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## Nru. 63

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13. 1. 89

### MALTA

#### KAMRA TAD-DEPUTATI

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ABBOZZ ta' Ligi mressaq mill-Onorevoli Guido de Marco, M.P., Viċi Prim Ministru u Ministru ta' l-Intern u Gustizzja u moqri għall-Ewwel darba fis-Seduta tad-19 ta' Diċembru, 1988.

**ATT biex jipprovdi għas-shubija ta' Malta fil-Eurocontrol.**

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**P. MUSCAT TERRIBILE**  
*Skriwan tal-Kamra tad-Deputati*

#### HOUSE OF REPRESENTATIVES

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A BILL introduced by the Honourable Guido de Marco, M.P., Deputy Prime Minister and Minister of the Interior and Justice and read the First time at the Sitting of the 19th December, 1988.

**AN ACT to provide for Malta's membership to Eurocontrol.**

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**P. MUSCAT TERRIBILE**  
*Clerk to the House of Representatives*

## ABBOZZ TA' LIĠI

### msejjah

*ATT biex jipprovdi għas-shubija ta' Malta fil-Eurocontrol.*

IL-PRESIDENT, bil-parir u l-kunsens tal-Kamra tad-Deputati, imlaqqgħa f'dan il-Parlament, u bl-awtorità ta' l-istess, hareġ b'liġi dan li ġej:—

1. (1) Dan l-Att jista' jissejjah l-Att ta' l-1988 dwar l-Euro-  
kontroll. Titolu fil-qosor  
u bidu fis-sehh.

(2) Id-dispożizzjonijiet ta' dan l-Att, hlief għal dan l-artikolu u l-artikoli 2 u 14, għandhom jibdew isehħu f'dik id-data li l-Ministru jista', b'avviż fil-Gazzetta, jistabbilixxi, liema data tkun il-jum li fih il-*Convention* u l-*Multilateral Agreement* jibdew isehħu dwar Malta wara li Malta taċċedi għalihom.

2. F'dan l-Att, kemm-il darba r-rabta tal-kliem ma tehtiegħ  
xort'ohra — Tifsir.

“Agency” tfisser l-*Air Traffic Services Agency* kompriza fil-*Eurocontrol*, li l-Istatut tagħha huwa anness mal-*Convention*;

“awtorità rilevanti”, b'riferenza għal Stat Kontraenti, tfisser —

(a) kull qorti jew tribunal li, skond il-liġi ta' l-Istat, ikollhom ġurisdizzjoni li jiddeċiedu kwestjonijiet dwar jekk somma tkun jew ma tkunx dovuta lil *Eurocontrol* dwar servizzi ta' navigazzjoni fl-ajru provduti minn *Eurocontrol* jew xi persuna ohra;

(b) kull awtorità amministrattiva li, skond dik il-liġi, ikollha ġurisdizzjoni li tiehu, jew li tkun xort'ohra awtorizzata

li tieġu, deċiżjonijiet dwar dawk il-kwestjonijiet li jkunu deċiżjonijiet li f'dak l-Istat ikunu sugġetti għal appell lil, jew reviżjoni minn, qorti jew tribunal;

(ċ) kull qorti jew tribunal li, skond dik il-liġi, ikollhom ġurisdizzjoni li jiddeċiedu kull appell minn, jew li jeseġwixxu reviżjoni ta', deċiżjoni magħmula dwar kwestjoni tali minn awtorità rilevanti oħra;

"*Commission*" tfisser il-*Permanent Commission for the safety of air navigation*, li tikkostitwixxi l-organu responsabbli għall-formulazzjoni tal-*policy* ġenerali ta' *Eurocontrol*;

"*Convention*" tfisser il-*Convention relating to Co-operation for the Safety of Air Navigation (Eurocontrol)*, iffirmata fi Brussels fit-13 ta' Diċembru, 1960, kif murija fl-Ewwel Skeda li tinsab ma' dan l-Att, kif emendata bl-*Additional Protocol* għal magħha iffirmat fi Brussels fis-6 ta' Lulju, 1970, kif muri fit-Tieni Skeda li tinsab ma' dan l-Att, li mbagħad ġie emendat bl-*Amendment of the Additional Protocol* iffirmat fi Brussels fil-21 ta' Novembru, 1978, kif muri fit-Tielet Skeda li tinsab ma' dan l-Att, u kif emendat bil-*Protocol amending the Convention*, magħmul fi Brussels fit-12 ta' Frar, 1981, kif muri fir-Raba' Skeda li tinsab ma' dan l-Att;

"debitur kanonizzat" tfisser il-persuna li kontra tagħha d-deċiżjoni ġiet mogħtija; u tfisser ukoll kull persuna li kontra tagħha d-deċiżjoni hija esegwibbli;

"*Eurocontrol*" tfisser il-*European Organisation for the Safety of Air Navigation* stabbilita mill-*Convention*, u tinkludi, hliet fejn ir-rabta tal-kliem teħtieġ xort'oħra, il-*Permanent Commission for the Safety of Air Navigation* u l-*Air Traffic Services Agency* kompriża f'dik l-*Organisation*;

"kreditur kanonizzat" tfisser il-persuna li minnha nkisbet id-deċiżjoni u tfisser ukoll dawk il-jeddijiet tagħhom ġejjin minn dik il-persuna u ċ-ċessjonarji tagħha;

"*manager*", f'konnessjoni ma' ajrudrom, tfisser persuna li tkun inkarigata minnu jew li jkollha liċenza mogħtija dwaru bis-saħħa ta' l-artikolu 61 ta' l-Ordni ta' l-1961 dwar in-Navigazzjoni Kolonjali ta' l-Ajru, ippubblikat bl-Avviz Legali 10 ta' l-1963, kif miżmum fis-seħħ bl-artikolu 21 ta' l-Att ta' l-1972 dwar l-Avjazzjoni Ċivili;

"Ministru" tfisser il-Ministru responsabbli għall-avjazzjoni ċivili u, safejn tkun inghatat l-awtorità, kull persuna awtorizzata għal hekk mill-Ministru;

"*Multilateral Agreement*" tfisser il-*Multilateral Agreement Relating to Route Charges*, magħmul fi Brussels fit-12 ta' Frar, 1981, kif muri fil-*Hames* Skeda li tinsab ma' dan l-Att;

"Ordni dwar in-Navigazzjoni ta' l-Ajru" tfisser l-"Ordni ta' l-1961 dwar in-Navigazzjoni Kolonjali ta' l-Ajru";

Att XLIII  
ta' l-1972.

L.N. 10  
ta' l-1963.

“preskritt” tfisser preskritt b’regolamenti skond dan l-Att;

“qorti registratrici” b’riferenza għal xi deċiżjoni tfisser il-qorti li minnha tkun giet registrata d-deċiżjoni;

“reġistrazzjoni” tinkludi, b’żieda ma’ reġistrazzjoni bil-kitba

(a) kull diska, *tape*, *sound-track* jew apparat ieħor li fihom ikunu inkorporati hsejjes jew sinjali li (bl-ghajjnuna jew minghajr l-ghajjnuna ta’ xi strument ieħor) ikunu jistgħu jiġu riprodotti minnhom;

(b) kull *film*, *tape* jew apparat ieħor li fihom ikunu inkorporati immaġini viżwali li (kif intqal qabel) ikunu jistgħu jiġu riprodotti minnhom; u

(ċ) kull ritratt;

u kull riferenza għal kopja ta’ reġistrazzjoni tinkludi fil-każ ta’ reġistrazzjoni li taqa’ taht il-paragrafu (a) biss ta’ din it-tifsira, traskrizzjoni tal-hsejjes jew sinjali inkorporati fiha, fil-każ ta’ reġistrazzjoni li taqa’ taht il-paragrafu (b) biss ta’ din it-tifsira, riproduzzjoni fissa ta’ l-immaġini inkorporati fiha, u fil-każ ta’ reġistrazzjoni li taqa’ taht dawk iż-żewġ paragrafi, dik it-traskrizzjoni flimkien ma’ dik ir-riproduzzjoni fissa;

“servizzi ta’ navigazzjoni fl-ajru *en route*” tinkludi informazzjoni, direzzjonijiet u faċilitajiet oħra mogħtija, maħruġa jew provduti f’konnessjoni man-navigazzjoni jew moviment ta’ inġenji ta’ l-ajru;

“stallazzjonijiet” tfisser apparat biex isib, jidderiegi, jagħti ghajjnuna ta’ navigazzjoni lil, jew xort’oħra jikkomunika ma’, inġenji ta’ l-ajru fit-titjira, u tfisser ukoll apparat biex jiġi reġistrat jew proċessat materjal li jasal jew li jiġi trasmess minn dak l-apparat, u kull apparat ieħor li jintuża f’konnessjoni ma’ dak l-apparat kif imsemmi qabel;

“Stat Kontraenti” tfisser pajjiż li jkun parti jew isir parti tal-*Multilateral Agreement Relating to Route Charges*, magħmul fi Brussels fit-12 ta’ Frar, 1981;

“*State addressed*” b’riferenza għal xi deċiżjoni tfisser l-Istat li fih tintalab l-eżekuzzjoni tad-deċiżjoni;

“*State of origin*” b’riferenza għal xi deċiżjoni tfisser l-Istat li fih tkun inġenji id-deċiżjoni.

3. (1) Il-*Convention*, u l-*Multilateral Agreement* għandhom ikunu, u jkunu eżegwibbli bħala, parti mil-liġi ta’ Malta.

Eżekuzzjoni  
tal-*Convention*,  
l-*Additional*  
*Protocol*, eċċ.

(2) Meta xi liġi, li ma tkunx il-Kostituzzjoni, tkun inkonsistenti mal-*Convention* jew mal-*Multilateral Agreement*

imsemmijin hawn fuq, ghandhom jipprevalu l-imsemmija *Convention* jew il-*Multilateral Agreement*, u dik il-liġi ghandha, safejn tkun inkonsistenti, tkun bla effett.

Personalità  
ġuridika.

4. (1) *Eurocontrol* ghandu jkollha l-kapaċità ġuridika ta' korp magħqud. Hija jkollha l-jedd li takkwista jew titrasferi proprjetà mobbli jew immobbli u li tharrek jew tiġi mharrka f'xi qorti tal-liġi.

(2) Hlief fejn hemm xort'ohra provduti fil-*Convention* kull haġa li tista' tkun mehtieġa jew awtorizzata bil-liġi li ssir minn jew għal *Eurocontrol* tista' ssir minn jew għall-*Agency* f'isem *Eurocontrol*.

Provdiment  
ta' art,  
postijiet, eċċ.

5. Il-Ministru jista' jipprovdi għal *Eurocontrol* kull art, post, stallazzjonijiet, tagħmir jew servizzi (magħduda s-servizzi ta' persunal) f'Malta li jistgħu jkunu mehtieġa għall-ghanijiet ta' jew f'konnessjoni mal-funzjonijiet ta' *Eurocontrol* skond il-*Convention*.

Setgħa li  
jintalab hlas  
għal servizzi  
ta' navigazzjoni  
fl-ajru *en route*,  
eċċ.

6. (1) Il-Ministru jista' jagħmel regolamenti li jitolbu għall-pagament lil *Eurocontrol* ta' hlasijiet ta' dawk l-ammonti u f'dawk il-valuti skond kif jista' jiġi preskritt, dwar servizzi ta' navigazzjoni fl-ajru *en route* li, sew skond arrangamenti internazzjonali sew xort'ohra, jiġu provduti lil inġenji ta' l-ajru mid-Direttur ta' l-Avjazzjoni Ċivili, jew minn *Eurocontrol* jew minn xi persuna oħra.

(2) Ir-responsabbiltà għal kull hlas li jkun irid isir bis-saħħa tar-regolamenti skond is-subartikolu (1) ta' dan l-artikolu tista' tiġi mposta fuq l-operaturi jew sidien ta' inġenji ta' l-ajru, separatament jew *in solidum*, li għalihom ikunu disponibbli s-servizzi ta' navigazzjoni fl-ajru *en route* in kwestjoni (sew jekk ikunu sew jekk ma jkunux attwalment użati jew ikunu jistgħu jintużaw bl-apparat installat fl-inġenji ta' l-ajru).

(3) Ir-regolamenti taht is-subartikolu (1) ta' dan l-artikolu jistgħu jipprovdu biex hlasijiet pagabbli bis-saħħa ta' dawk ir-regolamenti jkunu hekk pagabbli fi bnadi oħra barra minn Malta u li jkunu jistgħu jingabru f'Malta kulfejn ikunu pagabbli (bla hsara għall-ġbir tagħhom bnadi oħra); u r-responsabbiltà għal xi hlasijiet pagabbli bis-saħħa ta' dawk ir-regolamenti tista' tiġi mposta fuq l-operatur jew is-sid ta' xi inġenji ta' l-ajru kemm jekk dak l-inġenji ta' l-ajru jkun jew ma jkunx reġistrat f'Malta, kemm jekk ikun f'Malta jew fuqha dak il-hin li fih jiġu provduti s-servizzi li għalihom tirreferi t-talba għall-hlas u kemm jekk dawk is-servizzi jkunu jew ma jkunux ġew provduti minn post f'Malta.

(4) Il-hlasijiet li jiġu preskritti taht dan l-artikolu ghandhom ikunu f'dawk ir-rati li l-Ministru jista' jistabbilixxi f'konformità mat-tariffi li jkunu approvati taht xi ftehim internazzjonali li tiegħu Malta tkun parti, u r-regolamenti jistgħu jippreskrivu hlasijiet differenti dwar inġenji ta' l-ajru ta' klassijiet jew deskrizzjonijiet differenti jew dwar inġenji ta' l-ajru wżati f'ċirkostanzi differenti; ir-regolamenti msemmija jistgħu wkoll jippreskrivu għall-pagament, ma' xi hlasijiet jew separatament, ta' imghax fuq il-hlasijiet dwar xi perijodu li kienu dovuti l-hlasijiet iżda ma jkunux ġew imhallsa u jistgħu jiddispensaw mill-hlasijiet f'dawk il-każi li jistgħu jiġu preskritti mir-regolamenti jew li jiġu deċiżi skond ir-regolamenti.

(5) Bil-ghan li jiffacilitaw l-istima u l-gbir ta' hlasijiet pagabbli bis-sahha tar-regolamenti taht dan l-artikolu, ir-regolamenti jistghu jipprovdu ghall-htiega biex ingenji ta' l-ajru jew *managers* ta' ajrudromi —

(a) jaghmlu dawk ir-registrazzjonijiet tal-moviment ta' l-ingenji ta' l-ajru, u ta' dawk il-partikolaritajiet l-oħra dwar l-ingenji ta' l-ajru, skond kif ikun preskritt, u jzommu dawk ir-registrazzjonijiet għal dak iż-żmien li jista' jiġi preskritt;

(b) jipprezentaw għal spezzjon minn ufficjali ta' *Eurocontrol*, f'dawk iż-żminijiet li jistghu jiġu preskritti, kull registrazzjoni li r-regolamenti jew l-Ordni ta' l-1961 dwar in-Navigazzjoni ta' l-Ajru jitolbu li għandha tinzamm minn dawk l-operaturi jew *managers*;

(c) jagħtu lil *Eurocontrol* dawk il-partikolaritajiet ta' kull registrazzjoni tali skond kif jista' jiġi preskritt.

(6) Il-htigiet imsemmija fis-subartikolu (5) ta' dan l-artikolu jistghu jiġu mposti fuq l-operatur ta' xi ingenji ta' l-ajru kemm jekk dak l-ingenji ta' l-ajru jkun jew ma jkunx registrat f'Malta, kemm jekk ikun f'Malta jew fuqha dak il-hin li fih jiġu provduti s-servizzi li għalihom tirreferi t-talba għall-hlas u kemm jekk dawk is-servizzi jkunu jew ma jkunux ġew provduti minn post f'Malta.

(7) Ir-regolamenti taht is-subartikolu (1) ta' hawn fuq jistghu jipprovdu biex —

(a) fil-każ ta' nuqqas tal-pagament ta' xi hlas dovut minn operatur skond ir-regolamenti, tiġi awtorizzata d-detenzjoni, sa ma jsir il-hlas, ta' l-ingenji ta' l-ajru li dwaru tkun saret it-talba għall-hlas jew ta' xi ingenji ta' l-ajru iehor li tiegħu il-persuna li tkun naqset tkun l-operatur fil-hin li fih tibda d-detenzjoni;

(b) tiġi awtorizzata d-detenzjoni ta' xi ingenji ta' l-ajru li tiegħu il-persuna li tkun naqset tkun l-operatur fil-hin li fih tibda d-detenzjoni, sa ma tiġi mharsa l-htiega, fil-każ ta' nuqqas tat-tharis ta' xi htiega mposta bir-regolamenti fuq l-operaturi ta' ingenji ta' l-ajru għar-rigward tal-prezentazzjoni għall-ispezzjon, jew ta' l-ghoti ta' partikolaritajiet, ta' xi registrazzjoni.

u dawk ir-regolamenti jistghu jaghmlu provvedimenti oħra skond kif il-Ministru jkun jidhirlu mehtiega jew spedjenti biex issir dik id-detenzjoni, u, fil-każ tal-paragrafu (a) ta' hawn fuq, il-bejgħ bil-qorti ta' l-ingenji ta' l-ajru sabiex jiġi sodisfatt kull hlas.

