulation and in		

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	SES2+], the Agency acting as	[Amended SES2+], the		
	PRB informs any party	Agency acting as PRB		
	concerned of its intention to	informs any party		
	adopt that decision, and shall	concerned of its intention to		
	set a time limit within which	adopt that decision, and		
	the party concerned may	shall set a time limit within		
	express its views on the	which the party concerned	~	
	matter, taking full account of	may express its views on		
	the urgency, complexity and	the matter, taking full		
	potential consequences of the	account of the urgency,		
	matter;	complexity and potential		
		consequences of the matter;		
305.	(c) ensure that individual	(c)ensure that individual	[]	
	decisions of the Agency	decisions of the Agency		
	acting as PRB states the	acting as PRB states the		
	reasons on which they are	reasons on which they are		
	based for the purpose of	based for the purpose of		
	allowing an appeal on the	allowing an appeal on the		
	merits;	merits;		
306.	(d)where the Agency acting as	(d)where the Agency acting as	[]	
	PRB issues a decision,	PRB issues a decision,		
	provide for the natural or	provide for the natural or		
	legal person to whom the	legal person to whom the		
	decision is addressed, and	decision is addressed, and		
	any other parties to	any other parties to		
	proceedings, to be informed	proceedings, to be informed		

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	of the legal remedies	of the legal remedies		
	available to them under this	available to them under this		
	Regulation;	Regulation;		
307.	(e) specify the conditions under	(e)specify the conditions under	[]	
	which decisions are notified	which decisions are notified	// C1//	
	to the persons concerned,	to the persons concerned,		
	including information on the	including information on		
	available appeal procedures	the available appeal		
	as provided for in this	procedures as provided for		
	Regulation.	in this Regulation.		
308.	5. The Agency acting as PRB may	5. The Agency acting as PRB	[]	
	engage in communication	may engage in communication		
	activities on its own initiative	activities on its own initiative		
	within its field of competence	within its field of competence		
	on performance review, and in	on performance review, and in		
	doing so shall be represented by	doing so shall be represented		
	the Director for Performance	by the Director for		
	Review. The allocation of	Performance Review. The		
	resources to communication	allocation of resources to		
	activities shall not be	communication activities shall		
	detrimental to the effective	not be detrimental to the		
	exercise of the tasks and powers	effective exercise of the tasks		
	referred to in [Amended	and powers referred to in		
	SES2+]. Communication	[Amended SES2+].		
	activities shall be carried out in	Communication activities shall		
	accordance with relevant	be carried out in accordance		

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	communication and	with relevant communication		
	dissemination plans adopted by	and dissemination plans		
	the Management Board in	adopted by the []		
	accordance with point (g) of	Regulatory Board for		
	Article 98(2a).';	performance review in	(' / '	
		accordance with point (h) of		
		Article 114b(1).';	<u> </u>	
309.	(13) Article 120 is amended as	(13) Article 120 is amended as	[]	
	follows	follows:		
310.	(a) in paragraph 1, the	(a) in paragraph 1, the	[]	
	introductory wording is	introductory wording is		
	replaced by the following:	replaced by the following:		
311.	'1. Without prejudice to other	'1. Without prejudice to other	[]	
	revenues, the revenues of the	revenues, the revenues of		
	Agency, excluding those for its	the Agency, excluding		
	functions as PRB, shall	those for its functions as		
	comprise:'.	PRB, shall comprise:';		
312.	(b) paragraph 3 is replaced by	(b)paragraph 3 is replaced by the	[]	
	the following:	following:		
313.	'3. Revenue and expenditure for	'3. Revenue and expenditure	[]	
	all activities not covered by	for all activities not covered		
	Article 120a(1) shall be in	by Article 120a(1) shall be		
	balance.',	in balance.';		
314.	(c) paragraph 5 is replaced by	(c)paragraph 5 is replaced by the	[]	
	the following:	following:		

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315.	'5. The Agency shall, during the	'5. The Agency shall, during	[h]	
	financial year, adapt its staff	the financial year, adapt its		
	planning and management of	staff planning and		
	activities financed from resources	management of activities		
	related to fees and charges for	financed from resources		
	certification activities in a manner	related to fees and charges		
	that enables it to swiftly respond	for certification activities in	~	
	to work load and fluctuations of	a manner that enables it to		
	those revenues.';	swiftly respond to work		
		load and fluctuations of		
		those revenues.';		
316.	(d) in paragraph 6, the first	(d)in paragraph 6, the first	[]	
	subparagraph is replaced by the	subparagraph is replaced by		
	following:	the following:		
317.	'Each year, the Executive Director	'Each year, the Executive	[]	
	shall draw up a draft statement of	Director shall draw up a draft		
	estimates of the Agency's revenue	statement of estimates of the		
	and expenditure for the following	Agency's revenue and		
	financial year, including a draft	expenditure for the following		
	establishment plan, and shall, after	financial year, including a		
	having integrated the draft	draft establishment plan, and		
	estimate of the revenue and	shall, after having integrated		
	expenditure for performance	the draft estimate of the		
	review and the list of posts for	revenue and expenditure for		
	performance review referred to in	performance review and the		
	Article 120a(7), send it to the	list of posts for performance		

