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WORKING DOCUMENT

From:	General Secretariat of the Council	
То:	Delegations	
No. prev. doc.:	ST 9162/21 ADD2	
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Subject:	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	
	 Four column table 	

Following the Parliament's vote in the TRAN Committee and presentation at the plenary on 5 July 2021, delegations find attached a four column table to facilitate the comparison of the EP and Council positions.

TREE.2.A

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

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,	
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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.	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,			

ANNEX

	COM proposal, COM(2020) 0577 final	European Parliament/ Plenary report P8_TA	Council/General Approach, doc.9162/21 ADD2	
	After transmission of the draft legislative act to the national parliaments, Having regard to the opinion of the European Economic and Social Committee, Having regard to the opinion of the Committee of the Regions, Acting in accordance with the ordinary legislative procedure			
3.	Whereas:			
4.	(1) In order to optimise the application of the rules regarding the Single European Sky, Regulation [amended SES2+] establishes the competence, for various tasks notably in respect of the performance and charging schemes, of a specialised Union body, the European Union Aviation Safety Agency acting as Performance Review Body (hereafter the "Agency acting as PRB").	(1)In order to optimise the application of the rules regarding the Single European Sky, Regulation [amended SES2+] establishes the competence, for various tasks notably in respect of the performance and charging schemes, of a specialised Union body, the European Union Aviation Safety Agency acting as Performance Review Body (hereafter the "Agency acting as PRB").		
5.	 (2) In line with this objective, it is necessary to establish, within the Agency, a corresponding, permanent structure, guaranteeing that the tasks conferred upon the Agency acting as PRB be carried 	(2) In line with this objective, it is necessary to establish, within the Agency, a corresponding, permanent structure, guaranteeing that the tasks conferred upon the Agency acting as PRB be carried	[]	

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	out with the required expertise as well as independence from public or private interests and that, in this context, the Agency can rely on dedicated resources.	out with the required expertise as well as independence from <i>governmental</i> or private interests and that, in this context, the Agency can rely on <i>resources</i> dedicated <i>specifically to the new</i> <i>tasks, including staffing and</i> <i>structures</i> .		
6.	(3)Regulation (EU) 2018/1139 of the European Parliament and of the Council ¹ , should therefore be amended, in a manner that separates the discharge of the tasks regarding the performance and charging schemes of the Single European Sky, functionally and hierarchically, from the Agency's activity as a safety authority.	(3)Regulation (EU) 2018/1139 of the European Parliament and of the Council ¹ , should therefore be amended, in a manner that separates the discharge of the tasks regarding the performance and charging schemes of the Single European Sky, functionally and hierarchically, from the Agency's activity as a safety authority.	[]	
	¹ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union	¹ Regulation (EU) 2018/1139 of the European Parliament and of the Council of 4 July 2018 on common rules in the field of civil aviation and establishing a European Union		

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	Aviation Safety Agency, and	Aviation Safety Agency, and	
	amending Regulations (EC) No	amending Regulations (EC) No	
	2111/2005, (EC) No 1008/2008,	2111/2005, (EC) No 1008/2008, (EU)	
	(EU) No 996/2010, (EU) No	No 996/2010, (EU) No 376/2014 and	
	376/2014 and Directives	Directives 2014/30/EU and	
	2014/30/EU and 2014/53/EU of the	2014/53/EU of the European	
	European Parliament and of the	Parliament and of the Council, and	
	Council, and repealing Regulations	repealing Regulations (EC) No	
	(EC) No 552/2004 and (EC) No	552/2004 and (EC) No 216/2008 of	
	216/2008 of the European	the European Parliament and of the	
	Parliament and of the Council and	Council and Council Regulation	
	Council Regulation (EEC) No	(EEC) No 3922/91 (OJ L 212,	
	3922/91 (OJ L 212, 22.8.2018, p.	22.8.2018, p. 1)	
	1)		
7.	(4) For these purposes, a	(4) For these purposes, a Regulatory	[]
	Regulatory Board for Performance	Board for Performance Review	
	Review should be established and a	should be established and a	
	Director for Performance Review	Director for Performance Review	
	should be appointed in order to	should be appointed in order to	
	carry out specifically the functions	carry out specifically the functions	
	of the Agency acting as PRB.	of the Agency acting as PRB.	
8.	(5) In line with the principles set	(5) In line with the principles set out	[]
	out above, the Regulatory Board	above, the Regulatory Board for	
	for Performance Review should act	Performance Review should []	
	independently and should not seek	be fully independent and should	
	or follow instructions or accept	not seek or follow instructions or	

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	recommendations from a	accept recommendations from a	
	government of a Member State,	government of a Member State,	
	from the Commission or any other	from the Commission, from EASA	
	public or private entity.	or any other public or private entity	
9.	(6) The Management Board of the	(6) The [] Regulatory Board of []	[]
	Agency should have the necessary	Performance Review should []	
	powers in particular to appoint the	appoint the Director for	
	Director for Performance Review.	Performance Review.	
10.	(7) The Director for Performance	(7) The Director for Performance	[]
	Review should in particular be the	Review should in particular be the	
	legal representative of the Agency	legal representative of the Agency	
	in matters of performance review	in matters of performance review	
	and be in charge of the day-to-day	and be in charge of the day-to-day	
	administration in respect of this	administration in respect of this	
	matter, as well as of various	matter, as well as of various	
	preparatory tasks. The Director for	preparatory tasks. The Director for	
	Performance Review should also	Performance Review should also	
	draft and submit the section on	draft and submit the section on	
	performance review of the	performance review of the	
	programming document, the annual	programming document, the annual	
	work programme and the annual	work programme and the annual	
	activity report of the Agency. The	activity report of the Agency. The	
	Regulatory Board for Performance	Regulatory Board for Performance	
	Review as an independent body	Review as a [] fully independent	
	should be involved in those	body should be involved in those	
	activities as necessary.	activities as necessary.	

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11.	(8) Cooperation between national	(8)Cooperation between national	[]	
	supervisory authorities in the area	supervisory authorities in the area		
	of performance review is important	of performance review is important		
	to ensure smooth application of	to ensure smooth application of		
	Union law in this area and should	Union law in this area and should		
	thus be facilitated, namely through	thus be facilitated, namely through		
	the establishment of an Advisory	the establishment of an Advisory		
	Board for Performance Review.	Board for 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 powers,	has decision-making powers,		
	interested parties should, for	interested parties should, for		
	reasons of procedural economy, be	reasons of procedural economy, be		
	granted a right of appeal to an	granted a right of appeal to an		
	Appeal Board for Performance	Appeal Board for Performance		
	Review, which should be part of	Review, which should be part of,		
	the Agency acting as PRB, but	but independent from, the		
	independent from its administrative	Agency acting as PRB. []		
	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 transparently.	consultations and act transparently.		

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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	
		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 the	(11) The Agency shall account 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	

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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 Director	presented to the Executive Director		
should be prepared by the Director	should be prepared by the Director		
for Performance Review. Within	for Performance Review. Within		
this draft statement of estimates,	this draft statement of estimates,		
changes to the revenue and	changes to the revenue and		
expenditure on performance review	expenditure on performance review		
should require the approval of the	should require the approval of the		
Director for Performance Review.	Director for Performance 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.			

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16.	(12) It is appropriate that designated	(12) It is appropriate that designated	[]
	air traffic service providers	air traffic service providers	
	contribute to the setting up of the	contribute to the setting up of the	
	operation of the Agency acting as	operation of the Agency acting as	
	PRB and its continuous	PRB and its continuous	
	functioning. Designated air traffic	functioning. Designated air traffic	
	service providers hold natural	service 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 that	specific feature, it is necessary that	
	the performance and charging	the performance and charging	
	schemes be applied to them, so as	schemes be applied to them, so as	
	to optimise the provision of the	to optimise the provision of the	
	services concerned on a number of	services concerned on a number of	
	points. The principal role of the	points. The principal role of the	
	Agency acting as PRB consists in	Agency acting as PRB consists in	
	the application of those schemes,	the application of those schemes,	
	and the funds necessary for its	and the funds necessary for its	
	setting up can therefore be	setting up can therefore be	
	considered as necessary for reasons	considered as necessary for reasons	
	linked to the peculiar features and	linked to the peculiar features and	
	the peculiar position of the	the peculiar position of the	
	providers of the services	providers of the services	
	concerned.	concerned. Another task of the	

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		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		
		operating staff and		
		accompanying this with		
		harmonised human-machine		
		interfaces for ATM/ANS		
		systems.		
17.	(13) Costs related to the supervision	(13) Costs related to the supervision	[]	
	of designated air traffic service	of designated air traffic service		
	providers by the Agency acting as	providers by the Agency acting as		
	PRB can be divided into costs for	PRB can be divided into costs for		
	its setting up and running costs.	its setting up and running costs.		

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18.	(14) The costs for the setting up of	(14) The costs for the setting up of	[]
	the Agency acting as PRB are	the Agency acting as PRB []	
	short-term and limited to a few	should not be limited to a few	
	activities, such as recruitment,	activities, such as recruitment,	
	training and necessary IT	training and necessary IT	
	equipment, and are necessary to	equipment, [] but should	
	initiate the supervision required for	include all the necessary steps	
	the reasons described.	and expenditures to initiate the	
		supervision required for the	
		reasons described.	
19.	(15) Those costs should be paid	(15) Those costs should be paid	[]
	during five financial years by	during five financial years []	
	designated air traffic service	with a financial contribution	
	providers in the form of annual	from the Union.	
	contributions, calculated in a fair		
	and non-discriminatory manner.		
	Individual contributions by		
	designated air traffic service		
	providers should be determined by		
	reference to their size in order to		
	reflect their importance in the		
	provision of air traffic services in		
	Europe and hence the relative		
	benefits they draw from the		
	supervised activity. Concretely,		
	such contributions should be		

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	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,			
	implementing powers should be			
	conferred on the Commission.			
	Those powers should be exercised			
	in accordance with Regulation			
	(EU) No 182/2011 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			

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	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 cost	(17) Running costs relate to the cost	[]	
	of the activities conducted by the	of the activities conducted by the		
	Agency acting as PRB, in respect	Agency acting as PRB, in respect		
	of the performance and charging	of the performance and charging		
	schemes, once the operation of this	schemes, once the operation of this		
	activity has been set up. Running	activity has been set up. Running		
	costs of the Agency acting as PRB	costs of the Agency acting as PRB		
	should equally be financed by	should [] be financed by		
	designated air traffic services	designated air traffic services		
	providers. However, the funding	providers. However, the funding		
	should be based on fees and	should be based on fees and		
	charges, on account of	charges, on account of		
	interventions necessary for the	interventions necessary for the		
	application of the performance and	application of the performance and		
	charging schemes. This form of	charging schemes. This form of		
	funding can also be expected to	funding can also be expected to		
	enhance the autonomy and	enhance the autonomy and		
	independence of the Agency acting	independence of the Agency acting		
	as PRB.	as PRB.		

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22.	(18) No revenue received by the	(18) No revenue received by the	[]
	Agency, of whatever source,	Agency, of whatever source,	
	should compromise its	should compromise its	
	independence and impartiality.	independence and impartiality.	
23.	(19) The Agency acting as PRB	(19) The Agency acting as PRB	[]
	should also provide for a reserve	should also provide for a reserve	
	fund covering one year of its	fund covering one year of its	
	operational expenditure to ensure	operational expenditure to ensure	
	the continuity of its operations and	the continuity of its operations and	
	the execution of its tasks.	the execution of its tasks.	
24.	(20) The Agency acting as PRB	(20) The Agency acting as PRB	[]
	should be open to the participation	should be open to the participation	
	of third countries which have	of third countries which have	
	concluded agreements with the	concluded agreements with the	
	Union and which have adopted and	Union and which have adopted and	
	are applying the relevant rules of	are applying the relevant rules of	
	Union law.	Union law.	
25.			(20a) In order to optimise the
			application of the rules
			regarding the Single
			European Sky, Regulations
			(EC) $549/2004^3$, $550/2004^4$ and
			551/200 ⁵ have been replaced
			and repealed by [Amended
			SES2+]. It is therefore
			appropriate to update the

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		references made in Regulation (EU) 2018/1139 ⁶ to those three
		 (EU) 2018/1139° to those three Regulations 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 Regulation) (OJ L 96, 31.3.2004, p. 20).

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			6 Regulation (EU) 2018/1139 of the
			European Parliament and of the
			Council of 4 July 2018 on
			common rules in the field of civil
			aviation and establishing a
			Europe an Union Aviation Safe ty
			Agency, and amending
			Regulations (EC) No 2111/2005,
			(EC) No 1008/2008, (EU) No
			996/2010, (EU) No 376/2014 and
			Directives 2014/30/EU and
			2014/53/EU of the European
			Parliament and of the Council,
			and repealing Regulations (EC)
			No 552/2004 and (EC) No
			216/2008 of the Europe an
			Parliament and of the Council
			and Council Regulation (EEC)
			No 3922/91 (OJ L 212, 22.8.2018,
			p. 1)
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
			0
			to allow for a simplified

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		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 sufficient	
		financial robustness and	
		obtain appropriate liability	
		and insurance cover, comply	
		with applicable requirements	
		on ownership and	
		organisational structure and	
		manage security risks. The	
		conditions that may be	
		applied to the certificates	
		issued should also be	
		specified.	

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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	(21) Regulation (EU) 2018/1139	(21) Regulation (EU) 2018/1139	
	should therefore be amended	should therefore be amended	should therefore be amended	
	accordingly,	accordingly,	accordingly,	
29.	HAVE ADOPTED THIS REGULAT	ION:	- · · · ·	
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:	

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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.'	
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	

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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	
			[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 replaced	(1) in Article 3, point 5 is replaced by	(1)In Article 3, point 5, 33 and 34	
	by the following:	the following:	[] are replaced by the following:	
41.	(5) 'ATM/ANS' means air traffic	(5) 'ATM/ANS' means air	(5) 'ATM/ANS' means air traffic	
	management and air navigation	traffic management and air	management as defined in point	
	services and covers all of the	navigation services and covers all	(9) of Article 2 of [Amended	
	following: the air traffic	of the following: the air traffic	SES2+] [] and air navigation	
	management functions and services	management functions and services	services as defined in point (4)	
	as defined in point (9) of Article 2	as defined in point (9) of Article 2	of Article 2 of that Regulation,	
	of [amended SES2+]; the air	of [amended SES2+]; the air	[] as well as the network	
	navigation services as defined in	navigation services as defined in	functions referred to in Article	
	point (4) of Article 2 of that	point (4) of Article 2 of that	26 of that Regulation [] and	

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

577 final	report P8_TA '(5a) "designated air traffic service provider" means a designated air traffic service as defined in Article 2(10b new) of [Amended SES2+];	doc.9162/21 ADD2
	service provider" means a designated air traffic service as defined in Article 2(10b new) of	
	designated air traffic service as defined in Article 2(10b new) of	
	defined in Article 2(10b new) of	
	× ,	
	[Amended SES2+];	
		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 ;
		(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
		enforcement in accordance
		with this Regulation and with
		the delegated and
		implementing acts adopted on

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			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 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	

77 final	report P8_TA	doc.9162/21 ADD2 structure in view of
		structure in view of
		preventing of conflicts of
		interest to ensure a non-
		discriminatory service
		provision; and
		c) Manage security risks.'
		(1b) Article 41 is amended as
		follows:
		(a)paragraph 2 is replaced by the
		following:
		'2. The certificate referred to
		in paragraph 1 of this
		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).'

