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From:	General Secretariat of the Council
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Subject:	Amended proposal for a Regulation of the European Parliament and the Council on the implementation of the Single European Sky (recast) – Presidency compromise text on Chapter II

In view of the Aviation Working Party on 8th June 2023, delegations will find in annex a revised four-column document for Chapter II of the SES 2+ recast proposal. It contains new compromise text proposals by the Presidency, building upon the work of the Slovenian Presidency, as well as latest counterproposals by the European Parliament, presented in the autumn of 2021. Delegations are encouraged to express their flexibility on compromise text proposals.

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69.	CHAPTER II - NATIONAL SUPERVISORY AUTHORITIES Article 3 - Nomination, establishment and requirements regarding national supervisory authorities	CHAPTER II - NATIONAL SUPERVISORY AUTHORITIES Article 3 - Nomination, establishment and requirements regarding national supervisory authorities	CHAPTER II - NATIONAL SUPERVISORY AUTHORITIES Article 3 - Nomination, establishment and requirements regarding national supervisory authorities	CHAPTER II - NATIONAL SUPERVISORY AUTHORITIES Article 3 - Nomination, establishment and requirements regarding national supervisory authorities
70.	1. Member States shall, jointly or individually, either nominate or establish a body or bodies as their national supervisory authority in order to assume the tasks assigned to such authority by this Regulation.	1. Member States shall, jointly or individually, either nominate or establish a body [...] as their national supervisory authority in order to assume the tasks assigned to such authority by this Regulation.	1. Member States shall, jointly or individually, either nominate or establish a body or bodies as their national supervisory authority in order to assume the tasks assigned to such authority by this Regulation.	PCY insists on Commission's initial provision: 1. Member States shall, jointly or individually, either nominate or establish a body or bodies as their national supervisory authority in order to assume the tasks assigned to such authority by this Regulation. EP insisted in Autumn 2021 that “or bodies” should be deleted.

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71.	2. The national supervisory authorities shall exercise their powers impartially, independently and transparently.	2. The national supervisory authorities shall exercise their powers impartially, independently and transparently applying appropriate management and control mechanisms and shall be organised, staffed, managed and financed accordingly.	2. The national supervisory authority shall exercise [...] its powers impartially, independently and transparently and shall be organised, staffed, managed and financed accordingly.	Tentative compromise by EP and PCY in Autumn 2021: 2. The national supervisory authority shall exercise its powers impartially, independently and transparently and shall be organised, staffed, managed and financed accordingly.
72.	3. Without prejudice to paragraph 1, the national supervisory authorities shall be legally distinct and independent from any other public or private entity in terms of their organisation, functioning, legal structure and decision-making.	3. Without prejudice to paragraph 1, the national supervisory authorities shall be legally distinct and independent from any other public or private entity in terms of their organisation, functioning, budgeting, financing, legal structure and decision-making.	[...]	Compromise text proposed by PCY: 3. Without prejudice to paragraph 1, the national supervisory authorities shall be independent from any air navigation service providers, in terms of their organisation, functioning, legal structure and decision-making. EP counterproposal in Autumn 2021: 3. Without prejudice to paragraph 1, the national supervisory authorities shall be legally distinct

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				and independent from any other public or private entity, <i>in particular from any operational stakeholders</i> , in terms of their organisation, functioning, <i>budgeting, financing</i> , legal structure and decision-making,
73.	The national supervisory authorities shall also be independent in terms of their organisation, funding decisions, legal structure and decision-making from any air navigation service provider.	The national supervisory authorities shall also be independent in terms of their organisation, functioning, budgeting, financing , legal structure and decision-making from any air navigation service provider or any other entity falling within the scope of their supervision.	The national supervisory authority shall [...] be independent [...] from any air navigation service providers, in organisational, hierarchical and decision-making terms, in particular by avoiding conflicts of interest with those service providers. That independence shall not prevent that authority and those service providers from being part of the same civil service, public entity or administration.	[...]
74.	4. Member States may set up national supervisory authorities which are competent for several	4. [...] The national supervisory authority may share its organisational structure with another	4. Member States may set up [...] authorities which are competent either for several regulated sectors [...] or for several areas	Compromise text proposed by the PCY: 4. The national supervisory authority may be joined with