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Management Board together with	review referred to in Article		
explanatory material on the	120a(7), send it to the		
budgetary situation. That draft	Management Board together		
establishment plan shall, in	with explanatory material on		
relation to posts financed from	the budgetary situation. That	(C.)	
fees and charges referred to in	draft establishment plan shall,		
paragraph 1, be based on a limited	in relation to posts financed	~	
set of indicators approved by the	from fees and charges referred		
Commission to measure the	to in paragraph 1, be based on		
Agency's workload and	a limited set of indicators		
efficiency, and shall set out the	approved by the Commission		
resources required to meet	to measure the Agency's		
demands for certification and	workload and efficiency, and		
other activities of the Agency in	shall set out the resources		
an efficient and timely manner,	required to meet demands for		
including those resulting from	certification and other		
reallocations of responsibility in	activities of the Agency in an		
accordance with Articles 64 and	efficient and timely manner,		
65.';	including those resulting from		
	reallocations of responsibility		
	in accordance with Articles 64		
	and 65.';		

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318.	(14) the following Article 120a is	(14) the following Article [] is	1]	
	inserted:	inserted:		
319.	'Article 120a	'Article 120a	[]	
	Budget of the Agency for its	Budget of the Agency for its		
	functions as PRB	functions as PRB	(C)	
320.	1. The Agency shall account the	1. The Agency shall account the	[]	
	revenue and expenditure for	revenue and expenditure for	<u> </u>	
	performance review separately	performance review separately		
	from other revenue and	from other revenue and		
	expenditure. Such revenue and	expenditure. Such revenue and		
	expenditure shall be in balance,	expenditure shall be in		
	in accordance with and subject	balance, in accordance with		
	to paragraph 2.	and subject to paragraph 2.		
321.	2. Surpluses shown in the account	2. Surpluses shown in the	[]	
	referred to in paragraph 1 shall	account referred to in		
	be transferred to the reserve	paragraph 1 shall be		
	fund established in accordance	transferred to the reserve fund		
	with paragraph 6. Losses shown	established in accordance with		
	in the account referred to in	paragraph 6. Losses shown in		
	Article paragraph 1 shall be	the account referred to in []		
	covered through transfers from	paragraph 1 shall be covered		
	that reserve fund. Where a	through transfers from that		
	significant positive or negative	reserve fund. Where a		
	budget result becomes recurrent,	significant positive or negative		
	the level of fees and charges	budget result becomes		
	referred to in paragraph 3 points	recurrent, the level of fees and		

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	(a) and (d) and Article 126a	charges referred to in		
	shall be revised.	paragraph 3 points (a) and (d)		
		and Article 126a shall be		
		revised.		
322.	3. The revenues of the Agency for	3. The revenues of the Agency	[]	
	its functions as PRB shall	for its functions as PRB shall		
	comprise:	comprise:		
323.		(- a) a financial contribution		
		from the Union for the		
		setting up of the Agency		
		acting as PRB for all the		
		expenditures necessary to		
		initiate the supervision by		
		the Agency acting as PRB;		
324.	(a) fees levied by the Agency	(a) fees levied by the Agency	[]	
	acting as PRB on designated	acting as PRB on		
	air traffic service providers	designated air traffic service		
	for services related to	providers for services		
	performance plan assessment,	related to performance plan		
	target-setting and monitoring;	assessment, target-setting		
		and monitoring;		
325.	(b)annual contributions from	[]	[]	
	designated air traffic service			
	providers, based on the			
	annual estimated expenditure			
	relating to the activities on			

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	performance review to be			
	carried out by the Agency			
	acting as PRB as required by			
	[Amended SES2+] for each			
	category of designated air			
	traffic service providers;			
326.	(c) any voluntary financial	(c)any voluntary financial	[]	
	contribution from the	contribution from the		
	Member States or the national	Member States or the		
	supervisory authorities	national supervisory		
	referred to in Article 3 of	authorities referred to in		
	[Amended SES2+];	Article 3 of [Amended		
		SES2+];		
327.	(d)charges for publications and	(d)charges for publications and	[]	
	any other service provided by	any other service provided		
	the Agency acting as PRB;	by the Agency acting as		
		PRB;		
328.	(e) any contribution from third	(e)any contribution from third	[]	
	countries or other entities,	countries or other entities,		
	provided that such a	provided that such a		
	contribution does not	contribution does not		
	compromise the	compromise the		
	independence and	independence and		
	impartiality of the Agency	impartiality of the Agency		
	acting as PRB.	acting as PRB.		