7. Il-Ministru jista' minn żmien għal żmien iħallas lil *Eurocontrol*, mill-Fond Konsolidat mingħajr xi awtorità oħra barra dan l-Att, dawk is-somom li huwa jista' jiddeċiedi, liema somom ikunu għall-hlas li Malta tkun responsabbli għalih taht il-*Convention* jew il-*Multilateral Agreement*.

Hlas lil  
*Eurocontrol*.

Immunitajiet  
u privileggi.

8. *Eurocontrol* tkun intitolata għall-immunitajiet u privileggi deskritti fil-paragrafi 2 sa 5 tat-Taqsima I tat-Tieni Skeda li tinsab ma' l-Att ta' l-1966 dwar l-Immunitajiet u l-Privileggi Diplomatici.

Invjolarabbiltà  
ta' *Eurocontrol*.

9. (1) L-immunità u l-privileggi deskritti fil-paragrafu 2 tat-Taqsima I tat-Tieni Skeda li tinsab ma' l-Att ta' l-1966 dwar l-Immunitajiet u l-Privileggi Diplomatici għandhom jistendu għal postijiet okkupati minn *Eurocontrol* li jkunu jservu, għal kollox jew prinċipalment, biex jakkomodaw l-istallazzjonijiet tagħha; u ebda sentenza jew ordni ta' xi qorti ma għandha tiġi eżegwita fuq xi haġa li tkun tiffirma parti minn dawk l-istallazzjonijiet.

(2) Is-subartikolu (1) ta' hawn fuq ma jipprekludix dħul f'xi post jew l-ispezzjon ta' xi reġistrazzjoni jew dokument meta d-*Director-General* ta' l-*Agency* jinghata avviż bil-quddiem, kull meta jkun possibbli, ta' l-eżerċizzju tas-setgħa mogħtija b'dan is-subartikolu u d-dħul jew spezzjon isir —

(a) minn uffiċjal tal-pulizija li jaġixxi fl-eżekuzzjoni ta' mandat jew proċedura legali oħra;

(b) minn Qorti ta' Inkjesta jew Spettur tad-Disgrazzji li jaġixxu skond is-*Civil Aviation (Investigation of Accidents) Regulations, 1956*, jew mar-regolamenti magħmula taħt l-artikolu 4 ta' l-Att ta' l-1972 dwar l-Avjazzjoni Ċivili; jew

(ċ) minn uffiċjal tal-pulizija li jkollu raġuni jemmen li jkun sar jew ikun qiegħed isir jew li jkun se jsir reat fuq il-post.

(3) Bla hsara għad-dispożizzjonijiet ta' qabel ta' dan l-artikolu, il-proprjetà u l-attiv ta' *Eurocontrol* ikollhom immunità mill-eżerċizzju minn xi persuna ta' xi jedd jew setgħa li taqbad jew xort'oħra tintervjeni f'dik il-proprjetà jew attiv.

(4) Ebda qorti jew tribunal f'Malta ma għandu jkollhom ġurisdizzjoni dwar xi materja li tinvolvi lil *Eurocontrol* u lil xi uffiċjal jew impjegat tagħha, meta dik il-materja tkun, bis-saħħa ta' xi ftehim internazzjonali li tiegħu Malta tkun parti, fil-ġurisdizzjoni esklussiva ta' l-*Administrative Tribunal* ta' l-*International Labour Organisation*.

(5) Għall-finijiet tas-subartikolu (4) ta' hawn fuq, ċertifikat tal-Ministru li xi materja tkun jew ma tkunx, kif imsemmi f'dak is-subartikolu, fil-ġurisdizzjoni esklussiva ta' l-*Administrative Tribunal* ta' l-*International Labour Organisation*, għandu jkun konklussiv dwar dak li jkun ġie ċertifikat.

Eżenzjoni  
minn taxxi,  
drittijiet,  
eċċ.

10. (1) Id-*Director-General* u l-istaff ta' *Eurocontrol* jkunu eżentati mill-hlas tat-taxxa fuq l-*income* u ta' kull kontribuzzjoni taħt l-Att ta' l-1987 dwar is-Sigurtà Soċjali:

Iżda l-Kummissarju tat-Taxxi Interni jista' jiehfu f'konsiderazzjoni s-salarji u pagi hekk eżentati meta jkun qed jagħmel stima tat-taxxa li għandha tithallas fuq *income* minn għejjun oħra.

(2) Id-dispożizzjonijiet tas-subartikolu (1) ta' dan l-artikolu ma japplikawx għal pensjonijiet u hlasijiet ta' kull sena mhallsa minn *Eurocontrol*.

(3) L-*Staff* ta' *Eurocontrol* għandu jkun eżentat mid-dazji u hlasijiet tad-dwana kif hemm provdut skond il-paragrafi (a) u (b) tas-subartikolu (5) ta' l-artikolu 22 tal-*Convention*.

11. (1) Il-qrati f'Malta jkollhom ġurisdizzjoni li jisimghu u jiddeċiedu talba għal hlasijiet jew imghax li jkunu jridu jithallsu lil *Eurocontrol* bis-saħħa tar-regolamenti taht l-artikolu 6 ta' dan l-Att, minkejja li l-persuna li kontra tagħha ssir it-talba ma tkunx residenti f'Malta jew xort'oħra sugġetta għall-ġurisdizzjoni tal-Qrati Maltin taht l-artikolu 742 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili.

Ġurisdizzjoni.

Kap. 12.

(2) Bla hsara għas-subartikolu (3) ta' dan l-artikolu, il-qrati f'Malta jkollhom ġurisdizzjoni li jisimghu u jiddeċiedu talba kontra l-*Eurocontrol* għal danni minkejja li dawk id-danni ma jkunux ġew ikkaġunati ġewwa l-ġurisdizzjoni ta' Malta.

(3) Id-dispożizzjonijiet tas-subartikolu (2) ta' dan l-artikolu ma għandhomx japplikaw għar-rigward ta' dannu jew inġurja mgarrbin għal kollox ġewwa jew fuq pajjiż li għalih ma japplikawx id-dispożizzjonijiet tal-*Convention* jew tal-*Multilateral Agreement*.

12. (1) Bla hsara għad-dispożizzjonijiet li ġejjin ta' dan l-artikolu, meta awtorità rilevanti fi Stat Kontraenti tkun iddeċidiet fuq jekk xi somma tkun jew ma tkunx dovuta lil *Eurocontrol* dwar servizzi ta' navigazzjoni fl-ajru *en route* provduti minn *Eurocontrol* jew minn xi persuna oħra, il-kreditur kanonizzat jista' jitlob lill-Qorti ta' l-Appell, f'kull żmien fi żmien tnax-il xahar wara d-data tad-deċiżjoni, biex id-deċiżjoni tiġi rreġistrata f'wahda mill-qrati superjuri ta' Malta.

Eżekuzzjoni ta' deċiżjonijiet barranin, eċċ. dwar servizzi ta' navigazzjoni fl-ajru *en route*.

(2) Fuq talba kif imsemmi fis-subartikolu (1) ta' dan l-artikolu, il-Qorti ta' l-Appell għandha, bla hsara għad-dispożizzjonijiet ta' dan l-artikolu, tordna li d-deċiżjoni tiġi hekk rreġistrata.

(3) Deċiżjoni ma tiġix rreġistrata kif intqal qabel jekk ma tkunx deċiżjoni deskritta fl-Artikolu 15 tal-*Multilateral Agreement* jew jekk tkun deċiżjoni li taqa' fil-lista ta' l-Artikolu 16 ta' l-imsemmi *Multilateral Agreement*.

(4) Għall-finijiet ta' dan l-artikolu, proċedimenti dwar somma li tkun trid tithallas lil *Eurocontrol* għandhom jittiehdu kontra l-persuna responsabbli għall-hlas tas-somma fil-pajjiż skond l-Artikolu 13 tal-*Multilateral Agreement*, u talba kif imsemmi fis-subartikolu (1) ta' dan l-artikolu għandu jkollha magħha dawk id-dokumenti speċifikati fl-Artikolu 18 tal-*Multilateral Agreement*.

(5) Meta deċiżjoni tiġi rreġistrata taht dan l-artikolu —

(a) id-deċiżjoni għandha, mid-data tar-reġistrazzjoni, l-istess saħħa u effett, u tista' tiġi esegwita bl-istess mod daqs li kieku kienet sentenza mill-ewwel mogħtija fid-data tar-reġistrazzjoni fil-

qorti registratriċi; u r-registrazzjoni tagħha fir-Registru Pubbliku tista' ssir skond dik il-liġi, li tista' tkun fis-sehh minn żmien għal żmien, li jkollha x'taqsam mar-registrazzjoni ta' sentenzi fir-Registru Pubbliku;

(b) dik id-deċiżjoni tkun esegwibbli mill-qorti registratriċi daqs li kieku dik id-deċiżjoni kienet sentenza mogħtija minn dik il-Qorti.

(ċ) l-ispejjeż tar-registrazzjoni tad-deċiżjoni u dawk inċidentali (kompriżi l-ispejjeż sabiex tittiehed kopja awtentika tad-deċiżjoni mill-qorti jew tribunal oriġinali jew awtorità amministrattiva u sabiex issir it-talba għar-registrazzjoni) jistgħu jingabru bl-istess mod bħallikieku kienu somom li għandhom jithallsu bis-saħħa tad-deċiżjoni.

Kap. 12.

(6) Il-Bord tar-Regoli mwaqqaf skond l-artikolu 29 tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili jkollu s-setgħa li jagħmel regoli —

(a) għall-mod ta' registrazzjoni ta' deċiżjonijiet imsemmija f'dan l-artikolu;

(b) għan-notifika lid-debitur kanonizzat ta' l-avviż tat-talba għar-registrazzjoni ta' deċiżjoni taht dan l-artikolu;

(ċ) biex jagħti s-setgħa lill-qorti registratriċi, fuq talba tad-debitur kanonizzat, li tannulla r-registrazzjoni ta' deċiżjoni; u

(d) biex jissospendi l-esekuzzjoni ta' deċiżjoni irregistrata taht dan l-artikolu sakemm jagħlaq iż-żmien li fih id-debitur kanonizzat jista' jitlob l-annullament tar-registrazzjoni.

(7) F'kull kawża miġjuba quddiem qorti f'Malta fuq xi deċiżjoni li tista' tiġi ordnata r-registrazzjoni tagħha taht dan l-artikolu, l-attur m'għandux jedd jitlob l-ispejjeż tal-kawża jekk qabel ma tkunx giet miċhuda t-talba għar-registrazzjoni tad-deċiżjoni taht dan l-artikolu, jew jekk il-qorti ma tordnax xort'ohra.

(8) Xejn f'dan l-artikolu ma għandu jiftiehem li jhassar id-dispożizzjonijiet ta' l-Att dwar l-Esekuzzjoni Reċiproka ta' Sentenzi ta' Tribunali Ingliżi, u tat-Titolu V tat-Tielet Ktieb tal-Kodiċi ta' Organizzazzjoni u Proċedura Ċivili, dwar l-esekuzzjoni ta' sentenzi barranin li għalihom is-subartikolu (1) ta' dan l-artikolu ma japplikax.

Pieni.

13. (1) Kull persuna li, mingħajr raġuni xierqa, tonqos li thares xi htieġa tar-regolamenti magħmula bis-saħħa tas-subartikolu (5) ta' l-artikolu 6 ta' dan l-Att tkun hatja ta' reat u tehel meta tinsab hatja multa ta' mhux iżjed minn hames mitt lira.

(2) Kull persuna li, meta jkollha informazzjoni mogħtija lilha jew miksuba minnha bis-saħħa tar-regolamenti taht is-subartikolu (5) ta' l-artikolu 6 ta' dan l-Att, tikkax dik l-informazzjoni xort'ohra milli —

(a) bil-kunsens tal-persuna li minnha tkun inghatat jew li minghandha tkun inkisbet; jew

(b) għall-finijiet tar-regolamenti; jew

(ċ) għall-finijiet ta' xi proċedimenti li jinghataw lok mill-artikolu 6 jew mis-subartikolu (2) ta' l-artikolu 11 ta' dan l-Att, jew ta' xi proċedimenti kriminali sew jekk dawn jinghataw jew ma jinghatawx lok minn dan l-Att, jew

(d) għall-finijiet ta' xi inkjesta pubblika jew investigazzjoni ta' l-Ispettur magħmula jew esegwita skond is-*Civil Aviation (Investigation of Accidents) Regulations, 1956*, jew skond ir-regolamenti magħmula taht l-artikolu 4 ta' l-Att ta' l-1972 dwar l-Avjazzjoni Ċivili, jew

G.N. 31  
ta' l-1956.  
Att XLIII  
ta' l-1972.

(e) għall-fini ta' xi rapport ta' xi proċedimenti, inkjesta jew investigazzjoni tali kif imsemmi qabel,

tkun hatja ta' reat u tehel meta tinsab hatja multa ta' mhux iżjed minn hames mitt lira jew prigunerija għal żmien ta' mhux iżjed minn tliet xhur jew dik il-multu u prigunerija flimkien.

(3) Kull persuna li, fl-għoti skond dawk ir-regolamenti ta' xi partikolaritajiet kif deskritti fil-paragrafu (ċ) tas-subartikolu (5) ta' l-artikolu 6 ta' dan l-Att, tagħti xi partikolaritajiet li hija tkun taf li jkunu foloz f'xi materja partikolari, tkun hatja ta' reat u tehel meta tinsab hatja multa ta' mhux iżjed minn elf lira jew prigunerija għal żmien ta' mhux iżjed minn sentejn jew it-tnejn.

14. Bis-saħha ta' dan l-Att, u f'konformità mad-dispożizzjonijiet ta' l-Att ta' l-1983 dwar ir-Ratifika ta' Trattati, il-Gvern ta' Malta huwa awtorizzat li jaċċedi għall-*Convention*, u għall-*Multilateral Agreement*.

Awtorità  
għall-  
aċċessjoni  
għall-  
*Convention*,  
u għall-  
*Multilateral  
Agreement*.

15. (1) L-Iskedi li jinsabu ma' dan l-Att għandhom ikunu fl-ilsien Inġliż biss.

Ilsien ta'  
l-Iskedi u  
regolamenti.

(2) Ir-regolamenti li jsiru taht id-dispożizzjonijiet ta' dan l-Att jistghu isiru fl-ilsien Inġliż biss.

(Artikoli 2, 14)

**BRUSSELS CONVENTION 1960****Incorporating Annexes and Protocols****Convention relating to Co-operation for the Safety of Air Navigation (Eurocontrol)<sup>1</sup>, Brussels, 13th December 1960**

*Note.* The convention is drawn up in the German, English, French and Dutch languages of which, in the case of any inconsistency, the French text is to prevail. Only the English text is reproduced here.

*Arrangement of Contents*

"Eurocontrol" International Convention relating to Cooperation for the Safety of Air Navigation

Annex I.—Statute of the Agency

Annex II.—List of Contracting Parties referred to in Article 37 (i) of the "Eurocontrol" Convention

Protocol of Signature of the "Eurocontrol" International Convention relating to co-operation for the Safety of Air Navigation

Protocol as to the Transitional Period preceding the coming into force of the "Eurocontrol" Convention

THE FEDERAL REPUBLIC OF GERMANY,

THE KINGDOM OF BELGIUM,

THE FRENCH REPUBLIC,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

THE GRAND DUCHY OF LUXEMBOURG,

THE KINGDOM OF THE NETHERLANDS,

CONSIDERING that the entry into service and general employment of turbine-engined transport aircraft may give rise to far-reaching changes in the organisation of air traffic control,

CONSIDERING that, from the operational standpoint, modern types of aircraft are characterised:

by high speeds,

by the necessity, for reasons of economical operation, of being able to make an uninterrupted climb at high speed to optimum operating altitudes and of remaining at those altitudes until a point as near as possible to the destination of the aircraft has been reached,

CONSIDERING that those characteristics imply not only the adaptation or reorganisation of existing control methods and procedures but also the creation, above a certain level, of new flight information regions organised in whole or in part into control areas,

CONSIDERING that, having regard to the rapid progress in the technical development of such aircraft, the control of air traffic at a high altitude can no longer be envisaged within the restricted framework of national frontiers, in the case of the majority of European countries,

CONSIDERING therefore that it is expedient to create an international control organisation operating in respect of air space which extends beyond the limits of the territory of a single State,

CONSIDERING that in so far as pertains to the lower air space it may be of advantage in certain cases to entrust the air traffic services in part of the territory of one Contracting Party to the aforesaid international organisation or to another Contracting Party,

CONSIDERING moreover that internationalised control presupposes the adoption of a common policy and the standardisation of regulations based on the Standards and Recommended Practices of the International Civil Aviation Organisation (ICAO), due regard being paid to the requirements of national defence,

CONSIDERING furthermore that it is highly desirable to co-ordinate the action taken by the States in respect of the training of personnel of the air navigation services and in the field of study and research relating to air traffic problems,

HAVE AGREED as follows:

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<sup>1</sup> For parties see Part I Status, ante. The Protocol, signed on 12th February 1981, amending the Convention is printed in the chronological order, post.

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#### ARTICLE 1

(1) The Contracting Parties agree to strengthen their co-operation in matters of air navigation and in particular to provide for the common organisation of the air traffic services in the upper air space.

