



COMMISSION IMPLEMENTING DECISION (EU) 2025/635

of 31 March 2025

laying down rules for the application of Regulation (EU) 2024/2803 of the European Parliament and of the Council as regards the Performance Review Board of the Single European Sky

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2024/2803 of the European Parliament and of the Council of 23 October 2024 on the implementation of the Single European Sky ⁽¹⁾, and in particular Article 20 thereof,

After consulting the Single Sky Committee,

Whereas:

- (1) Regulation (EU) 2024/2803 establishes an independent and impartial advisory Performance Review Board ('the Board').
- (2) Regulation (EU) 2024/2803 sets out the Board's role, tasks, composition, independence requirements, procedures, functioning and financing rules and requires that it be supported by a secretariat provided by the Commission.
- (3) Detailed rules should be laid down on the selection procedure of its members and its Chair, including the selection and eligibility criteria, as well as rules preventing conflict of interest and preserving its independence,

HAS ADOPTED THIS DECISION:

Article 1

Appointment of members

1. The members, including the Chair, of the Performance Review Board ('the Board') shall be appointed by the Director-General of the Commission's Directorate-General in charge of Mobility and Transport ('the Director-General'), on behalf of the Commission, on the basis of the requirements laid down in Article 14 of Regulation (EU) 2024/2803 and of the selection and eligibility criteria set out in the Annex to this Decision. Members shall be individuals appointed in their personal capacity.
2. The Commission shall publish a public call for expression of interest in order to establish a list of candidates to be members, and the Chair, of the Board in accordance with the requirements set out in Article 14(2) of Regulation (EU) 2024/2803. The call shall detail the selection and eligibility criteria, including the required expertise. The minimum deadline for applications shall be four weeks.
3. Following such a call for expression of interest, the Commission shall conduct a selection procedure. The selection procedure shall consist of a series of assessments of the applications, including interviews to evaluate the criteria listed in the call and to shortlist selected candidates. The Commission shall consult the Member States on the list of candidates before appointing the members, including the Chair.
4. The Director-General may establish, on behalf of the Commission, a reserve list on the basis of the list referred to in paragraph 2. The Commission shall obtain the applicants' consent before including their names on the reserve list. An applicant whose name is included on the reserve list may ask at any time to be removed from that list.

⁽¹⁾ OJ L, 2024/2803, 11.11.2024, ELI: <http://data.europa.eu/eli/reg/2024/2803/oj>.

5. A member who is no longer capable of contributing effectively to the work of the Board, who resigns or who no longer complies with the conditions set out in Article 14 of Regulation (EU) 2024/2803 and in this Decision shall be replaced by a person from the reserve list. That person shall be appointed in accordance with the provisions of paragraph 1 for the remainder of the outgoing member's term of office.

6. Where there is no suitable person on the reserve list to replace the member referred to in paragraph 5, a new call for expression of interest shall be published and a selection procedure shall subsequently be conducted in accordance with paragraphs 1, 2 and 3. In such case, the non-renewable term of office of the new member shall be five years.

7. The Commission shall inform the Member States of the results of the calls for expression of interest and of the lists referred to in paragraphs 3 and 4.

8. The names of individuals appointed as members of the Board, including the Chair, shall be published in the *Official Journal of the European Union*.

Article 2

Independence and absence of conflicts of interest

1. When performing their duties, the Board and its members shall act in accordance with Article 15 of Regulation (EU) 2024/2803. Members shall sign a statement by which they undertake to exercise their functions on the Board with impartiality, acting independently of any external influence and in the public interest.

2. Members shall not delegate their responsibilities to any other person.

3. Individuals applying to be appointed as members shall disclose, as part of their application, any circumstances that could give rise to a conflict of interest by submitting a declaration of interests ('DOI') form and an up-to-date curriculum vitae. The DOI form shall be based on a standard DOI form set out in the call for expression of interest referred to in Article 1(2). Submission of a duly completed DOI form shall be necessary for an individual to be eligible to be appointed as a member of the Board.