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54.			(b) The following paragraph	
55.			3a is added: '3a The certificate referred	
			to in paragraph 1 of this	
			Article may be subject to	
			objectively justified, non- 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);	

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58.			(c) the provision of	
			information reasonably	
			required for the verification	
			of the requirements of 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 to in	
			Article 40(1), second	
			subparagraph, a), b) and c)	
			and with the rules and	

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			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 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 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),

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			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:	
65.			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	

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			and with a view to achieving	
			the objectives set out in Article	
			1, adopt implementing acts	
			laying down detailed	
			provisions concerning:	
66.			(a) the specific rules and	
			procedures for the	
			provision of 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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9577 final	report P8_TA	doc.9162/21 ADD2 (bb) the conditions referred to in Article 41(3a); (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	
		in Article 41(3a); (c) the rules and procedures for the declaration by providers of flight information services referred to in Article 41(5),	
		(c) the rules and procedures for the declaration by providers of flight information services referred to in Article 41(5),	
		for the declaration by providers of flight information services referred to in Article 41(5),	
		providers of flight information services referred to in Article 41(5),	
		information services referred to in Article 41(5),	
		referred to in Article 41(5),	
		and for the situations in	
		which such declarations are	
		to be permitted;	
		(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;	
		(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;	
			(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; (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

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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
			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
L			

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			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.	
76.		(1 a) Article 84 is replaced by the		
		following:		
77.		"Article 84		
		Fines and periodic penalty		
		payments		
78.		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:		

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79.		(a)a fine, where that person	
		infringed, intentionally or	
		negligently, one of the	
		provisions of [Amended	
		SES 2+],	
80.		(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.	
81.		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 concerned.	

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82.		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	
		acts adopted on the basis	
		thereof to address such	
		infringements, are inadequate	
		or disproportionate.	
83.		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:	
84.		(a) detailed criteria and a	
		detailed methodology for	
		establishing the amounts of	
		the fines and periodic	
		penalty payments;	
85.		(b) detailed rules for	
		enquiries, associated	
		measures and reporting, as	

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		well as decision-making,	
		including provisions on	
		rights of defence, access to	
		file, legal representation,	
		confidentiality and	
		temporary provisions; and	
86.		(c) procedures for the	
		collection of the fines and	
		periodic penalty payments.	
87.		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.	
88.		6 The decisions of the	
		Commission taken pursuant	
		to paragraph 1 shall not be of	
		a criminal law nature.";	

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89.	(2) Article 93 is replaced by the	(2) Article 93 is replaced by the	(2)Article 93 is replaced by the	
	following:	following:	following ⁸ :	
			8 Changes to this Article are meant	
			to update references contained in	
			Regulation 2018/1139.	
90.	'Article 93	'Article 93	'Article 93	
	Implementation of Single	Implementation of Single European	Implementation of Single European	
	European Sky	Sky	Sky	
91.	1. The Agency acting as	1. The Agency acting as Performance	[]	
	Performance Review Body (PRB)	Review Body (PRB) shall have the		
	shall have the tasks and exercise	tasks and exercise the powers set		
	the powers set out in [Amended	out in [Amended SES2+].		
	SES2+].			
92.	2. Where it has the relevant	2. Where it has the relevant expertise,	[] The Agency shall, where it	
	expertise, whether or not in its	whether or not in its capacity as	has the relevant expertise [] and	
	capacity as PRB, the Agency shall,	PRB, the Agency shall, upon	upon request, provide technical	
	upon request, provide technical	request, provide technical	assistance to the Commission, in	
	assistance to the Commission, in	assistance to the Commission, in	the implementation of the Single	
	the implementation of the Single	the implementation of the Single	European Sky [], in particular	
	European Sky, including on the	European Sky, including on the	by:	
	performance and charging scheme,	performance and charging scheme,		
	in particular by:	in particular by:		

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93.	(a) conducting technical	(a) conducting technical	(a) conducting technical	
	inspections, technical	inspections, technical	inspections, technical	
	investigations, reviews of	investigations, reviews of	investigations [], and studies	
	compliance, studies and projects;	compliance, studies and	[];	
		projects, including studies		
		relating to harmonised		
		human-machine interfaces;		
94.			(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;	
95.	(b)contributing to the	(b) contributing to the	(c) contributing to the	
	implementation of the ATM	implementation of the ATM	implementation of the ATM	
	Master Plan, including the	Master Plan, including the	Master Plan, including the	
	development and deployment of	development and deployment of	development and deployment of	
	the SESAR programme.';	the SESAR programme.';	the SESAR programme.';	
96.		(b a) requesting corrective		
		measures, including fines and		
		periodic penalty payments as		
		laid down in Article 84 a.';		

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97.	(3) in Article 94, paragraph 5 is	(3) in Article 94, paragraph 5 is	[]	
	replaced by the following:	replaced by the following:		
98.	'5. The Agency shall be legally	'5. The Agency shall be	[]	
	represented by its Executive	legally represented by its		
	Director. For matters related to	Executive Director. For matters		
	the Agency acting as PRB, the	related to the Agency acting as		
	Agency shall be legally	PRB, the Agency shall be		
	represented by the Director for	legally represented by the		
	Performance Review.';	Director for Performance		
		Review.';		
99.	(4) Article 98 is amended as	(4) Article 98 is amended as follows:	[]	
	follows:			
100.	(a) paragraph 2 is amended as	(a) paragraph 2 is amended as	[]	
	follows:	follows:		
101.	(i) point (f) is replaced by	(i) point (f) is replaced by the	[]	
	the following:	following:		
102.	(f) carry out its functions	(f) carry out its	[]	
	relating to the Agency's budget	functions relating to the		
	pursuant to Articles 120, 120a,	Agency's budget pursuant		
	121 and 125;',	to Articles 120, 120a, 121		
		and 125;',		
103.	(ii) point (l) is replaced by	(ii) point (l) is replaced by the	[]	
	the following:	following:		
104.	(I) take decisions on the	(l) take decisions on the	[]	
	establishment of the internal	establishment of the		
	structures of the Agency at	internal structures of the		

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	directors' level and, where	Agency at directors' level	
	necessary, their modifications,	and, where necessary,	
	subject, in the case of internal	their modifications []	
	structures concerning	with the exception of the	
	performance review, to a	structure of the agency	
	corresponding request by the	acting as PRB. Any such	
	Director for Performance Review	decisions shall guarantee	
	and a positive opinion of the	the separation between the	
	Regulatory Board for	Regulatory Board for	
	Performance Review. Any such	Performance Review, the	
	decisions shall not affect the	Director for Performance	
	separation between the	Review, the Advisory	
	Regulatory Board for	Board for Performance	
	Performance Review, the Director	Review, the Appeal Board	
	for Performance Review, the	for Performance Review	
	Advisory Board for Performance	and the staff working	
	Review, the Appeal Board for	exclusively for the	
	Performance Review and the staff	Agency acting as PRB on	
	working for the Agency acting as	the one hand, and the	
	PRB on the one hand, and the	other bodies and function	
	other bodies and function holders	holders of the Agency on	
	of the Agency on the other	the other hand;	
	hand;',		
105.	(iii) point (o) is replaced	(iii) point (o) is replaced by the	[]
	by the following:	following:	

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106.	'(o) adopt rules for the prevention and management of conflicts of interest in respect of its members, as well as of the members of the Board of Appeal, the members of the Regulatory Board for Performance Review, the members of the Advisory Board for Performance Review and the members of the Appeal Board for Performance Review;';	'(o) adopt rules for the prevention and management of conflicts of interest in respect of its members, as well as of the members of the Board of Appeal, the members of the Regulatory Board for Performance Review, the members of the Advisory Board for Performance Review and the members of the Appeal Board for Performance Review;';	
107.	(b) the following paragraph 2a is inserted	[]	[]
108.	^c 2a. In respect of matters regarding performance review, the Management Board shall:	[]	[]
109.	 (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 	[]	[]

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	and where relevant extend his			
	or her term of office or			
	remove him or her from			
	office;			
110.	(b)appoint the members of the	[]	[]	
	Regulatory Board for			
	Performance Review in			
	accordance with Article 114c			
111.	(c) after consulting the	[]	[]	
	Regulatory Board for			
	Performance Review, appoint			
	the members of the Appeal			
	Board for Performance			
	Review in accordance with			
	Article 114l;			
112.	(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			

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	national supervisory			
	authorities referred to in			
	Article 3 of [Amended			
112	SES2+];	r 1		
113.	(e) after consulting the	[]	[]	
	Regulatory Board for			
	Performance Review,			
	exercise disciplinary			
	authority over the Director			
	for Performance Review;			
114.	(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);			
115.	(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);			
116.	(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);			
117.	(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			
	SES2+] and Article 119a of			
	this Regulation.';			

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

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

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

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	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.			
127.	Where exceptional circumstances so require, the Management Board may decide to temporarily suspend the delegation of the appointing authority powers to the Director for Performance Review and those sub-delegated by the latter and exercise them itself or delegate them to one of its members or to a staff member other than the Director for Performance Review. A	[]		

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require a p part of the Commission board. The circumstan limited to budgetary matters, w Director for Review's concerning pursuant to 114h(3).'; 128. (5) in Article replaced by the 129. '5. The adviso Article 98 of its mem with obser		European Parliament/ Plenary	Council/General Approach,	
require a p part of the Commission board. The circumstan limited to budgetary matters, w Director for Review's concerning pursuant to 114h(3).'; 128. (5) in Article replaced by the 129. '5. The adviso Article 98 of its mem with obser		report P8_TA	doc.9162/21 ADD2	
part of the Commission board. The circumstan limited to budgetary matters, w Director for Review's concerning pursuant to 114h(3).'; 128. (5) in Article replaced by the 129. '5. The adviso Article 98 of its mem with obser	o this effect shall			
Commission board. The circumstan limited to budgetary matters, w Director for Review's for concerning pursuant to 114h(3).'; 128. (5) in Article replaced by the 129. '5. The adviso Article 98 of its mem with obser	positive vote on the			
board. The circumstan limited to budgetary matters, w Director for Review's concerning pursuant to 114h(3).'; 128. (5) in Article replaced by th 129. '5. The adviso Article 98 of its mem with obser	e representative of the			
 circumstan limited to budgetary matters, w Director for Review's for concerning pursuant to 114h(3).'; 128. (5) in Article replaced by th 129. '5. The adviso Article 98 of its mem with obser 	on in the Management			
limited to budgetary matters, w Director fo Review's concerning pursuant to 114h(3).'; 128. (5) in Article replaced by th 129. '5. The adviso Article 98 of its mem with obser	e exceptional			
budgetary matters, w Director for Review's concerning pursuant to 114h(3).'; 128. (5) in Article replaced by th 129. '5. The adviso Article 98 of its mem with obser	nces shall be strictly			
matters, w Director fc Review's concerning pursuant to 114h(3).'; 128. (5) in Article replaced by th 129. '5. The adviso Article 98 of its mem with obser	administrative,			
Director for Review's concerning pursuant to 114h(3).'; 128. (5) in Article replaced by th 129. '5. The adviso Article 98 of its mem with obser	or managerial			
Review's concerning pursuant to 114h(3).'; 128. (5) in Article replaced by th 129. '5. The adviso Article 98 of its mem with obser	vithout prejudice to the			
 concerning pursuant to 114h(3).'; 128. (5) in Article replaced by the 129. '5. The adviso Article 98 of its memi- with observertime 	or Performance			
pursuant to 114h(3).'; 128. (5) in Article replaced by th 129. '5. The adviso Article 98 of its mem with obser	full independence			
114h(3).';128.(5) in Article replaced by the replaced by the replaced by the fill 129.129.'5. The adviso Article 98 of its mean with observer	g his or her tasks			
 128. (5) in Article replaced by the r	o point (d) of Article			
129. '5. The adviso Article 98 of its mem with obser				
129. '5. The adviso Article 98 of its mem with obser	99, paragraph 5 is	(5) in Article 99, paragraph 5 is	[]	
Article 98 of its mem with obser	he following:	replaced by the following:		
of its mem with obser	bry body referred to in	5. The advisory body referred to in	[]	
with obser	(4) shall appoint four	Article 98(4) shall appoint four		
	bers to participate	of its members to participate		
Manageme	rver status in the	with observer status in the		
	ent Board, except for	Management Board, except for		
matters rel	1, 1,	matters related to performance		
	lated to performance	review, in particular areas		
	particular areas	referred to in Article 98(2a).		
	particular areas in Article 98(2a).	They shall represent, as broadly		
as possible	particular areas o in Article 98(2a). I represent, as broadly	as possible, the different views		

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	represented in the advisory	represented in the advisory	
	body. The initial term of office	body, with at least one of the	
	shall be 48 months and shall be	members being a workers'	
	extendable.';	representative. The initial term	
		of office shall be 48 months and	
		shall be extendable.';	
130.	(6) Article 101 is amended as	(6)Article 101 is amended as follows:	[]
	follows:		
131.	(a) paragraph 3 is replaced by the	(a) paragraph 3 is replaced by the	[]
	following:	following:	
132.	'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 right	deliberations, without the right	
	to vote. Upon invitation of the	to vote. Upon invitation of the	
	Director for Performance	Director for Performance	
	Review, the Executive Director	Review, the Executive Director	
	of the Agency may be invited to	of the Agency may be invited to	
	take part in the deliberations on	take part in the deliberations on	
	matters related to the the	matters related to the function of	
	function of the Agency acting as	the Agency acting as PRB,	
	PRB, without the right to vote.',	without the right to vote.;	
133.	(b) the following paragraph 3a is	(b) the following paragraph [] is	[]
	inserted:	inserted:	

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134.	'3a. The Director for Performance Review shall take part in the deliberations on areas directly or indirectly related to the function of the Agency acting as PRB, without the right to vote.';	 '3a. The Director for Performance Review shall take part in the deliberations on areas directly or indirectly related to the function of the Agency acting as PRB, 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 deliberations on matters related to the function of the Agency, without the right to vote. 	
135.	(7) in Article 102, paragraphs 2, 3 and 4 are replaced by the following:	(7) in Article 102, paragraphs 2, 3 and 4 are replaced by the following:	[]
136.	 '2. Each member appointed pursuant to Article 99(1) 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 Executive Director of the Agency nor the Director for Performance 	 *2. Each member appointed pursuant to Article 99(1) 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 Executive Director of the Agency nor the Director for Performance 	

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	Review shall have the right to	Review shall have the right to	
	vote.	vote.	
137.	3. The Rules of Procedure of the Management Board shall establish more detailed voting arrangements, in particular the procedure for voting on urgent matters, the conditions under which a member may act on behalf of another member, as well as any quorum requirements, where	3. The Rules of Procedure of the Management Board shall establish more detailed voting arrangements, in particular the procedure for voting on urgent matters, the conditions under which a member may act on behalf of another member, as well as any quorum requirements, where	[]
138.	 appropriate. 4. In order for them to be adopted, decisions on budgetary, human resources or administrative matters, in particular matters referred to in Article 98(2), points (d), (f), (h), (m), (n), (o) and (q), Article 98(2a), points (a), (b), (c), (e) and (f)), and Article 98(7) require a positive vote from the representative of Commission in the Management Board.'; 	 appropriate. 4. In order for them to be adopted, decisions on budgetary, human resources or administrative matters, in particular matters referred to in Article 98(2), points (d), (f), (h), (m), (n), (o) and (q) [] require a positive vote from the representative of the Commission in the Management Board. 	