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	<p>regulated sectors, if those integrated regulatory authorities fulfil the independence requirements set out in this Article. The national supervisory authority may also be joined in respect of its organisational structure with the national competition authority referred to in Article 11 of Council Regulation (EC) No 1/2003²¹, if the joint body fulfils the independence requirements set out in this Article.</p> <p>²¹ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation</p>	<p>regulatory authority or with the national competition authority referred to in Article 11 of Council Regulation (EC) No 1/2003, if the joint body fulfils the independence requirements set out in this Article.</p>	<p>of regulation within the transport sector provided that those integrated regulatory authorities fulfil the independence requirements set out in this Article. The national supervisory authority may be joined in respect of its organisational structure with other public authorities, in particular the national competition authority referred to in Article 11 of Council Regulation (EC) No 1/2003²¹, the national competent authority, or, if applicable, with a national transport authority, provided that the joint body hereby set up fulfils the independence requirements set out in this Article.</p>	<p>another regulatory authority, such as the national competent authorities or the national competition authority referred to in Article 11 of Council Regulation (EC) No 1/2003, if the joint body fulfils the independence requirements set out in this Article.</p> <p>EP counterproposal in Autumn 2021:</p> <p>4. [...] <i>The</i> national supervisory authority <i>may be joined</i> with another regulatory authority <i>or</i> with the national competition authority referred to in Article 11 of Council Regulation (EC) No 1/2003¹, if the joint body fulfils the independence requirements set out in this Article.</p> <p><i>4a. In duly justified circumstances</i></p>

¹ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).

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	of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).		²¹ Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty (OJ L 1, 4.1.2003, p. 1).	<p><i>and by way of exception, the NSA may be set up as a permanent and distinct structure within the NCA, on the condition that it fulfils the requirements set out in this Article.</i></p> <p><i>In order to guarantee that the tasks conferred upon the NSA are carried out with the required independence, the setting up of the NSA within the NCA shall be carried out in a manner that ensures the functional and hierarchical separation of the discharge of the tasks conferred to the NSA under this Regulation, and the delegated and implementing acts adopted on the basis thereof, from any other activity of the NCA.</i></p> <p><i>Where a Member State intends to make use of this possibility, it shall notify the Commission of its</i></p>

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				<p><i>intention, setting out all the relevant information, including the reasons why it considers necessary to set up the NSA within the NCA, and how this arrangement complies with the conditions set out in this Article.</i></p> <p><i>The Commission shall assess whether the conditions set out in the second subparagraph of this paragraph are met. In the event of a positive outcome of that assessment, the Commission shall approve the setting up of the NSA within the NCA by means of implementing acts in accordance with the examination procedure referred to in Article 37 (3).</i></p>

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75.	5. Staff of the national supervisory authorities shall comply with the following requirements:	5. Staff of the national supervisory authorities shall comply with the following requirements:	[...]	<p>Compromise text proposed by the PCY:</p> <p>5. Without prejudice to national legislations regarding the recruitment of public servants, Member States shall ensure that staff of the NSA, including temporary staff, are recruited through clear and transparent recruitment processes, which ensures their independence and shall ensure that the staff of national supervisory is selected on the basis of their specific qualifications, including appropriate competence and relevant experience or is subject to appropriate training, for the effective performance of the tasks set out in Article 4.</p> <p>EP counterproposal in Autumn 2021:</p> <p>5. <i>Without prejudice to national labour legislations</i> staff of the</p>

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				national supervisory authorities shall comply with the following requirements:
76.	(a) they shall be recruited under clear and transparent processes which ensure their independence;	(a) they shall be recruited under clear and transparent processes and criteria which ensure their independence;	[...]	PCY proposes to merge lines 76, 77 and 78 with the compromise proposal in line 75 EP counterproposal in Autumn 2021: (a) they shall be recruited under clear and transparent processes and criteria which ensure their independence;
77.	(b) they shall be selected on the basis of their specific qualifications, including appropriate competence and relevant experience or they shall be subject to appropriate training.	(b) they shall be selected on the basis of their specific qualifications, including appropriate competence and relevant experience or they shall be subject to appropriate training.	[...]	PCY proposes to merge lines 76, 77 and 78 with the compromise proposal in line 75 EP counterproposal in Autumn 2021: (b) they shall be selected on the basis of their specific qualifications, including appropriate competence and relevant experience or they shall be subject to appropriate training.