4. The DOI form shall consist of a series of standard questions. In their answers to the questions, individuals who wish to be appointed as members of the Board will be required to disclose at least any relevant professional and financial interests and any situation where their interests may compromise or may reasonably be perceived to compromise their capacity to act impartially and in the public interest as a member of the Board. Each individual shall assume full responsibility for the content of the declaration submitted.

5. Individuals who disclose an interest which could potentially compromise their independence shall be asked to supply further details. Disclosure of an interest in the DOI form does not automatically disqualify the individual concerned, but the Commission services shall screen the answer in order to determine if a conflict of interest exists.

6. For the purposes of assessing whether there could be any conflict of interest, at least the following factors shall be taken into account:

- (a) the nature, type and importance of the individual's interest;
- (b) the degree to which the interest may be reasonably expected to influence the individual's advice and the overall decision-making process of the Board.

An interest shall be considered to be insignificant or minimal where it is unlikely to compromise or to be reasonably perceived as compromising the individual's capacity to act impartially and in the public interest when advising the Commission.

7. Where the Commission services conclude that an individual's interests may compromise or be reasonably perceived as compromising their capacity to act independently and in the public interest when providing advice to the Commission, one of the following measures shall be taken to deal with the conflict, depending on the specific circumstances:

- (a) the individual's application shall not be retained. In such case the Commission services shall inform the individual about the outcome of the conflict of interest assessment;
- (b) during the term of office, the individual's appointment as member of the Board shall be made subject to specific restrictions, such as the expert's exclusion from certain meetings or activities carried out by the Board, or both, in particular participation in drafting opinions or recommendations, or the expert's abstention from discussing specific items on the agenda or from any vote taken on those items, or both.

8. Members shall promptly inform the Commission of any relevant change in the information previously provided, including as regards upcoming activities, in which case they shall immediately submit a newly completed DOI form describing the change. The Commission services shall assess such new DOI in due course. The Chair of the Board shall, at the first meeting of each calendar year, remind all members of the requirements of this paragraph.

9. The Commission shall make the DOI form of appointed members publicly available through a dedicated website. Technical measures shall be taken to ensure that DOI forms do not appear in search engines' search results.

Article 3

Functioning and working method

1. The Chair shall act as the representative of the Board and preside over its meetings.
2. The Board shall adopt its own rules of procedure and set up its working arrangements. The rules of procedure may be adopted and working arrangements set up once the Director-General has verified, on behalf of the Commission, that they are in accordance with the Commission's internal rules for expert groups and that they ensure that the activities resulting from those rules and working arrangements are compatible with the available budget.
3. As regards the working arrangements referred to in paragraph 2, the Board shall adopt:
 - (a) the arrangements for its cooperation with the national supervisory authorities and with the Board established in Article 18 of Regulation (EU) 2024/2803;
 - (b) the arrangements for its engagement with operational stakeholders;
 - (c) a data management plan laying down data collection and storing processes, including to ensure compliance with confidentiality rules.
4. The Board shall work on the basis of an annual work programme which it shall establish in accordance with the Commission's priorities, after verification by the Director-General, on behalf of the Commission, that the requirements set out in Article 16(4) of Regulation (EU) 2024/2803 are fulfilled.
5. For the purpose of examining specific issues relevant to its work, the Board may set up sub-groups from among its members, on the basis of terms of reference which it shall determine after verification by the Director-General, on behalf of the Commission, that setting up such sub-groups is compatible with the available budget. Sub-groups shall be dissolved as soon as their mandate is fulfilled.
6. The Board, as well as its sub-groups, shall meet at the premises of the Commission. However, in exceptional cases meetings may be held elsewhere or online.
7. The attendance of members of the Board at its meetings, as well as at those of its sub-groups, is mandatory. Absences shall be covered by a justification which shall be sent to the Chair and the Secretariat.
8. The Board shall ensure, with the support of the Secretariat, that its methodology reflects the latest scientific standards.