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139.	(8) Article 104 is amended as	(8) Article 104 is amended as follows:	
	follows:		
140.	(a) paragraph 1 is replaced by the	(a) paragraph 1 is replaced by the	[]
	following:	following:	
141.	'1. The Executive Director shall	1. The Executive Director	[]
	manage the Agency. The	shall manage the Agency.	
	Executive Director shall be	The Executive Director shall	
	accountable to the Management	be accountable to the	
	Board. Without prejudice to the	Management Board. Without	
	powers of the Commission and	prejudice to the powers of the	
	of the Management Board, the	Commission and of the	
	Executive Director shall be	Management Board, the	
	independent in the performance	Executive Director shall be	
	of his or her duties and shall	independent in the	
	neither seek nor take	performance of his or her	
	instructions from any	duties and shall neither seek	
	government or from any other	nor take instructions from	
	body. The Executive Director	any government or from any	
	shall not give instructions to the	other body. The Executive	
	Director for Performance	Director shall not give	
	Review nor to staff dedicated to	instructions to the Director	
	the function of the Agency	for Performance Review nor	
	acting as PRB.',	to staff dedicated to the	
		function of the Agency acting	
		as PRB.';	

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142.	(b) paragraph 3 is amended as	(b)paragraph 3 is amended as	[]	
	follows:	follows:		
143.	(i) the introductory wording is	(i) the introductory wording is	[]	
	replaced by the following:	replaced by the following:		
144.	'3. The Executive Director shall be	'3. The Executive Director	[]	
	responsible for the implementation of	shall be responsible for		
	the tasks assigned to the Agency by	the implementation of the		
	this Regulation or other Union acts,	tasks assigned to the		
	except for matters related to the	Agency by this Regulation		
	function of the Agency acting as	or other Union acts,		
	PRB. In particular, the Executive	except for matters related		
	Director shall be responsible for:'.	to the function of the		
		Agency acting as PRB. In		
		particular, the Executive		
		Director shall be		
		responsible for:';		
145.	(ii) point (h) is replaced by	(ii) point (h) is replaced by the	[]	
	the following:	following:		
146.	'(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 of	to Article 120, integrating		
	the revenue and expenditure of	the draft estimate of the		
	the Agency for its functions as	revenue and expenditure		
	PRB prepared by the Director	of the Agency for its		

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	for Performance Review in	functions as PRB prepared	
	accordance with Articles 114h	by the Director for	
	and 120a, and implementing its	Performance Review in	
	budget pursuant to Article 121,	accordance with Articles	
	except the budget of the Agency	114h and 120a, and	
	for its functions as PRB;',	implementing its budget	
		pursuant to Article 121,	
		except the budget of the	
		Agency for its functions	
		as PRB;';	
147.	(iii) point (j) is replaced by	(iii) point (j) is replaced by the	[]
	the following:	following:	
148.	(j) preparing the programming	(j) preparing the	[]
	document referred to in Article	programming document	
	117(1) and, after having	referred to in Article	
	integrated the PRB's section	117(1) and, after having	
	submitted by the Director for	integrated the PRB's	
	Performance Review in	section submitted by the	
	accordance with point (g) of	Director for Performance	
	Article 114h(3)and Article 117a,	Review in accordance	
	submitting it to the Management	with point (g) of Article	
	Board for adoption, after having	114h(3) and Article 117a,	
	obtained the opinion of the	submitting it to the	
	Commission. Any change to the	Management Board for	
	PRB's section shall only be	adoption, after having	
	made upon approval of the	obtained the opinion of	

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

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function of the Agency acting as PRB;';151.(v) point (u) is replaced by the following:(v) point (u) is replaced by the following:[]152.'(u) taking all decisions on the establishment of the internal structures of the Agency and, where necessary, on any changes to them, except for those at directors' level, which will be approved by the Management Board, and except decisions related to the internal structures concerning performance review. Decisions taken by the Executive Director shall not affect the separation between the Regulatory Board for Performance Review, the'(u) taking all decisions (v) point (u) is replaced by the (v) point (u) is replaced by the (v) point (u) is replaced by the (u) taking all decisions on the establishment of the internal structures of those at directors' level, which will be approved by the Management Board, and except decisions related to the internal structures concerning performance review. Decisions taken by the Executive Director shall not affect the separation between the Regulatory Board for Performance Review, thefunction of the Agency acting as PRB;';152.'(u) taking all decisions on the establishment of the internal structures of to them, except for the here at directors' level, which will be approved by the Management Board, and except decisions related to the internal structures concerning performance review. Decisions taken by the Executive Director shall [] guarantee the	DD2
acting as PRB;';151.(v) point (u) is replaced by the following:(v) point (u) is replaced by the following:[]152.'(u) taking all decisions on the establishment of the internal structures of the Agency and, where necessary, on any changes to them, except for those at directors' level, which will be approved by the Management Board, and except decisions related to the internal structures concerning performance review. Decisions taken by the Executive Director shall not affect the separation between the Regulatory Board for Performance Review, theacting as PRB;';152.(u) taking all decisions on the establishment of the internal structures of the Agency and, where necessary, on any changes to them, except for hose at directors' level, which will be approved by the Management Board, and except decisions related to the internal structures concerning performance review, the(u) taking all decisions on the establishment of the internal structures concerning performance review. Decisions taken by the Executive Director shall [] guarantee the	
151. (v) point (u) is replaced by the following: (v) point (u) is replaced by the following: [] 152. '(u) taking all decisions on the establishment of the internal structures of the Agency and, where necessary, on any changes to them, except for those at directors' level, which will be approved by the Management Board, and except decisions related to the internal structures concerning performance review. Decisions taken by the Executive Director shall not affect the separation between the Regulatory Board for Performance Review, the (v) point (u) is replaced by the following: []	
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152.'(u) taking all decisions on the establishment of the internal structures of the Agency and, where necessary, on any changes to them, except for those at directors' level, which will be approved by the Management Board, and except decisions related to the internal structures concerning performance review. Decisions taken by the Executive Director shall not affect the separation between the Regulatory Board for Performance Review, the'(u) taking all decisions on the establishment of the internal structures of the Agency and, where necessary, on any changes to them, except for those at directors' level, which Management Board, and except decisions related to the internal structures concerning performance Review, the'(u) taking all decisions on the establishment of the internal structures of to them, except for those at directors' level, which Management Board, and except decisions related to the internal structures concerning performance review. Decisions taken by the Executive Director shall [] guarantee the	
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will be approved by the Management Board, and except decisions related to the internal structures concerning performance review. Decisions taken by the Executive Director shall not affect the separation between the Regulatory Board for Performance Review, theat directors' level, which will be approved by the Management Board, and except decisions related to the internal structures concerning performance review. Decisions taken by the Executive Director for Performance Review, the	
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between the Regulatory Board by the Executive Director for Performance Review, the shall [] guarantee the	
for Performance Review, the shall [] guarantee the	
Director for Performance separation between the	
Review, the Advisory Board for Regulatory Board for	
Performance Review, the Performance Review, the	
Appeal Board for Performance Director for Performance	
Review and the staff working Review, the Advisory	

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

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		External Action Service.	
155.	The first subparagraph shall not	The first subparagraph	[]
	apply to the Agency in its function	shall not apply to the	
	as PRB. In respect of those	Agency in its function as	
	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.		
156.	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 the	
	Commission, the Management	prior consent of the	
	Board and, where applicable, the	Commission, the	
	Member State where the local	Management Board and,	
	office is to be established. Those	where applicable, the	
	decisions shall specify the scope of	Member State where the	
	the activities to be carried out at	local office is to be	
	that local office or by that co-	established. Those	
	located staff in a manner that	decisions shall specify the	
	avoids unnecessary costs and	scope of the activities to	
	duplication of administrative	be carried out at that local	

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	functions of the Agency.';	office or by that co-	
		located staff in a manner	
		that avoids unnecessary	
		costs and duplication of	
		administrative functions	
		of the Agency.';	
157.	(9) the following section IIa is inserted:	(9) the following section is inserted:	[]
158.	'SECTION IIa	'SECTION IIa	[]
159.	Specific rules on the internal	Specific rules on the internal	[]
	structure related to performance	structure related to performance	
	review	review	
160.	Article 114a	Article 114a	[]
	Structure of the Agency acting as	Structure of the Agency acting as	
	PRB	PRB	
161.	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:	
162.	(a) A Regulatory Board for	(a) A Regulatory Board for	[]
	Performance Review;	Performance Review;	
163.	(b)A Director for Performance	(b)A Director for Performance	[]
	Review;	Review;	
164.	(c) An Advisory Board for	(c) An Advisory Board for	[]
	Performance Review;	Performance Review;	

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165.	(d) Appeal Board for	(d)An Appeal Board for	[]	
	Performance Review.	Performance Review,		
		independent from the bodies		
		and function holders listed in		
		points (a) to (c).		
166.	Article 114b	Article 114b	[]	
	Functions of the Regulatory Board	Functions of the Regulatory Board		
	for Performance Review	for Performance Review		
167.	1. The Regulatory Board for	1. The Regulatory Board for	[]	
	Performance Review shall:	Performance Review shall:		
168.	(a) provide opinions and, where	(a) provide opinions and, where	[]	
	appropriate, comments on and	appropriate, comments on		
	amendments to the text of the	and amendments to the text		
	Director for Performance	of the Director for		
	Review's proposals for draft	Performance Review's		
	opinions, recommendations and	proposals for draft opinions,		
	decisions related to the tasks	recommendations and		
	listed in [amended SES2+], as	decisions related to the tasks		
	well as those referred to in	listed in [amended SES2+],		
	Article 129a of this Regulation	[] including when they		
	which are considered for	are carried out pursuant to		
	adoption;	a cooperation agreement		
		under Article 129a of this		
		Regulation, which are		
		considered for adoption;		

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169.	(b) within its field of competence,	(b) within its field of	[]
	provide guidance to the Director	competence, provide	
	for Performance Review in the	guidance to the Director for	
	execution of his or her tasks;	Performance Review in the	
		execution of his or her tasks;	
170.	(c) provide an opinion to the	(c)[] appoint the Director	[]
	Management Board on the	for Performance Review in	
	candidate to be appointed as	accordance with []Article	
	Director for Performance	114g(2), and where	
	Review in accordance with	applicable decide on his or	
	point (a) of Article 98(2a) and	her removal from office in	
	Article 114g(2), and where	accordance with Article	
	applicable his or her removal	114g(6)	
	from office in accordance with		
	Article 114g(6);		
171.	(d)approve the section on	(d)approve the section on	[]
	performance review activities of	performance review activities	
	the programming document to	of the programming	
	be submitted by the Director for	document to be submitted by	
	Performance Review to the	the Director for Performance	
	Executive Director in	Review to the Executive	
	accordance with point (g) of	Director in accordance with	
	Article 114h(3) and Article	point (g) of Article 114h(3)	
	117a;	and Article 117a;	

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172.		(d a) 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	
		authorities referred to in	
		Article 3 of [Amended	
		SES2+];	
173.	(e) approve the independent section	(e) approve the independent	[]
	on regulatory activities of the	section on regulatory	
	section on performance review	activities of the section on	
	of the consolidated annual	performance review of the	
	activity report to be submitted	consolidated annual activity	
	by the Director for Performance	report to be submitted by the	
	Review to the Executive	Director for Performance	
	Director in accordance with	Review to the Executive	
	point (i) of Article 114h(3)and	Director of the Agency in	
	Article 118a;	accordance with point (i) of	

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,
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		Article 114h(3) and Article	
		118a;	
174.	(f) provide an opinion to the	(f) [] elaborate and approve	[]
	Management Board on the	the procedures for issuing	
	procedures for issuing opinions,	opinions, recommendations	
	recommendations and decisions	and decisions by the	
	by the Agency acting as PRB in	Agency acting as PRB in	
	accordance with point (f) of	accordance with Article	
	Article 98(2a);	119a (4);	
175.	(g) provide an opinion to the	(g)[] on the basis of a	[]
	Director for Performance	proposal by the Director for	
	Review on its proposal for the	Performance Review, []	
	communication and	adopt and regularly update	
	dissemination plans on	the communication and	
	performance review referred to	dissemination plans on	
	in Article 119a(5), in	performance review referred	
	accordance with point (g) of	to in Article 119a(5) [],	
	Article 98(2a);		
176.	(h) provide an opinion to the	(h) [] on the basis of a	[]
	Director for Performance	proposal by the Director for	
	Review on the establishment or	Performance Review,	
	modification of the internal	establish or modify [] the	
	structures concerning	internal structures concerning	
	performance review;	performance review;	

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177	COM proposal, COM(2020) 0577 final	European Parliament/ Plenary report P8_TA	Council/General Approach, doc.9162/21 ADD2
177.		(h a) authorise the conclusion of working arrangements in accordance with Article 129a(3);	
178.	 (i) provide an opinion to the Management Board as regards potential actions to be taken pursuant to point (e) of Article 98(2a); 	(i) []exercise disciplinary authority over the Director for Performance Review;	[]
179.	 (j) provide an opinion to the Management Board on the conclusion of working arrangements in accordance with Article 129a(4); 	[]	[]
180.	 (k)provide an opinion to the Director for Performance Review on its proposal for mechanisms and procedures for consultation of stakeholders referred to in Article 38 of [Amended SES2+] and in Article 119a of this Regulation; 	 (k) 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 SES2+] and ■ Article 119a of this Regulation; 	
181.	(l) provide an opinion to the Management Board on the candidates to be appointed as	(1) provide an opinion to the[] Commission on the candidates to be appointed as	[]

7 final members of the Appeal Board for Performance Review in accordance with article 114l. That opinion shall not be binding. <i>cle 114c</i> mposition and independence of Regulatory Board for formance Review me Regulatory Board for	report P8_TA members of the Appeal Board for Performance Review in accordance with article 114l. That opinion shall not be binding. Article 114c Composition and independence of the Regulatory Board for	doc.9162/21 ADD2
for Performance Review in accordance with article 114l. That opinion shall not be binding. <i>cle 114c</i> mposition and independence of Regulatory Board for formance Review	Board for Performance Review in accordance with article 114l. That opinion shall not be binding. Article 114c Composition and independence of the Regulatory Board for	[]
accordance with article 114l. That opinion shall not be binding. <i>cle 114c</i> mposition and independence of Regulatory Board for formance Review	Review in accordance with article 114l. That opinion shall not be binding. Article 114c Composition and independence of the Regulatory Board for	[]
That opinion shall not be binding. cle 114c mposition and independence of Regulatory Board for formance Review	article 114l. That opinion shall not be binding. Article 114c Composition and independence of the Regulatory Board for	[]
binding. cle 114c nposition and independence of Regulatory Board for formance Review	shall not be binding. Article 114c Composition and independence of the Regulatory Board for	[]
<i>cle 114c</i> nposition and independence of Regulatory Board for formance Review	Article 114c Composition and independence of the Regulatory Board for	[]
nposition and independence of Regulatory Board for formance Review	Composition and independence of the Regulatory Board for	[]
Regulatory Board for formance Review	the Regulatory Board for	
formance Review	0,000	
he Regulatory Board for	Performance Review	
	1. The Regulatory Board for	[]
erformance Review shall be	Performance Review shall be	
omposed of 9 voting members and	composed of 9 voting members	
ne non-voting representative of	and one non-voting	
e Commission. Each member	representative of the	
all have an alternate. One of the	Commission. Each member	
embers shall be the Chairperson	shall have an alternate. One of	
the Advisory Board for	the members shall be the	
erformance Review. A member of	Chairperson of the Advisory	
e Management Board shall not be	Board for Performance Review.	
member of the Regulatory Board	A member of the Management	
r Performance Review. The term	Board shall not be a member of	
foffice for members and their	the Regulatory Board for	
ternates shall be five years, and	Performance Review. The term	
at term shall be extendable.	of office for members and their	
	alternates shall be five years,	
	and that term shall be	
e e r r te	mbers shall be the Chairperson the Advisory Board for formance Review. A member of Management Board shall not be member of the Regulatory Board Performance Review. The term office for members and their emates shall be five years, and	mbers shall be the Chairperson the Advisory Board for formance Review. A member of Management Board shall not be nember of the Regulatory Board Performance Review. The term office for members and their ernates shall be five years, and t term shall be extendable.shall have an alternate. One of the members shall be the Chairperson of the Advisory Board for Performance Review. A member of the Management Board shall not be a member of the Regulatory Board for Performance Review. The term of office for members and their alternates shall be five years, and t term shall be extendable.