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78.		(ba) they shall not be seconded from air navigation service providers or companies under the control of an air navigation service provider.		<p>PCY proposes to merge lines 76, 77 and 78 with the compromise proposal in line 75</p> <p>EP counterproposal in Autumn 2021: (ba) they shall not be seconded from <i>operational stakeholders</i>.</p>
79.	Staff of national supervisory authorities shall act independently, in particular by avoiding conflicts of interest between air navigation service provision and the execution of their tasks.	Staff of national supervisory authorities shall act independently, and not seek or take instructions from any government or other public or private entity when carrying out its functions.	[...]	<p>Compromise text proposed by the PCY: Appropriate conflict of interest rules, for staff and persons in charge of strategic decisions, shall be in place so that the national supervisory authorities can carry out the tasks set out in Article 4 independently.</p> <p>Those rules shall include rules for persons in charge of strategic decisions to publish every year a declaration demonstrating their absence of conflicts of interest.</p> <p>EP counterproposal in Autumn</p>

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				<p>2021: Appropriate conflict of interest rules, <i>for staff and persons in charge of strategic decisions</i> shall be in place so that the national supervisory authorities can carry out the tasks set out in Article 4 independently. <i>Those conflict of interest rules shall cover also eventual conflict of interests which arose before the taking up of activity in the NSA, and after its termination.</i> <i>Persons in charge of strategic decisions shall make an annual declaration of commitment and declaration of interests indicating any direct or indirect interests.</i></p>
80.	6. In addition to the requirements set out in paragraph 5, persons in charge of strategic decisions shall be appointed by an entity of the Member State concerned which does not	6. In addition to the requirements set out in paragraph 5, persons in charge of strategic decisions shall be appointed in accordance with a clear and transparent procedure by	[...]	<p>PCY proposes to maintain GA.</p> <p>EP counterproposal in Autumn 2021: 6. In addition to the requirements set out in paragraph 5, persons in charge of strategic decisions shall</p>

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	directly exert ownership rights over air navigation service providers.	an entity of the Member State concerned which does not directly exert ownership rights over air navigation service providers. Persons appointed shall not have held a professional position in, or had responsibility in connection with any air navigation service provider during the previous year.		be appointed by an entity of the Member State concerned which does not directly exert ownership rights over air navigation service providers.
81.	Member States shall decide whether these persons are appointed for a fixed and renewable term, or on a permanent basis which only allows dismissal for reasons not related to their decision-making.	Member States shall decide whether [...] persons in charge of strategic decisions are appointed for a fixed and renewable term, or on a permanent basis which only allows dismissal for reasons not related to their decision-making.	[...]	EP accepted deletion in Autumn 2021
82.	Persons in charge of strategic decisions shall not seek or take instructions from any government or other public or private entity when		[...]	EP accepted deletion in Autumn 2021 (see line 79)

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	carrying out their functions for the national supervisory authority and shall have full authority over the recruitment and management of its staff.			
83.	They shall refrain from any direct or indirect interest that may be considered prejudicial to their independence and which may influence the performance of their functions. To that effect, they shall make an annual declaration of commitment and declaration of interests indicating any direct or indirect interests.	They shall refrain from any direct or indirect interest that may be considered prejudicial to their independence and which may influence the performance of their functions. To that effect, they shall make [...] <i>a</i> declaration of commitment and declaration of interests indicating any direct or indirect interests.	[...]	EP accepted deletion in Autumn 2021 (see line 79).
84.	Persons in charge of strategic decisions, audits or other functions directly linked to performance targets or oversight of air navigation service providers, shall not hold any professional	Where a person has been in charge of the strategic decisions, audits or other functions directly linked to performance targets or oversight of an air navigation service provider for a term of	[...]	EP accepted partial deletion in Autumn 2021 (see line 79)

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	position or responsibility with any air navigation service provider after their term in the national supervisory authority, for at least a period of two years.	six months or more, they shall not hold any professional position in , or have responsibility in connection with, any air navigation service provider until a minimum period after their term in that national supervisory authority <i>has elapsed. That minimum period shall be:</i> (i) at least 12 months, for staff in managerial positions; (ii) at least 6 months for staff, for staff in non-managerial positions.		
85.	7. Member States shall ensure that national supervisory authorities have the necessary financial resources and capabilities to carry out the tasks assigned to them under this Regulation in an efficient and timely manner.	7. Member States shall ensure that national supervisory authorities have the necessary public financial resources and capabilities to carry out the tasks assigned to them under this Regulation in an efficient and timely	[...]	Compromise text proposed by the PCY: 7. Member States shall ensure that national supervisory authorities have the necessary financial resources and capabilities to carry out the tasks set out in Article 4 in an efficient and timely