(2) For this purpose they hereby establish a "European Organisation for the Safety of Air Navigation" (EUROCONTROL), hereinafter called "the Organisation". The Organisation shall comprise two organs:

- a "permanent Commission for the safety of air navigation", hereinafter called "the Commission";
- an "air traffic services Agency", hereinafter called "the Agency", of which the Statute is annexed to the present Convention.

(3) The seat of the Organisation shall be at Brussels.

#### ARTICLE 2

(1) Any one of the Contracting Parties may, in respect of the lower air space, and having regard to practical operational requirements, request a decision from the Commission that the air traffic services for the whole or part of its lower air space be entrusted to the Organisation or to another Contracting Party.

(2) In the latter case, the abstention of a third Contracting Party shall not form an obstacle to the validity of the decision of the Commission, notwithstanding the provisions of paragraph (2) of Article 8 of the present Convention.

(3) The provisions of this Article which relate to the option of any one Contracting Party to entrust to another Contracting Party the air traffic services for the whole or part of its lower air space shall not be deemed to limit the right of the Contracting Parties to conclude with one another bilateral agreements for the same purpose.

#### ARTICLE 3

For the purposes of the present Convention the expression "air traffic" comprises civil aircraft and those military, customs and police aircraft which conform to the procedures of the International Civil Aviation Organisation (ICAO).

ARTICLE 4

The Organisation shall have legal personality. In the territory of the Contracting Parties it shall have the fullest legal capacity to which corporate bodies are entitled under national law; it shall *inter alia* have the right to acquire or transfer movable or immovable property and to go to law. Except as otherwise provided in the present Convention or the Statute annexed thereto, it shall be represented by the Agency which shall act in its name. The Agency shall administer the property of the Organisation.

ARTICLE 5

The Commission shall be composed of representatives of the Contracting Parties. Each Contracting Party shall be entitled to two representatives but shall have one vote only.

ARTICLE 6

(1) The aim of the Commission shall be to promote, in co-operation with the national military authorities, the adoption of measures and the installation and operation of facilities designed to:

- ensure the safety of air navigation,
- ensure an orderly and rapid flow of air traffic,

within defined air space under the sovereignty of the Contracting Parties or in respect of which the air traffic services have been entrusted to those Parties under international agreements.

(2) For this purpose the Commission shall be responsible for:

- (a) the study, on the basis of the Standards and Recommended Practices of the International Civil Aviation Organisation and having regard to the requirements of national defence, of the standardisation of national regulations governing air traffic and the standardisation of the operation of the services responsible for ensuring the safety and regulation of air traffic;
- (b) the promotion of a common policy to be followed in respect of radio aids, telecommunications and corresponding airborne equipment, destined to ensure the safety of aircraft;
- (c) the promotion and co-ordination of studies relating to air navigation services and installations in order to take account of technical developments; and, if necessary, the study of amendments to the Regional Air Navigation Plans to be submitted to the International Civil Aviation Organisation;
- (d) the determination, in accordance with the provisions of Article 38 of the present Convention, of the configuration of the air space in respect of which the air traffic services are entrusted to the Agency; the exercise of the powers which devolve upon the Commission under Article 2 of the present Convention;
- (e) the determination of the policy to be followed by the Agency in respect of remuneration for services rendered to users, and, where applicable, the approval of the tariffs and conditions of application of charges established by the Agency;
- (f) the study of measures designed to facilitate the financing of investments required for the functioning of the Agency or more generally of the services of the Contracting Parties which participate in the work of ensuring the safety of air navigation;

- (g) the exercise of the power of general supervision of the activities of the Agency in application of Article 20 of the present Convention and of Article 8, Article 9, Article 10, Article 11, Article 12, Article 13 paragraph (3) (a), Article 14 paragraph (2), Article 17 paragraph (2), Article 23 paragraphs (2) and (4), Article 28 paragraph (3), Article 29 paragraphs (1) and (3), Article 30 paragraph (1), Article 34 paragraph (1) and Article 37 of the Statute annexed hereto.

#### ARTICLE 7

For the accomplishment of its task, the Commission:

- (a) shall formulate recommendations in cases falling within the scope of paragraph (2) (a), (b) and (c) of Article 6 of the present Convention;
- (b) shall take decisions in cases falling within the scope of paragraph (1) of Article 2, paragraph (2) (d) of Article 6, paragraph (2) of Article 9, paragraph (2) of Article 12 and Article 13 of the present Convention;
- (c) shall give directives to the Agency in cases falling within the scope of paragraph (2) (e) and paragraph (2) (f) of Article 6 and of Article 20 and Article 31 of the present Convention;
- (d) shall take all the necessary measures for the exercise of the functions which devolve upon it under paragraph (2) (g) of Article 6 of the present Convention;
- (e) shall, where necessary, refer disputes to the arbitral tribunal for which provision is made in paragraph (1) of Article 33 of the present Convention.

#### ARTICLE 8

(1) Recommendations shall be formulated by a majority of the members of the Commission. The representatives of the Contracting Parties concerned shall propose to the competent authorities of their respective countries all the necessary measures for the implementation of the recommendations which they have agreed to on the Commission.

(2) Decisions shall require the unanimous vote of the Commission. They shall have binding effect for each of the Contracting Parties.

(3) The directives of the Commission shall require a majority of the votes of the Contracting Parties, it being understood:

that those votes shall be subject to the weighting prescribed in the table in Article 9 hereunder which weighting is based on the Gross National Products of the Contracting Parties,

that those votes shall represent the majority of the Contracting Parties.

(4) The conclusions arising from deliberations under paragraphs (d) and (e) of Article 7 shall be adopted in accordance with the rules specified in paragraph (3) of this Article, except in cases where different rules are applicable under express provisions of the Convention or of the Statute annexed thereto.

#### ARTICLE 9

(1) The weight table referred to in the preceding Article is as follows [see over]

(2) The Gross National Product (GNP) to be used for the calculations shall be obtained from the statistics compiled by the Organisation for European Economic Co-operation (OEEC)<sup>1</sup>—or failing that by any other body affording equivalent guarantees and designated under a decision of the Commission—by calculating the arithmetical mean for the last three years for which those statistics are available. The value of the Gross National Product (GNP) shall be that which is calculated on the basis of factor cost and current prices.

(3) The numbers of votes shall be established initially by reference to the [following] weight table and in accordance with the rule, given in paragraph (2) of this Article, for determining the Gross National Product, and the numbers so established shall take effect from the date of entry into force of the present Convention.

(4) In the case of the accession of a new State, the numbers of votes of the Contracting Parties shall be re-established in accordance with the same procedure.

(5) The numbers of votes shall in all cases be re-established, under the same conditions, when three years have elapsed since the date on which those numbers were last established.

WEIGHT TABLE

Gross National Product (GNP) according to factor cost and current prices in thousands of millions of new French francs		Number of votes
Less than	10	1
From 10	inclusive to 20 exclusive	2
From 20	inclusive to 30 exclusive	3
From 30	inclusive to 46 $\frac{2}{3}$ exclusive	4
From 46 $\frac{2}{3}$	inclusive to 63 $\frac{1}{3}$ exclusive	5
From 63 $\frac{1}{3}$	inclusive to 80 exclusive	6
From 80	inclusive to 110 exclusive	7
From 110	inclusive to 140 exclusive	8
From 140	inclusive to 200 exclusive	9
From 200	inclusive to 260 exclusive	10
From 260	inclusive to 320 exclusive	11
From 320	inclusive to 380 exclusive	12

and thereafter one additional vote for each additional increase of sixty thousand million new French francs, or fraction thereof, in the GNP specified above.

1 Now replaced by the Organisation for Economic Co-operation and Development (OECD).

#### ARTICLE 10

(1) The Commission shall establish its rules of procedure which shall be adopted unanimously.

(2) Those rules shall include *inter alia* the rules relating to the office of President, to the establishment of working groups and to the working languages of the Commission.

#### ARTICLE 11

The staff and facilities required for the operation of the Commission shall be made available to it by the Agency.

#### ARTICLE 12

(1) The Commission shall maintain with the appropriate States and international Organisations the necessary relations for the realisation of the aims of the organisation.

(2) The Commission shall in particular, subject to the rights conferred upon the Agency under Article 31 of the present Convention, be alone empowered to conclude on behalf of the Organisation those agreements with international Organisations, member States of the Organisation or other States which are necessary for the execution of the tasks entrusted to it by the present Convention and for the functioning of the organs established by that Convention or created for the purpose of its application.

## ARTICLE 13

Agreements may be concluded between the Organisation and any State which is not a Party to the present Convention but which is desirous of using the services of the Agency. In such cases, action shall be taken by the Commission on a report being submitted by the Agency.

## ARTICLE 14

The Contracting Parties shall entrust to the Agency the air traffic services in the air space defined in accordance with the provisions of paragraph (2) (d) of Article 6 and of Article 38 of the present Convention.

## ARTICLE 15

(1) The character of public interest shall where necessary be recognised, in accordance with national law and with the consequences which result from the provisions of that law relating to expropriation in the public interest, as regards the acquisition of immovable property necessary for the siting of the Organisation's installations, subject to the agreement of the Government concerned. The procedure of expropriation for reasons of public interest may be set in motion by the competent authorities of the State concerned, in accordance with its national law, for the purpose of acquiring such property failing amicable agreement.

(2) In the territory of the Contracting Parties where the procedure referred to in the preceding paragraph is not in existence, the Organisation may have the benefit of those procedures for compulsory purchase which can be used for the benefit of civil aviation and telecommunications.

(3) The Contracting Parties recognise the right of the Organisation to benefit, in respect of any installations and services established on its behalf in their respective territories, from the application of national law as to those restrictions on the rights of owners of immovable property which may exist in the public interest for the benefit of national services for the same purpose and in particular as to easements in the public interest.

(4) The Organisation shall bear the expenses consequent upon the application of the provisions of this Article, including the compensation payable in accordance with the law of the State in the territory of which the property is situated.

## ARTICLE 16

The Contracting Parties shall, to the extent that they are competent to do so, and in particular in respect of the allocation of radio frequencies, take the necessary measures to ensure that the Organisation can accomplish all those operations which fulfil its purpose.

## ARTICLE 17

(1) For the accomplishment of its task, the Agency shall apply for the purpose of air traffic control the regulations in force in the territories of the Contracting Parties and in the air space in respect of which the air traffic services have been entrusted to them under international agreements to which they are parties.

(2) In case of difficulty in applying the provisions of the preceding paragraph, the Agency shall bring the matter before the Commission which shall make recommendations to the Contracting Parties regarding the necessary measures to be taken, under the conditions prescribed in paragraph (2) (a) of Article 6 of the present Convention.

## ARTICLE 18

For the accomplishment of its task and within the limits of the powers conferred on the air traffic services, the Agency shall give all necessary instructions to aircraft commanders. The aircraft commanders shall be bound to comply with those

instructions, except in the cases of *force majeure* provided for in the regulations referred to in the preceding Article.

ARTICLE 19

Infringements of the air navigation regulations committed in the air space in which the air traffic services have been entrusted to the Agency shall be recorded in reports by officers specially authorised by the Agency for that purpose, without prejudice to the right under national law of officers of the Contracting Parties to report infringements of the same nature. The reports referred to above shall have the same effect in national courts as those drawn up by national officers qualified to report infringements of the same nature.

ARTICLE 20

The Agency shall establish, where applicable, in application of the directives of the Commission formulated in accordance with the provisions of paragraph (2) (c) of Article 6 of the present Convention, the tariffs and conditions of application of those charges which the Organisation is entitled to collect from users. The Agency shall submit those tariffs and conditions for the approval of the Commission.

ARTICLE 21

(1) The Organisation shall be exonerated, in the State in which its seat is located and in the territories of the Contracting Parties, from all duties, taxes and charges in respect of its creation, dissolution or liquidation.

(2) The Organisation shall be exonerated from any duties, taxes and charges entailed by the acquisition of the immovable property required for the accomplishment of its task.

(3) The Organisation shall be exonerated from all direct taxes applicable to it, its property, assets and income.

(4) The Organisation shall be exonerated from any indirect fiscal charges consequential on the issue of loans and incident upon the Organisation.

(5) It shall be exonerated from any taxation of an exceptional or discriminating nature.

(6) The exonerations provided for in this Article shall not apply to taxes and charges collected as payment for public utility services.

ARTICLE 22

(1) The Organisation shall be exonerated from all customs duties and taxes or charges of equivalent effect, other than charges in respect of services rendered, and shall be exempt from any import or export prohibition or restriction in respect of materials, equipment, supplies and other articles imported for the official use of the Organisation and destined for the buildings and installations of the Organisation or for its functioning.

(2) The goods so imported may not be sold, loaned or transferred, either without payment or against payment, in the territory of the Party into which they have been introduced, except under the conditions fixed by the Government of the Contracting Party concerned.

(3) Any control measures deemed to be expedient may be taken to ensure that the materials, equipment, supplies and other articles referred to in paragraph 1 and imported for consignment to the Organisation have been effectively delivered to that Organisation and are effectively used for its official buildings and installations or for its functioning.

(4) Furthermore, the Organisation shall be exonerated from all customs duties and exempt from any import or export prohibition or restriction in respect of the publications falling within the scope of Article 36 of the Statute annexed hereto.

## ARTICLE 23

(1) The Organisation may hold any currency and have accounts in any currency in so far as is necessary for the execution of the transactions required for its purpose.

(2) The Contracting Parties undertake to give the Organisation the necessary authorisations for all the transfers of funds, in accordance with the conditions prescribed under national regulations and international agreement as applicable, entailed by the establishment and activity of the Organisation, including the issue and service of loans when the issue of those loans has been authorised by the Government of the Contracting Party concerned.

## ARTICLE 24

(1) The Agency may call upon the services of qualified persons who are nationals of the Contracting Parties.

(2) The Contracting Parties shall apply to the persons referred to in the preceding paragraph the regulations relating to immigration, or other formalities regarding the registration of aliens, in such manner that the said regulations or formalities cannot place an obstacle in the way of admission to the country, exercise of a function at the Agency or repatriation.

(3) No exception may be made to the provisions of paragraphs (1) and (2) of this Article except for reasons of public policy, public safety or public health.

(4) Persons employed by the Organisation:

(a) shall be granted exemption from customs duties and charges, other than those in respect of services rendered, in the case of the importation of their personal effects, movable property and other household effects which are not new, which they bring from abroad on first taking up residence in the territory in question, and in the case of the re-exportation of those same effects and movable property, when they relinquish their duties;

(b) may, on taking up their duties in the territory of any one of the Contracting Parties, import their personal motor car temporarily with exemption from duty, and subsequently, and not later than on termination of their period of service, re-export that vehicle with exemption from duty, subject, however, in either event, to any conditions deemed to be necessary in each individual case by the Government of the Contracting Party concerned.

(5) The Contracting Parties shall not be obliged to grant to their own nationals the facilities provided for above.

(6) The Governments concerned shall take all the necessary measures to ensure the unrestricted transfer of net salaries.

## ARTICLE 25

(1) The contractual liability of the Organisation shall be governed by the law applicable to the contract concerned.

(2) With regard to non-contractual liability, the Organisation shall make reparation for damage caused by the negligence of its organs or of its servants in the scope of their employment in so far as that damage can be attributed to them. The foregoing provision shall not preclude the right to other compensation under national law of the Contracting Parties.

## ARTICLE 26

(1) The installations and archives of the Organisation shall be inviolable. The property and assets of the Organisation shall be exempt from any measure of requisition, expropriation or confiscation by administrative action.

(2) The property and assets of the Organisation may not be seized nor may execution be levied upon them, except by a judicial decision. The installations of the Organisation shall not, however, be seized nor shall execution be levied upon them.

(3) The provisions of this Article shall not prejudice access to the installations and archives of the Organisation by the competent authorities of the State in which the Organisation has its seat and of other countries in which those installations and archives may be situated, in order to enable judicial inquiries to be carried out and to ensure the execution of judicial decisions in their respective territories.

#### ARTICLE 27

(1) The Organisation shall collaborate at all times with the competent authorities of the Contracting Parties in order to facilitate the good administration of justice, to ensure the observance of police regulations and to prevent any abuse to which the privileges, immunities, exemptions or facilities specified in the present Convention could give rise.

(2) The Organisation shall facilitate as far as possible the execution of public works inside or in the vicinity of any immovable property allocated for its use in the territories of the Contracting Parties.

#### ARTICLE 28

(1) For the accomplishment of its task the Agency shall be empowered to construct the buildings and installations which it requires and to operate directly the air traffic services which are entrusted to it.

(2) In order, however, to reduce expenditure relating to both investment and administration, the Agency shall call upon national technical services and make use of existing national installations, whenever this is possible, in order to avoid any duplication.

#### ARTICLE 29

International agreements and national regulations relating to the admission to, flight over and security of the territory of the Contracting Parties shall be binding on the Agency which shall take all the necessary measures to ensure the application of such agreements and regulations.

#### ARTICLE 30

In order that the Contracting Parties may be able to verify that national regulations and international agreements are being applied, the Agency shall be bound to give those Contracting Parties which so request all the necessary information relating to the aircraft of which it has cognisance in the exercise of its functions.

#### ARTICLE 31

Within the scope of the directives given by the Commission, those relations which are essential for the co-ordination of air traffic and for the operation of the services of the Agency may be established by the Agency with the appropriate technical services, public or private, of the Contracting Parties, of non-contracting States or of international organisations. For that purpose, contracts of a purely administrative, technical or commercial nature, in so far as they are required for the operation of the Agency, may be entered into by the Agency, in the name of the Organisation, on condition that the Agency so informs the Commission.