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,	
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		extendable.		
184.	2. The members of the Regulatory	2. The members of the Regulatory	[]	
	Board for Performance Review and	Board for Performance Review		
	their alternates shall be formally	and their alternates shall be		
	appointed by the Management	formally appointed by [] the		
	Board, on a proposal from the	Commission, [], following a		
	Commission, after consultation of	public call for expression of		
	Eurocontrol, following a public call	interest. The members of the		
	for expression of interest. The	Regulatory Board for		
	members of the Regulatory Board	Performance Review shall be		
	for Performance Review shall be	appointed on the basis of merit		
	appointed on the basis of merit as	as well as [] to ensure a mix		
	well as skills and experience	of skills and experience relevant		
	relevant to the air traffic	to the air traffic management or		
	management or economic	economic regulation of network		
	regulation of network industries. In	industries, together with		
	order for it to be adopted, the	scientific knowledge and		
	decision on the appointment of the	expertise about the		
	members of the Regulatory Board	environmental and climate		
	for Performance Review requires a	impacts of the aviation sector.		
	positive vote from the Commission	Gender and geographical		
	representative in the Management	balance shall be taken into		
	Board.	account [].		

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,	
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185.	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 Board	Regulation, the Regulatory		
	for Performance Review shall act	Board for Performance Review		
	independently and shall not seek or	shall [] be independent and		
	follow instructions from any	shall not seek or follow		
	government of a Member State,	instructions from any		
	from the Commission, or from	government of a Member State,		
	another public or private entity.	from the Commission, []		
		from EASA or any another		
		public or private entity.		
186.	Article 114d	Article 114d	[]	
	Chairperson of the Regulatory	Chairperson of the Regulatory		
	Board for Performance Review	Board for Performance Review		
187.	1. The Regulatory Board for	1. The Regulatory Board for	[]	
	Performance Review shall elect a	Performance Review shall elect		
	Chairperson and a Deputy	a Chairperson and a Deputy		
	Chairperson from among its	Chairperson from among its		
	members with voting rights by a	members with voting rights by a		
	two-thirds majority. The Deputy	two-thirds majority. The Deputy		
	Chairperson shall replace the	Chairperson shall replace the		
	Chairperson if the latter is not in a	Chairperson if the latter is not in		
	position to perform his or her	a position to perform his or her		
	duties.	duties.		

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,
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188.	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-a-	
	half years and shall be renewable.	half years and shall be	
	If their membership of the	renewable. If their membership	
	Regulatory Board for Performance	of the Regulatory Board for	
	Review ceases at any time during	Performance Review ceases at	
	their term of office, their term of	any time during their term of	
	office shall automatically expire on	office, their term of office shall	
	that date.	automatically expire on that	
		date.	
189.	Article 114e	Article 114e	[]
	Meetings of the Regulatory Board	Meetings of the Regulatory Board	
	for Performance Review	for Performance Review	
190.	1. Meetings of the Regulatory Board	1. Meetings of the Regulatory	[]
	for Performance Review shall be	Board for Performance Review	
	convened by its Chairperson.	shall be convened by its	
		Chairperson.	
191.	2. The Regulatory Board for	2. The Regulatory Board for	[]
	Performance Review shall hold at	Performance Review shall hold	
	least two ordinary meetings a year.	at least two ordinary meetings a	
	In addition it shall meet at the	year. In addition it shall meet at	
	request of the Chairperson, of the	the request of the Chairperson,	
	Commission or of at least one third	of the Commission or of at least	
	of its members.	one third of its members.	
. <u> </u>		•	· · · ·

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,
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192.	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 to	deliberations, without the right	
	vote.	to vote.	
193.	4. The Regulatory Board for	4. The Regulatory Board for	[]
	Performance Review may invite	Performance Review may invite	
	any person whose opinion might be	any person whose opinion might	
	of interest to attend its meetings	be of interest, such as scientific	
	with observer status.	experts in the domain of	
		climate and environmental	
		performance, to attend its	
		meetings with observer status.	
194.	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.	
195.	Article 114f	Article 114f	[]
	Voting rules of the Regulatory	Voting rules of the Regulatory	
	Board for Performance Review	Board for Performance Review	
196.	1. Unless otherwise specified in this	1. Unless otherwise specified in	[]
	Regulation, the Regulatory Board	this Regulation, the Regulatory	
	for Performance Review shall take	Board for Performance Review	
	decisions by a simple majority of	shall take decisions by a simple	
	the members with voting rights.	majority of the members with	
		voting rights.	

		European Parliament/ Plenary	Council/General Approach,
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197.	2. Each member with voting rights	2. Each member with voting rights	[]
	appointed pursuant to Article	appointed pursuant to Article	
	114c(2) shall have one vote. In the	114c(2) shall have one vote. In	
	absence of a member, his or her	the absence of a member, his or	
	alternate shall be entitled to	her alternate shall be entitled to	
	exercise his or her right to vote.	exercise his or her right to vote.	
	Neither observers nor the Director	Neither observers nor the	
	for Performance Review shall have	Director for Performance	
	the right to vote.	Review shall have the right to	
		vote.	
198.	3. The Regulatory Board for	3. The Regulatory Board for	[]
	Performance Review shall adopt its	Performance Review shall adopt	
	rules of procedure, which shall set	its rules of procedure, which	
	out in greater detail the	shall set out in greater detail the	
	arrangements governing voting, in	arrangements governing	
	particular the conditions on the	voting.[]	
	basis of which one member may		
	act on behalf of another and also,		
	where appropriate, the rules		
	governing quorums.		
199.	Article 114g	Article 114g	[]
	Director for Performance Review	Director for Performance Review	
200. 1	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	

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	Conditions of Employment of	Conditions of Employment of	
	Other Servants.	Other Servants.	
201.	2. The Director for Performance	2. The Director for Performance	[]
	Review shall be appointed by the	Review shall be appointed by	
	Management Board following a	[] the Regulatory Board for	
	favourable opinion of the	Performance Review, on the	
	Regulatory Board for Performance	basis of merit as well as skills	
	Review, on the basis of merit as	and experience relevant to the	
	well as skills and experience	aeronautical industry, [] or	
	relevant to the air traffic	economic regulation of network	
	management or economic	industries, from a list of at least	
	regulation of network industries,	three candidates proposed by the	
	from a list of at least three	Commission and following an	
	candidates proposed by the	open and transparent selection	
	Commission and following an open	procedure. [] The Director	
	and transparent selection	for Performance Review shall	
	procedure. In order for it to be	not have held any professional	
	adopted, the decision on the	position or responsibility with	
	appointment of the Director for	any air navigation service	
	Performance Review requires a	provider or airline company	
	positive vote from the	for the one year prior to the	
	representative of the Commission	appointment.	
	in the Management Board. For the		
	purpose of concluding the contract		
	with the Director for Performance		
	Review, the Agency shall be		

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	represented by the Chairperson of		
	the Management Board.		
202.	3. The Director for Performance	3. The Director for Performance	[]
	Review's term of office shall be	Review's term of office shall be	
	five years. In the course of the nine	five years. In the course of the	
	months preceding the end of that	nine months preceding the end	
	period, the Commission shall	of that period, the Commission	
	undertake an assessment. In the	shall undertake an assessment.	
	assessment, the Commission shall	In the assessment, the	
	examine in particular:	Commission shall examine in	
		particular:	
203.	(a) the performance of the Director	(a) the performance of the	[]
	for Performance Review;	Director for Performance	
		Review;	
204.	(b) the duties and requirements	(b) the duties and requirements	[]
	concerning performance review	concerning performance	
	in the following years.	review in the following	
		years.	
205.	4. The Management Board, acting on	4. The [] Regulatory Board for	[]
	a proposal from the Commission	Performance Review, acting on	
	and giving the utmost	a proposal from the Commission	
	consideration to the assessment	and giving the utmost	
	referred to in paragraph 3 and	consideration to the assessment	
	following a favourable opinion of	referred to in paragraph 3, []	
	the Regulatory Board for	may extend the term of office of	
	Performance Review, may extend	the Director for Performance	

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	the term of office of the Director for Performance Review once by no more than five years. A Director for Performance Review whose term of office has been extended shall not participate in another selection procedure for the same post at the end of the extended period.	Review once by no more than five years. A Director for Performance Review whose term of office has been extended shall not participate in another selection procedure for the same post at the end of the extended period.	
206.	 5. If his or her term of office is not extended, the Director for Performance Review shall remain in office until the appointment of his or her successor. 	 If his or her term of office is not extended, the Director for Performance Review shall remain in office until the appointment of his or her successor. 	[]
207.	6. The Director for Performance Review may be removed from office only upon a decision of the Management Board, acting on a proposal from the Commission, after having obtained a favourable opinion of the Regulatory Board for Performance Review.	 6. The Director for Performance Review may be removed from office only [] by a decision of the [] Regulatory Board for Performance Review, acting on a proposal from the Commission. [] 	[]
208.	7. The Management Board shall reach decisions on appointment, extension of the term of office or	7. The [] Regulatory Board for Performance Review shall reach decisions on appointment,	[]

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	removal from office of the Director	extension of the term of office	
	for Performance Review on the	or removal from office of the	
	basis of a two-thirds majority of its	Director for Performance	
	members with voting rights. The	Review on the basis of a two-	
	Director for Performance Review	thirds majority of its members	
	shall not hold any professional	with voting rights. The Director	
	position or responsibility with any	for Performance Review shall	
	air navigation service provider	not hold any professional	
	after his or her term as Director for	position or responsibility with	
	Performance Review, for at least a	any air navigation service	
	period of two years.	provider, or with any other	
		entity which 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.	
209.		Article 114h	[]
	Responsibilities of the Director for	Responsibilities of the Director for	
	Performance Review	Performance Review	
210.	1. The Director for Performance	1. The Director for Performance	[]
	Review shall be accountable to the	Review shall be accountable to	
	Management Board with respect to	the Regulatory Board for	
	administrative, budgetary and	Performance Review with	
	managerial matters, but shall	respect to administrative,	
	remain fully independent	budgetary and managerial	
	concerning his or her tasks under	matters, but shall remain fully	

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,
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	paragraph 3, point (d). Without	independent concerning his or	
	prejudice to the respective roles of	her tasks under paragraph 3.[]	
	the Management Board and the	Without prejudice to the []	
	Regulatory Board for Performance	role of the Regulatory Board for	
	Review in relation to the tasks of	Performance Review in relation	
	the Director for Performance	to the tasks of the Director for	
	Review, the Director for	Performance Review, the	
	Performance Review shall neither	Director for Performance	
	seek nor follow any instruction	Review shall neither seek nor	
	from any government, from the	follow any instruction from any	
	Union institutions, or from any	government, from the Union	
	other public or private entity or	institutions, from EASA or	
	person.	from any other public or private	
		entity or person	
211.	2. The Director for Performance	2. The Director for Performance	[]
	Review may attend the meetings of	Review may attend the meetings	
	the Regulatory Board for	of the Regulatory Board for	
	Performance Review as an	Performance Review as an	
	observer.	observer	
212.	3. The Director for Performance	3. The Director for Performance	[]
	Review shall be responsible for the	Review shall be responsible for	
	implementation of the tasks	the implementation of the tasks	
	regarding performance review	regarding performance review	
	carried out in accordance with	carried out in accordance with	
	[Amended SES2+]. The Director	[Amended SES2+]. The	
	for Performance Review shall take	Director for Performance	

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,	
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	account of the guidance referred to	Review shall take account of the		
	in Article 114b(1), point (b) and,	guidance referred to in Article		
	where provided for in this	114b(1), point (b) and, where		
	Regulation, the opinions of the	provided for in this Regulation,		
	Regulatory Board for Performance	the opinions of the Regulatory		
	Review. In particular, the Director	Board for Performance Review.		
	for Performance Review shall be	In particular, the Director for		
	responsible for:	Performance Review shall be		
		responsible for:		
213.	(a) ensuring the legal representation	(a) ensuring the legal	[]	
	of the Agency in matters of	representation of the Agency		
	performance review;	in matters of performance		
		review;		
214.	(b) carrying out the day-to-day	(b) carrying out the day-to-day	[]	
	administration of the work on	administration of the work on		
	performance review;	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;		
215.	(c) with respect to areas directly or	(c) with respect to areas directly	[]	
	indirectly linked to the work on	or indirectly linked to the		
	performance review, preparing	work on performance review,		
	the work of the Management	preparing the work of the		

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

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	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,
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218.	(f) taking the necessary measures,	(f) taking the necessary	[]
	in particular as regards adopting	measures, in particular as	
	internal administrative	regards adopting internal	
	instructions and publishing	administrative instructions	
	notices, to ensure the	and publishing notices, to	
	functioning of Agency's work	ensure the functioning of the	
	on performance review in	Agency's work on	
	accordance with [amended	performance review in	
	SES2+];	accordance with [amended	
		SES2+];	
219.	(g) each year, preparing the section	(g) each year, preparing the	[]
	on performance review activities	section on performance	
	of the programming document	review activities of the	
	referred to in Article 117a,	programming document	
	which shall be submitted to the	referred to in Article 117a,	
	Executive Director and	which shall be submitted to	
	integrated in the Agency's draft	the Executive Director and	
	programming document for the	integrated in the Agency's	
	purpose of point (j) of Article	draft programming document	
	104(3). Any change to the input	for the purpose of point (j) of	
	related to performance review	Article 104(3). Any change	
	shall only be made upon	to the input related to	
	approval of the Director for	performance review shall	
	Performance Review;	only be made upon approval	
		of the Director for	
		Performance Review;	

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,
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220.	(h) drawing up a provisional draft	(h) drawing up a provisional	[]
	estimate of the revenue and	draft estimate of the revenue	
	expenditure in respect of	and expenditure in respect of	
	performance review in	performance review in	
	accordance with Article 120a(7)	accordance with Article	
	and submitting it to the	120a(7) and submitting it to	
	Executive Director for the	the Executive Director for the	
	purpose of Article 104(3), point	purpose of Article 104(3),	
	(h) and implement the revenue	point (h) and implementing	
	and expenditure in respect of	the revenue and expenditure	
	performance review in	in respect of performance	
	accordance with Article 121.	review in accordance with	
	Any change to the input related	Article 121. Any change to	
	to performance review shall	the input related to	
	only be made upon approval of	performance review shall	
	the Director for Performance	only be made upon approval	
	Review;	of the Director for	
		Performance Review;	
221.	(i) preparing annually the draft	(i) preparing annually the draft	[]
	section on performance review	section on performance	
	of the consolidated annual	review of the consolidated	
	activity report including an	annual activity report	
	independent section on the	including an independent	
	regulatory activities related to	section on the regulatory	
	performance review and a	activities related to	
	section on financial and	performance review and a	

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,
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	administrative matters, and submitting it to the Executive Director for its integration in the consolidated annual activity report. Any change to the input on performance review shall only be made upon approval of the Director for Performance Review;	section on financial and administrative matters, and submitting it to the Executive Director for its integration in the consolidated annual activity report. Any change to the input on performance review shall only be made upon approval of the Director	
222.	(j) where activities of the Agency acting as PRB are concerned, preparing, in coordination with the Executive Director, an action plan following up on the conclusions of internal or external audit reports and evaluations, as well as on investigations by OLAF, and reporting on progress twice a year to the Commission and report regularly on progress to the Management Board;	for Performance Review; (j) where activities of the Agency acting as PRB are concerned, preparing, in coordination with the Executive Director, an action plan following up on the conclusions of internal or external audit reports and evaluations, as well as on investigations by OLAF, and reporting on progress twice a year to the Commission and reporting regularly on progress to the Management Board;	