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329.	4. All revenue and expenditure of	4. All revenue and expenditure of	[h]	
	the Agency for its functions as	the Agency for its functions as		
	PRB shall be the subject of	PRB shall be the subject of		
	forecasts for each financial year,	forecasts for each financial		
	coinciding with the calendar	year, coinciding with the		
	year, and shall be entered in its	calendar year, and shall be		
	budget.	entered in its budget.	~	
330.	5. The revenue received by the	5. The revenue received by the	[]	
	Agency for its functions as PRB	Agency for its functions as		
	shall not compromise its	PRB shall not compromise its		
	neutrality, independence or	neutrality, independence or		
	objectivity.	objectivity.		
331.	6. The Agency acting as PRB shall	6. The Agency acting as PRB	[]	
	establish a reserve fund	shall establish a reserve fund		
	covering one year of its	covering one year of its		
	operational expenditure to	operational expenditure to		
	ensure the continuity of its	ensure the continuity of its		
	operations and the execution of	operations and the execution of		
	its tasks. It shall be reviewed	its tasks. It shall be reviewed		
	each year to ensure that it is	each year to ensure that it is		
	limited to annual needs.	limited to annual needs.		
332.	7. The Director for Performance	7. The Director for Performance	[]	
	Review shall draw up each year	Review shall draw up each		
	a draft estimate of the revenue	year a draft estimate of the		
	and expenditure for performance	revenue and expenditure for		
	review for the following year	performance review for the		

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	together with the list of posts for	following year together with		
	performance review and shall	the list of posts for		
	submit them to the Executive	performance review, detailing		
	Director for its integration in the	their intended duties and		
	draft statement of estimates of	fields of activity, and shall		
	the Agency's revenue and	submit them to the Executive		
	expenditure referred to in	Director for its integration in	~	
	Article 120(6).	the draft statement of estimates		
		of the Agency's revenue and		
		expenditure referred to in		
		Article 120(6).		
333.	The Executive Director or the	The Executive Director or the	[]	
	Management Board may make	Management Board may make		
	changes to the draft estimate of	changes to the draft estimate of		
	the revenue and expenditure and	the revenue and expenditure		
	the list of posts for performance	and the list of posts for		
	review upon approval of the	performance review upon		
	Director for Performance	approval of the Director for		
	Review.	Performance Review.		
334.	Where the Executive Director	Where the Executive Director	[]	
	and the Director for	and the Director for		
	Performance Review do not	Performance Review do not		
	come to an agreement on the	come to an agreement on the		
	draft estimate of the revenue and	draft estimate of the revenue		
	expenditure for performance	and expenditure for		
	review, the Director for	performance review, the		

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	Performance Review shall draft	Director for Performance		
	an opinion which the Executive	Review shall draft an opinion		
	Director shall annex to the draft	which the Executive Director		
	statement of estimates of the	shall annex to the draft		
	Agency's revenue and	statement of estimates of the		
	expenditure referred to in	Agency's revenue and		
	Article 120(6). The Director for	expenditure referred to in	~	
	Performance Review shall in	Article 120(6). The Director		
	that case also have the right to	for Performance Review shall		
	present its opinion to the	in that case also have the right		
	Management Board before the	to present its opinion to the		
	Management Board adopts the	Management Board before the		
	provisional draft estimate of	Management Board adopts the		
	revenue and expenditure of the	provisional draft estimate of		
	Agency in accordance with the	revenue and expenditure of the		
	second subparagraph of Article	Agency in accordance with the		
	120(6).	second subparagraph of Article		
		120(6).		
335.	8. The annual contributions	[]	[]	
	referred to in paragraph 3, point			
	(b) shall be collected for five			
	financial years. To this effect,			
	they shall be due for the first			
	time by 31 March [XXXX -			
	year] – OP please insert the first			
	financial year beginning after			