#### ARTICLE 32

The Contracting Parties recognise that it is necessary for the Agency to achieve financial equilibrium and undertake to make available to it, taking into account its

own revenue, the appropriate financial resources within the limits and conditions defined in the Statute annexed hereto.

#### ARTICLE 33

(1) Any dispute which may arise either between the Contracting Parties, or between the Contracting Parties and the Organisation represented by the Commission, relating to the interpretation or application of the present Convention or of its Annexes and which it has not been possible to settle by direct negotiation or by any other method, shall be referred to arbitration on the request of any one of the parties.

(2) For that purpose, each of the parties shall in each case nominate an arbitrator, and the arbitrators shall agree on the nomination of a third arbitrator. Should one of the parties not have nominated its arbitrator within two months of the date of receipt of the request of the other party, or should the nominated arbitrators fail, within those two months, to agree on the nomination of the third arbitrator, any party may request the President of the International Court of Justice to make the nominations.

(3) The arbitral tribunal shall determine its own procedure.

(4) Each party shall bear the costs of its own arbitrator and its representation in the proceedings before the tribunal; the costs of the third arbitrator and the other costs shall be borne equally by the parties to the dispute. The arbitral tribunal may however determine a different sharing of costs if it thinks fit.

(5) The decisions of the arbitral tribunal shall be binding on the parties to the dispute.

#### ARTICLE 34

(1) The Statute of the Agency, likewise any modifications which, subject to the conditions prescribed in the present Convention and in the Statute annexed thereto, are made to the aforesaid Statute, shall be valid and have effect in the territory of the Contracting Parties.

(2) Any modification of the provisions of the Statute shall be subject to the approval of the Commission, carried by the unanimous vote of its members.

(3) The provisions of Articles 1, 22 to 26 inclusive and 30 of the Statute annexed hereto shall not, however, be subject to modification.

#### ARTICLE 35

The Governments of the Contracting Parties concerned shall consult together on the measures to be taken to meet any emergency or war, having regard to the difficulties of applying the provisions of the present Convention in whole or in part.

#### ARTICLE 36

The Contracting Parties undertake to ensure the application to the Agency of current statutory provisions designed to ensure the continuity of public services.

#### ARTICLE 37

(1) The present Convention shall apply:

- (a) (i) with respect to the Contracting Parties listed in Annex II, to their territories as defined in the said Annex;
- (ii) with respect to the other Contracting Parties, to their territories as defined by them, with the agreement of the Commission carried by a unanimous vote, at the time of the accession of those Parties;

- (b) to any territory for the international relations of which a Contracting Party is responsible and to which the Convention has been extended under paragraph (2) of this Article.

(2)(a) The United Kingdom of Great Britain and Northern Ireland may, at the time of signature or of ratification of the present Convention or at any subsequent time, declare by a written notification addressed to the Government of the Kingdom of Belgium that the Convention shall extend to all or part of the Channel Islands and of the Isle of Man; the Convention shall then extend to the territories indicated in the notification, from the date of receipt of that notification or from any other date which may be specified therein.

(b) Subject to the unanimous agreement of the Commission and to the conclusion of a preliminary financial agreement with the Organisation, any Contracting Party may, at any time after the entry into force of the present Convention, extend the application of the Convention to any territory for the international relations of which it is responsible. It shall notify the Government of the Kingdom of Belgium of that extension; the Convention shall then extend to the territories indicated in the notification, from the date of receipt of that notification or from any other date which may be agreed with the Commission.

(3) The Government of the Kingdom of Belgium shall inform all the Contracting Parties of any extension of the Convention under paragraph (2) of this Article, and shall indicate in each case the date on which the Convention has been so extended.

#### ARTICLE 38

The Agency shall provide the air traffic services:

- (a) in the upper air space above the territories referred to in the preceding Article and also in the upper air space contiguous to the aforesaid air space and in respect of which the air traffic services have been entrusted to the Contracting Parties by international agreement, subject to the rights of the Commission under Article 6 of the present Convention;
- (b) in the lower air space as determined under Article 2 of the present Convention;
- (c) in air space which forms the subject of agreements with third States, in application of the provisions of Article 13 of the Convention.

#### ARTICLE 39

(1) The present Convention shall remain in force for a period of twenty years from the date of its entry into force.

(2) That period shall be automatically prolonged for periods of five years, provided that no Contracting Party has, by written notice to the Government of the Kingdom of Belgium at least two years before the expiry of the current period, expressed its intention of denouncing the Convention.

(3) If, in application of the foregoing, the Organisation is dissolved, it shall be deemed to exist for the purposes of its liquidation.

#### ARTICLE 40

(1) The present Convention shall be ratified.

(2) The instruments of ratification shall be deposited with the Government of the Kingdom of Belgium.

(3) The Convention shall come into force on the first day of the month following the deposit of the instrument of ratification of the last signatory State to complete that formality.

(4) Nevertheless, as soon as the Convention has been ratified by four signatory States whose territories form a coherent whole from the standpoint of the organisation of air traffic services, one of which shall be the State in which the seat of the Organisation is located, the Government of the Kingdom of Belgium shall enter into communication with the Governments concerned in order that they may decide, if they think fit, having regard to the requirements of safety, to bring the Convention into force immediately between themselves. In the case of any signatory State whose instrument of ratification is not deposited until after the entry into force of the Convention, the latter shall take effect in respect of that State only from the date of the signing of a financial agreement between that signatory State and the Organisation.

(5) The Government of the Kingdom of Belgium shall notify the Governments of the other signatory States of any deposit of an instrument of ratification and of the date of entry into force.

#### ARTICLE 41

(1) The accession to the present Convention of any non-signatory State shall be subject to the agreement of the Commission carried by a unanimous vote. Such accession shall form the subject of a preliminary financial agreement between the non-signatory State and the Organisation, in accordance with Article 24 of the Statute annexed hereto.

(2) The President of the Commission shall notify the non-signatory State of the decision to accept the accession.

(3) The instrument of accession shall be deposited with the Government of the Kingdom of Belgium which shall notify the Governments of the other signatory and acceding States.

(4) Accession shall take effect from the first day of the month following the deposit of the instrument of accession.

#### ARTICLE 42

The Government of the Kingdom of Belgium shall cause the present Convention to be registered with the International Civil Aviation Organisation.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, after presentation of their full powers, found to be in good and due form, have signed the present Convention and have affixed thereto their seals.

DONE at Brussels this 13th day of December, 1960, in the German, English, French and Dutch languages, in a single copy which shall remain deposited in the archives of the Government of the Kingdom of Belgium which shall transmit certified copies to all the signatory States. In the case of any inconsistency, the text in the French language shall prevail.

### Annex I

#### STATUTE OF THE AGENCY

##### ARTICLE 1

THE "AIR TRAFFIC SERVICES AGENCY", established by Article 1 of the International Convention relating to Co-operation for the Safety of Air Navigation dated the 13th day of December, 1960 hereinafter called "the Convention", shall be governed by the present Statute.

ARTICLE 2

(1) The purpose of the Agency shall be to provide, within the whole of the air space defined in accordance with paragraph (2) (d) of Article 6 of the Convention and with Article 38 of the Convention, air traffic services, that is to say:

- (a) to prevent collisions between aircraft;
- (b) to ensure the orderly and rapid flow of air traffic;
- (c) to provide advice and information useful for the safe and efficient conduct of flights;
- (d) to notify appropriate organisations regarding aircraft in need of search and rescue aid, and assist such organisations as required.

(2) The Agency shall install the necessary facilities for the performance of the tasks enumerated above and shall ensure their satisfactory operation.

(3) To that end, the Agency shall work in close collaboration with the military authorities in order to meet as efficaciously and economically as possible the requirements of air traffic and the special requirements of military aviation.

(4) The Agency may *inter alia* establish air traffic research and experimental centres and schools for the advanced and specialised training of personnel of air navigation services.

ARTICLE 3

Subject to the powers conferred upon the permanent Commission for the Safety of Air Navigation, established by the Convention and hereinafter called "the Commission", the Agency shall be administered by a Committee of Management, hereinafter called "the Committee", and by a Director. The powers of the Director are defined in Article 13 hereunder:

ARTICLE 4

The Committee shall be composed of representatives of each of the Contracting Parties, two representatives for each Party. Only one of the two representatives shall have the power to vote and that representative shall be a highly placed official exercising in his country responsibilities in matters of air navigation. Each representative shall have an alternate who shall validly represent him if he is unable to be present.

ARTICLE 5

The Committee shall elect a President and a Vice-President from amongst its members for a term of office of two years. These officers shall be eligible for re-election. The Committee shall appoint a Secretary who need not be one of its members. If the President is unable to be present, the meeting of the Committee shall be presided over by the Vice-President, or, in his absence, by the oldest member present.

ARTICLE 6

(1) All but one of those representatives of the Contracting Parties who are entitled to vote shall be required to form a quorum for the meetings of the Committee.

(2) If there are not sufficient numbers to form the above quorum, the deliberations shall be deferred until a meeting to be held at a later date and not earlier than ten days after the preceding meeting; the Committee shall be reconvened for the second meeting and at least half the representatives entitled to vote shall be required to form a quorum.

## ARTICLE 7

(1) The decisions of the Committee shall be carried by a majority of the votes allotted to the Contracting Parties, it being understood that those votes shall be subject to the same weighting as the votes to which the Contracting Parties are entitled on the Commission in application of Article 9 of the Convention.

(2) A proposal shall not be carried, however, unless the majority referred to in the preceding paragraph represents at least half the Contracting Parties.

(3) Should an equal number of votes be cast for and against the proposal, the President shall decide either to take a second vote during the same meeting, with or without a short suspension, or to include the proposal under deliberation in the agenda of a fresh meeting of which he shall fix the date. Should an equal number of votes again be cast during the new meeting, the President shall have a casting vote.

## ARTICLE 8

(1) The Committee shall establish its rules of procedure.

(2) Those rules shall include *inter alia* provisions relating to disqualifications. Furthermore, they shall prescribe that notices convening meetings be sent by letter or, in case of urgency, by telegram and include the agenda.

(3) The rules shall be subject to the approval of the Commission.

## ARTICLE 9

(1) The Committee shall give decisions on the technical organisation of the Agency in respect of which proposals shall be submitted to it by the Director.

(2) It shall, however, submit for the approval of the Commission, for which approval the unanimous vote of the members of the Commission shall be required:

- (a) plans relating to the number and location of control or flight information centres and to their spheres of action;
- (b) measures to establish research and experimental centres and advanced and specialised training schools or other institutions established in application of paragraph (4) of Article 2 of the present Statute.

## ARTICLE 10

Every year the Committee shall furnish the Commission with a report of the activities and financial position of the Organisation.

## ARTICLE 11

At the request of the Commission the Committee shall prepare investment and operating programmes extending over several years. The programmes shall be subject to the approval of the Commission.

## ARTICLE 12

The Committee shall draw up regulations relating to entry into contracts, including the conditions governing invitations for competitive tenders, which regulations shall be subject to the approval of the Commission.

## ARTICLE 13

(1) The Director shall be appointed for a term of office of five years by the Committee by a vote taken under the conditions prescribed in paragraphs (1) and (2) of Article 7 of the present Statute, provided that the majority calculated in accordance with the first paragraph of the aforesaid Article is not less than 70% of the weighted votes cast. His term of office may be renewed under the same conditions.

(2) The Director shall represent the Organisation in legal proceedings and for all civil purposes.

(3) Furthermore, on behalf of the Organisation and in accordance with the general directives of the Committee, but without being required to refer individual cases to the Committee:

- (a) He may appoint those officials whose gross annual salary is less than a sum determined by the Committee and approved by the Commission, and may terminate their services under the conditions prescribed in the staff regulations;
- (b) He may borrow for a term not exceeding one year, provided that the cumulative amount of such borrowing, allowing for repayments already effected, does not exceed 200,000 new francs<sup>1</sup>;
- (c) He may enter into contracts for sums not in excess of 350,000 new francs<sup>1</sup>. Nevertheless, in the case of the transfer for valuable consideration of movable property belonging to the Agency, that sum shall be limited to 50,000 new francs<sup>1</sup>;
- (d) He may purchase or transfer immovable property when the price thereof does not exceed 200,000 new francs<sup>1</sup>.

He shall keep the Committee informed of all the measures taken in the exercise of the aforesaid powers.

The Committee shall determine the conditions under which a substitute for the Director may be appointed should he be unable to perform his duties.

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<sup>1</sup> The sums indicated are applicable to the new French franc containing 200 milligrams gold millesimal fineness 900. They shall be converted into each national currency in round figures.

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#### ARTICLE 14

(1) The Committee shall draw up the Agency's staff regulations; they shall include *inter alia* provisions relating to the nationality of personnel, salary scales, disqualifications for office, professional secrecy, continuity of the service and authority to report infringements, and they shall define those posts which may not be held in plurality with any other without the special authorisation of the Director.

(2) The aforesaid regulations shall be submitted to the Commission for its approval by unanimous vote.

#### ARTICLE 15

(1) The Agency shall be empowered to recruit personnel directly only if the Contracting Parties are unable to make qualified personnel available to it.

(2) A member of the personnel who is provided by a national Administration shall be subject, throughout the period of his employment by the Agency, to the Agency's staff regulations, without prejudice to the retention of those career benefits which are guaranteed by national regulations to members of the administrative group to which he belongs if they are made available to a national public body.

(3) Staff provided by a national Administration may always be returned to that Administration without the return being regarded as a disciplinary measure.

#### ARTICLE 16

(1) Estimates of all the receipts and expenditure of the Agency shall be prepared for each budgetary financial year and shall be allocated either to the operating budget or to the investment budget.

(2) Each budget shall be balanced as between receipts and expenditure. The receipts and expenditure of the Agency which relate to research and experimental centres, schools and more generally to any institutions set up under Article 2 of the present Statute shall be set forth in detail in a special statement.

(3) The conditions, other than those stipulated hereinafter, under which receipts and expenditure, shall be estimated, put into effect and controlled shall be determined by financial regulations adopted under Article 30 of the present Statute.

#### ARTICLE 17

(1) The budgetary financial year shall begin on 1 January and end on 31 December.

(2) The estimates for each budgetary financial year shall be submitted by the Committee for the approval of the Commission by 30 September every year at the latest.

#### ARTICLE 18

(1) The expenditure shown in the operating budget shall comprise *inter alia*:

- (a) the expenditure relating to personnel, maintenance and operation of the installations of the Organisation;
- (b) remuneration for services rendered to the Organisation, including expenditure in respect of the use of equipment or installations for a consideration or, should the case arise, to hire-purchase or payments by instalments;
- (c) the expenditure corresponding to the service of any loans which the Organisation is authorised to contract;
- (d) the expenditure relating to the functioning of the Commission.

(2) The conditions governing any industrial amortisation, taking into account financial amortisation, shall be defined, if necessary, for the purpose of determining the value of budgetary expenditure and the value of services rendered within the meaning of paragraph (4) of Article 30 of the present Statute, by the financial regulations referred to in the said Article.

#### ARTICLE 19

The expenditure allocated to the investment budget shall comprise the expenditure relating to the execution of the equipment programme.

#### ARTICLE 20

(1) The expenditure allocated to the operating budget shall be authorised for the term of one financial year. The corresponding credits shall be classified into chapters according to the nature or purpose of the expenditure, and subdivided, in so far as is required, in accordance with the financial regulations.

(2) Any credits under this budget, other than those relating to expenditure in respect of personnel, which have not been used by the end of the financial year may be carried forward to the next financial year, but for no longer period, subject to the conditions and limits fixed by the financial regulations. Those regulations shall in particular specify the percentage and nature of the expenditure which may be so brought forward.

ARTICLE 21

(1) The provision for investment expenditure shall comprise:

- (a) credits for commitments to expenditure, which shall cover an instalment constituting a particular unit and forming a coherent whole;
- (b) credits for payment, which shall constitute the upper limit of the expenditure in respect of which payments may be made every year to cover the commitments entered into under paragraph (a) above.

(2) The diary of commitments and payments shall be annexed to the corresponding draft budget proposed by the Committee.

(3) The credits opened under the investment expenditure shall be classified into chapters according to the nature or purpose of the expenditure, and sub-divided, in so far as is required, in accordance with the financial regulations.

(4) Any credits for payment which are available at the end of the financial year shall be carried forward to the next financial year under the conditions fixed by the financial regulations.

ARTICLE 22

The receipts of the operating budget shall comprise:

- (a) the contributions of the Contracting Parties determined in accordance with Article 23 of the present Statute;
- (b) the receipts collected from the Contracting Parties which, under Article 2 of the Convention, have entrusted to the Organisation the air traffic services for the whole or part of their lower air space;
- (c) the receipts collected from States which are not parties to the Convention and which use its services in accordance with Article 13 of the Convention;
- (d) remuneration for services rendered by the Organisation to the States for the benefit of their air traffic services in the lower air space;
- (e) any receipts in respect of remuneration for services rendered by the research and experimental centres, schools or other institutions set up under Article 2 of the present Statute;
- (f) miscellaneous receipts;

ARTICLE 23

(1) For the purpose of calculating the annual contributions of the Contracting Parties to the operating budget, the total cost of the services of the Organisation in respect of upper air space control shall be deemed to be equal to the difference between the budgetary expenditure of one financial year and the receipts, relating to the same financial year, referred to in paragraphs (b) to (f) inclusive of Article 22 of the present Statute.