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,
	0577 final	report P8_TA	doc.9162/21 ADD2
223.	(k)preparing a proposal for	(k)preparing a proposal for	[]
	mechanisms and procedures for	mechanisms and procedures	
	consultation of stakeholders	for consultation of	
	referred to in Article 38 of	stakeholders referred to in	
	[amended SES2+], to be	Article 38 of [amended	
	submitted to the Management	SES2+], to be submitted to	
	Board for adoption following a	[] the Regulatory Board for	
	favourable opinion of the	Performance Review for	
	Regulatory Board for	adoption;	
	Performance Review;		
224.	(1) following a favourable opinion	(1) [] requesting the	[]
	of the Regulatory Board for	Regulatory Board for	
	Performance Review, requesting	Performance Review[] to	
	the Management Board to	establish or modify the	
	establish or modify the internal	internal structures concerning	
	structures concerning	performance review;	
	performance review;		
225.	(m) preparing the draft	(m) preparing the draft	[]
	communication and	communication and	
	dissemination plans concerning	dissemination plans	
	performance review referred to	concerning performance	
	Article 119a(5), to be submitted	review referred to in Article	
	to the Management Board for	119a(5), to be submitted to	
	adoption following the	[] the Regulatory Board for	
	favourable opinion of the	Performance Review;	
	Regulatory Board for		

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,
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	Performance Review.		
226.		(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 decisions	
		shall specify the scope of	
		the activities to be carried	
		out at that local office or by	
		that co-located staff in a	
		manner that avoids	
		unnecessary costs and	
		duplication of	
		administrative functions of	

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,
	0577 final	report P8_TA	doc.9162/21 ADD2
		the Agency.	
227.	4. For the purposes paragraph 3, point	4. For the purposes of paragraph 3,	[]
	(d), opinions, recommendations	point (d), opinions,	
	and decisions of the Agency acting	recommendations and decisions	
	as PRB referred to in [Amended	of the Agency acting as PRB	
	SES2+] and in Article 129a of this	referred to in [Amended	
	Regulation shall be adopted only	SES2+], [] including when	
	after having obtained the	carried out pursuant to a	
	favourable opinion of the	cooperation agreement under	
	Regulatory Board for Performance	Article 129a of this Regulation,	
	Review.	shall be adopted only after	
		having obtained the favourable	
		opinion of the Regulatory Board	
		for Performance Review.	
228.	Before submitting draft opinions,	Before submitting draft	[]
	recommendations or decisions to a	opinions, recommendations or	
	vote by the Regulatory Board for	decisions to a vote by the	
	Performance Review, the Director	Regulatory Board for	
	for Performance Review shall	Performance Review, the	
	submit proposals for the draft	Director for Performance	
	opinions, recommendations or	Review shall submit proposals	
	decisions to the relevant working	for the draft opinions,	
	group for consultation sufficiently	recommendations or decisions	
	in advance.	to the relevant working group	
		for consultation sufficiently in	
		advance.	

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,
	0577 final	report P8_TA	doc.9162/21 ADD2
229.	The Director for Performance	The Director for Performance	[]
	Review shall take the comments	Review shall take the comments	
	and amendments of the Regulatory	and amendments of the	
	Board for Performance Review	Regulatory Board for	
	into account and shall resubmit the	Performance Review into	
	revised draft opinion,	account and shall resubmit the	
	recommendation or decision to the	revised draft opinion,	
	Regulatory Board for Performance	recommendation or decision to	
	Review for a favourable opinion.	the Regulatory Board for	
	Where the Director for	Performance Review for a	
	Performance Review deviates from	favourable opinion. Where the	
	or rejects the comments and	Director for Performance	
	amendments received from the	Review deviates from or rejects	
	Regulatory Board for Performance	the comments and amendments	
	Review, the Director for	received from the Regulatory	
	Performance Review shall also	Board for Performance Review,	
	provide a duly justified written	the Director for Performance	
	explanation.	Review shall also provide a duly	
		justified written explanation.	
230.	The Director for Performance	The Director for Performance	[]
	Review may withdraw submitted	Review may withdraw	
	draft opinions, recommendations or	submitted draft opinions,	
	decisions provided that he/she	recommendations or decisions	
	submits a duly justified written	provided that he/she submits a	
	explanation where he/she disagrees	duly justified written	
	with the amendments submitted by	explanation where he/she	
		1 -	

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,
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	the Regulatory Board for	disagrees with the amendments	
	Performance Review. In the case of	submitted by the Regulatory	
	a withdrawal of a draft opinion,	Board for Performance Review.	
	recommendation or decision, the	In the case of a withdrawal of a	
	Director for Performance Review	draft opinion, recommendation	
	may issue a new draft opinion,	or decision, the Director for	
	recommendation or decision	Performance Review may issue	
	following the procedure set out in	a new draft opinion,	
	Article 114b(1), point (a) and in the	recommendation or decision	
	second subparagraph of this	following the procedure set out	
	paragraph.	in Article 114b(1), point (a) and	
		in the second subparagraph of	
		this paragraph.	
231.	If the Regulatory Board for	If the Regulatory Board for	[]
	Performance Review does not give	Performance Review does not	
	a favourable opinion on the	give a favourable opinion on the	
	resubmitted text of the draft	resubmitted text of the draft	
	opinion, recommendation or	opinion, recommendation or	
	decision because its comments and	decision because its comments	
	amendments were not adequately	and amendments were not	
	reflected in the resubmitted text,	adequately reflected in the	
	the Director for Performance	resubmitted text, the Director	
	Review may revise the text of the	for Performance Review may	
	draft opinion, recommendation or	revise the text of the draft	
	decision further in accordance with	opinion, recommendation or	
	the amendments and comments	decision further in accordance	

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,
	0577 final	report P8_TA	doc.9162/21 ADD2
	proposed by the Regulatory Board	with the amendments and	
	for Performance Review in order to	comments proposed by the	
	obtain its favourable opinion,	Regulatory Board for	
	without having to provide	Performance Review in order to	
	additional written reasons.	obtain its favourable opinion,	
		without having to provide	
		additional written reasons.	
232.	Article 114i	Article 114i	[]
	Functions and operations of the	Functions and operations of the	
	Advisory Board for Performance	Advisory Board for Performance	
	Review	Review	
233.	1. The Advisory Board for	1. The Advisory Board for	[]
	Performance Review shall:	Performance Review shall:	
234.	(a) exchange information about the	(a) exchange information about	[]
	work of national supervisory	the work of national	
	authorities and decision making	supervisory authorities and	
	principles, best practices and	decision making principles,	
	procedures as well as with	best practices and procedures	
	regard to the application of	as well as with regard to the	
	[Amended SES2+];	application of [Amended	
		SES2+];	
235.	(b)provide opinions and	(b)provide opinions and	[]
	recommendations on guidance	recommendations on	
	material to be issued by the	guidance material to be	
	Agency acting as PRB. The	issued by the Agency acting	
	opinions and recommendations	as PRB. The opinions and	

77 final of the Advisory Board for Performance Review shall not be binding.	report P8_TA recommendations of the Advisory Board for Performance Review shall	doc.9162/21 ADD2	
Performance Review shall not	Advisory Board for Performance Review shall		
	Performance Review shall		
be binding.			
	not be binding.		
The Advisory Board for	2. The Advisory Board for	[]	
Performance Review shall meet at	Performance Review shall meet		
regular intervals, in order to ensure	at regular intervals, in order to		
that national supervisory	ensure that national supervisory		
authorities consult and work	authorities consult and work		
together in a network.	together in a network, in		
	synergy with stakeholders.		
The Chairperson of the Regulatory	3. The Chairperson of the	[]	
Board for Performance Review and	Regulatory Board for		
the Director for Performance	Performance Review and the		
Review may participate in	Director for Performance		
meetings of the Advisory Board for	Review may participate in		
Performance Review and may	meetings of the Advisory Board		
make recommendations to national	for Performance Review and		
supervisory authorities convened as	may make recommendations to		
the Advisory Board for	national supervisory authorities		
Performance Review, as	convened as the Advisory Board		
appropriate, on matters related to	for Performance Review, as		
their expertise on the performance	appropriate, on matters related		
and charging scheme referred to in	to their expertise on the		
[Amended SES2+].	performance and charging		
	scheme referred to in [Amended		
TETTERNPP	egular intervals, in order to ensure nat national supervisory uthorities consult and work ogether in a network. The Chairperson of the Regulatory Board for Performance Review and ne Director for Performance Review may participate in neetings of the Advisory Board for Performance Review and may nake recommendations to national upervisory authorities convened as ne Advisory Board for Performance Review, as ppropriate, on matters related to neir expertise on the performance nd charging scheme referred to in	 at regular intervals, in order to ensure national supervisory at regular intervals, in order to ensure that national supervisory authorities consult and work be chairperson of the Regulatory Board for Performance Review and ne Director for Performance Beview may participate in neetings of the Advisory Board for Performance Review and may make recommendations to national upervisory authorities convened as ne Advisory Board for Performance Review, as propriate, on matters related to neir expertise on the performance md charging scheme referred to in Amended SES2+]. 	egglar intervals, in order to ensure hat national supervisory uthorities consult and work ogether in a network.at regular intervals, in order to ensure that national supervisory authorities consult and work together in a network, in synergy with stakeholders.he Chairperson of the Regulatory Board for Performance Review may participate in neetings of the Advisory Board for Performance Review and may nake recommendations to national upervisory authorities convened as ne Advisory Board for erformance Review, as porpriate, on matters related to neir expertise on the performance nd charging scheme referred to in Amended SES2+].3. The Chairperson of the Regulatory Board for Performance Review, as appropriate, on matters related to to their expertise on the performance and charging[]

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,
	0577 final	report P8_TA	doc.9162/21 ADD2
		SES2+].	
238.	4. Subject to the rules on data	4. Subject to the rules on data	[]
	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 the	Regulation (EU) 2018/1725 of	
	European Parliament and of the	the European Parliament and of	
	Council ⁷ , the Agency shall provide	the Council ⁷ , the Agency shall	
	the secretariat to the Advisory	provide the secretariat to the	
	Board for Performance Review and	Advisory Board for	
	shall support the exchange of the	Performance Review and shall	
	information referred to in	support the exchange of the	
	paragraph 1 among the members of	information referred to in	
	the Advisory Board for	paragraph 1 among the members	
	Performance Review, respecting	of the Advisory Board for	
	the confidentiality of commercially	Performance Review, respecting	
	sensitive information of air	the confidentiality of	
	navigation service providers.	commercially sensitive	
		information of air navigation	
		service providers.	
	7 Regulation (EU) 2018/1725 of the		
	European Parliament and of the		
	Council of 23 October 2018 on the	7 Regulation (EU) 2018/1725 of the	
	protection of natural persons with	European Parliament and of the	
	regard to the processing of personal	Council of 23 October 2018 on the	
	data by the Union institutions,	protection of natural persons with	

	European Parliament/ Plenary	Council/General Approach,
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fices and agencies and on	regard to the processing of personal	
ovement of such data,	data by the Union institutions,	
ing Regulation (EC) No	bodies, offices and agencies and on	
nd Decision No	the free movement of such data,	
2/EC (OJ L 295,	and repealing Regulation (EC) No	
8, p. 39)	45/2001 and Decision No	
	1247/2002/EC (OJ L 295,	
	21.11.2018, p. 39)	
	Article 114j	[]
n of the Advisory Board	Composition of the Advisory	
ance Review	Board for Performance Review	
ory Board for	1. The Advisory Board for	[]
ce Review shall be	Performance Review shall be	
of:	composed of:	
nior representative per	(a) one senior representative per	[]
er State from the national	Member State from the	
sory authorities referred	national supervisory	
rticle 3 of [Amended	authorities referred to in	
], and one alternate per	Article 3 of [Amended	
er State from the current	SES2+], and one alternate	
staff of those authorities,	per Member State from the	
ominated by the national	current senior staff of those	
sory authority.	authorities, both nominated	
	by the national supervisory	
	authority;	
sory		authority. authorities, both nominated by the national supervisory authority;

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,
	0577 final	report P8_TA	doc.9162/21 ADD2
242.	(b) one non-voting representative of	(b)one non-voting representative	[]
	the Commission, and one	of the Commission, and one	
	alternate.	alternate with expertise and	
		knowledge on the	
		environmental and climate	
		impact of aviation;	
243.		(b a) three non-voting	
		representatives of Air	
		navigation Services	
		Providers, commercial and	
		non-commercial civil	
		airspace users and of the	
		airport operators;	
244.		(b b) one non-voting	
		professional staff	
		organisation representative.	
245.	2. The Advisory Board for	2. The Advisory Board for	[]
	Performance Review shall elect a	Performance Review shall elect	
	Chairperson and a Deputy-	a Chairperson and a Deputy-	
	Chairperson from among its	Chairperson from among its	
	members. The Deputy-Chairperson	members. The Deputy-	
	shall replace the Chairperson if the	Chairperson shall replace the	
	latter is not in a position to perform	Chairperson if the latter is not in	
	his or her duties. The term of office	a position to perform his or her	
	of the Chairperson and of the	duties. The term of office of the	
	Deputy-Chairperson shall be two-	Chairperson and of the Deputy-	

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,
	0577 final 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 expire on that date.	report P8_TA 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 expire on that date.	doc.9162/21 ADD2
246.	Article 114k Powers of the Appeal Board for Performance Review	Article 114k Powers of the Appeal Board for Performance Review	[]
247.	 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. 	 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. 	[]
248.		1bis.The Appeal Board for Performance Review shall be independent from the Regulatory Board for Performance Review, from the	

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,
	0577 final	report P8_TA	doc.9162/21 ADD2
		Advisory Board for	
		Performance Review and from	
		the Director for Performance	
		Review.	
249.	2. The decisions of the Appeal Board	2. The decisions of the Appeal	[]
	for Performance Review shall be	Board for Performance Review	
	adopted by a majority of at least	shall be adopted by a majority	
	four of its six members.	of at least four of its six	
		members.	
250.	Article 1141	Article 1141	[]
	Members of the Appeal Board for	Members of the Appeal Board for	
	Performance Review	Performance Review	
251.	1. The Appeal Board for	1. The Appeal Board for	[]
	Performance Review shall be	Performance Review shall be	
	composed of six members and six	composed of six members and six	
	alternates selected from among	alternates selected from among	
	current or former senior staff of the	current or former senior staff of the	
	national supervisory authorities	national supervisory authorities	
	referred to in Article 3 of	referred to in Article 3 of	
	[Amended SES2+], competition	[Amended SES2+], competition	
	authorities or other Union or	authorities or other Union or	
	national institutions with relevant	national institutions with relevant	
	experience in the aviation sector.	experience in the aviation sector.	
	The Appeal Board for Performance	The Appeal Board for Performance	
	Review shall designate its	Review shall designate its	
	Chairperson.	Chairperson.	

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,
	0577 final	report P8_TA	doc.9162/21 ADD2
252.	2. The members of the Appeal Board	2. The members of the Appeal	[]
	for Performance Review shall be	Board for Performance Review	
	formally appointed by the	shall be formally appointed by	
	Management Board, on a proposal	[] the Commission, following	
	from the Commission, following a	a public call for expression of	
	public call for expression of	interest, after consulting the	
	interest, after consulting the	Regulatory Board for	
	Regulatory Board for Performance	Performance Review.	
	Review.		
253.	3. The members of the Appeal Board	3. The members of the Appeal	[]
	for Performance Review shall	Board for Performance Review	
	undertake to act independently and	shall undertake to act	
	in the public interest. For that	independently and in the public	
	purpose, they shall make a written	interest. For that purpose, they	
	declaration of commitments and a	shall make a written declaration	
	written declaration of interests	of commitments and a written	
	indicating either the absence of any	declaration of interests	
	interest which might be considered	indicating either the absence of	
	prejudicial to their independence or	any interest which might be	
	indicating any direct or indirect	considered prejudicial to their	
	interest which might be considered	independence or indicating any	
	prejudicial to their independence.	direct or indirect interest which	
	Those declarations shall be made	might be considered prejudicial	
	public annually.	to their independence. Those	
		declarations shall be made	
		public annually.	