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	the entry into force of this			
	Regulation)], in respect of that			
	financial year, and on 31 March			
	of each of the four subsequent			
	financial years, for those		(C,)	
	financial years respectively.			
336.	The Commission shall adopt	[]	[]	
	implementing acts setting out			
	detailed rules determining how			
	the annual contributions by			
	designated air traffic service			
	providers referred to in			
	paragraph 2, point (b) are to be			
	calculated, in accordance with			
	Article 126b.			
337.	Those implementing acts shall	[]	[]	
	be adopted in accordance with			
	the examination procedure			
	referred to in Article 127(3).';			
338.	(15) Article 121 is amended as	(15) Article 121 is amended as	[]	
	follows:	follows:		
339.	(a) paragraph 1 is replaced by the	(a) paragraph 1 is replaced	[]	
	following:	by the following:		
340.	'1. The Executive Director shall	'1. The Executive Director	[]	
	implement the budget of the	shall implement the budget		
	Agency. However, in respect of	of the Agency. However, in		

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	the revenues and expenditure	respect of the revenues and		
	related to the Agency's function as	expenditure related to the		
	PRB, it shall be implemented by	Agency's function as PRB,		
	the Director for Performance	it shall be implemented by		
	Review.';	the Director for	(C)	
		Performance Review.';		
341.	(b) paragraph 8 is replaced by the	(b) paragraph 8 is replaced	[]	
	following:	by the following:		
342.	'8. The Executive Director shall	'8. The Executive Director	[]	
	send the Court of Auditors a reply	shall send the Court of		
	to its observations by 30	Auditors a reply to its		
	September following each	observations by 30		
	financial year. He or she shall also	September following each		
	send that reply to the Management	financial year. He or she		
	Board and the Commission.	shall also send that reply to		
	Where activities on performance	the Management Board and		
	review are concerned, that reply	the Commission. Where		
	shall be prepared together with the	activities on performance		
	Director for Performance	review are concerned, that		
	Review.';	reply shall be prepared		
		together with the Director		
		for Performance Review.';		

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343.	(c) paragraph 10 is replaced by the	(c) paragraph 10 is replaced	[]	
	following:	by the following:		
344.	'10. The European Parliament, on	'10. The European	[]	
	a recommendation from the	Parliament, on a		
	Council acting by a qualified	recommendation from the	(C)	
	majority, shall, before 15 May of	Council acting by a		
	year $n + 2$, decide on the	qualified majority, shall,		
	discharge to the Executive	before 15 May of year n +		
	Director in respect of the	2, decide on the discharge		
	implementation of the budget for	to the Executive Director in		
	year n and on the discharge to the	respect of the		
	Director for Performance Review	implementation of the		
	in respect of the implementation	budget for year n and on the		
	of the budget of the Agency on	discharge to the Director for		
	performance review for year n.';	Performance Review in		
		respect of the		
		implementation of the		
		budget of the Agency on		
		performance review for		
		year n.';		

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345.	(16) in Article 124, the following	(16) in Article 124, the following	[h]	
	paragraphs 4, 5 and 6 are	paragraphs [] are inserted:		
	inserted:			
346.	'4. Paragraphs 1, 2 and 3 shall not	'4. Paragraphs 1, 2 and 3	[]	
	apply to the Agency acting as	shall not apply to the Agency	(C)	
	PRB. In conjunction with the	acting as PRB. In conjunction		
	evaluation referred to in Article	with the evaluation referred to	~	
	43 of [Amended SES2+], the	in Article 43 of [Amended		
	Commission shall, by the	SES2+], the Commission shall,		
	deadline defined in that	by the deadline defined in that		
	Regulation, carry out an	Regulation, carry out an		
	evaluation to assess the Agency's	evaluation to assess the		
	performance as PRB in relation to	Agency's performance as PRB		
	its objectives, tasks and powers.	in relation to its objectives,		
	The evaluation shall in particular	tasks and powers. The		
	address the possible need to	evaluation shall in particular		
	modify the tasks and powers of	address the possible need to		
	the Agency acting as PRB, and	modify the tasks and powers of		
	the financial implications of any	the Agency acting as PRB, and		
	such modification.	the financial implications of		
		any such modification.		
347.	5. Where the Commission	5. Where the Commission	[]	
	considers that the continued	considers that the continued		
	existence of the PRB function is	existence of the PRB function		
	no longer justified with regard to	is no longer justified with		
	its assigned objectives, tasks and	regard to its assigned		

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	powers, it may propose that this Regulation and [Amended SES2+] be amended accordingly.	objectives, tasks and powers, it may propose that this Regulation and [Amended SES2+] be amended accordingly.		
348.	6. The Commission shall forward the evaluation findings related to the activity of the Agency acting as PRB, together with its conclusions, to the European Parliament, the Council and the Management Board. The findings of the evaluation and the recommendations shall be made public.';	6. The Commission shall forward the evaluation findings related to the activity of the Agency acting as PRB, together with its conclusions, to the European Parliament, the Council and the Management Board. The findings of the evaluation and the recommendations shall be made public.';	[]	
349.	(17) in Article 126, the following paragraph 5 is added:	(17) in Article 126, the following paragraph [] is added:	[]	
350.	'5. The provisions of this Article shall not apply to the activities of the Agency acting as PRB.';	'5. The provisions of this Article shall not apply to the activities of the Agency acting as PRB.';	[]	