That total cost shall be divided into two fractions proportional to the services rendered to the following categories of users:

- (a) civil aircraft of non-contracting States, and military, customs and police aircraft;
- (b) civil aircraft of the Contracting Parties.

(2) The Commission shall determine the above division for each financial year, on the basis of the extent of the services rendered in the upper air space to the categories of users defined above (by reference to the penultimate and ante-penultimate years).

The annual contribution of all the Contracting Parties in respect of the first fraction shall be determined by deducting from that fraction the total amount of any charges paid to the Organisation by the corresponding category of users.

(3) The share of each of the Contracting Parties shall be calculated proportionately to the value of the Gross National Products (GNP), as defined in Article 9 of the Convention, of the Contracting Parties.

(4) The formula for sharing the second fraction among the Contracting Parties shall be based on the value of the services rendered by the Organisation to civil aircraft registered in the territory of each of the Contracting Parties. The said formula shall be fixed by the Commission and revised every five years.

(5) The annual contribution of each Contracting Party shall be determined by deducting from its share, calculated by means of the above formula, the amount of any charges payable by operators in respect of the civil aircraft registered in its territory.

#### ARTICLE 24

The receipts of the investment budget shall comprise:

- (a) loans contracted by the Organisation;
- (b) any other resources, in particular those resulting from the application of Articles 40 and 41 of the Convention, in the case of the adherence of a new State or of ratification by a signatory State after the entry into force of the Convention;
- (c) financial contributions of the Contracting Parties allocated to the aforesaid budget.

#### ARTICLE 25

(1) The financial regulations shall lay down the procedures in accordance with which the Organisation may borrow and repay loans.

(2) Each annual budget shall specify the maximum amount which the Organisation may borrow during the year covered by that budget.

(3) The Organisation may borrow on the international financial markets in order to obtain the necessary resources for the accomplishment of its tasks.

(4) The Organisation may borrow on the financial markets of a Contracting Party in accordance with the statutory provisions relating to internal loans, or, in the absence of such provisions, when the Contracting Party and the Organisation have consulted together and agreed on the loan envisaged by the Organisation.

(5) In matters falling within the scope of the present Article, the Organisation shall act in agreement with the competent authorities of the Contracting Parties or with their banks of issue.

#### ARTICLE 26

(1) The contributions of the Contracting Parties to the investment budget shall be determined in accordance with Article 32 of the Convention in such manner as to cover the difference between the budgetary expenditure and the receipts referred to in paragraphs (a) and (b) of Article 24 of the present Statute.

(2) The sharing of those contributions among the Contracting Parties shall be proportional to the respective values of their Gross National Products (GNP) calculated in accordance with Article 9 of the Convention.

#### ARTICLE 27

The operating and investment budgets may be revised during the financial year, if circumstances so require, in accordance with the conditions prescribed for their preparation and approval.

ARTICLE 28

(1) Expenditure under the operating and investment budgets shall be taken into account in the budget for the year during which the documents in proof of payment are passed by the accountant of the Agency.

(2) Receipts shall be taken into account in the budget for the year during which they are encashed by the Agency.

(3) The accounts for each financial year shall be made up by the Committee not later than six months after the end of the financial year and shall be submitted for the approval of the Commission which shall have the final decision regarding them.

ARTICLE 29

(1) The accounts for all the receipts and expenditure of each budget shall be examined by a control board consisting of two expert officials belonging to the Administrations of the Contracting Parties. Those officials, who shall have different nationalities, shall be appointed for a period of five years by a vote of the Commission subject to the conditions laid down in paragraph (1) of Article 13 of the present Statute. The expenditure relating to the control board shall be borne by the Organisation.

(2) The audit, which shall be made from the vouchers and if necessary in the place where the documents are, shall be designed to establish the authenticity and regularity of the receipts and expenditure and to verify that the financial administration is satisfactory. The control board shall draw up a report after the end of each financial year.

(3) The Commission shall give the Director and the Committee discharge of their administration in respect of each of the budgets.

ARTICLE 30

(1) The financial regulations of the Agency shall be fixed by the Commission, for which purpose proposals submitted by the Agency shall be carried by the unanimous vote of the members of the Commission.

(2) In addition to the matters specified in Articles 16, 18, 20, 21, 25 and 31 of the present Statute, the financial regulations shall determine *inter alia*:

- (a) The conditions of establishing and giving effect to the budgets and the conditions of rendering and auditing accounts;
- (b) The procedures in accordance with which advances of funds and contributions shall be made available to the Organisation;
- (c) The conditions under which credits may be transferred either from chapter to chapter or from sub-division to sub-division. No expenditure relating to personnel, however, may be covered by the transfer of credits assigned to other expenditure;
- (d) The conditions under which credits may be opened for the Organisation if the operating and investment budgets have not been voted at the beginning of the financial year, and also the funds to be made available to the Organisation by the Contracting Parties, on account of the contributions.

(3) The financial regulations shall determine the rules to be followed by officers empowered to order disbursements and by accounting officers, the extent of the responsibility of such officers and the controls to which such officers are subject.

(4) The financial regulations shall determine the conditions under which the Agency shall keep analytical accounts showing the value of the services rendered, and shall establish a budgetary control by means of which the use of the credits during the financial year can be shown regularly.

## ARTICLE 31

(1) The operating and investment budgets shall be drawn up in the currency of the country in which the Organisation has its seat.

(2) The financial contributions provided for in paragraph (a) of Article 22 and paragraph (c) of Article 24 of the present Statute shall be payable in that currency. The financial regulations shall, however, determine the conditions under which the Contracting Parties may pay part of their contributions in any currency which is required by the Organisation for the accomplishment of its tasks.

(3) The financial regulations shall specify the bases to be used in determining the rates of conversion and any measures of adjustment deemed to be necessary as a result of currency fluctuations.

## ARTICLE 32

As a transitional measure, and by way of exception to Article 23 of the present Statute, the contributions of the Contracting Parties to the operating budget for the first three financial years shall be apportioned by applying the criterion of the Gross National Product, as defined in Article 9 of the Convention, to the whole of the difference defined in paragraph (1) of Article 23 of the aforesaid Statute.

## ARTICLE 33

By way of exception, an initial budget, covering the period from the date of entry into force of the Convention until the end of the calendar year, shall be established, for the first financial year, at latest two months after the entry into force of the Convention. The Contracting Parties shall be invited to make appropriate advances for working funds.

## ARTICLE 34

(1) Administrative or technical inspections of the Services of the Agency may be carried out, if so required by the Commission, acting either on its own initiative or at the request of the Committee or Director.

(2) Such inspections shall be made by officers of the Administrations of the Contracting Parties. Each inspection committee shall consist of at least two representatives of different nationalities and shall include as far as possible a representative who has taken part in a previous inspection.

## ARTICLE 35

(1) The language used for the air traffic control operations ensured by the Agency shall be the English language, subject to the subsequent adoption of an international aeronautical language by the International Civil Aviation Organisation. Nevertheless, provision shall be made for pilots to use their own language during flight over their national territories. The appropriate measures shall be taken by the Agency at the request of the Contracting Parties concerned.

(2) The Committee shall determine the administrative languages of the Agency.

## ARTICLE 36

The Agency shall publish such material as is necessary for its operation.

## ARTICLE 37

The Committee shall submit for the approval of the Commission any modifications of the Statute which are considered to be necessary by the Committee, subject to the conditions prescribed in Article 34 of the Convention.

## ARTICLE 38

The present Statute shall enter into force at the same time and under the same conditions as the Convention.

**Annex II**

(Article 37 of the Convention)

*Contracting Parties:*

The Federal Republic of Germany  
 The Kingdom of Belgium  
 The French Republic  
 The United Kingdom of Great Britain  
 and Northern Ireland  
 The Grand Duchy of Luxembourg  
 The Kingdom of the Netherlands

*Territories:*

Territory of the Federal Republic of  
 Germany.  
 Territory of the Kingdom of Belgium.  
 Metropolitan Departments of France.  
 Great Britain and Northern Ireland.  
 Territory of the Grand Duchy of  
 Luxembourg.  
 European territory of the Kingdom of  
 the Netherlands.

**Protocol of Signature of the "Eurocontrol" International Convention relating to Co-operation for the Safety of Air Navigation**

At the time of signing the International Convention relating to Cooperation for the Safety of Air Navigation, hereinafter called "the Convention", the undersigned plenipotentiaries of the Federal Republic of Germany, the Kingdom of Belgium, the French Republic, the United Kingdom of Great Britain and Northern Ireland, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands recognise that they have agreed on the following declarations:

(1) *ad Article 2 of the Convention:*

In the case of a transfer of air traffic services, under paragraph (1) of Article 2 of the Convention, the date on which the transfer shall take effect shall be fixed by the Contracting Party which has submitted the request, in agreement either with the Organisation or with the other Contracting Party, as the case may be.

(2) *ad Article 19 of the Convention:*

The wording of this provision shall not imply that reports drawn up by officers of the Agency have a greater value than those which may be drawn up by officers of the Contracting Parties.

(3) *ad Article 38 of the Convention:*

In respect of the contiguous upper air space referred to in Article 38 of the Convention it is agreed that:

- (a) the air traffic services in the air space of the Shannon-Prestwick Flight Information Region, as defined in the Air Navigation Plan—North Atlantic Region—of the International Civil Aviation Organisation, as from time to time amended, will not be entrusted to the Agency except upon a formal request being made to the Commission by the Government of the United Kingdom of Great Britain and Northern Ireland in agreement with any other government participating in the provision of those services;

- (b) the air traffic services in the air space to the south of the parallel of latitude 39° 30' North will not be entrusted to the Agency except upon a formal request being made to the Commission by the Government of the French Republic.

In either case the Commission shall make a determination as to the request in accordance with paragraph (2) (d) of Article 6 of the Convention.

(4) *ad Article 14 of the Statute annexed to the Convention:*

The expression "salary scales" shall be understood to refer to the grading of salaries and not to the precise determination of the amounts of those salaries.

(5) Nothing in the Convention or the Statute annexed thereto shall be deemed to restrict the jurisdiction of national courts in respect of disputes between the Organisation and the personnel of the Agency.

DONE at Brussels this 13th day of December, 1960 in the German, English, French and Dutch languages, in a single copy which shall remain deposited in the archives of the Government of the Kingdom of Belgium which shall transmit certified copies to all the signatory States. In case of any inconsistency, the text in the French language shall prevail.

### **Protocol as to the Transitional Period Preceding the Coming into Force of the "Eurocontrol" Convention**

#### THE GOVERNMENTS

OF THE FEDERAL REPUBLIC OF GERMANY,  
OF THE KINGDOM OF BELGIUM,  
OF THE FRENCH REPUBLIC,  
OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,  
OF THE GRAND DUCHY OF LUXEMBOURG,  
OF THE KINGDOM OF THE NETHERLANDS,

CONSIDERING that an International Convention relating to Co-operation for the Safety of Air Navigation, establishing a "European Organisation for the Safety of Air Navigation" (EUROCONTROL), hereinafter called "the Organisation", has been signed today,

CONSIDERING that the installation of the said Organisation cannot be effected immediately,

CONSIDERING, however, that the number of turbine-engined aircraft operated by airlines is increasing at an extremely rapid rate and that it is essential to study as a matter of urgency the measures designed to ensure the safety of the movements of such aircraft in the upper air space,

TAKING NOTE of the formation of an association called "Association pour le perfectionnement des méthodes et de l'équipement de contrôle de la circulation aérienne", for which ministerial authorisation has been published in the "Journal Officiel" of the French Republic on 10 December, 1960, and of which the purpose is to undertake immediately the study of the solutions which could be applied to the problems of the control of air traffic in the upper air space when the Organisation has been formed, to prepare the corresponding plans and to test their effective value,

HAVE AGREED AS FOLLOWS:

ARTICLE 1

(1) The signatory Governments hereby agree to establish a provisional Commission for the safety of air navigation, hereinafter called "the Commission".

(2) The Commission shall be composed of representatives of each of the Governments, two representatives for each Government, but only one of the two representatives shall have the power to vote.

ARTICLE 2

The aim of the Commission shall be the following:

- (a) The study of the standardisation, on the basis of the Standards and Recommended Practices of the International Civil Aviation Organisation and having regard to the requirements of national defence, of national regulations governing air traffic and of the operation of the services responsible for ensuring the safety and regulation of air traffic;
- (b) The promotion of common action to be taken in respect of radio aids, telecommunications and corresponding airborne equipment, destined to ensure the safety of aircraft;
- (c) The promotion and co-ordination of studies relating to air navigation services and installations in order to take account of technical developments, and, if necessary, the study of amendments to the Regional Air Navigation Plans to be submitted to the International Civil Aviation Organisation.

ARTICLE 3

(1) For the accomplishment of its task, the Commission shall formulate recommendations.

(2) The recommendations shall be formulated by a majority of those members of the Commission who are entitled to vote. Recommendations formulated under paragraph (c) of the preceding Article shall, however, require a three-quarters majority of those members of the Commission who are entitled to vote.

ARTICLE 4

(1) The Commission shall establish its rules of procedure which shall be adopted unanimously.

(2) Those rules shall include *inter alia* provisions relating to the office of President, the establishment of working groups and the working languages of the Commission.

ARTICLE 5

For the purpose of carrying out the studies referred to in paragraph (c) of Article 2 of the present Protocol, there shall be resort in so far as is required to the association, "Association pour le perfectionnement des méthodes et de l'équipement de contrôle de la circulation aérienne" for which ministerial authorisation has been published in the "Journal Officiel" of the French Republic on 10th December 1960, likewise to any other associations of the same nature formed under similar conditions and affording the same guarantees, in particular as regards the control of the use of the funds made available to the associations by the signatory Governments.

ARTICLE 6

(1) The signatory Governments undertake to make available to the association or associations referred to in Article 5 above, on the one hand, as far as possible, the resources in personnel, equipment and installations required for the accomplishment of the studies referred to in the aforesaid Article, and on the other hand,

within the limits of credits opened under the national budgets, the necessary contributions in cash.

(2) The share of each of the Contracting Parties shall be calculated proportionately to the value of their respective Gross National Products.

(3) The Gross National Product (G N P) to be used for the calculations shall be obtained from the statistics compiled by the Organisation for European Economic Co-operation (O E E C)—or failing that by any other body affording equivalent guarantees and designated under a decision of the Commission—by calculating the arithmetical mean for the last three years for which those statistics are available. The value of the Gross National Product (G N P) shall be that which is calculated on the basis of factor cost and current prices.

(4) For the purpose of calculating the financial contributions properly so called of each of the signatory Governments, account shall be taken of the contributions in kind made by each Government under the first paragraph of this Article.

#### ARTICLE 7

(1) Each of the signatory Governments may become a Contracting Party to the present Protocol:

- (a) by signature without reservation of ratification,
- (b) by signature subject to ratification, followed by ratification.

(2) In the cases referred to at paragraph (1) (b) of this Article, the instruments of ratification shall be deposited with the Belgian Government and the ratification shall take effect on the date of deposit of the instruments. The Belgian Government shall inform the signatory Governments of the ratification.

(3) The present Protocol shall come into force as soon as the signatory Governments have finally approved it either by signature without reservation of ratification or by signature followed by ratification.

(4) The present Protocol shall remain in force until the entry into force of the International Convention relating to Co-operation for the Safety of Air Navigation.

IN WITNESS WHEREOF, the undersigned representatives, after having communicated their full powers, found to be in good and due form, have signed the present Protocol.

DONE at Brussels this 13th day of December, 1960 in the German, English, French and Dutch languages, in a single copy which shall remain deposited in the archives of the Government of the Kingdom of Belgium which shall transmit certified copies to all the signatory States. In the case of any inconsistency, the text in the French language shall prevail.

IT-TIENI SKEDA

(Artikoli 2, 14)

## BRUSSELS PROTOCOL 1970

**Additional Protocol to the "Eurocontrol" International Convention relating to Co-operation for the Safety of Air Navigation signed at Brussels on 13th December 1960, with Protocol of signature, Brussels, 6th July 1970**

THE STATES PARTY to the "EUROCONTROL" International Convention relating to Co-operation for the Safety of Air Navigation signed at Brussels on the

13th of December, 1960<sup>1</sup> (hereinafter called "the Convention"), which set up the European Organisation for the Safety of Air Navigation "EUROCONTROL" (hereinafter called "the Organisation"),

<sup>1</sup> Treaty Series No. 39 (1963) (Cmnd. 2114).

HAVE AGREED AS FOLLOWS:

ARTICLE 1

1. Without prejudice to the exonerations provided for in Articles 21 and 22 of the Convention, when the Organisation in the exercise of its official activities makes substantial acquisitions of property or employs services of substantial value in respect of which indirect duties, taxes or charges (including such duties, taxes or charges levied on importation other than those referred to in paragraph 1 of Article 22 of the Convention) have been paid or are payable, the Governments of the Member States shall, whenever possible, take appropriate action to offset the effect on the Organisation of such duties, taxes or charges by means of an adjustment of the financial contributions to the Organisation or by means of remission or of reimbursement to the Organisation of the amount of the duties, taxes or charges.