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,
	0577 final	report P8_TA	doc.9162/21 ADD2
254.	4. The term of office of the members	4. The term of office of the	[]
	of the Appeal Board for	members of the Appeal Board	
	Performance Review shall be five	for Performance Review shall	
	years. That term shall be renewable	be five years. That term shall be	
	once.	renewable once.	
255.	5. The members of the Appeal Board	5. The members of the Appeal	[]
	for Performance Review shall be	Board for Performance Review	
	independent in making their	shall be independent in making	
	decisions. They shall not be bound	their decisions. They shall not	
	by any instructions. They shall not	be bound by any instructions.	
	perform any other duties in the	They shall not perform any []	
	Agency, in its Management Board	duties in the Agency, in its	
	or in the Advisory Board for	Management Board, in the	
	Performance Review. A member of	Regulatory Board for	
	the Appeal Board for Performance	Performance Review or in the	
	Review shall not be removed	Advisory Board for	
	during his or her term of office,	Performance Review. A	
	unless he or she has been found	member of the Appeal Board for	
	guilty of serious misconduct, and	Performance Review shall not	
	the Commission, after receiving the	be removed during his or her	
	opinion of the Management Board,	term of office, unless he or she	
	has taken a decision to that effect.	has been found guilty of serious	
		misconduct, and the	
		Commission, [], has taken a	
		decision to that effect.	

	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,	
	0577 final	report P8_TA	doc.9162/21 ADD2	
256.	6. The Appeal Board for	6. The Appeal Board for	[]	
	Performance Review shall adopt	Performance Review shall adopt		
	and publish its rules of procedure.	and publish its rules of		
	Those rules shall set out in detail	procedure. Those rules shall set		
	the arrangements governing the	out in detail the arrangements		
	organisation and functioning of the	governing the organisation and		
	Appeal Board for Performance	functioning of the Appeal Board		
	Review and the rules applicable to	for Performance Review and the		
	appeals before the Appeal Board	rules applicable to appeals		
	for Performance Review pursuant	before the Appeal Board for		
	to Articles 114k to 114s. The	Performance Review pursuant to		
	Appeal Board for Performance	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 significant	Commission of its draft rules of		
	change to those rules. The	procedure as well as any		
	Commission may provide an	significant change to those rules.		
	opinion on those rules within three	The Commission may provide		
	months of the date of receipt of the	an opinion on those rules within		
	notification.	three months of the date of		
		receipt of the notification.		

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	COM proposal, COM(2020)	European Parliament/ Plenary	Council/General Approach,	
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257.	Article 114m	Article 114m	[]	
	Exclusion and objection in the	Exclusion and objection in the		
	Appeal Board for Performance	Appeal Board for Performance		
	Review	Review		
258.	1. The members of the Appeal Board	1. The members of the Appeal	[]	
	for Performance Review shall not	Board for Performance Review		
	take part in any appeal proceedings	shall not take part in any appeal		
	if they have any personal interest	proceedings if they have any		
	therein, if they have previously	personal interest therein, if they		
	been involved as representatives of	have previously been involved		
	one of the parties to the	as representatives of one of the		
	proceedings or if they participated	parties to the proceedings or if		
	in the adoption of the decision	they participated in the adoption		
	under appeal.	of the decision under appeal.		
259.	2. If, for one of the reasons listed in	2. If, for one of the reasons listed	[]	
	paragraph 1 or for any other	in paragraph 1 or for any other		
	reason, a member of the Appeal	reason, a member of the Appeal		
	Board for Performance Review	Board for Performance Review		
	considers that he or she should not	considers that he or she should		
	take part in any appeal proceeding,	not take part in any appeal		
	he or she shall inform the Appeal	proceeding, he or she shall		
	Board for Performance Review	inform the Appeal Board for		
	accordingly.	Performance Review		
		accordingly.		

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260.	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 for	
	Performance Review on any of the	Performance Review on any of	
	grounds given in paragraph 1, or if	the grounds given in paragraph	
	the member is suspected of	1, or if the member is suspected	
	partiality. Any such objection shall	of partiality. Any such objection	
	not be admissible if, while being	shall not be admissible if, while	
	aware of a reason for objecting, the	being aware of a reason for	
	party to the appeal proceedings has	objecting, the party to the appeal	
	taken a procedural step. No	proceedings has taken a	
	objection may be based on the	procedural step. No objection	
	nationality of members.	may be based on the nationality	
		of members.	
261.	4. The Appeal Board for Performance	4. The Appeal Board for	[]
	Review shall decide as to the	Performance Review shall	
	action to be taken in the cases	decide as to the action to be	
	specified in paragraphs 2 and 3	taken in the cases specified in	
	without the participation of the	paragraphs 2 and 3 without the	
	member concerned. For the	participation of the member	
	purposes of taking this decision,	concerned. For the purposes of	
	the member concerned shall be	taking this decision, the member	
	replaced on the Appeal Board for	concerned shall be replaced on	
	Performance Review by his or her	the Appeal Board for	
	alternate. If the alternate finds him	Performance Review by his or	
	or herself in a similar situation to	her alternate. If the alternate	
·			

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	that of the member, the	finds him or herself in a similar	
	Chairperson shall designate a	situation to that of the member,	
	replacement from among the	the Chairperson shall designate	
	available alternates.	a replacement from among the	
		available alternates.	
262.	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	
263.	1. An appeal may be brought against	1. An appeal may be brought	[]
	decisions of the Agency acting as	against decisions of the Agency	
	PRB taken pursuant to [Amended	acting as PRB taken pursuant to	
	SES2+].	[Amended SES2+].	
264.	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 that	may, however, if it considers	
	circumstances so require, suspend	that circumstances so require,	
	the application of the contested	suspend the application of the	
	decision	contested decision.	
265.	3. The Agency acting as PRB shall	3. The Agency acting as PRB shall	[]
	publish the decisions taken by the	publish the decisions taken by	
	Appeal Board for Performance	the Appeal Board for	
	Review.	Performance Review.	

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266.	Article 1140	Article 1140	[]
	Persons entitled to appeal	Persons entitled to appeal	
267.	Any natural or legal person may	Any natural or legal person may	[]
	appeal against a decision issued by	appeal against a decision issued by	
	the Agency acting as PRB addressed	the Agency acting as PRB	
	to that person, or against a decision	addressed to that person, or against	
	issued by the Agency acting as PRB	a decision issued by the Agency	
	which, although in the form of a	acting as PRB which, although in	
	decision addressed to another	the form of a decision addressed to	
	person, is of direct and individual	another person, is of direct and	
	concern to the former. The parties to	individual concern to the former.	
	proceedings may be party to the	The parties to proceedings may be	
	appeal proceedings.	party to the appeal proceedings.	
268.	Article 114p	Article 114p	[]
	Time limit and form	Time limit and form	
269.	The appeal shall include a statement	The appeal shall include a	[]
	of the grounds for appeal and shall be	statement of the grounds for appeal	
	filed in writing to the Agency acting	and shall be filed in writing to the	
	as PRB within two months of the	Agency acting as PRB within two	
	notification of the decision to the	months of the notification of the	
	person concerned, or, in the absence	decision to the person concerned,	
	thereof, within two months of the	or, in the absence thereof, within	
	date on which the Agency acting as	two months of the date on which	
	PRB published its decision. The	the Agency acting as PRB	
	Appeal Board for Performance	published its decision. The Appeal	
	Review shall decide upon the appeal	Board for Performance Review	

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	within four months of the lodging of	shall decide upon the appeal within	
	the appeal.	four months of the lodging of the	
		appeal.	
270.	Article 114q	Article 114q	[]
	Interlocutory revision	Interlocutory revision	
271.	1. Before examining the appeal, the	1. Before examining the appeal,	[]
	Appeal Board for Performance	the Appeal Board for	
	Review shall give the Agency	Performance Review shall give	
	acting as PRB the opportunity to	the Agency acting as PRB the	
	review its decision. If the Director	opportunity to review its	
	for Performance Review considers	decision. If the Director for	
	the appeal to be well founded, he	Performance Review considers	
	or she shall rectify the decision	the appeal to be well founded,	
	within two months from being	he or she shall rectify the	
	notified by the Appeal Board for	decision within two months	
	Performance Review. That shall	from being notified by the	
	not apply where the appellant is	Appeal Board for Performance	
	opposed to another party to the	Review. That shall not apply	
	appeal proceedings.	where the appellant is opposed	
		to another party to the appeal	
		proceedings.	

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272.	2. If the decision is not rectified,	2. If the decision is not rectified,	[]
	the Appeal Board for Performance	the Appeal Board for	
	Review shall forthwith decide	Performance Review shall	
	whether or not to suspend the	forthwith decide whether or not	
	application of the decision pursuant	to suspend the application of the	
	to Article 114n(2).	decision pursuant to Article	
		114n(2).	
273.	Article 114r	Article 114r	[]
	Examination of appeals	Examination of appeals	
274.	1. The Appeal Board for Performance	1. The Appeal Board for	[]
	Review shall assess whether the	Performance Review shall	
	appeal is admissible and well	assess whether the appeal is	
	founded.	admissible and well founded.	
275.	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.	
276.	It shall as often as necessary invite	It shall as often as necessary invite	[]
	the parties to the appeal	the parties to the appeal	
	proceedings to file, within	proceedings to file, within	
	specified time limits, written	specified time limits, written	
	observations on notifications issued	observations on notifications issued	
	by itself or on communications	by itself or on communications	
	from other parties to the appeal	from other parties to the appeal	
	proceedings. The Appeal Board for	proceedings. The Appeal Board for	
	Performance Review may decide to	Performance Review may decide to	

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	hold an oral hearing, either of its	hold an oral hearing, either of its		
	own motion or at the substantiated	own motion or at the substantiated		
	request of one of the parties to the	request of one of the parties to the		
	appeal.	appeal.		
277.	Article 114s	Article 114s	[]	
	Decisions on appeal	Decisions on appeal		
278.	Where the Appeal Board for	Where the [] Board of Appeal	[]	
	Performance Review finds that the	[] finds that the appeal is not		
	appeal is not admissible or that the	admissible or that the grounds for		
	grounds for appeal are not founded,	appeal are not founded, it shall		
	it shall reject the appeal. Where the	reject the appeal. Where the []		
	Appeal Board for Performance	Board of Appeal [] finds that		
	Review finds that the appeal is	the appeal is admissible and that		
	admissible and that the grounds for	the grounds for appeal are founded,		
	appeal are founded, it shall remit the	it shall remit the case to the		
	case to the Agency. The Agency	Agency acting as PRB. The		
	shall take a new reasoned decision	Agency acting as PRB shall take a		
	taking into account the decision by	new reasoned decision taking into		
	the Appeal Board for Performance	account the decision by the Board		
	Review.	of Appeal.		

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279.	Article 114t	Article 114t	[]
	Actions before the Court of Justice	Actions before the Court of Justice	
280.	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 for	[Amended SES2+] and actions	
	failure to act within the applicable	for failure to act within the	
	time limits may be brought before	applicable time limits may be	
	the Court of Justice only after the	brought before the Court of	
	exhaustion of the appeal procedure	Justice only after the exhaustion	
	referred to in Articles 114k to 114s.	of the appeal procedure referred	
		to in Articles 114k to 114s.	
281.	2. The Agency acting as PRB shall	2. The Agency acting as PRB shall	[]
	take the necessary measures to	take the necessary measures to	
	comply with the judgments of the	comply with the judgments of	
	Court of Justice.';	the Court of Justice.';	
282.	(10) the following Article 117a is	(10) the following Article [] is	[]
	inserted:	inserted:	
283.	'Article 117a	'Article 117a	[]
	Section on performance review	Section on performance review	
	activities in the annual and	activities in the annual and multi-	
	multi-annual programming	annual programming	
284.	1. Each year, the Director for	1. Each year, the Director for	[]
	Performance Review shall draft the	Performance Review shall draft	
	section related to performance	the section related to	
	review activities of the	performance review activities of	

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	programming document referred to	the programming document	
	in Article 117(1). After the draft	referred to in Article 117(1).	
	being approved by the Regulatory	After the draft being approved	
	Board for Performance Review, the	by the Regulatory Board for	
	Director for Performance Review	Performance Review, the	
	shall submit it to the Executive	Director for Performance	
	Director in order to be integrated in	Review shall submit it to the	
	the Agency's draft programming	Executive Director in order to	
	document in accordance with	be integrated in the Agency's	
	Article 114h(3), point (g). Any	draft programming document in	
	change to the section on	accordance with Article	
	performance review shall only be	114h(3), point (g). Any change	
	made upon approval of the Director	to the section on performance	
	for Performance Review.	review shall only be made upon	
		approval of the Director for	
		Performance Review.	
285.	2. The section of the annual work	2. The section of the annual work	[]
	programme on performance review	programme on performance	
	in the programming document shall	review in the programming	
	comprise detailed objectives and	document shall comprise	
	expected results, including	detailed objectives and expected	
	performance indicators. It shall	results, including performance	
	also contain a description of the	indicators, including for	
	actions to be financed and an	climate and environment	
	indication of the financial and	areas. It shall also contain a	
	human resources allocated to each	description of the actions to be	

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	action, in accordance with the	financed and an indication of the		
	principles of activity-based	financial and human resources		
	budgeting and management. The	allocated to each action, in		
	section on performance review of	accordance with the principles		
	the annual work programme shall	of activity-based budgeting and		
	be coherent with the section on	management. The section on		
	performance review of the multi-	performance review of the		
	annual work programme referred to	annual work programme shall		
	in paragraph 4. It shall clearly	be coherent with the section on		
	indicate the tasks that have been	performance review of the		
	added, changed or deleted in	multi-annual work programme		
	comparison with the previous	referred to in paragraph 4 and		
	financial year.	shall clearly indicate the tasks		
		that have been added, changed		
		or deleted in comparison with		
		the previous financial year.		
286.	3. The Management Board shall	3. The Management Board shall	[]	
	amend the adopted section on	amend the adopted section on		
	performance review of the annual	performance review of the		
	work programme where a new task	annual work programme where		
	is assigned to the Agency acting as	a new task is assigned to the		
	PRB. Any substantial amendment	Agency acting as PRB. Any		
	to the section on performance	substantial amendment to the		
	review of the annual work	section on performance review		
	programme shall be adopted by the	of the annual work programme		
	same procedure set out for the	shall be adopted by the same		

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	initial annual work programme. The Management Board may delegate the power to make non- substantial amendments to the section on performance review of the annual work programme document to the Director for Performance Review.	procedure set out for the initial annual work programme. The Management Board may delegate the power to make non- substantial amendments to the section on performance review of the annual work programme document to the Director for	
		Performance Review.	
287.	4. The section on performance review of the multi-annual work programme in the programming document shall set out the overall strategic programming, including objectives, expected results and performance indicators. It shall also set out resource programming, including the multi-annual budget and staff.	4. The section on performance review of the multi-annual work programme in the programming document shall set out the overall strategic programming, including objectives, expected results and performance indicators. It shall also set out resource programming, including the multi-annual budget and staff.	
288.	The resource programming shall be updated annually. The strategic programming shall be updated where appropriate, in particular to address the outcome of the evaluation referred to in Article	The resource programming shall be updated annually. The strategic programming shall be updated where appropriate, in particular to address the outcome of the evaluation	