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	The national supervisory authorities shall manage their staff based on their own appropriations, to be set in proportion to the tasks to be fulfilled by the authority in accordance with Article 4.	manner. The national supervisory authorities shall manage their staff based on their own appropriations, in accordance with relevant national law and procedures , to be set in depending on the tasks to be fulfilled by the authority in accordance with Article 4.		manner. EP counterproposal in Autumn 2021: 7. Member States shall ensure that national supervisory authorities have the necessary financial resources and capabilities to carry out the tasks assigned to them under this Regulation in an efficient and timely manner. The national supervisory authorities shall manage their staff based on their own appropriations, to be set in proportion to the tasks to be fulfilled by the authority in accordance with Article 4.
86.	8. A Member State may request the Agency acting as Performance Review Body (PRB), to carry out the tasks related to the implementation of the performance and charging schemes laid down in Articles 14, 17, 19, 20, 21,	8. A Member State may request the Agency acting as Performance Review Body (PRB), to carry out the tasks related to the implementation of the performance and charging schemes laid down in Articles 14, 17, 19, 20, 21,	[...]	Provision to be examined after an agreement is reached on the role of PRB.

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	22 and 25, and in the implementing acts referred to in Articles 18 and 23 and for which the national supervisory authority of that Member State is responsible under this Regulation and the delegated and implementing acts adopted on the basis thereof.	22 and 25, and in the implementing acts referred to in Articles 18 and delegated acts referred to in Article 23 and for which the national supervisory authority of that Member State is responsible under this Regulation and the delegated and implementing acts adopted on the basis thereof.		
87.	Once the Agency acting as PRB accepts such a request, it shall become the supervisory authority responsible for the tasks covered by that request and the national supervisory authority of the requesting Member State shall be relieved of the responsibility for those tasks. The rules contained in Regulation (EU) 2018/1139 and pertaining to the Agency acting as PRB	Once the Agency acting as PRB accepts such a request, it shall become the supervisory authority responsible for the tasks covered by that request and the national supervisory authority of the requesting Member State shall be relieved of the responsibility for those tasks. The rules contained in Regulation (EU) 2018/1139 and pertaining to the Agency acting as PRB shall apply to the performance of these tasks,	[...]	Provision to be examined after an agreement is reached on the role of PRB.

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	shall apply to the performance of these tasks, including as regards the levying of fees and charges.	including as regards the levying of fees and charges.		
88.		A Member State which has reallocated the responsibility for the tasks to the Agency acting as PRB pursuant to paragraph 1 and 2, may, at any time, decide to revoke the reallocation, if:		Provision to be examined after an agreement is reached on the role of PRB.
89.		(i) the Member State concerned demonstrates that it has the necessary resources and can effectively exercise the responsibility for the tasks concerned;		Provision to be examined after an agreement is reached on the role of PRB.
90.		(ii) the Member State agrees with the Agency's acting as PRB detailed arrangements concerning the		Provision to be examined after an agreement is reached on the role of PRB.

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		reallocation of responsibility for the tasks in question, including the date of that reallocation.		
91.	9. Member States shall notify the Commission of the names and addresses of the national supervisory authorities, as well as changes thereto, and of the measures taken to ensure compliance with this Article.		9. Member States shall notify the Commission of the names and addresses of the national supervisory authorities, as well as changes thereto, and of the measures taken to ensure compliance with this Article.	No change compared to COM proposal.
92.	10. The Commission shall establish detailed rules laying down the modalities of recruitment and selection procedures referred to in paragraph 5, points (a) and (b). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).	10. The Commission shall establish detailed rules laying down the modalities of recruitment criteria and selection procedures referred to in paragraph 5, points (a), (b) and (ba) . Those implementing acts shall specify:	[...]	PCY proposes to maintain GA. EP wished to maintain its text in Autumn 2021.

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93.		(a) the level of separation required by the appointing entity from any company, organisation, public or private entity or staff falling within the scope of national supervisory authorities or having an interest in the activities of such entities, with a view to maintaining a balance between avoiding conflicts of interest and administrative efficiency;		EP wished to maintain its text in Autumn 2021.
94.		b) relevant technical qualifications of staff involved in audits.		EP wished to maintain its text in Autumn 2021.
94a.		Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 37(3).		EP wished to maintain its text in Autumn 2021.