2. With regard to payments by the Organisation to Member States in respect of capital investments made by those States, in so far as the cost thereof is to be refunded by the Organisation, the said States shall ensure that their statements of the amounts in question submitted to the Organisation do not include duties, taxes or charges from which the Organisation would have been exempt or which would be refunded to it or which would be the subject of an adjustment of the financial contributions to the Organisation if the Organisation had made those investments itself.

3. The provisions of this Article shall not apply in respect of duties, taxes or charges collected as payment for public utility services.

ARTICLE 2

Property acquired by the Organisation to which paragraph 1 of Article 1 applies may not be sold or otherwise disposed of except in accordance with conditions laid down by the Governments of the States concerned.

ARTICLE 3

1. When the Director General of the Agency or any official or servant subject to the Staff Regulations envisaged in Article 14 of the Statute of the Agency or the General Conditions of Service for the Staff of the Eurocontrol Maastricht Centre is taxed by a Member State on the salary and emoluments paid to him by the Organisation, the Member State concerned shall take appropriate action to make as exact a financial adjustment as possible in favour of the relevant budget of the Organisation in respect of the amount of the tax.

2. The provisions of paragraph 1 of this Article shall not apply to pensions and annuities paid by the Organisation.

ARTICLE 4

For the purpose of the present Protocol, the Organisation shall act in concert with the relevant authorities of the Member States concerned.

ARTICLE 5

Any dispute which may arise between the Contracting Parties, or between the Contracting Parties and the Organisation represented by the Commission, relating to the interpretation or application of the present Protocol shall be settled in accordance with the procedure set out in Article 33 of the Convention.

## ARTICLE 6

The present Protocol shall remain in force until the expiry of the Convention.

## ARTICLE 7

1. The present Protocol shall be ratified.
2. The instruments of ratification shall be deposited with the Government of the Kingdom of Belgium.
3. The present Protocol shall come into force on the first day of the month following the deposit of the instrument of ratification of the last State party to the Convention to complete that formality.
4. The Government of the Kingdom of Belgium shall notify the Governments of the other States party to the Convention of any deposit of an instrument of ratification and of the date of entry into force.

## ARTICLE 8

1. Accession to the present Protocol is open to any non-signatory State which makes a request to accede to the Convention in accordance with the provisions of Article 41.
2. The agreement of the Commission stipulated in the said Article 41 shall be subject to the accession of the State concerned to the present Protocol.
3. The instrument of accession to the present Protocol shall be deposited at the same time as the instrument of accession to the Convention with the Government of the Kingdom of Belgium, which shall notify the Governments of the other signatory and acceding States.
4. Accession to the present Protocol shall take effect from the same day as the accession to the Convention.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, after presentation of their full powers, found to be in good and due form, have signed the present Protocol and have affixed thereto their seals.

DONE at Brussels, this sixth day of July, 1970, in the English, German, French and Dutch languages, in a single copy, which shall remain deposited in the archives of the Government of the Kingdom of Belgium, which shall transmit certified copies to all the signatory States. In the case of any inconsistency, the text in the French language shall prevail.

For the Federal Republic of Germany:

R. VON UNGERN-STERNBERG

For the Kingdom of Belgium:

A. BERTRAND

For the French Republic:

M. DE LADOUCETTE

For the United Kingdom of Great Britain and Northern Ireland:

JOHN BEITH

For the Grand Duchy of Luxembourg:

P. HAMER

For the Kingdom of the Netherlands:

Chr. B. ARRIËNS

For Ireland:

GERARD WOODS

(Artikoli 2, 14)

## BRUSSELS PROTOCOL 1978

### Protocol for the Amendment of the Additional Protocol to the "Eurocontrol" International Convention Relating to Cooperation for the Safety of Air Navigation Signed in Brussels on 6 July 1970

The States Parties to the Additional Protocol to the "EUROCONTROL" International Convention relating to Cooperation for the Safety of Air Navigation signed at Brussels on 6 July 1970 (hereinafter called "the Additional Protocol").

HAVE AGREED as follows:

#### ARTICLE 1

As from the date of entry into force of the present Protocol the text of Article 3 of the Additional Protocol shall be superseded by the following text:

"1. The Director General of the Agency and the staff members of the Organisation, including the Permanent Delegate, shall be subject, under the conditions and rules laid down by the Permanent Commission, to a tax for the benefit of the Organisation on salaries and emoluments paid by the Organisation, which shall take effect within a period of one year from the date of entry into force of this provision. As from the date on which this tax is applied, such salaries and emoluments shall be exempt from national income tax. The Contracting States may, however, take into account the salaries and emoluments thus exempted when assessing the amount of tax payable on income from other sources.

2. Paragraph 1 shall not apply to pensions and annuities paid by the Organisation.

3. The names, titles, addresses as well as remunerations and where appropriate pensions of employees and former employees to whom the provisions of paragraphs 1 and 2 of the present article are applicable shall be communicated periodically to the Contracting States."

#### ARTICLE 2

Notwithstanding the provisions of Article 1 of the present Protocol, obligations under Article 3 of the Additional Protocol shall remain binding until the relevant claims and commitments have been fully discharged.

#### ARTICLE 3

1. The present Protocol shall be ratified, accepted or approved.

2. The instruments of ratification, acceptance or approval shall be deposited with the Government of the Kingdom of Belgium.

3. The present Protocol shall come into force on the first day of the year following the deposit of the instrument of ratification, acceptance or approval of the last State party to the Additional Protocol to complete that formality.

4. The Government of the Kingdom of Belgium shall notify the Governments of the other States parties to the Additional Protocol of any deposit of an instrument of ratification, acceptance or approval and the date of its entry into force.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, after presentation of their full powers, found to be in good and due form, have signed the present Protocol and have affixed thereto their seals.

DONE at Brussels, this 21st of November, 1978, in the English, German, French and Dutch languages, in a single copy, which shall remain deposited in the archives of the Government of the Kingdom of Belgium, which shall transmit certified copies to all the signatory States. In the case of any inconsistency, the text in the French language shall prevail.

(Artikoli 2, 14)

**BRUSSELS PROTOCOL 1981****Final Act of the Diplomatic Conference on the Protocol Amending the Eurocontrol International Convention Relating to Co-operation for the Safety of Air Navigation of 13 December 1960**

The Plenipotentiaries of The Federal Republic of Germany, The Kingdom of Belgium, The French Republic, The United Kingdom of Great Britain and Northern Ireland, Ireland, The Grand Duchy of Luxembourg, The Kingdom of the Netherlands and The Portuguese Republic,

ASSEMBLED at Brussels on 12 February 1981 for the purpose of adopting the Protocol amending the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960:

HAVE ADOPTED the said Protocol, which was opened for signature on 12 February 1981, and which is contained in Annex 1 to this Final Act;

HAVE DECIDED for practical purposes to attach as Annex 2 to this Final Act the provisions of the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation as amended by the aforementioned Protocol [*not reproduced in this volume*].

IN WITNESS WHEREOF, the Plenipotentiaries have signed this Final Act.

DONE at Brussels, this 12th day of February 1981, in a single original, which shall remain deposited in the archives of the Government of the Kingdom of Belgium, which shall transmit certified copies to the Governments of the other signatory States.

**Protocol Amending the Eurocontrol International Convention Relating to Co-operation for the Safety of Air Navigation of 13 December 1960**

The Federal Republic of Germany, The Kingdom of Belgium, The French Republic, The United Kingdom of Great Britain and Northern Ireland, Ireland, The Grand Duchy of Luxembourg, The Kingdom of the Netherlands, The Portuguese Republic,

CONSIDERING that developments in air traffic require the revision of the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960 providing for the establishment of a European system organised jointly by the Member States for the control of general air traffic in the upper airspace,

CONSIDERING that it is desirable to continue and to strengthen the co-operation between the States within the framework of EUROCONTROL, in particular through the formulation of common long-term objectives and medium-term plans in consultation with users of air traffic services, in order to achieve maximum efficiency at minimum cost in the provision of air traffic services.

DESIRING to extend and to strengthen co-operation with other States which have an interest in the execution of the tasks entrusted to EUROCONTROL in order to increase its efficiency, in particular with regard to traffic flow management,

DESIRING to encourage interested States to become Members of EUROCONTROL,

HAVE AGREED as follows:

**ARTICLE I**

The EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960, as amended by the

Additional Protocol signed at Brussels on 6 July 1970, in turn amended by the Protocol signed at Brussels on 21 November 1978, hereinafter called "the Convention", is hereby amended as provided in the following articles.

#### ARTICLE II

Article 1 of the Convention shall be replaced by the following:

##### "Article 1

1. The Contracting Parties agree to strengthen their co-operation and to develop their joint activities in the field of air navigation, making due allowance for defence needs and providing maximum freedom for all airspace users consistent with the required level of safety. They have accordingly agreed:

- (a) to establish common long-term objectives in the field of air navigation and, in that framework, to institute a medium-term common plan for air traffic services and facilities;
- (b) to draw up common plans for advanced training, for procedural measures, and for research and development programmes relating to facilities and services for the safety, efficiency and expeditious flow of air traffic;
- (c) to concert any other measures necessary to ensure the safe and orderly flow of air traffic;
- (d) to constitute a common fund of experience in operational, technical and financial aspects of air navigation;
- (e) to co-ordinate their activities with regard to air traffic flow management by establishing an international system of air traffic flow management in order to ensure the most effective utilisation of the airspace.

2. For this purpose they hereby establish a 'European Organisation for the Safety of Air Navigation (EUROCONTROL)', hereinafter called 'the Organisation', which shall act in co-operation with the national civil and military authorities. The Organisation shall comprise two organs:

- a 'Permanent Commission for the safety of air navigation', hereinafter called 'the Commission', which shall constitute the organ responsible for formulating the Organisation's general policy;
- an 'Agency for the safety of air navigation', hereinafter called 'the Agency', the Statute of which is in Annex 1 to the present Convention. The Agency shall be the organ responsible for the performance of the tasks prescribed by the present Convention or entrusted to it, in pursuance thereof, by the Commission.

3. The headquarters of the Organisation shall be in Brussels."

#### ARTICLE III

Article 2 of the Convention shall be revoked. Article 6 of the Convention shall become Article 2 and shall read as follows:

##### "Article 2

1. The Organisation shall undertake the following tasks:

- (a) to analyse the future needs of air traffic and new techniques necessary for meeting such needs;
- (b) to develop and adopt common long-term objectives in the field of air navigation;
- (c) to co-ordinate the medium-term national plans in order to establish a common medium-term plan in respect of air traffic services and facilities within the framework of the long-term objectives referred to in (b) above;
- (d) to promote common policies for ground and airborne air navigation systems, and the training of the staff of air traffic services;

- (e) to study and promote measures for improving cost-effectiveness and efficiency in the field of air navigation;
- (f) to promote and conduct studies, tests and trials relating to air navigation; to collect and distribute the results of studies, tests and trials carried out by the Contracting Parties in the field of air navigation;
- (g) to co-ordinate the Contracting Parties' research and development programmes relating to new techniques in the field of air navigation;
- (h) to examine matters in the field of air navigation being studied by the International Civil Aviation Organisation and other international organisations concerned with civil aviation;
- (i) to study amendments to the Regional Air Navigation Plan to be submitted to the International Civil Aviation Organisation;
- (j) to perform any other tasks with which it might be entrusted pursuant to Article 1.1 (c);
- (k) to assist the Contracting Parties and interested non-member States in the institution and operation of an international air traffic flow management system;
- (l) to establish and collect charges levied on users of air navigation services in accordance with the Multilateral Agreement relating to Route Charges, and on behalf of the Contracting Parties and of non-member States parties to that Agreement.

Special Agreements may be concluded by the Organisation and non-member States interested in participating in the performance of such tasks.

2. At the request of one or more Contracting Parties, the Organisation may be entrusted with the following tasks:

- (a) to assist such Parties in the performance of specific air navigation tasks such as the design and setting up of air traffic facilities and services;
- (b) to provide and operate, wholly or in part, air traffic services and facilities on behalf of such Parties;
- (c) to assist such Parties in the calculation and collection of charges which are levied by them on users of air navigation services and which are not covered by the Multilateral Agreement relating to Route Charges.

The performance of such tasks shall in each case be governed by a special agreement between the Organisation and the Parties concerned.

3. The Organisation may further, at the request of one or more non-member States, be entrusted with the following tasks:

- (a) to assist such States in air traffic flow management and in the planning and provision of air navigation services and equipment;
- (b) to assist such States in the calculation and collection of charges not covered by the Multilateral Agreement relating to Route Charges which are levied by them on users of air navigation services.

The performance of such tasks shall in each case be governed by special agreements between the Organisation and the States concerned."

#### ARTICLE IV

Articles 3 and 37 of the Convention shall be combined into a new Article 3 and shall read as follows:

##### "Article 3

1. The present Convention shall apply to en route air navigation services and related approach and aerodrome services for air traffic in the Flight Information Regions listed in Annex 2:

2. Any amendment which a Contracting Party wishes to make to the list of its Flight Information Regions in Annex 2 shall be subject to the unanimous agreement of the Commission if it would result in a change in the overall limits of the airspace covered by the Convention. Any amendment which does not

result in such a change shall be notified to the Organisation by the Contracting Party concerned.

3. For the purpose of the present Convention the expression 'air traffic' shall comprise civil aircraft and those military, customs and police aircraft which conform to the procedures of the International Civil Aviation Organisation."

#### ARTICLE V

Article 5 of the Convention shall be replaced by the following:

##### "Article 5

1. The Commission shall be composed of representatives of the Contracting Parties. Each Contracting Party may appoint several delegates in order, in particular, to allow the representation of the interests of both civil aviation and national defence, but shall have only one vote.

2. For the purpose of Article 2.1 (f) the Commission shall be enlarged to include representatives of non-member States which are parties to the Multilateral Agreement relating to Route Charges. The Commission thus enlarged shall take decisions in accordance with the provisions of the said Agreement.

3. Where provision to that effect is made in other agreements concluded between the Organisation and non-member States in accordance with Article 2.1, in particular for air traffic flow management, the Commission shall be enlarged and shall take decisions in accordance with the provisions of those agreements."

#### ARTICLE VI

Article 7 of the Convention shall become Article 6 and shall read as follows:

##### "Article 6

For the accomplishment of the tasks assigned to the Organisation by Article 2.1, the Commission shall take the following measures:

(a) with regard to the Contracting Parties:

it shall take a decision:

—in the cases referred to in Article 2.1 (b) and (c);

—in the cases referred to in Article 2.1 (a) and (d) to (k) whenever the Commission deems it necessary for the Contracting Parties to commit themselves to common action; in such cases it may also issue a recommendation to the Contracting Parties;

(b) with regard to the Agency:

—it shall approve the annual work programme and the investment and work programmes extending over several years to be submitted to it by the Agency for the accomplishment of the tasks referred to in Article 2.1, and also the budget and the activity report; it shall give directives to the Agency, whenever it deems this to be necessary for the accomplishment of the tasks assigned to the Agency;

—it shall take all necessary measures in exercising its supervisory powers under the present Convention and the Statute of the Agency;

—it shall give the Agency a discharge in respect of its administration of the budget.

2. In addition, the Commission shall:

(a) approve the Staff Regulations and the Financial Regulations as well as measures to be taken in pursuance of Article 7.2, and of Article 19.3 of the Statute of the Agency;

(b) appoint the members of the control board for a five-year period in pursuance of Article 22.1 of the Statute of the Agency.

3. The Commission shall authorise the opening by the Agency of negotiations relating to the special agreements referred to in Article 2 and shall approve the agreements negotiated by the Agency.

4. Proceedings on behalf of the Organisation may be initiated by the Commission before the arbitral tribunal provided for under Article 31."

#### ARTICLE VII

Article 8 of the Convention shall become Article 7 and shall read as follows:

##### "Article 7

1. Decisions shall be taken by the Commission by unanimous vote of the Contracting Parties and shall be binding on the Contracting Parties. However, should a Contracting Party notify the Commission that overriding national considerations prevent it from acting on a unanimous decision taken in respect of the matters referred to in Article 2.1 (b) and (c), it may derogate from that decision subject to communication to the Commission of the grounds for the derogation. Within six months of such notification, the Commission shall either revise its previous decision or decide whether certain conditions or limits should apply to the derogation. In either case, the Commission's decision shall require a unanimous vote of the Contracting Parties.

2. The Commission shall decide upon the measures referred to in Articles 6.2 (a), 6.3 and 11.3 by unanimity of the votes cast.

3. Unless otherwise provided, directives and measures in the cases provided for in Article 6.1 (b) and 6.4 shall require a majority of the votes in the Commission, it being understood that:

—those votes shall be subject to the weighting provided for in Article 8 below,

—those votes shall represent the majority of the Contracting Parties voting.

4. The measures referred to in Article 6.2 (b) shall be taken by the Commission in accordance with paragraph 3 above, provided that the majority calculated accordingly is not less than 70% of the weighted votes cast.

5. Recommendations by the Commission shall require the votes of the majority of the Contracting Parties."

#### ARTICLE VIII

Article 9 of the Convention shall become Article 8 and shall read as follows:

##### "Article 8

1. The weighting referred to in Article 7 shall be determined according to the following table:

Annual contribution of a Contracting Party as a percentage of the total annual contributions of all the Contracting Parties	Number of votes
Less than 1% .....	1
From 1 to less than 2% .....	2
From 2 to less than 3% .....	3
From 3 to less than 4½% .....	4
From 4½ to less than 6% .....	5
From 6 to less than 7½% .....	6
From 7½ to less than 9% .....	7
From 9 to less than 11% .....	8
From 11 to less than 13% .....	9
From 13 to less than 15% .....	10
From 15 to less than 18% .....	11
From 18 to less than 21% .....	12
From 21 to less than 24% .....	13
From 24 to less than 27% .....	14
From 27 to less than 30% .....	15
30% .....	16

2. The numbers of votes shall be initially established with effect from the date of entry into force of the Protocol opened for signature at Brussels in 1981 by reference to the above table and in accordance with the rule in Article 19 of the Statute of the Agency for determining the annual contributions of the Contracting Parties to the Organisation's budget.