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	124(4).';	referred to in Article 124(4).';	
289.	(11) the following Article 118a is	(11) the following Article[] is	[]
	inserted:	inserted:	
290.	'Article 118a	'Article 118a	[]
	Section on performance review	Section on performance review in	
	in the consolidated annual	the consolidated annual activity	
	activity report	report	
291.	1. The Director for Performance	1. The Director for Performance	[]
	Review shall draft the section	Review shall draft the section	
	related on performance review of	related on performance review	
	the annual activity report referred	of the annual activity report	
	to in Article 118(1). After the draft	referred to in Article 118(1).	
	being approved by the Regulatory	After the draft being approved	
	Board for Performance Review, the	by the Regulatory Board for	
	Director for Performance Review	Performance Review, the	
	shall submit it to the Executive	Director for Performance	
	Director in order to be integrated in	Review shall submit it to the	
	the consolidated annual activity	Executive Director in order to	
	report in accordance with Article	be integrated in the consolidated	
	114h(3), point (i). Any change to	annual activity report in	
	the section on performance review	accordance with Article	
	of the consolidated annual activity	114h(3), point (i). Any change	
	report shall only be made upon	to the section on performance	
	approval of the Director for	review of the consolidated	
	Performance Review.	annual activity report shall only	
		be made upon approval of the	

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		Director for Performance		
		Review.		
292.	2. The section on performance review of the consolidated annual activity report shall include an independent section on regulatory activities and a section on financial and administrative matters. The Regulatory Board for Performance Review shall approve the independent section on regulatory activities prior to the submission to the Executive Director, in accordance with Article 114b(1),	2. The section on performance review of the consolidated annual activity report shall include an independent section on regulatory activities and a section on financial and administrative matters. The Regulatory Board for Performance Review shall approve the independent section on regulatory activities prior to the submission to the Executive	[]	
	point (e).';	Director, in accordance with Article 114b(1), point (e).';		
293.	(12) the following Article 119a is inserted:	(12) the following Article [] is inserted:	[]	
294.	⁶ Article 119a Transparency, communication and procedures for issuing opinions, recommendations and decisions by the Agency acting as PRB	'Article 119a Transparency, communication and procedures for issuing opinions, recommendations and decisions by the Agency acting as PRB	[]	
295.	1. In carrying out its tasks, the Agency acting as PRB shall	1. In carrying out its tasks, the Agency acting as PRB shall	[]	

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

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297.	2: The Agency acting as PRB shall	2. The Agency acting as PRB shall	[]
	ensure that the public and any	ensure that the public and any	
	interested parties are, where	interested parties are, [],	
	appropriate, given objective,	given objective, reliable,	
	reliable and easily accessible	updated and easily accessible	
	information, in particular with	information, in particular with	
	regard to the results of its work.	regard to the results of its work.	
298.	All documents and minutes of	All documents and minutes of	[]
	consultation meetings shall be	consultation meetings shall be	
	made public.	made public.	
299.	3. The Agency acting as PRB shall	3. The Agency acting as PRB shall	[]
	make public, on its website, at least	make public, on its website, at	
	the agenda, the background	least the agenda, the background	
	documents and, where appropriate,	documents and, where	
	the minutes of the meetings of the	appropriate, the minutes of the	
	Regulatory Board for Performance	meetings of the Regulatory	
	Review and of the Appeal Board	Board for Performance Review	
	for Performance Review.	and of the Appeal Board for	
		Performance Review.	
300.	4. The Agency acting as PRB shall	4. The Agency acting as PRB shall	[]
	adopt and publish adequate and	adopt and publish adequate and	
	proportionate procedures for	proportionate procedures for	
	issuing opinions, recommendations	issuing opinions,	
	and decisions by the Agency acting	recommendations and decisions	
	as PRB, in accordance with the	by the Agency acting as PRB, in	
	procedure set out in Article 98(2a),	accordance with the procedure	

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	point (f). Those procedures shall:	set out in Article [] 114b(1),	
		point (g). Those procedures	
		shall:	
301.	(a) ensure that the Agency acting	(a) ensure that the Agency acting	[]
	as PRB publishes documents	as PRB publishes documents	
	and widely consults interested	and widely consults	
	parties, in accordance with a	interested parties, in	
	timetable and a procedure which	accordance with a timetable	
	includes an obligation on the	and a procedure which	
	Agency acting as PRB to give a	includes an obligation on the	
	written response to the	Agency acting as PRB to	
	consultation process;	give a written response to the	
		consultation process;	
302.		(a a) undergo, for matters	
		concerning climate and	
		environmental	
		performance, a scientific	
		review by independent	
		experts;	
303.	(b) ensure that before taking any	(b)ensure that before taking any	[]
	individual decision as provided	individual decision as	
	for in this Regulation and in	provided for in this	
	[Amended SES2+], the Agency	Regulation and in [Amended	
	acting as PRB informs any party	SES2+], the Agency acting	
	concerned of its intention to	as PRB informs any party	
	adopt that decision, and shall set	concerned of its intention to	

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

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306.	(e) specify the conditions under which decisions are notified to the persons concerned, including information on the available appeal procedures as provided for in this Regulation.	(e) specify the conditions under which decisions are notified to the persons concerned, including information on the available appeal procedures as provided for in this Regulation.	[]
307.	5. The Agency acting as PRB may engage in communication activities on its own initiative within its field of competence on performance review, and in doing so shall be represented by the Director for Performance Review. The allocation of resources to communication activities shall not be detrimental to the effective exercise of the tasks and powers referred to in [Amended SES2+]. Communication activities shall be carried out in accordance with relevant communication and dissemination plans adopted by the Management Board in accordance with point (g) of Article 98(2a).';	 5. The Agency acting as PRB may engage in communication activities on its own initiative within its field of competence on performance review, and in doing so shall be represented by the Director for Performance Review. The allocation of resources to communication activities shall not be detrimental to the effective exercise of the tasks and powers referred to in [Amended SES2+]. Communication activities shall be carried out in accordance with relevant communication and dissemination plans adopted by the [] Regulatory Board for 	

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		performance review in	
		accordance with point (h) of	
		Article 114b(1).';	
308.	(13) Article 120 is amended as	(13) Article 120 is amended as	[]
	follows	follows:	
309.	(a) in paragraph 1, the introductory	(a) in paragraph 1, the introductory	[]
	wording is replaced by the	wording is replaced by the	
	following:	following:	
310.	'1. Without prejudice to other	'1. Without prejudice to other	[]
	revenues, the revenues of the	revenues, the revenues of the	
	Agency, excluding those for its	Agency, excluding those for	
	functions as PRB, shall comprise:'.	its functions as PRB, shall	
		comprise:';	
311.	(b) paragraph 3 is replaced by the	(b)paragraph 3 is replaced by the	[]
	following:	following:	
312.	'3. Revenue and expenditure for all	'3. Revenue and expenditure	[]
	activities not covered by Article	for all activities not covered	
	120a(1) shall be in balance.',	by Article 120a(1) shall be in	
		balance.';	
313.	(c) paragraph 5 is replaced by the	(c) paragraph 5 is replaced by the	[]
	following:	following:	
314.	'5. The Agency shall, during the	'5. The Agency shall, during	[]
	financial year, adapt its staff planning	the financial year, adapt its	
	and management of activities	staff planning and	
	financed from resources related to	management of activities	
	fees and charges for certification	financed from resources	

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	activities in a manner that enables it	related to fees and charges	
	to swiftly respond to work load and	for certification activities in a	
	fluctuations of those revenues.';	manner that enables it to	
		swiftly respond to work load	
		and fluctuations of those	
		revenues.';	
315.	(d) in paragraph 6, the first	(d)in paragraph 6, the first	[]
	subparagraph is replaced by the	subparagraph is replaced by the	
	following:	following:	
316.	'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 draft	
	having integrated the draft estimate	establishment plan, and shall,	
	of the revenue and expenditure for	after having integrated the draft	
	performance review and the list of	estimate of the revenue and	
	posts for performance review referred	expenditure for performance	
	to in Article 120a(7), send it to the	review and the list of posts for	
	Management Board together with	performance review referred to	
	explanatory material on the	in Article 120a(7), send it to the	
	budgetary situation. That draft	Management Board together	
	establishment plan shall, in relation	with explanatory material on the	
	to posts financed from fees and	budgetary situation. That draft	
	charges referred to in paragraph 1, be	establishment plan shall, in	

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	based on a limited set of indicators	relation to posts financed from	
	approved by the Commission to	fees and charges referred to in	
	measure the Agency's workload and	paragraph 1, be based on a	
	efficiency, and shall set out the	limited set of indicators	
	resources required to meet demands	approved by the Commission to	
	for certification and other activities of	measure the Agency's workload	
	the Agency in an efficient and timely	and efficiency, and shall set out	
	manner, including those resulting	the resources required to meet	
	from reallocations of responsibility in	demands for certification and	
	accordance with Articles 64 and 65.';	other activities of the Agency in	
		an efficient and timely manner,	
		including those resulting from	
		reallocations of responsibility in	
		accordance with Articles 64 and	
		65.';	
317.	(14) the following Article 120a is	(14) the following Article [] is	[]
	inserted:	inserted:	
318.	'Article 120a	'Article 120a	[]
	Budget of the Agency for its	Budget of the Agency for its	
	functions as PRB	functions as PRB	
319.	1. The Agency shall account the	1. The Agency shall account the	[]
	revenue and expenditure for	revenue and expenditure for	
	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, in	expenditure shall be in balance,	

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	accordance with and subject to	in accordance with and subject		
	paragraph 2.	to paragraph 2.		
320.	2. Surpluses shown in the account	2. Surpluses shown in the account	[]	
	referred to in paragraph 1 shall be	referred to in paragraph 1 shall		
	transferred to the reserve fund	be transferred to the reserve		
	established in accordance with	fund established in accordance		
	paragraph 6. Losses shown in the	with paragraph 6. Losses shown		
	account referred to in Article	in the account referred to in []		
	paragraph 1 shall be covered	paragraph 1 shall be covered		
	through transfers from that reserve	through transfers from that		
	fund. Where a significant positive	reserve fund. Where a		
	or negative budget result becomes	significant positive or negative		
	recurrent, the level of fees and	budget result becomes recurrent,		
	charges referred to in paragraph 3	the level of fees and charges		
	points (a) and (d) and Article 126a	referred to in paragraph 3 points		
	shall be revised.	(a) and (d) and Article 126a		
		shall be revised.		
321.	3. The revenues of the Agency for its	3. The revenues of the Agency for	[]	
	functions as PRB shall comprise:	its functions as PRB shall		
	1	comprise:		

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322.		(- 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;	
323.	(a) fees levied by the Agency	(a) fees levied by the Agency	[]
	acting as PRB on designated air	acting as PRB on designated	
	traffic service providers for	air traffic service providers	
	services related to performance	for services related to	
	plan assessment, target-setting	performance plan	
	and monitoring;	assessment, target-setting and	
		monitoring;	
324.	(b) annual contributions from	[]	[]
	designated air traffic service		
	providers, based on the annual		
	estimated expenditure relating		
	to the activities on 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;		

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325.	(c) any voluntary financial	(c) any voluntary financial	[]
	contribution from the Member	contribution from the	
	States or the national	Member States or the	
	supervisory authorities referred	national supervisory	
	to in Article 3 of [Amended	authorities referred to in	
	SES2+];	Article 3 of [Amended	
		SES2+];	
326.	(d)charges for publications and any	(d)charges for publications and	[]
	other service provided by the	any other service provided by	
	Agency acting as PRB;	the Agency acting as PRB;	
327.	(e) any contribution from third	(e) any contribution from third	[]
	countries or other entities,	countries or other entities,	
	provided that such a contribution	provided that such a	
	does not compromise the	contribution does not	
	independence and impartiality of	compromise the	
	the Agency acting as PRB.	independence and	
		impartiality of the Agency	
		acting as PRB.	
328.	4. All revenue and expenditure of the	4. All revenue and expenditure of	[]
	Agency for its functions as PRB	the Agency for its functions as	
	shall be the subject of forecasts for	PRB shall be the subject of	
	each financial year, coinciding with	forecasts for each financial year,	
	the calendar year, and shall be	coinciding with the calendar	
	entered in its budget.	year, and shall be entered in its	
		budget.	

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329.	5. The revenue received by the	5. The revenue received by the	[]
	Agency for its functions as PRB	Agency for its functions as PRB	
	shall not compromise its neutrality,	shall not compromise its	
	independence or objectivity.	neutrality, independence or	
		objectivity.	
330.	6. The Agency acting as PRB shall	6. The Agency acting as PRB shall	[]
	establish a reserve fund covering	establish a reserve fund	
	one year of its operational	covering one year of its	
	expenditure to ensure the	operational expenditure to	
	continuity of its operations and the	ensure the continuity of its	
	execution of its tasks. It shall be	operations and the execution of	
	reviewed each year to ensure that it	its tasks. It shall be reviewed	
	is limited to annual needs.	each year to ensure that it is	
		limited to annual needs.	
331.	7. The Director for Performance	7. The Director for Performance	[]
	Review shall draw up each year a	Review shall draw up each year	
	draft estimate of the revenue and	a draft estimate of the revenue	
	expenditure for performance	and expenditure for performance	
	review for the following year	review for the following year	
	together with the list of posts for	together with the list of posts for	
	performance review and shall	performance review, detailing	
	submit them to the Executive	their intended duties and	
	Director for its integration in the	fields of activity, and shall	
	draft statement of estimates of the	submit them to the Executive	
	Agency's revenue and expenditure	Director for its integration in the	
	referred to in Article 120(6).	draft statement of estimates of	
		L	· · · · · · · · · · · · · · · · · · ·

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		the Agency's revenue and	
		expenditure referred to in	
		Article 120(6).	
332.	The Executive Director or the	The Executive Director or the	[]
	Management Board may make	Management Board may make	
	changes to the draft estimate of the	changes to the draft estimate of	
	revenue and expenditure and the	the revenue and expenditure and	
	list of posts for performance review	the list of posts for performance	
	upon approval of the Director for	review upon approval of the	
	Performance Review.	Director for Performance	
		Review.	
333.	Where the Executive Director and	Where the Executive Director	[]
	the Director for Performance	and the Director for	
	Review do not come to an	Performance Review do not	
	agreement on the draft estimate of	come to an agreement on the	
	the revenue and expenditure for	draft estimate of the revenue and	
	performance review, the Director	expenditure for performance	
	for Performance Review shall draft	review, the Director for	
	an opinion which the Executive	Performance Review shall draft	
	Director shall annex to the draft	an opinion which the Executive	
	statement of estimates of the	Director shall annex to the draft	
	Agency's revenue and expenditure	statement of estimates of the	
	referred to in Article 120(6). The	Agency's revenue and	
	Director for Performance Review	expenditure referred to in	
	shall in that case also have the right	Article 120(6). The Director for	
	to present its opinion to the	Performance Review shall in	

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	Management Board before the Management Board adopts the provisional draft estimate of revenue and expenditure of the Agency in accordance with the second subparagraph of Article 120(6).	that case also have the right to present its opinion to the Management Board before the Management Board adopts the provisional draft estimate of revenue and expenditure of the Agency in accordance with the second subparagraph of Article 120(6).	
334.	 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 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 financial years respectively. 	[]	
335.	The Commission shall adopt implementing acts setting out detailed rules determining how the annual contributions by designated	[]	[]

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	air traffic service providers referred		
	to in paragraph 2, point (b) are to		
	be calculated, in accordance with		
	Article 126b.		
336.	Those implementing acts shall be	[]	[]
	adopted in accordance with the		
	examination procedure referred to		
	in Article 127(3).';		
337.	(15) Article 121 is amended as	(15) Article 121 is amended as	[]
	follows:	follows:	
338.	(a) paragraph 1 is replaced by the	(a) paragraph 1 is replaced by	[]
	following:	the following:	
339.	'1. The Executive Director shall	1. The Executive Director	[]
	implement the budget of the Agency.	shall implement the budget of	
	However, in respect of the revenues	the Agency. However, in	
	and expenditure related to the	respect of the revenues and	
	Agency's function as PRB, it shall be	expenditure related to the	
	implemented by the Director for	Agency's function as PRB, it	
	Performance Review.';	shall be implemented by the	
		Director for Performance	
		Review.';	
340.	(b) paragraph 8 is replaced by the	(b) paragraph 8 is replaced by	[]
	following:	the following:	