9. Where Eurocontrol or the European Union Aviation Safety Agency are identified as the appropriate data provider, the Commission shall establish appropriate arrangements with Eurocontrol or the European Union Aviation Safety Agency for the collection, examination, validation and dissemination of that data. Such arrangements shall ensure that the Board has continuous access to that data.

Article 4

Confidentiality

1. Members are bound by the obligation of professional secrecy and by the Commission's rules on security regarding the protection of Union classified information, laid down in Commission Decisions (EU, Euratom) 2015/443 ^(?) and (EU, Euratom) 2015/444 ^(?).
2. Members shall sign a written declaration of confidentiality at the beginning of their term of office.

Article 5

Transparency

The Commission shall publish all of the Board's opinions, recommendations, reports and guidance material, including the annual report and the annual work programme, on a dedicated website.

Article 6

Financing

1. Members of the Board shall be entitled to a special allowance of EUR 100 per working hour with a maximum of EUR 800 per working day. The payment shall be made in euro. The amounts of the special allowance shall be updated automatically every five years after the entry into force of this Decision, based on the annual inflation index/rate in the Eurostat Harmonised Index of Consumer Price for the euro area.
2. Travel and subsistence expenses incurred by members shall be reimbursed by the Commission in accordance with Commission Decision C(2007) 5858 ^(*). Those expenses shall be reimbursed within the limits of the available appropriations allocated under the annual procedure for allocating resources.
3. The costs corresponding to the allowances and reimbursements referred to in paragraphs 1 and 2 shall be financed in accordance with Article 242 of Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council ^(?).

^(?) Commission Decision (EU, Euratom) 2015/443 of 13 March 2015 on Security in the Commission (OJ L 72, 17.3.2015, p. 41, ELI: <http://data.europa.eu/eli/dec/2015/443/oj>).

^(?) Commission Decision (EU, Euratom) 2015/444 of 13 March 2015 on the security rules for protecting EU classified information (OJ L 72, 17.3.2015, p. 53, ELI: <http://data.europa.eu/eli/dec/2015/444/oj>).

^(*) Commission Decision of 5 December 2007 on the rules on the reimbursement of expenses incurred by people from outside the Commission invited to attend meetings in an expert capacity, C(2007) 5858.

^(?) Regulation (EU, Euratom) 2024/2509 of the European Parliament and of the Council of 23 September 2024 on the financial rules applicable to the general budget of the Union (OJ L, 2024/2509, 26.9.2024, ELI: <http://data.europa.eu/eli/reg/2024/2509/oj>).

Article 7

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 31 March 2025.

For the Commission
The President
Ursula VON DER LEYEN

ANNEX

The selection and eligibility criteria for the members of the Performance Review Board shall include the following:

- (a) proven and relevant expertise, competence and high-level professional experience of the applicant, in areas relevant to air traffic management, air navigation services or the economic regulation of network industries;
- (b) balanced representation of competence and expertise for all key performance areas, as well as balanced representation of gender and geographical origin;
- (c) knowledge in relevant fields including, but not limited to the following:
 - (i) Union aviation policy and applicable legislation;
 - (ii) operational management of aviation or air traffic control, or both, and a thorough understanding of airline and airport operations;
 - (iii) military mission requirements and military operations management;
 - (iv) Single European Sky Air Traffic Management Research deployment management and Union funding mechanisms;
 - (v) benchmarking, cost-benefit analysis techniques, and financial planning;
 - (vi) air navigation services charging mechanisms, accounting and economic regulation;
 - (vii) interdependencies between cost and the other performance areas as well as between civil and military requirements;
 - (viii) identification of safety risks and safety performance measurement;
 - (ix) measurement of environmental and climate performance (addressing, among others, aviation environmental and climate impact);
 - (x) interactions with adjoining airspace to the Single European Sky area, including hot spots and flow management;
- (d) the capability to analyse and assess interdependencies and interactions between the performance areas and to propose and assess future performance targets on the basis of the planned operational and technological improvements;
- (e) the capacity to communicate on complex economic and technical matters;
- (f) appropriate language skills, enabling the applicant to participate fully and effectively in the Performance Review Board;
- (g) independence and absence of conflicts of interest.