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351.		(18) the following Articles [] are	[]	
	and 126b are inserted:	inserted:		
352.	'Article 126a	'Article 126a	[]	
	Fees and charges of the	Fees and charges of the Agency		
	Agency acting as PRB	acting as PRB	// C1//	
353.	1. Fees of the Agency acting	1. Fees of the Agency acting as	[]	
	as PRB shall be levied for:	PRB shall be levied for:	~	
354.	(a) the assessment of the	(a) the assessment of the	[]	
	allocation of costs	allocation of costs between		
	between en route and	en route and terminal air		
	terminal air navigation	navigation services, in		
	services, in accordance	accordance with Article		
	with Article 13(6) of	13(6) of [amended SES2+];		
	[amended SES2+];			
355.	(b) the assessment, for each	(b)the assessment, for each	[]	
	initial or revised draft	initial or revised draft		
	performance plan	performance plan presented		
	presented to the Agency	to the Agency acting as		
	acting as PRB, carried out	PRB, carried out in		
	in accordance with Article	accordance with Article		
	13(7) to (9) of [amended	13(7) to (9) of [amended		
	SES2+];	SES2+];		
356.	(c) where the Agency acts as	(c)where the Agency acts as a	[]	
	a supervisory authority in	supervisory authority in		
	accordance with Article	accordance with Article		
	3(8) of [amended SES2+],	3(8) of [amended SES2+],		

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	the assessment, for each	the assessment, for each		
	initial or revised draft	initial or revised draft		
	performance plan	performance plan presented		
	presented to the Agency	to the Agency acting as		
	acting as PRB, carried out	PRB, carried out in	(C)	
	in accordance with Article	accordance with Article		
	14(6) to (8) of [amended	14(6) to (8) of [amended		
	SES2+];	SES2+];		
357.	(d) the establishment of	(d)the establishment of	[]	
	performance targets of	performance targets of		
	designated air traffic	designated air traffic service		
	service providers in	providers in accordance		
	accordance with Article	with Article 13(9) of		
	13(9) of [amended	[amended SES2+];		
	SES2+];			
358.	(e) where the Agency acts as	(e) where the Agency acts as a	[]	
	a supervisory authority in	supervisory authority in		
	accordance with Article	accordance with Article		
	3(8) of [amended SES2+],	3(8) of [amended SES2+],		
	the establishment of	the establishment of		
	performance targets of	performance targets of		
	designated air traffic	designated air traffic service		
	service providers in	providers in accordance		
	accordance with Article	with Article 14(8) of		
	14(8) of [amended	[amended SES2+];		
	SES2+];			

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359.	(f) the assessment of requests	(f) the assessment of requests	[h]	
	for permissions to revise	for permissions to revise		
	targets and performance	targets and performance		
	plans of air traffic service	plans of air traffic service		
	providers in accordance	providers in accordance		
	with Article 17(3) and (4)	with Article 17(3) and (4)		
	of [amended SES2+];	of [amended SES2+];	~	
360.	(g) the verification of unit	(g)the verification of unit rates	[]	
	rates in preparation of the	in preparation of the setting		
	setting of those rates by	of those rates by the		
	the national supervisory	national supervisory		
	authorities, in accordance	authorities, in accordance		
	with Article 21 of	with Article 21 of [amended		
	[amended SES2+];	SES2+];		
361.	(h) the issuance of reports, in	(h)the issuance of reports, in	[]	
	respect of individual air	respect of individual air		
	traffic service providers,	traffic service providers, on		
	on the monitoring of	the monitoring of		
	performance in	performance in accordance		
	accordance with Article	with Article 13(11) of		
	13(11) of [amended	[amended SES2+] and,		
	SES2+] and, where the	where the Agency acts as a		
	Agency acts as a	supervisory authority in		
	supervisory authority in	accordance with Article		
	accordance with Article	3(8) of [amended SES2+] in		
	3(8) of [amended SES2+]	accordance with Article		

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	in accordance with Article	14(10) of [amended		
	14(10) of [amended	SES2+];		
	SES2+];			
362.	(i) the adoption of corrective	(i) the adoption of corrective	[]	
	measures in accordance	measures in accordance		
	with Article 13(11) of	with Article 13(11) of		
	[amended SES2+], and,	[amended SES2+], and,	~	
	where the Agency acts as	where the Agency acts as a		
	a supervisory authority in	supervisory authority in		
	accordance with Article	accordance with Article		
	3(8) of [amended SES2+],	3(8) of [amended SES2+],		
	in accordance with Article	in accordance with Article		
	14(10) of that Regulation;	14(10) of that Regulation;		
363.		The budget of the Agency		
		acting as PRB shall comprise		
		a separate budget line for the		
		financing of the registry of		
		the Appeal Board for		
		Performance Review.		

