



EUROPEAN COMMISSION

Brussels, 29.7.2010
C(2010)5134 final

COMMISSION DECISION

of 29.7.2010

**on the designation of the Performance Review Body
of the Single European Sky**

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, Having regard to 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) (¹), and in particular Article 11(2) thereof;

Whereas:

- (1) It is deemed necessary to obtain expert support to assist the Commission and the national supervisory authorities in the implementation of the performance scheme and therefore to designate a performance review body.
- (2) Commission Regulation (EU) of 29 July 2010 laying down a performance scheme for air navigation services and network functions and amending Commission Regulation No 2096/2005 provides in Article 3 for the tasks and responsibilities of the performance review body.
- (3) The Performance Review Body should be impartial, act independently and have appropriate competences when carrying out the tasks entrusted to it by the Commission
- (4) Following completion of the assessment of its application, the European organisation for the safety of air navigation (Eurocontrol) established by the International Convention of 13 December 1960 relating to Cooperation for the Safety of Air Navigation as amended on 12 February 1981 and revised on 27 June 1997, and in particular its Performance Review Commission, should be designated as the performance review body of the single European sky for the first reference period, until 31 December 2014, extended by six months to allow the assessment of the results of the first reference period
- (5) Eurocontrol has expressed no objection to be designated as the performance review body for the first reference period.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Single Sky Committee.

¹ OJ L 96, 31.3.2004, p. 1

HAS ADOPTED THIS DECISION:

Article 1

Designation of the Performance Review Body

1. Eurocontrol, acting through its Performance Review Commission supported by the performance review unit, is designated as the performance review body of the single European sky for a period starting on the date of notification of this Decision and ending on 30 June 2015.
2. The designation is subject to the condition that the performance review body maintains collective competence in the four key performance areas of safety, capacity, environment and cost-efficiency, and that sufficient, independent and competent support is provided to it by the Eurocontrol performance review unit.
3. When performing the duties entrusted to it by this Decision, the performance review body and its individual members shall be impartial and shall exercise their functions with independence, avoiding conflicts of interests.
4. The performance review body shall be granted access to the performance related data referred to in Regulation (EU) of 29 July 2010 laying down a performance scheme for air navigation services and network functions, available within Eurocontrol.

Article 2

Tasks

1. The performance review body shall assist the Commission in the tasks and under the conditions defined in Article 3 (3), (4), (5) and (6) (a) as well as in Articles 6 and 19 of the Regulation (EU) of 29 July 2010 laying down a performance scheme for air navigation services and network functions.
2. The performance review body shall assist the national or functional airspace block supervisory authorities on request in the cases defined in Article 3 (6) (b) and (c) of the Regulation (EU) of 29 July 2010 laying down a performance scheme for air navigation services and network functions.

Article 3

Reporting

1. The performance review body shall act in full transparency and report directly to the Commission. The deliverables resulting from the work performed under this Decision shall be regularly communicated to the single sky committee and shall be the property of the Commission. Publication or dissemination of these deliverables shall require the prior written consent of the Commission.
2. It shall report once a year to the Commission:

- (a) on its coordination with the European aviation safety agency, as well as with the stakeholders referred to in Article 3(8) of the Regulation (EU) of 29 July 2010 laying down a performance scheme for air navigation services and network functions.
- (b) on the work performed under this Decision and on the use of the resources funded by the Commission.

Article 4

Membership appointment

1. The members of the performance review body shall be selected among candidates demonstrating the appropriate experience and competence, as well as independence and absence of conflict of interest.
2. When taking up their office, the members shall sign a statement by which they undertake to exercise their functions within the performance review body in an independent manner.
3. The members of the performance review commission at the time of publication of this Decision shall jointly compose the first performance review body.
4. When the term of office of the performance review commission expires, the members composing the performance review body for the remaining time until the expiry of this Decision shall be selected with the participation and express approval of the Commission.

Article 5

Rules of procedure

1. The chairman of the performance review body shall be appointed by the Commission before the first meeting of the body.
2. The advices by the performance review body to the Commission shall be adopted by simple majority voting.
3. The performance review body shall adopt its rules of procedure, subject to approval by the Commission after consultation of the Single Sky Committee.

Article 6

Financing

1. The tasks referred to in Article 2(1) shall be financed from the budget of the European Union, where possible within the framework of existing contractual arrangements. They shall initially be financed under the Framework Agreement signed on 19 November 2009.

2. The tasks referred to in Article 2(2) shall be subject to specific financing in agreement with the Member States.

Article 7

Transition between reference periods

The Commission shall, if applicable, notify in writing to Eurocontrol its intention to extend the designation at the latest eighteen months before the beginning of the following reference period.

Article 8

Early termination

1. The failure by the members of the performance review body to comply with the provisions of this Decision shall give the Commission the right to terminate their appointment as members of the performance review body.
2. The failure by Eurocontrol to comply with the provisions of this Decision shall give the Commission the right to revise or to terminate the designation upon three months prior written notice.

Article 9

This Decision is addressed to Eurocontrol.

Done at Brussels, 29.7.2010

For the Commission
Sim Kallas,
Vice-President of the Commission