3. In the event of the accession of a State, the numbers of votes of the Contracting Parties shall be re-established in accordance with the same procedure.

4. The numbers of votes shall be re-established each year in accordance with the foregoing provisions."

#### ARTICLE IX

Articles 10 and 11 of the Convention shall become Articles 9 and 10.

#### ARTICLE X

Article 12 of the Convention shall become Article 11 and shall read as follows:

##### "Article 11

1. The Commission shall maintain with the appropriate States and international organisations the necessary relations for the realisation of the aims of the Organisation.

2. The Commission shall in particular, without prejudice to the provisions of Articles 6.3 and 13, be alone empowered to conclude on behalf of the Organisation those agreements with international organisations, the Contracting Parties or other States which are necessary for the performance of the Organisation's tasks provided for in Article 2.

3. At the proposal of the Agency, the Commission may delegate to the Agency the decision to open negotiations and to conclude agreements necessary for the performance of the tasks referred to in Article 2."

#### ARTICLE XI

A new Article 12 shall be inserted in the Convention and shall read as follows:

##### "Article 12

The Agreements between the Organisation and one or more Contracting Parties, or one or more non-member States, or an international organisation, relating to the tasks referred to in Article 2 shall stipulate the respective tasks, rights and obligations of the Parties to the agreements together with the financial arrangements, and shall establish the measures to be taken. Such agreements may be negotiated by the Agency in accordance with the provisions of Articles 6.3 and 11.3."

#### ARTICLE XII

Articles 13 and 14 of the Convention shall be revoked. Article 31 of the Convention shall become Article 13. Article 15 of the Convention shall become Article 14. Article 16 of the Convention shall be revoked.

#### ARTICLE XIII

Article 17 of the Convention shall become Article 15 and shall read as follows:

##### "Article 15

In the event of the Organisation performing the tasks provided for in Article 2.2 (b), the Agency shall apply the regulations in force in the territories of the Contracting Parties and in the airspace in respect of which the provision of air traffic services is entrusted to them under international agreements to which they are Parties."

#### ARTICLE XIV

Article 18 of the Convention shall become Article 16 and shall read as follows:

*"Article 16*

In the event of the Organisation performing the tasks provided for in Article 2.2 (b), the Agency shall, within the limits of the powers conferred on the air traffic services, give all necessary instructions to aircraft commanders. The aircraft commanders shall be bound to comply with those instructions, except in the cases of force majeure provided for in the regulations referred to in the preceding article."

ARTICLE XV

Article 19 of the Convention shall become Article 17 and shall read as follows:

*"Article 17*

In the event of the Organisation performing the tasks provided for in Article 2.2 (b), infringements of the air navigation regulations committed in the airspace in which the provision of air traffic services is entrusted to the Agency shall be recorded in reports by officers specifically authorised by the Agency for that purpose, without prejudice to the right under national law of officers of the Contracting Parties to report infringements of the same nature. The reports referred to above shall have the same effect in national courts as those drawn up by national officers qualified to report infringements of the same nature."

ARTICLE XVI

A new Article 18 shall be inserted in the Convention and shall read as follows:

*"Article 18*

1. The circulation of publications and other information material sent by or to the Organisation in connection with its official activities shall not be restricted in any way.

2. For its official communications and the transfer of all its documents, the Organisation shall enjoy treatment not less favourable than that accorded by each Contracting Party to comparable international organisations."

ARTICLE XVII

Article 20 of the Convention shall be revoked. Articles 21, 22 and 23 of the Convention shall become Articles 19, 20 and 21. In the old Article 22.4 the reference to Article 36 of the Statute of the Agency shall be replaced by a reference to Article 25 of the Statute.

ARTICLE XVIII

Article 24 of the Convention shall become Article 22 and shall read as follows:

*"Article 22*

1. The Agency may call upon the services of qualified persons who are nationals of the Contracting Parties.

2. The staff of the Organisation, and members of their families forming part of their households, shall enjoy the exemption from measures restricting immigration and governing aliens' registration generally accorded to staff members of comparable international organisations.

3. (a) The Contracting Parties, in time of international crisis, shall accord to the staff of the Organisation, and the members of their families forming part of their households, the same repatriation facilities as the staff of other international organisations.

(b) The provisions of (a) above shall not affect the staff's obligations to the Organisation.

4. No exception may be made to the provisions of paragraphs 1 and 2 of this article except for reasons of public policy, public safety or public health.

5. The staff of the Organisation:

- (a) shall be granted exemption from customs duties and charges, other than those in respect of services rendered, in the case of the importation of their personal effects, movable property and other household effects which are not new, which they bring from abroad on first taking up residence in the territory in question, and in the case of the re-exportation of those same effects and movable property, when they relinquish their duties;
- (b) may, on taking up their duties in the territory of any one of the Contracting Parties, import their personal motor car temporarily with exemption from duty, and subsequently, but not later than on termination of their period of service, re-export that vehicle with exemption from duty, subject, however, in either event, to any conditions deemed to be necessary in each individual case by the Government of the Contracting Party concerned;
- (c) shall enjoy inviolability for all their official papers and documents.

6. The Contracting Parties shall not be obliged to grant to their own nationals the facilities provided for in paragraph 5 (a) and (b) above.

7. In addition to the privileges, exemptions and facilities granted to the staff of the Organisation, the Director General of the Agency shall enjoy immunity from jurisdiction in respect of acts, including words spoken and written, done by him in the exercise of his functions; this immunity shall not apply in the case of a motor traffic offence or in the case of damage caused by a motor vehicle belonging to or driven by him.

8. The Governments concerned shall take all the necessary measures to ensure the unrestricted transfer of net salaries."

#### ARTICLE XIX

A new Article 23 shall be inserted in the Convention and shall read as follows:  
"Article 23

Representatives of the Contracting Parties shall, while exercising their functions and in the course of their journeys to and from the place of meeting, enjoy inviolability for all their official papers and documents."

#### ARTICLE XX

A new Article 24 shall be inserted in the Convention and shall read as follows:  
"Article 24

By reason of its own social security scheme, the Organisation, the Director General and staff of the Organisation shall be exempt from all compulsory contributions to national social security bodies, without prejudice to arrangements between the Organisation and Contracting Parties existing at the entry into force of the Protocol opened for signature at Brussels in 1981."

#### ARTICLE XXI

Article 26 of the Convention shall read as follows:

"Article 26

1. (a) The installations of the Organisation shall be inviolable. The property and assets of the Organisation shall be exempt from any measure of requisition, expropriation or confiscation.

(b) The archives of the Organisation and all official papers and documents belonging to it shall be inviolable, wherever located.

2. The property and assets of the Organisation may not be seized, nor may execution be levied upon them, except by a judicial decision. The installations of the Organisation shall not, however, be seized nor shall execution be levied upon them.

3. Nevertheless, in order to enable judicial inquiries to be carried out and to ensure the execution of judicial decisions in their respective territories, the

competent authorities of the State in which the Organisation has its headquarters and of other States in which installations and archives of the Organisation are located shall, after having informed the Director General of the Agency, have access to such installations and archives."

ARTICLE XXII

Article 28 of the Convention shall be revoked.

ARTICLE XXIII

Article 29 of the Convention shall become Article 28 and shall read as follows:

"Article 28

In the event of the Organisation performing the tasks provided for in Article 2.2 (b), international agreements and national regulations relating to the admission to, flight over and security of, the territory of the Contracting Parties shall be binding on the Agency, which shall take all necessary measures to ensure the application of such agreements and regulations."

ARTICLE XXIV

Article 30 of the Convention shall become Article 29 and shall read as follows:

"Article 29

In the event of the Organisation performing the tasks provided for in Article 2.2 (b), the Agency shall be bound to give those Contracting Parties which so request all necessary information relating to the aircraft of which it has cognisance in the exercise of its functions, in order that the Contracting Parties may be able to verify that international agreements and national regulations are being applied."

ARTICLE XXV

Article 32 of the Convention shall become Article 30.

ARTICLE XXVI

Article 33 of the Convention shall become Article 31.

ARTICLE XXVII

Article 34 of the Convention shall become Article 32; paragraph 3 thereof shall be replaced by the following:

"3. The provisions of Articles 1, 11, 19 and 20 of the Statute annexed hereto shall not, however, be subject to modification by the Commission."

ARTICLE XXVIII

Article 35 of the Convention shall become Article 33 and shall read as follows:

"Article 33

In the event of a state of emergency or war, the provisions of the present Convention shall not affect the freedom of action of the Contracting Parties involved."

ARTICLE XXIX

Article 36 of the Convention shall become Article 34.

ARTICLE XXX

Article 38 of the Convention shall be revoked.

ARTICLE XXXI

Article 39 of the Convention shall become Article 35; paragraphs 1 and 2 thereof shall be replaced by the following:

"1. The validity of the present Convention, as amended by the Protocol opened for signature at Brussels in 1981, shall be extended for a period of twenty years from the date of entry into force of the said Protocol.

2. That period shall be automatically prolonged for periods of five years, unless a Contracting Party has, by written notice given to the Government of the Kingdom of Belgium at least two years before the expiry of the current period, expressed its intention to terminate the Convention. The Government of the Kingdom of Belgium shall notify the Governments of the other States parties to the Convention of such notice."

ARTICLE XXXII

Article 40 of the Convention shall be revoked.

ARTICLE XXXIII

Article 41 of the Convention shall become Article 36; paragraphs 1 and 4 thereof shall be replaced by the following:

"1. The accession to the present Convention, as amended by the Protocol opened for signature at Brussels in 1981, of any State not signatory to the said Protocol shall be subject:

- (a) to the agreement of the Commission carried by a unanimous vote, and
- (b) to the State depositing at the same time an instrument of accession to the Multilateral Agreement relating to Route Charges opened for signature at Brussels in 1981.

4. Accession shall take effect from the first day of the second month following the deposit of the instrument of accession."

ARTICLE XXXIV

Article 42 of the Convention shall be revoked.

ARTICLE XXXV

Annex I to the Convention, incorporating the Statute of the Agency, shall be replaced by Annex 1 to the present Protocol.

ARTICLE XXXVI

Annex II to the Convention shall be replaced by Annex 2 to the present Protocol, entitled "Flight Information Regions (Article 3 of the Convention)."

ARTICLE XXXVII

The Protocol of Signature of the Convention shall be revoked.

ARTICLE XXXVIII

The following amendments shall be made to the Additional Protocol to the Convention signed at Brussels on 6 July 1970, as amended by the Protocol signed at Brussels on 21 November 1978:

1. The references to Articles 21 and 22 of the Convention and to paragraph 1 of Article 22 of the Convention in Article 1.1 of the 1970 Protocol are replaced by references to Articles 19 and 20 of the Convention as amended by the Protocol opened for signature at Brussels in 1981, and to paragraph 1 of Article 20 of the Convention as amended by the said Protocol.

2. For the purposes of applying Article 2 of the 1978 Protocol, the reference to Article 14 of the Statute of the Agency in Article 3.1 of the 1970 Protocol is replaced by a reference to Article 12 of the Statute of the Agency set out in Annex 1 to the Convention as amended by the Protocol opened for signature at Brussels in 1981.

3. The reference to Article 33 of the Convention in Article 5 of the 1970 Protocol is replaced by a reference to Article 31 of the Convention as amended by the Protocol opened for signature at Brussels in 1981.

4. The reference to Article 41 of the Convention in Article 8.1 and 2 of the 1970 Protocol is replaced by a reference to Article 36 of the Convention as amended by the Protocol opened for signature at Brussels in 1981.

#### ARTICLE XXXIX

The transitional provisions covering transfer from the arrangements existing under the Convention to the arrangements under the Convention as amended by the present Protocol are set out in Annex 3 to the present Protocol.

#### ARTICLE XL

1. The present Protocol shall be open to signature by all States parties to the Convention until 28 February 1981.

It shall also be open to signature, prior to the date of its entry into force, by any other State invited to the diplomatic conference at which it is adopted, and any other State granted the right of signature by unanimous agreement of the Permanent Commission.

2. The present Protocol shall be subject to ratification. The instruments of ratification shall be deposited with the Government of the Kingdom of Belgium.

3. The present Protocol shall enter into force on 1 March 1983, provided that all the States parties to the Convention have ratified it by that date. If not, it shall enter into force on either 1 July or 1 January following the deposit of the last instrument of ratification, according to whether it was deposited during the first or the second six months of the year.

4. In the case of any State signatory to the present Protocol which is not party to the Convention and whose instrument of ratification is deposited after the date of entry into force of the present Protocol, the Protocol shall enter into force on the first day of the second month following the date on which the instrument of ratification is deposited.

5. Any State signatory to the present Protocol which is not party to the Convention shall, on ratification of the Protocol, also become a party to the Convention as amended by the Protocol.

6. The Government of the Kingdom of Belgium shall notify the Governments of the other States parties to the Convention and the Government of any State signatory to the present Protocol of any signature, the deposit of any instrument of ratification and the dates of entry into force of the present Protocol in accordance with paragraphs 3 and 4 above.

#### ARTICLE XLI

Ratification of the present Protocol shall be deemed to constitute ratification of the Multilateral Agreement relating to Route Charges opened for signature in 1981.

#### ARTICLE XLII

The Convention and the present Protocol shall constitute a single instrument, which shall be designated the "EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation as amended at Brussels in 1981".

#### ARTICLE XLIII

The Government of the Kingdom of Belgium shall cause the present Protocol to be registered with the Secretary-General of the United Nations, in accordance with Article 102 of the Charter of the United Nations, and with the Council of the

International Civil Aviation Organisation, in accordance with Article 83 of the Convention on International Civil Aviation signed in Chicago on 7 December 1944.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, after presentation of their full powers, found to be in good and due form, have signed the present Protocol.

DONE at Brussels, this 12th day of February 1981, in the German, English, French, Dutch and Portuguese languages, in a single original, which shall remain deposited in the archives of the Government of the Kingdom of Belgium, which shall transmit certified copies to the Governments of the other signatory States. In the case of any inconsistency, the text in the French language shall prevail.

## ANNEX 1

### Statute of the Agency

#### ARTICLE 1

The Agency established by Article 1 of the Convention shall be governed by the present Statute.

#### ARTICLE 2

1. The Agency shall be the organ responsible for the performance of the tasks entrusted to it by the Convention or by the Commission.
2. When the Agency provides air navigation services, its objectives shall be:
  - (a) to prevent collisions between aircraft;
  - (b) to ensure the orderly and rapid flow of air traffic;
  - (c) to provide advice and information conducive to the safe and efficient conduct of flights;
  - (d) to notify appropriate organisations regarding aircraft in need of search and rescue aid, and assist such organisations as required.
3. The Agency shall install the necessary facilities for the performance of its tasks and shall ensure their satisfactory operation.
4. To that end, the Agency shall work in close collaboration with the military authorities in order to meet as efficiently and economically as possible the requirements of air traffic and the special requirements of military aviation.
5. For the accomplishment of its task on the conditions laid down in Article 7.2 below, the Agency may, among other things, construct and operate the buildings and installations it requires, in particular air traffic research and experimental centres, air traffic flow management centres, and schools for the advanced and specialised training of personnel of air navigation services. However, it shall call upon national technical services and make use of existing national installations whenever this is possible, in order to avoid any duplication.

#### ARTICLE 3

Subject to the powers conferred upon the Commission, the Agency shall be administered by a Committee of Management, hereinafter called "the Committee", and by a Director General.

#### ARTICLE 4

1. The Committee shall be composed of representatives of each of the Contracting Parties, which may appoint several representatives in order to allow in particular the representation of the interests of both civil aviation and national defence. Only one of the representatives shall have the power to vote and he shall be a highly placed official exercising in his country responsibilities in matters of air navigation. Each representative shall have an alternate who shall validly represent him if he is unable to be present.

2. For the purposes of Article 2.1 (l) of the Convention, the Committee shall be enlarged to include representatives of non-member States which are parties to the Multilateral Agreement relating to Route Charges. The Committee thus enlarged shall take decisions in accordance with the provisions of the said Agreement.

3. Where provision to that effect is made in the other agreements concluded by the Organisation with non-member States in accordance with Article 2.1 of the Convention, in particular for air traffic flow management, the Committee shall be enlarged and shall take decisions in accordance with the provisions of those agreements.

#### ARTICLE 5

1. For meetings of the Committee a quorum shall consist of the representatives, entitled to vote, of all but one of the Contracting Parties.

2. If the quorum is not attained, the deliberations shall be deferred until a meeting to be convened for a later date not earlier than ten days after the preceding meeting; at that meeting a quorum shall consist of at least half the number of representatives entitled to vote.

#### ARTICLE 6

1. The Committee shall establish its rules of procedure, including rules governing the election of a President and Vice-President and the appointment of a Secretary.