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95.	Article 4 - Tasks of the national supervisory authorities	Article 4 - Tasks of the national supervisory authorities	Article 4 - Tasks of the national supervisory authorities	
96.	1. The national supervisory authorities referred to in Article 3 shall:		1. The national supervisory authority [...] shall carry out the tasks assigned to it under this Regulation and the implementing acts adopted on the basis thereof, in particular the following tasks:	<p>Compromise text proposed by PCY:</p> <p>1. The national supervisory authority shall carry out the tasks assigned to it under this Regulation and the [delegated and] implementing acts adopted on the basis thereof, in particular the following tasks:</p> <p>EP counterproposal in Autumn 2021:</p> <p>1. The national supervisory authority shall carry out the tasks assigned to it under this Regulation and the delegated and implementing acts adopted on the basis thereof, in particular the following tasks:</p>

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97.	(a)conduct the activities necessary for the issuance of the economic certificates referred to in Article 6, including the oversight of the holders of those economic certificates;			Compromise text proposed by PCY: (a) assess and monitor the fulfillment of economic requirements referred to in Article 6 for the issuance of the certificate pursuant to Article 41 of Regulation (EU) 2018/1139 ;
97.a			(a)[...] verify the compliance with, and the fulfilment of national security and defence requirements by the service providers referred to in Article 7(1a)b) and Article 8(4)d);	Tentative compromise by EP and PCY in Autumn 2021: (b) verify the compliance with, and the fulfilment of national security and defence requirements by the service providers referred to in Article 7(1a)b) and Article 8(4)d);
98.	(b)oversee the correct application of procurement requirements in accordance with Article 8(6);		[...]	Compromise text proposed by PCY: (b) Without prejudice to the role of the public procurement authorities under Directive 2014/25/EU and Directive 2014/24/EU in the procurement procedures referred to in Article 8,

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				<p>ensure that the technical specifications comply with EU and national requirements.</p> <p>EP counterproposal in Autumn 2021: (b) oversee the correct application of procurement requirements in accordance with Article 8(6);</p>
98a.			(c) assess and approve the price setting for the provision of the CIS, in accordance with Article 9; (<i>moved from Article 4(2)</i>)	<p>Tentative compromise by EP and PCY in Autumn 2021: (c) assess and approve the price setting for the provision of the CIS, in accordance with Article 9;</p>
99.	(c) apply the performance and charging schemes set out in in Articles 10 to 17 and 19 to 22 and the implementing acts referred to in Articles 18 and 23, within the limits of their tasks defined in those articles and acts,	(c) [...] implement the performance and charging schemes set out in in Articles 10 to 17 and 19 to 22, including the delegated acts referred to in Article 23 adopted to supplement those articles, and the	(d) preparation of the draft performance plan, including the setting of criteria for allocation of costs and the setting of performance targets, the monitoring of performance and the charging schemes as set out, and within the limits of, in	<p>Provisions to be examined in combination with Chapter III</p> <p>EP counterproposal in Autumn 2021: (c) [...] <i>implement</i> the performance and charging schemes set out in in Articles 10 to 17 and 19 to 22, <i>including the delegated</i></p>

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		implementing acts referred to in Articles 18 [...], within the limits of their tasks defined in those articles and acts,	Articles 10 to 13b, 17 and 19 to 22 and the implementing acts referred to in Articles 18 and 23;	<i>acts referred to in Article 23 adopted to supplement those articles</i> , and the implementing acts referred to in Articles 18 [...], within the limits of their tasks defined in those articles and acts,
100.	and oversee the application of the Regulation regarding the transparency of accounts of designated air traffic service providers in accordance with Article 25.	and oversee the application of the Regulation regarding the transparency of accounts of [...] air navigation service providers in accordance with Article 25.	(e)oversee the application of the Regulation regarding the transparency of accounts in accordance with Article 25 , audit or verify and approve the financial data referred to in Article 25(4).	Tentative compromise by EP and PCY in Autumn 2021: (e) oversee the application of the Regulation regarding the accounts of air navigation service providers in accordance with Article 25.
101.	2. The national supervisory authorities shall be responsible for assessing and approving the price setting for the provision of the common information service, in accordance with Article 9.		[...] (<i>moved to Article 4(1)(c)</i>)	moved to Article 4(1)