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364.	(j) the processing of appeals.	[]	[]	
365.	2. The charges levied for publications and the provision of any other service by the Agency acting as PRB as referred to in Article 120a(3) shall reflect the actual cost of each individual service provided.	2. The charges levied for publications and the provision of any other service by the Agency acting as PRB as referred to in Article 120a(3) shall reflect the actual cost of each individual service provided.	[]	
366.	3. The amount of the fees and charges shall be fixed by the Commission in accordance with paragraph 4. They shall be fixed at such a level as to ensure that the revenue in respect thereof covers the full cost of the activities related to the services delivered, and to avoid a significant accumulation of surplus. All expenditure regarding members of staff whose posts are	3. The amount of the fees and charges shall be fixed by the Commission in accordance with paragraph 4. They shall be fixed at such a level as to ensure that the revenue in respect thereof covers the full cost of the activities related to the services delivered, and to avoid a significant accumulation of surplus. All expenditure regarding members of staff whose posts are dedicated to the function of the Agency acting as PRB, in		

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	dedicated to the function of the Agency acting as	particular the employer's pro- rata contribution to the pension		
	PRB, in particular the	scheme, shall be reflected in		
	employer's pro-rata	that cost. The fees and charges		
	contribution to the pension	shall be assigned revenues for	(C)	
	scheme, shall be reflected	the Agency acting as PRB for		
	in that cost. The fees and	activities related to services for	~	
	charges shall be assigned	which fees and charges are		
	revenues for the Agency	due.		
	acting as PRB for			
	activities related to			
	services for which fees			
	and charges are due.			
367.	4. The Commission shall	4. The Commission [] is	[]	
	adopt implementing acts	empowered to adopt		
	laying down detailed rules	delegated acts in accordance		
	relating to fees and	with Article XXX laying		
	charges levied by the	down detailed rules relating to		
	Agency for its function as	fees and charges levied by the		
	PRB, specifying in	Agency for its function as PRB		
	particular the amount of	[]. Those delegated acts		
	the fees and charges and the way in which they are	shall specify:		
	paid. Those implementing			
	acts shall be adopted in			
	accordance with the			
	accordance with the			

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	examination procedure			
	referred to in Article			
	127(3).			
368.		(a)detailed criteria and a		
		detailed methodology for		
		establishing the amounts		
		of the fees and charges;	Y	
369.		(b) detailed procedures and		
		a detailed methodology		
		with regard to the way		
		fees and charges are paid.		
370.	Article 126b	[]	[]	
	Implementing acts regarding			
	the calculation of annual			
	contributions by designated			
	air traffic service providers			
371.	The implementing acts	[]	[]	
	referred to in Article 120a(8)			
	, shall establish the following:			
372.	(a) a methodology to	[]	[]	
	allocate the estimated			
	expenditure to			
	categories of			
	designated air traffic			
	service providers, as a			
	basis for determining			

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	the share of			
	contributions to be			
	made by designated air			
	traffic service providers			
	of each category;			
373.	(b)appropriate and	[]	[]	
	objective criteria to		~	
	determine the annual			
	contributions payable			
	by individual			
	designated air traffic			
	service providers based			
	on their size so as to			
	approximately reflect			
	their importance in the			
	market.			
374.	The categories referred to	[]	[]	
	in point (a) of the first			
	paragraph shall be firstly			
	en route air traffic service			
	providers, secondly			
	terminal air traffic service			
	providers subject to the			
	oversight of the Agency			
	acting as PRB, and thirdly			
	providers offering both			

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	types of services. The			
	criteria to be established			
	in accordance with point			
	(b) shall in particular			
	ensure equal treatment of		(C)	
	the providers concerned,			
	in respect of each type of		~	
	service. The size of the air			
	traffic service providers			
	shall be calculated based			
	on the amount of actual			
	revenues produced by the			
	provision of air navigation			
	services over the reference			
	period preceding the			
	reference period during			
	which this Regulation			
	enters into force.';			
375.		(18 a) Article 128 is replaced		
		by the following		

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376.		"Article 128		
		Exercise of the delegation		
377.		1. The power to adopt		
		delegated acts is conferred		
		on the Commission subject to	\\\\ C^*\\\\\	
		the conditions laid down in		
		this Article.	~	
378.		2. The power to adopt		
		delegated acts shall be		
		conferred on the		
		Commission for a period of 5		
		years from 11 September		
		2018 as regards acts referred		
		to in Articles 19, 28, 32, 39,		
		47, 54, 58, 61, 62(13), 68(3),		
		84(4), 84a, 105, 106, and for a		
		period of 5 years from [OJ:		
		please insert the date of the		
		entry into force of this		
		Regulation] as regards acts		
		referred to in Article 126a.		
		The Commission shall draw		
		up a report in respect of the		
		delegation of power not later		
		than nine months before the		
		end of the five-year period.		