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341.	'8. The Executive Director shall send	'8. The Executive Director	[]
	the Court of Auditors a reply to its	shall send the Court of	
	observations by 30 September	Auditors a reply to its	
	following each financial year. He or	observations by 30	
	she shall also send that reply to the	September following each	
	Management Board and the	financial year. He or she shall	
	Commission. Where activities on	also send that reply to the	
	performance review are concerned,	Management Board and the	
	that reply shall be prepared together	Commission. Where	
	with the Director for Performance	activities on performance	
	Review.';	review are concerned, that	
		reply shall be prepared	
		together with the Director for	
		Performance Review.';	
342.	(c) paragraph 10 is replaced by the	(c) paragraph 10 is replaced	[]
	following:	by the following:	
343.	'10. The European Parliament, on a	'10. The European Parliament,	[]
	recommendation from the Council	on a recommendation from	
	acting by a qualified majority, shall,	the Council acting by a	
	before 15 May of year $n + 2$, decide	qualified majority, shall,	
	on the discharge to the Executive	before 15 May of year $n + 2$,	
	Director in respect of the	decide on the discharge to the	
	implementation of the budget for	Executive Director in respect	
	year n and on the discharge to the	of the implementation of the	
	Director for Performance Review in	budget for year n and on the	
	respect of the implementation of the	discharge to the Director for	

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	budget of the Agency on	Performance Review in	
	performance review for year n.';	respect of the implementation	
		of the budget of the Agency	
		on performance review for	
		year n.';	
344.	(16) in Article 124, the following	(16) in Article 124, the following	[]
	paragraphs 4, 5 and 6 are inserted:	paragraphs [] are inserted:	
345.	'4. Paragraphs 1, 2 and 3 shall not	'4. Paragraphs 1, 2 and 3 shall	[]
	apply to the Agency acting as PRB.	not apply to the Agency acting	
	In conjunction with the evaluation	as PRB. In conjunction with the	
	referred to in Article 43 of	evaluation referred to in Article	
	[Amended SES2+], the Commission	43 of [Amended SES2+], the	
	shall, by the deadline defined in that	Commission shall, by the	
	Regulation, carry out an evaluation	deadline defined in that	
	to assess the Agency's performance	Regulation, carry out an	
	as PRB in relation to its objectives,	evaluation to assess the	
	tasks and powers. The evaluation	Agency's performance as PRB	
	shall in particular address the	in relation to its objectives, tasks	
	possible need to modify the tasks	and powers. The evaluation	
	and powers of the Agency acting as	shall in particular address the	
	PRB, and the financial implications	possible need to modify the	
	of any such modification.	tasks and powers of the Agency	
		acting as PRB, and the financial	
		implications of any such	
		modification.	

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346.	5. Where the Commission considers	5. Where the Commission	[]
	that the continued existence of the	considers that the continued	
	PRB function is no longer justified	existence of the PRB function is	
	with regard to its assigned	no longer justified with regard	
	objectives, tasks and powers, it may	to its assigned objectives, tasks	
	propose that this Regulation and	and powers, it may propose that	
	[Amended SES2+] be amended	this Regulation and [Amended	
	accordingly.	SES2+] be amended	
		accordingly.	
347.	6. The Commission shall forward the	6. The Commission shall forward	[]
	evaluation findings related to the	the evaluation findings related	
	activity of the Agency acting as PRB,	to the activity of the Agency	
	together with its conclusions, to the	acting as PRB, together with its	
	European Parliament, the Council	conclusions, to the European	
	and the Management Board. The	Parliament, the Council and the	
	findings of the evaluation and the	Management Board. The	
	recommendations shall be made	findings of the evaluation and	
	public.';	the recommendations shall be	
		made public.';	
348.	(17) in Article 126, the following	(17) in Article 126, the following	[]
	paragraph 5 is added:	paragraph [] is added:	
349.	'5. The provisions of this Article	'5. The provisions of this	[]
	shall not apply to the activities of the	Article shall not apply to the	
	Agency acting as PRB.';	activities of the Agency acting	
	-	as PRB.';	

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

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	plan presented to the Agency	plan presented to the Agency	
	acting as PRB, carried out in	acting as PRB, carried out in	
	accordance with Article	accordance with Article 14(6)	
	14(6) to (8) of [amended]	to (8) of [amended SES2+];	
	SES2+];		
356.	(d) the establishment of	(d) the establishment of	[]
	performance targets of	performance targets of	
	designated air traffic service	designated air traffic service	
	providers in accordance with	providers in accordance with	
	Article 13(9) of [amended	Article 13(9) of [amended	
	SES2+];	SES2+];	
357.	(e) where the Agency acts as a	(e) where the Agency acts as a	[]
	supervisory authority in	supervisory authority in	
	accordance with Article 3(8)	accordance with Article 3(8)	
	of [amended SES2+], the	of [amended SES2+], the	
	establishment of performance	establishment of performance	
	targets of designated air	targets of designated air	
	traffic service providers in	traffic service providers in	
	accordance with Article	accordance with Article 14(8)	
	14(8) of [amended SES2+];	of [amended SES2+];	
358.	(f) the assessment of requests for	(f) the assessment of requests for	[]
	permissions to revise targets	permissions to revise targets	
	and performance plans of air	and performance plans of air	
	traffic service providers in	traffic service providers in	
	accordance with Article	accordance with Article 17(3)	
	17(3) and (4) of [amended]	and (4) of [amended SES2+];	

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	SES2+];			
359.	(g) the verification of unit rates	(g) the verification of unit rates	[]	
	in preparation of the setting	in preparation of the setting		
	of those rates by the national	of those rates by the national		
	supervisory authorities, in	supervisory authorities, in		
	accordance with Article 21 of	accordance with Article 21 of		
	[amended SES2+];	[amended SES2+];		
360.	(h) the issuance of reports, in	(h) the issuance of reports, in	[]	
	respect of individual air	respect of individual air		
	traffic service providers, on	traffic service providers, on		
	the monitoring of	the monitoring of		
	performance in accordance	performance in accordance		
	with Article 13(11) of	with Article 13(11) of		
	[amended SES2+] and, where	[amended SES2+] and, where		
	the Agency acts as a	the Agency acts as a		
	supervisory authority in	supervisory authority in		
	accordance with Article 3(8)	accordance with Article 3(8)		
	of [amended SES2+] in	of [amended SES2+] in		
	accordance with Article	accordance with Article		
	14(10) of [amended SES2+];	14(10) of [amended SES2+];		
361.	(i) the adoption of corrective	(i) the adoption of corrective	[]	
	measures in accordance with	measures in accordance with		
	Article 13(11) of [amended	Article 13(11) of [amended		
	SES2+], and, where the	SES2+], and, where the		
	Agency acts as a supervisory	Agency acts as a supervisory		
	authority in accordance with	authority in accordance with		

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	Article 3(8) of [amended	Article 3(8) of [amended		
	SES2+], in accordance with	SES2+], in accordance with		
	Article $14(10)$ of that	Article $14(10)$ of that		
	Regulation;	Regulation;		
362.		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.		
363.	(j) the processing of appeals.	[]	[]	
364.	2. The charges levied for	2. The charges levied for	[]	
	publications and the	publications and the provision		
	provision of any other service	of any other service by the		
	by the Agency acting as PRB	Agency acting as PRB as		
	as referred to in Article	referred to in Article 120a(3)		
	120a(3) shall reflect the	shall reflect the actual cost of		
	actual cost of each individual	each individual service		
	service provided.	provided.		
365.	3. The amount of the fees and	3. The amount of the fees and	[]	
	charges shall be fixed by the	charges shall be fixed by the		
	Commission in accordance	Commission in accordance with		
	with paragraph 4. They shall	paragraph 4. They shall be fixed		
	be fixed at such a level as to	at such a level as to ensure that		
	ensure that the revenue in	the revenue in respect thereof		
	respect thereof covers the full	covers the full cost of the		

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	cost of the activities related	activities related to the services	
	to the services delivered, and	delivered, and to avoid a	
	to avoid a significant	significant accumulation of	
	accumulation of surplus. All	surplus. All expenditure	
	expenditure regarding	regarding members of staff	
	members of staff whose posts	whose posts are dedicated to the	
	are dedicated to the function	function of the Agency acting as	
	of the Agency acting as PRB,	PRB, in particular the	
	in particular the employer's	employer's pro-rata contribution	
	pro-rata contribution to the	to the pension scheme, shall be	
	pension scheme, shall be	reflected in that cost. The fees	
	reflected in that cost. The	and charges shall be assigned	
	fees and charges shall be	revenues for the Agency acting	
	assigned revenues for the	as PRB for activities related to	
	Agency acting as PRB for	services for which fees and	
	activities related to services	charges are due.	
	for which fees and charges		
	are due.		
366.	4. The Commission shall adopt	4. The Commission [] is	[]
	implementing acts laying	empowered to adopt delegated	
	down detailed rules relating	acts in accordance with	
	to fees and charges levied by	Article XXX laying down	
	the Agency for its function as	detailed rules relating to fees	
	PRB, specifying in particular	and charges levied by the	
	the amount of the fees and	Agency for its function as PRB	
	charges and the way in which	[]. Those delegated acts	

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	they are paid. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 127(3).	report P8_TA shall specify:	doc.9162/21 ADD2	
367.	Teleffed to in Article 127(5).	(a) detailed criteria and a detailed methodology for establishing the amounts of the fees and charges;		
368.		(b) detailed procedures and a detailed methodology with regard to the way fees and charges are paid.		
369.	Article 126b Implementing acts regarding the calculation of annual contributions by designated air traffic service providers	[]	[]	
370.	The implementing acts referred to in Article 120a(8), shall establish the following:	[]	[]	
371.	 (a) a methodology to allocate the estimated expenditure to categories of designated air traffic service providers, as a basis for 	[]	[]	

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	determining the share of			
	contributions to be made			
	by designated air traffic			
	service providers of each			
	category;			
372.	(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.			
373.	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 types of services. The			
	criteria to be established in			
	accordance with point (b)			

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	shall in particular ensure			
	equal treatment of 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.';			
374.		(18 a) Article 128 is replaced by		
		the following		
375.		"Article 128		
		Exercise of the delegation		
376.		1. The power to adopt delegated		
		acts is conferred on the		
		Commission subject to the		
		conditions laid down in this		
		Article.		

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377.		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. 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.	

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378.		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 any		
		delegated acts already in		
		force.		
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379.		4. Before adopting a delegated	
		act, the Commission shall	
		consult experts designated by	
		each Member State in	
		accordance with the principles	
		laid down in the	
		Interinstitutional Agreement	
		of 13 April 2016 on Better	
		Law-Making.	
380.		5. As soon as it adopts a	
		delegated act, the Commission	
		shall notify it simultaneously	
		to the European Parliament	
		and to the Council.	
381.		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 of	
		that act to the European	
		Parliament and the Council or	
		if, before the expiry of that	

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		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.';	
382.	(19) in Article 129, the following	(19) in Article 129, the following	[]
	paragraph is added:	paragraph is added:	
383.	'The provisions of this Article shall	'The provisions of this Article shall	[]
	not apply to the activities of the	not apply to the activities of the	
	Agency acting as PRB.';	Agency acting as PRB.';	
384.	(20) the following Article 129a is	(20) the following Article [] is	[]
	inserted:	inserted:	
385.	'Article 129a	'Article 129a	[]
	Cooperation agreements on	Cooperation agreements on	
	performance review	performance review	
386.	1. Insofar as the activities of the	1. Insofar as the activities of the	[]
	Agency acting as PRB are	Agency acting as PRB are	
	concerned, the Agency shall	concerned, the Agency shall be	
	be open to the participation	open to the participation of third	
	of third countries which have	countries which have concluded	
	concluded agreements with	agreements with the Union and	
	the Union and which have	which have adopted and are	
	adopted and are applying the	applying the relevant rules of	

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	relevant rules of Union law	Union law in the field of air	
	in the field of air traffic	traffic management including, in	
	management including, in	particular, the rules on	
	particular, the rules on	independent national	
	independent national	supervisory authorities and on	
	supervisory authorities and	performance scheme and	
	on performance scheme and	charging scheme.	
	charging scheme.		
387.	2. Subject to the conclusion of	2. Subject to the conclusion of an	[]
	an agreement to that effect	agreement to that effect between	
	between the Union and third	the Union and third countries as	
	countries as referred to in	referred to in paragraph []1,	
	paragraph 2, the Agency	the Agency acting as PRB may	
	acting as PRB may also	also carry out its tasks under	
	exercise its tasks under	[] [Amended SES2+] with	
	[Amended SES2+] with	regard to third countries,	
	regard to third countries,	provided that those third	
	provided that those third	countries have adopted and	
	countries have adopted and	apply the relevant rules in	
	apply the relevant rules in	accordance with paragraph	
	accordance with paragraph 2	[]1 and have mandated the	
	and have mandated the	Agency acting as PRB to	
	Agency acting as PRB to	coordinate the activities of their	
	coordinate the activities of	national supervisory authorities	
	their national supervisory	with those of the national	
	authorities with those of the	supervisory authorities of	

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	national supervisory	Member States.		
	authorities of Member States.			
388.		2 a. Priority shall be given to		
		those cooperation agreements		
		with potential to result in a		
		higher overall reduction of		
		climate-impacting emissions;		
389.	3. The agreements referred to in	3. The agreements referred to in	[]	
	paragraph 2 shall specify the	paragraph []1 shall specify		
	nature, scope and procedural	the nature, scope and procedural		
	aspects of the involvement of	aspects of the involvement of		
	those countries in the work of	those countries in the work of		
	the Agency acting as PRB	the Agency acting as PRB and		
	and shall include provisions	shall include provisions relating		
	relating to financial	to financial contributions and to		
	contributions and to staff.	staff. Those agreements may		
	Those agreements may	provide for the establishment of		
	provide for the establishment	working arrangements.';		
	of working arrangements.';			
		1	1	1

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390.	(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,	
391.			(a) the following point 2.3a is	
			inserted:	
392.	2.3a. Air traffic data services	² .3a. Air traffic data services	² .3a. Air traffic data services	
393.	2.3a.1. The air traffic data collected	2.3a.1. The air traffic data	2.3a.1. The air traffic data collected	
	shall be of sufficient quality,	collected shall be of sufficient	shall be of sufficient quality,	
	complete, current, from a	quality, complete, current, from	complete, current, from a	
	legitimate source and provided	a legitimate source and provided	legitimate source and provided	
	in a timely manner.	in a timely manner.	in a timely manner	
394.	2.3a.2. The air traffic data services	2.3a.2. The air traffic data	2.3a.2. The air traffic data services	
	shall achieve and maintain	services shall achieve and	shall achieve and maintain	
	sufficient performance with	maintain sufficient performance	sufficient performance with	
	regard to their availability,	with regard to their availability,	regard to their availability,	
	integrity, continuity and	integrity, continuity and	integrity, continuity and	
	timeliness to meet the user's	timeliness to meet the user's	timeliness to meet the user's	
	needs.	needs.	needs.	
395.	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 they	maintained to ensure that they	maintained to ensure that they	
	are fit for their intended	are fit for their intended	are fit for their intended	
	purpose.	purpose.	purpose.	

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396.	2.3a.4. The dissemination of such	2.3a.4. The dissemination of such	2.3a.4. The dissemination of such	
	data shall be timely and use	data shall be timely and use	data shall be timely and use	
	sufficiently reliable and	sufficiently reliable and	sufficiently reliable and	
	expeditious means of	expeditious means of	expeditious means of	
	communication protected from	communication protected from	communication protected from	
	intentional and unintentional	intentional and unintentional	intentional and unintentional	
	interference and corruption.'.	interference and corruption.'.	interference and corruption.'	
397.			(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	
200			Regulation 2018/1139	
398.			'2.8. Airspace management	
399.			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	
			minitary activities and related	

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