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102.	3. Each national supervisory authority shall conduct the necessary inspections , audits and other monitoring activities to identify possible infringements by entities subject to their oversight under this Regulation of the requirements set out in this Regulation and the delegated and implementing acts adopted on the basis thereof.		3. Each national supervisory authority shall, in cooperation with the national competent authority where it is a different entity , conduct the necessary [...] monitoring activities, including, as appropriate, inspections and audits , to identify possible [...] non-compliance by entities subject to their oversight under this Regulation of the requirements set out in this Regulation and [...] the implementing acts adopted on the basis thereof.	<p>Compromise text proposed by PCY:</p> <p>3. Each national supervisory authority shall, in cooperation with the national competent authority where appropriate, conduct the necessary monitoring activities, including, as appropriate, inspections and audits, to identify possible [...] non-compliance by entities subject to their oversight under this Regulation of the requirements set out in this Regulation and the [delegated and] implementing acts adopted on the basis thereof.</p> <p>EP counterproposal in Autumn 2021:</p> <p>Each national supervisory authority shall, <i>in cooperation with the national competent authority when appropriate</i>, conduct the necessary monitoring activities,</p>

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				<i>including, as appropriate,</i> inspections <i>and</i> audits, to identify possible [...] <i>non-compliance</i> by entities subject to their oversight under this Regulation of the requirements set out in this Regulation <i>and the delegated</i> and implementing acts adopted on the basis thereof.
103.	It shall take all necessary enforcement measures which may, where appropriate, include the amendment, limitation, suspension or revocation of economic certificates issued by them in accordance with Article 6.	It shall take all necessary enforcement measures which may, where appropriate, include the amendment, limitation, suspension or revocation of economic certificates issued by them in accordance with Article 6 and fines or periodic penalties imposed in accordance with Article 42a.	[...] In case of non-compliance, national supervisory authorities shall decide on and enforce corrective measures.	Compromise text proposed by PCY: In case of non-compliance, it shall take necessary enforcement measures which may, where appropriate, include the amendment, limitation, suspension or revocation of the certificate pursuant to Article 41 of Regulation (EU) 2018/1139. EP counterproposal in Autumn 2021: It shall take all necessary enforcement measures which may,

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				where appropriate, include the amendment, limitation, suspension or revocation of economic certificates issued by them in accordance with Article 6 <i>and fines or periodic penalties imposed in accordance with Article 42a.</i>
104.	The air navigation service providers, airport operators and the common information service providers concerned shall comply with the measures taken by the national supervisory authorities to this effect.		The air navigation service providers, airport operators and the [...] CIS providers concerned shall comply with [...] any enforcement measures taken by the national supervisory authorities [...] in that context.	Tentative compromise by EP and PCY in Autumn 2021: The air navigation service providers, airport operators and the CIS providers concerned shall comply with any enforcement measures taken by the national supervisory authorities in that context.
104 a.			In case of cross-border services, the Member State concerned, or its national supervisory authority, may request the Member State where the service provider is established or has its principal place of business, or the national supervisory authority of that	EP accepted GA in Autumn 2021

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			Member State, to provide him with support to overcome any enforcement difficulties. Both Member States, or their national supervisory authorities, shall endeavour to cooperate to that end.	
105.		3 a. Member States shall ensure that the decisions taken by the national supervisory authority pursuant to this Article are subject to judicial review.		<p>Compromise text proposed by PCY:</p> <p>3 a. Member States shall ensure that the decisions taken by the national supervisory authority pursuant to this Article are subject to the right to appeal.</p> <p>EP counterproposal in Autumn 2021:</p> <p>3 a. Member States shall ensure that the decisions taken by the national supervisory authority pursuant to this Article are subject to judicial review.</p>

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106.	Article 5 - Co-operation between national supervisory authorities	Article 5 - Co-operation between national supervisory authorities	Article 5 - Co-operation between national supervisory authorities	Article 5 - Co-operation between national supervisory authorities
107.	1. The national supervisory authorities shall exchange information and work together in a network in the context of the Advisory Board for Performance Review referred to in Article 114a of Regulation (EU) 2018/1139.		1. The national supervisory authorities shall exchange information [...] as appropriate, in particular information relating to their work and decision-making process, best practices and procedures, as well as to the application of this Regulation. To this end, the national supervisory authorities may participate and work together in a network that convenes at regular intervals.	Compromise text proposed by PCY: 1. The national supervisory authorities shall exchange information, in particular information relating to their work and decision-making process, best practices and procedures, as well as to the application of this Regulation. To this end, the national supervisory authorities shall participate and work together in a network [in the context of the Advisory Board for Performance Review referred to in Article 114a of Regulation (EU) 2018/1139]. EP counterproposal in Autumn 2021: 1. The national supervisory