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		The delegation of power shall		
		be tacitly extended for		
		periods of an identical		
		duration, unless the		
		European Parliament or the	(')	
		Council opposes such		
		extension no later than three		
		months before the end of		
		each period.		
379.		3. The delegation of power		
		referred to in Articles 19, 28,		
		32, 39, 47, 54, 58, 61, 62(13),		
		68(3), 84(4), 84a, 105, 106		
		and 126a may be revoked at		
		any time by the European		
		Parliament or by the		
		Council. A decision to revoke		
		shall put an end to the		
		delegation of power specified		
		in that decision. It shall take		
		effect the day following the		
		publication of the decision in		
		the Official Journal of the		
		European Union or at a later		
		date specified therein. It		
		shall not affect the validity of		

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		any delegated acts already in		
		force.		
380.		4. Before adopting a delegated		
		act, the Commission shall		
		consult experts designated by	(C.)	
		each Member State in		
		accordance with the	<u> </u>	
		principles laid down in the		
		Interinstitutional Agreement		
		of 13 April 2016 on Better		
		Law-Making.		
381.		5. As soon as it adopts a		
		delegated act, the		
		Commission shall notify it		
		simultaneously to the		
		European Parliament and to		
		the Council.		
382.		6. A delegated act referred to in		
		Articles 19, 28, 32, 39, 47, 54,		
		58, 61, 62(13), 68(3), 84(4)a,		
		105, 106 and 126a shall enter		
		into force only if no objection		
		has been expressed either by		
		the European Parliament or		
		the Council within a period		
		of two months of notification		

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		of that act to the European		
		Parliament and the Council		
		or if, before the expiry of		
		that period, the European		
		Parliament and the Council		
		have both informed the		
		Commission that they will	~	
		not object. That period shall		
		be extended by two months		
		at the initiative of the		
		European Parliament or of		
		the Council.';		
383.	(19) in Article 129, the following	(19) in Article 129, the following	[]	
	paragraph is added:	paragraph is added:		
384.	'The provisions of this Article	'The provisions of this Article	[]	
	shall not apply to the activities of	shall not apply to the activities of		
	the Agency acting as PRB.';	the Agency acting as PRB.';		
385.	(20) the following Article 129a is	(20) the following Article [] is	[]	
	inserted:	inserted:		
386.	'Article 129a	'Article 129a	[]	
	Cooperation agreements on	Cooperation agreements on		
	performance review	performance review		
387.	1. Insofar as the activities of	1. Insofar as the activities of the	[]	
	the Agency acting as PRB	Agency acting as PRB are		
	are concerned, the Agency	concerned, the Agency shall be		
	shall be open to the	open to the participation of		

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	participation of third	third countries which have		
	countries which have	concluded agreements with the		
	concluded agreements	Union and which have adopted		
	with the Union and which	and are applying the relevant		
	have adopted and are	rules of Union law in the field	(C.)	
	applying the relevant rules	of air traffic management		
	of Union law in the field	including, in particular, the	~	
	of air traffic management	rules on independent national		
	including, in particular,	supervisory authorities and on		
	the rules on independent	performance scheme and		
	national supervisory	charging scheme.		
	authorities and on			
	performance scheme and			
	charging scheme.			
388.	2. Subject to the conclusion	2. Subject to the conclusion of an	[]	
	of an agreement to that	agreement to that effect		
	effect between the Union	between the Union and third		
	and third countries as	countries as referred to in		
	referred to in paragraph 2,	paragraph []1, the Agency		
	the Agency acting as PRB	acting as PRB may also carry		
	may also exercise its tasks	out its tasks under []		
	under [Amended SES2+]	[Amended SES2+] with regard		
	with regard to third	to third countries, provided		
	countries, provided that	that those third countries have		
	those third countries have	adopted and apply the relevant		
	adopted and apply the	rules in accordance with		

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	relevant rules in accordance with paragraph 2 and have mandated the Agency acting as PRB to coordinate the activities of their national supervisory authorities with those of the national supervisory authorities of Member States.	paragraph []1 and have mandated the Agency acting as PRB to coordinate the activities of their national supervisory authorities with those of the national supervisory authorities of Member States.		
389.	S. Marces.	2 a. Priority shall be given to those cooperation agreements with potential to result in a higher overall reduction of climate-impacting emissions;		
390.	3. The agreements referred to in paragraph 2 shall specify the nature, scope and procedural aspects of the involvement of those countries in the work of the Agency acting as PRB and shall include provisions relating to	3. The agreements referred to in paragraph []1 shall specify the nature, scope and procedural aspects of the involvement of those countries in the work of the Agency acting as PRB and shall include provisions relating to financial contributions and to	[]	

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	financial contributions and	staff. Those agreements may		
	to staff. Those agreements	provide for the establishment		
	may provide for the	of working arrangements.';		
	establishment of working			
	arrangements.';		//·C/>	
391.	(21) in Annex VIII, the following	(21) in Annex VIII, the following	(21) [] Annex VIII [] is	
	point 2.3a is inserted:	point is inserted:	amended as follows,	
392.			(a) the following point	
			2.3a is inserted:	
393.	'2.3a. Air traffic data services	'2.3a. Air traffic data services	'2.3a. Air traffic data services	
394.	2.3a.1. The air traffic data	2.3a.1. The air traffic data	2.3a.1. The air traffic data	
	collected shall be of sufficient	collected shall be of sufficient	collected shall be of	
	quality, complete, current,	quality, complete, current,	sufficient quality,	
	from a legitimate source and	from a legitimate source and	complete, current, from a	
	provided in a timely manner.	provided in a timely manner.	legitimate source and	
			provided in a timely	
			manner	
395.	2.3a.2. The air traffic data	2.3a.2. The air traffic data	2.3a.2. The air traffic data	
	services shall achieve and	services shall achieve and	services shall achieve and	
	maintain sufficient	maintain sufficient	maintain sufficient	
	performance with regard to	performance with regard to	performance with regard	
	their availability, integrity,	their availability, integrity,	to their availability,	
	continuity and timeliness to	continuity and timeliness to	integrity, continuity and	
	meet the user's needs.	meet the user's needs.	timeliness to meet the	
			user's needs.	

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396.	2.3a.3 The systems and tools	2.3a.3 The systems and tools	2.3a.3 The systems and tools	
	providing air traffic data	providing air traffic data	providing air traffic data	
	services shall be properly	services shall be properly	services shall be properly	
	designed, produced and	designed, produced and	designed, produced and	
	maintained to ensure that	maintained to ensure that they	maintained to ensure that	
	they are fit for their intended	are fit for their intended	they are fit for their	
	purpose.	purpose.	intended purpose.	
397.	2.3a.4. The dissemination of	2.3a.4. The dissemination of	2.3a.4. The dissemination of	
	such data shall be timely and	such data shall be timely and	such data shall be timely	
	use sufficiently reliable and	use sufficiently reliable and	and use sufficiently	
	expeditious means of	expeditious means of	reliable and expeditious	
	communication protected	communication protected from	means of communication	
	from intentional and	intentional and unintentional	protected from intentional	
	unintentional interference	interference and corruption.'.	and unintentional	
	and corruption.'.		interference and	
			corruption.'	
398.			(b) point 2.8 is	
			replaced by the	
			following ⁹ :	
			⁹ Changes to this point in the	
			Annex are meant to update	
			references contained in	
			Regulation 2018/1139	

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399.		7-0-PO-0-1-1-1	'2.8. Airspace management	
400.			The designation of specific volumes of airspace for a certain use shall be monitored, coordinated and promulgated in a timely manner in order to reduce the risk of loss of separation between aircraft in all circumstances. Taking into account the organisation of military activities and related aspects under the responsibility of the Member States, airspace management shall also support the uniform application of the concept	
			of the flexible use of airspace as described by the ICAO and as implemented	
			under Regulation [Amended SES2+], in order to facilitate airspace	

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			management and air traffic	
			management in the context	
			of the common transport	
			policy.'.	
401.	Article 2	Article 2	Article 2	
402.	This Regulation shall enter into	This Regulation shall enter into force	This Regulation shall enter into	
	force on the twentieth day	on the twentieth day following that	force on the twentieth day	
	following that of its publication in	of its publication in the Official	following that of its publication	
	the Official Journal of the	Journal of the European Union.	in the Official Journal of the	
	European Union.		European Union.	
403.	This Regulation shall be binding	This Regulation shall be binding in	This Regulation shall be binding	
	in its entirety and directly	its entirety and directly applicable in	in its entirety and directly	
	applicable in all Member States.	all Member States.	applicable in all Member States.	