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				authorities shall exchange information, <i>in particular information relating to their work and decision-making process, best practices and procedures, as well as to the application of this Regulation. To this end, the national supervisory authorities</i> shall <i>participate</i> and work together in a network in the context of the Advisory Board for Performance Review referred to in Article 114a of Regulation (EU) 2018/1139.
108.	2. The national supervisory authorities shall cooperate, where appropriate through working arrangements, for the purposes of mutual assistance in their monitoring and supervisory tasks and handling of investigations and surveys.		2. The national supervisory authorities shall cooperate, in particular in the case of the provision of cross-border services and of provision of air navigation services in an airspace falling under the responsibility of another Member State , through working arrangements, for the purposes of	Compromise text proposed by PCY: 2. The national supervisory authorities shall cooperate, where appropriate through working arrangements, for the purposes of mutual assistance in their monitoring and supervisory tasks and handling of investigations and surveys.

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			mutual assistance in their monitoring and supervisory tasks and handling of investigations and surveys.	EP counterproposal in Autumn 2021: 2. The national supervisory authorities shall cooperate for the purposes of mutual assistance in their monitoring and supervisory tasks and handling of investigations and surveys. To this end, where appropriate, the national supervisory authorities shall conclude working arrangements,
109.	3. National supervisory authorities shall facilitate the provision of cross-border services by air navigation service providers for the purpose of improving network performance.	3. National supervisory authorities shall facilitate the provision of cross-border services by air navigation service providers for the purpose of improving network performance.	[...]	Tentative agreement by EP and PCY in Autumn 2021: 3. National supervisory authorities shall facilitate the provision of cross-border services by air navigation service providers for the purpose of improving network performance.
109 a.	In the case of provision of air navigation services in an airspace falling under the responsibility of two or more	In the case of provision of air navigation services in an airspace falling under the responsibility of two or more	3. In the case of provision of air navigation services in an airspace falling under the responsibility of two or more Member States, in	Compromise text proposed by PCY: In the case of provision of air navigation services in an airspace

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	Member States, the Member States concerned shall conclude an agreement on the supervision to be carried out by them under this Regulation, of the air navigation service providers concerned . The national supervisory authorities concerned may establish a plan specifying the implementation of their co-operation with a view to giving effect to that agreement.	Member States , the Member States concerned shall conclude an agreement on the supervision to be carried out by them under this Regulation, of the air navigation service providers concerned . The national supervisory authorities concerned shall establish a plan specifying the implementation of their co-operation with a view to giving effect to that agreement.	particular with respect to functional airspace blocks , the Member States concerned shall conclude, if appropriate , an agreement on the supervision to be carried out by them or their authorities under this Regulation, of the air navigation service providers concerned [...].	falling under the responsibility of two or more Member States, the Member States concerned shall conclude an agreement on their cooperation and the national supervisory authorities concerned may establish a plan specifying the implementation of their co-operation with a view to giving effect to that agreement. EP counterproposal in Autumn 2021: In the case of provision of air navigation services in an airspace falling under the responsibility of two or more Member States, the Member States concerned shall conclude an agreement [...] on their cooperation and the national supervisory authorities concerned shall establish a plan specifying the implementation of their co-operation with a view to giving effect to that agreement.

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110.	4. In the case of provision of air navigation services in an airspace falling under the responsibility of another Member State, the agreements referred to in paragraph 3 shall provide for the mutual recognition of the discharge, by each of the authorities, of the supervisory tasks set out in this Regulation and of the results of the discharge of these tasks. They shall also specify which national supervisory authority shall be in charge of the economic certification set out in Article 6.		4. In the case of provision of air navigation services in an airspace falling under the responsibility of another Member State, the agreements referred to in paragraph 3 shall provide for the mutual recognition of the discharge, by each of the[...] Member States or their authorities, of the [...] tasks set out in this Regulation and of the results of the discharge of these tasks. They shall also specify which national supervisory authority shall be in charge of the [...] tasks set out in Article 4(1).	<p>Compromise text proposed by PCY in Autumn 2021:</p> <p>2. In the case of provision of air navigation services in an airspace falling under the responsibility of another Member State, the agreements referred to in paragraph 3 shall provide for the mutual recognition of the discharge, by each of the Member States or their authorities, of the tasks set out in this Regulation and of the results of the discharge of these tasks. They shall also specify which national supervisory authority shall be in charge of the tasks set out in Article 4(1).</p> <p>PCY now considers accepting EP counterproposal from Autumn 2021:</p> <p>4. In the case of provision of air navigation services in an airspace</p>

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				<p>falling under the responsibility of another Member State, the agreements referred to in paragraph 3 shall provide for the mutual recognition of the discharge, by each of the <i>Member States concerned or its</i> authorities, of the [...] tasks set out in this Regulation and of the results of the discharge of these tasks.</p> <p><i>The agreements</i> shall also specify which national supervisory authority [...] <i>is to be assigned each</i> of the [...] tasks set out in Article [...] 4(1).</p>
111.	5. Where permitted by national law and with a view to regional cooperation, national supervisory authorities may also conclude agreements on the division of responsibilities regarding the supervisory tasks. They shall notify the Commission of these agreements.	5. Where permitted by national law and with a view to regional cooperation, national supervisory authorities shall also conclude agreements on the division of responsibilities regarding the supervisory tasks.	5. Where permitted by national law and with a view to regional cooperation, national supervisory authorities may also conclude agreements on the division of responsibilities regarding the supervisory tasks. [...]	<p>PCY compromise proposal is to maintain GA in line 111 and to add the tentative agreement in line 112</p> <p>EP counterproposal:</p> <p>5. Where permitted by national law and with a view to regional cooperation, national supervisory authorities shall also conclude</p>

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				agreements on the division of responsibilities regarding the supervisory tasks.
112.		They shall notify the Commission of these agreements.	5a. Agreements referred to in this Article shall be notified to the Commission.	Tentative agreement by EP and PCY in Autumn 2021: 5a. Agreements referred to in this Article shall be notified by the Member States concerned to the Commission.
113.		Article 5a (new)- Agency acting as Performance Review Body	Article 9b - Performance review body	Provision to be examined after an agreement is reached on the role of PRB.
114.		1. A Performance Review Body (PRB) shall be established with the competence to implement various tasks notably in respect of the performance and charging schemes. A permanent structure shall be established with the European Union Aviation Safety Agency (EASA) in a manner that separates,	1. In accordance with the examination procedure referred to in Article 37(3), the Commission may, by means of an implementing act, designate an independent and impartial Performance Review Body (PRB). The PRB shall have no regulatory function or other decision-making power. The role of the PRB shall be limited to	Provision to be examined after an agreement is reached on the role of PRB.

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		functionally and hierarchically, the discharge of the PRB's tasks regarding the performance and charging schemes of the Single European Sky, from the Agency's activity as a safety authority.	providing advice and assistance to the Commission and the national supervisory authorities on request in particular as regard the collection, examination, validation and dissemination of relevant data as well as the implementation of the performance scheme set out in Articles 10 to 18 and of the charging scheme set out in Articles 19 to 23. The Commission and the national supervisory authorities shall remain responsible for the implementation of their tasks and obligations under this Regulation. The Commission shall supervise the proper execution of the PRB tasks.	
115.		2. To carry out its tasks, the Agency acting as PRB shall have the required expertise. It shall be independent	2. In case the Commission decides to designate a PRB pursuant to paragraph 1, it shall, in accordance with the	Provision to be examined after an agreement is reached on the role of PRB.

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		from public or private interests and shall be provided with its own dedicated resources. Its integration within the existing structure of the Agency shall be governed by the [Regulation (EU) 2018/1139 as amended by Regulation PRB].	examination procedure referred to in Article 37(3), adopt detailed rules regarding in particular the period of designation of the PRB, the composition of the PRB, the selection and appointment procedure as well as term of office of the PRB members, including, where relevant, of the PRB chair, the allowances, expenses and remuneration of the PRB members, the tasks of the PRB in accordance and within the limits of this Regulation as well as the specific financing modalities of the PRB activities.	
116.		Article 5aa - PRB See Articles 5b-5z of EP Resolution on the proposal to amend EASA BR regulation		Provision to be examined after an agreement is reached on the role of PRB.