2. Those rules shall include provisions relating to disqualifications. Furthermore, they shall prescribe that notices convening meetings shall be sent by letter or, in case of urgency, by telegram, and shall include the agenda.

3. The rules shall be subject to the approval of the Commission.

#### ARTICLE 7

1. The Committee shall make decisions on the organisation of the Agency in respect of which proposals shall be submitted to it by the Director General.

2. It shall, however, submit for the approval of the Commission measures to be taken in pursuance of Article 2.5 above.

#### ARTICLE 8

Every year the Committee shall report to the Commission on the activities and financial position of the Organisation.

#### ARTICLE 9

1. At the request of the Commission, the Committee shall prepare investment and work programmes extending over several years. The programmes shall be subject to the approval of the Commission.

2. In particular, the Committee shall, for submission for approval by the Commission in accordance with the provisions of the Convention:

- (a) draw up a programme of tasks provided for in Article 2.1 (a), (e), (f) and (j) of the Convention;
- (b) formulate the long-term common objectives provided for in Article 2.1 (b) of the Convention;
- (c) study the research and development programmes provided for in Article 2.1 (g) of the Convention;
- (d) draw up the medium-term common plans provided for in Article 2.1 (c) of the Convention and formulate the common policies in respect of ground and airborne systems and personnel training provided for in paragraph 1 (d) of the said article;
- (e) adopt the agreements provided for in Article 2 of the Convention;

(f) arrange for the studies provided for in Article 2.1 (h) and (i) of the Convention.

3. Within the limits of any delegation by the Commission pursuant to Article 11.3 of the Convention, the Committee shall take the decision to open negotiations with a view to conclusion of the agreements referred to in Article 2 of the Convention and shall approve, where appropriate, the agreements negotiated.

#### ARTICLE 10

The Committee shall draw up, and submit for the Commission's approval:

- regulations relating to tenders, the letting of contracts for the supply of goods and services to the Organisation and the conditions governing such contracts;
- the general conditions of contract for the supply of services by the Organisation.

#### ARTICLE 11

The Committee shall draw up and submit for the Commission's approval the Financial Regulations, which shall determine, in particular, the accounting procedures to be followed in respect of income and expenditure, the conditions governing payment of national contributions and the terms on which loans may be raised by the Organisation.

#### ARTICLE 12

1. The Committee shall draw up and submit for the Commission's approval the Agency's Staff Regulations:

- they shall include, in particular, provisions relating to the nationality of personnel, salary scales, pensions, disqualifications for office, professional secrecy and continuity of the service;
- they shall specify those posts which may not be held in plurality with any other post without the special authorisation of the Director General.

2. The Administrative Tribunal of the International Labour Organisation shall have sole jurisdiction in disputes between the Organisation and the personnel of the Agency, to the exclusion of the jurisdiction of all other courts and tribunals, national or international.

#### ARTICLE 13

1. The Agency shall be empowered to recruit personnel directly only if the Contracting Parties are unable to make qualified personnel available to it. However, the Agency may agree with States which are not members of the Organisation to permit the employment of qualified personnel from such States in connection with the implementation of the agreements referred to in Article 5.2 and 3 of the Convention.

2. Personnel provided by a national administration shall be subject, throughout the period of their employment by the Agency, to the Agency's Staff Regulations, without prejudice to the retention of those career benefits which are guaranteed by national regulations.

3. Staff provided by a national administration may always be returned to that administration without the return being regarded as a disciplinary measure.

#### ARTICLE 14

1. Decisions shall be taken by the Committee by a weighted majority vote.

2. A weighted majority shall mean more than half the votes cast, it being understood that:

- those votes are weighted in accordance with Article 8 of the Convention;
- those votes represent a majority of the Contracting Parties voting.

3. Should an equal number of votes be cast for and against the proposal, the President shall decide either to take a second vote during the same meeting, or to include the proposal in the agenda of a further meeting for which he shall fix the date. Should an equal number of votes again be cast during the further meeting, the President shall have a casting vote.

#### ARTICLE 15

1. The Director General shall be appointed for a term of office of five years by the Committee by a vote taken in accordance with Article 14.2, provided that the majority calculated in accordance with the aforesaid paragraph 2 is not less than 70% of the weighted votes cast. His term of office may be renewed in the same manner.

2. The Director General shall represent the Organisation in legal proceedings and for all civil purposes.

3. Furthermore, in conformity with the general policy established by the Committee and the Commission, the Director General:

- (a) shall be responsible for the efficient functioning of the Agency;
- (b) may appoint the staff and may terminate their services in accordance with the Staff Regulations;
- (c) may borrow money for a term not exceeding one year in accordance with the Financial Regulations and within the limits determined for that purpose by the Commission;
- (d) may enter into contracts both for the supply of goods and services to the Organisation and the sale of goods and services by the Organisation in accordance with the Regulations referred to in Article 10 and within the limits determined for those purposes by the Commission.

4. The Director General may discharge the aforesaid functions without prior reference to the Committee, but in all cases he shall keep the Committee informed of the measures taken in the exercise of the aforesaid powers.

5. The Committee shall determine the conditions under which a substitute for the Director General may be appointed should he be unable to perform his duties.

#### ARTICLE 16

1. Estimates of all receipts and expenditure of the Agency shall be prepared for each financial year.

2. The budget shall be balanced as between receipts and expenditure. Agency receipts and expenditure in respect of research and experimental centres, schools and any other institutions set up under Article 2.5 above shall be recorded in detail in a special statement.

3. Financial Regulations adopted pursuant to Article 11 above shall make provision for estimating, putting into effect and auditing the Agency's receipts and expenditures, subject to the provisions of the present Statute.

#### ARTICLE 17

1. The financial year shall begin on 1 January and end on 31 December.

2. The estimates for each financial year shall be submitted by the Committee for the approval of the Commission not later than 31 October in each year.

#### ARTICLE 18

The Committee shall submit for approval by the Commission proposals concerning the format of the budget and the unit of account to be used.

#### ARTICLE 19

1. Without prejudice to the provisions of paragraph 2 below, the annual contribution of each Contracting Party to the budget shall be determined, for each financial year, in accordance with the following formula:

- (a) an initial 30% of the contribution shall be calculated in proportion to the value of the Gross National Product of the Contracting Party, as defined in paragraph 3 below;
  - (b) a further 70% of the contribution shall be calculated in proportion to the value of the route facility cost-base of the Contracting Party as defined in paragraph 4 below.
2. No Contracting Party shall be required to pay, in any financial year, a contribution in excess of 30% of the total amount of contributions from the Contracting Parties. Should the contribution of any one Contracting Party calculated in accordance with paragraph 1 above exceed 30%, the excess shall be distributed among the other Contracting Parties according to the rules laid down in the aforesaid paragraph.
3. The Gross National Product to be used for the calculations shall be obtained from the statistics compiled by the Organisation for Economic Co-operation and Development—or failing that by any other body affording equivalent guarantees and designated under a decision of the Commission—by calculating the arithmetical mean for the last three years for which those statistics are available. The value of the Gross National Product shall be that which is calculated on the basis of factor cost and current prices expressed in European Units of Account.
4. The route facility cost-base to be used for the calculations shall be the cost-base established in respect of the last year but one preceding the financial year concerned.

#### ARTICLE 20

1. The Organisation may borrow on the international financial markets in order to obtain the necessary resources for the accomplishment of its tasks.
2. The Organisation may issue loans on the financial markets of a Contracting Party in accordance with national law relating to internal loans, or, in the absence of such law, with the agreement of the Contracting Party.
3. The Financial Regulations shall determine the procedures by which the Organisation raises and repays loans.
4. Each budget shall specify the maximum amount which the Organisation may borrow during the year covered by that budget.
5. In matters falling within the scope of the present article, the Organisation shall act in agreement with the competent authorities of the Contracting Parties or with their banks of issue.

#### ARTICLE 21

The budget may be revised during the financial year, if circumstances so require, in accordance with the requirements prescribed for its preparation and approval.

#### ARTICLE 22

1. The accounts of all budgetary receipts and expenditure shall be examined annually by a control board consisting of two expert officials belonging to the administrations of the Contracting Parties. These officials, who shall have different nationalities, shall be appointed by the Commission on the proposal of the Committee in accordance with Article 6.2 (b) of the Convention. The expenditures relating to the control board shall be borne by the Organisation.
2. The audit, which shall be made from the vouchers and if necessary *in situ*, shall be designed to establish the regularity of the receipts and expenditures and to verify that the financial administration is satisfactory. The control board shall present a report to the Commission after the end of each financial year.

## ARTICLE 23

1. Administrative or technical inspections of the services of the Agency may be carried out, if so required by the Commission, acting either on its own initiative or at the request of the committee or Director General.

2. Such inspections shall be made by officers of the administrations of the Contracting Parties. Each inspection committee shall consist of at least two persons of different nationalities and shall include as far as possible a person who has taken part in a previous inspection.

## ARTICLE 24

The Committee shall determine the working languages of the Agency.

## ARTICLE 25

The Agency shall issue the publications necessary for its operation.

## ARTICLE 26

The Committee shall submit for the approval of the Commission any modifications of the Statute which are considered to be necessary by the Committee, subject to the provisions of Article 32.3 of the Convention.

## ANNEX 2

**Flight Information Regions  
(Article 3 of the Convention)**

*Contracting Parties*

The Federal Republic  
of Germany

The Kingdom of Belgium

The Grand Duchy of  
Luxembourg

The French Republic

The United Kingdom of  
Great Britain and  
Northern Ireland

Ireland

The Kingdom of the  
Netherlands

The Portuguese Republic

*Flight Information Regions*

Hannover Upper Flight Information Region  
Rhein Upper Flight Information Region  
Bremen Flight Information Region  
Düsseldorf Flight Information Region  
Frankfurt Flight Information Region  
München Flight Information Region

Bruxelles Upper Flight Information Region  
Bruxelles Flight Information Region

France Upper Flight Information Region  
Paris Flight Information Region  
Brest Flight Information Region  
Bordeaux Flight Information Region  
Marseille Flight Information Region

Scottish Upper Flight Information Region  
Scottish Flight Information Region  
London Upper Flight Information Region  
London Flight Information Region

Shannon Upper Flight Information Region  
Shannon Flight Information Region

Amsterdam Flight Information Region  
Lisboa Upper Flight Information Region  
Lisboa Flight Information Region  
Santa Maria Flight Information Region

## ANNEX 3

**Transitional provisions covering transfer from the arrangements existing under the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960 to the arrangements under the Convention as amended by the present Protocol**

## ARTICLE 1 DEFINITION

For the purposes of the present Annex:

- “seven States” means the Federal Republic of Germany, the Kingdom of Belgium, the French Republic, the United Kingdom of Great Britain and Northern Ireland, Ireland, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands;
- “four States” means the Federal Republic of Germany, the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands;
- “transitional period” means the period from the date of entry into force of the present Protocol until such time as the Commission, by a unanimous vote of the seven States on a proposal from the four States, has agreed on future arrangements for the Maastricht Centre and has decided to implement them.

## ARTICLE 2 MAASTRICHT CONTROL CENTRE

1. The following provisions of this article shall apply during the transitional period.
2. (a) Maastricht Control Centre, including its staff, shall continue to be the responsibility of the Organisation, whose property it shall remain.
  - (b) The said Centre shall continue to provide air traffic control services in the airspace entrusted to it in pursuance of the Convention of 13 December 1960. In the exercise of its functions the Organisation shall apply the provisions of paragraphs 10 to 15 of this article.
  - (c) The operating costs in respect of such functions shall be financed by the four States in accordance with a cost-sharing formula to be agreed between them.
3. The seven States shall contribute to the cost of investments in respect of the Maastricht Centre approved prior to the entry into force of the present Protocol in proportion to their respective Gross National Products as defined in Article 19.3 of Annex 1.
4. (a) The Contributions of the seven States, on the basis referred to in paragraph 3, shall be used to finance only such new investments at Maastricht as are necessary to maintain the scale of the facilities and services approved up to the date of entry into force of the present Protocol or to preserve the level of safety.
  - (b) By derogation from Article 7 of the Convention, decisions on such investments shall be taken by the Committee and the Commission by a majority vote of the seven States, it being understood that:
    - the votes are weighted in accordance with the table below,
    - the votes represent at least five out of the seven States.
  - (c) The table referred to in sub-paragraph (b) above is as follows:

## WEIGHT TABLE

Gross National Product according to factor cost and current prices in thousands of millions of French francs

	<i>Number of votes</i>
Less than 10 .....	1
From 10 inclusive to 20 exclusive .....	2
From 20 inclusive to 30 exclusive .....	3
From 30 inclusive to 46 $\frac{2}{3}$ exclusive .....	4
From 46 $\frac{2}{3}$ inclusive to 63 $\frac{1}{3}$ exclusive .....	5
From 63 $\frac{1}{3}$ inclusive to 80 exclusive .....	6
From 80 inclusive to 110 exclusive .....	7
From 110 inclusive to 140 exclusive .....	8
From 140 inclusive to 200 exclusive .....	9
From 200 inclusive to 260 exclusive .....	10
From 260 inclusive to 320 exclusive .....	11
From 320 inclusive to 380 exclusive .....	12

and thereafter one additional vote for each additional increase or fraction thereof of sixty thousand million French francs.

5. A sum equivalent to the receipts from route charges in respect of the amounts for annual amortisation and interest on the capital expenditure at the Maastricht Centre shall be payable by the four States in accordance with a cost-sharing formula to be agreed between them. This sum shall be redistributed to the seven States in proportion to their average contributions to the Investment Budgets from 1974 to 1980 in the case of investments financed before 31 December 1980, and to their actual contributions in the case of investments financed after that date.

6. (a) From the date of entry into force of the present Protocol, the radar installations and transmitting and receiving stations which form an integral part of the Maastricht Centre system and are used to provide air traffic services shall become the property of the States in which they are located.

(b) The said States shall purchase the above-mentioned facilities at the then current written-down value. The proceeds of the sale shall be distributed among the seven States in proportion to their average contributions to the Investment Budgets from 1974 to 1980 in the case of investments financed before 31 December 1980, and to their actual national contributions in the case of investments financed after that date.

7. The installations, equipment and technical services made available to the military authorities of the Federal Republic of Germany, in accordance with the Agreement concluded on 3 November 1977 between the Government of the Federal Republic of Germany and EUROCONTROL relating to the collocation of the German Air Force at the EUROCONTROL Maastricht UAC, shall continue to be made available.

8. Expenditure in respect of investment costs of the Maastricht Centre which is entered in the Organisation's budget and is met by the seven States shall be set out in a special budgetary annex.

9. Expenditure in respect of the operating and maintenance costs of the Maastricht Centre which is entered in the Organisation's budget and is met by the four States shall be set out in a special budgetary annex.

10. The Contracting Parties shall, to the extent that they are competent to do so, and in particular in respect of the allocation of radio frequencies, take the necessary measures to ensure that the Organisation can accomplish all those operations which fulfil its purpose.

11. (a) For the accomplishment of its task, the Agency shall apply for the purpose of air traffic control the regulations in force in the territories of the Contracting Parties and in the airspace in respect of which the air traffic services have been entrusted to them under international agreements to which they are parties.  
(b) In case of difficulty in applying the provisions of (a) above, the Agency shall bring the matter before the Commission which shall make recommendations to the Contracting Parties regarding the necessary measures to be taken.
12. For the accomplishment of its task and within the limits of the powers conferred on the air traffic services, the Agency shall give all necessary instructions to aircraft commanders. The aircraft commanders shall be bound to comply with those instructions, except in the cases of *force majeure* provided for in the regulations referred to in paragraph 11 above.
13. Infringements of the air navigation regulations committed in the airspace in which the air traffic services have been entrusted to the Agency shall be recorded in reports by officers specifically authorised by the Agency for that purpose, without prejudice to the right under national law of officers of the Contracting Parties to report infringements of the same nature. The reports referred to above shall have the same effect in national courts as those drawn up by national officers qualified to report infringements of the same nature.
14. International agreements and national regulations relating to the admission to, flight over and security of the territory of the Contracting Parties shall be binding on the Agency which shall take all the necessary measures to ensure the application of such agreements and regulations.
15. In order that the Contracting Parties may be able to verify that national regulations and international agreements are being applied, the Agency shall be bound to give those Contracting Parties which so request all the necessary information relating to the aircraft of which it has cognisance in the exercise of its functions.

#### ARTICLE 3 KARLSRUHE CONTROL CENTRE

On the date of entry into force of the present Protocol, Karlsruhe Control Centre shall become the property of the Federal Republic of Germany, which shall purchase the Centre at the then current written-down value. The proceeds of the sale shall be distributed among the seven States in proportion to their average contributions to the Investment Budgets from 1974 to 1980 in the case of investments financed before 31 December 1980, and to their actual contributions in the case of investments financed after that date.

#### ARTICLE 4 FACILITIES LOCATED IN IRELAND

From the date of entry into force of the present Protocol, the Shannon Control Centre, the Mount Gabriel secondary radar installation and radio-telephony stations and the Woodcock Hill secondary radar installation shall become the property of Ireland. In the four years thereafter, route charge receipts corresponding to the cost allowed for amortisation of these facilities shall be distributed among the seven States in proportion to their average contributions to the Investment Budgets from 1974 to 1980 in the case of investments financed before 31 December 1980, and to their actual national contributions in the case of investments financed after that date.

#### ARTICLE 5 RESIDUAL PAYMENTS

1. Any entitlement to reimbursement under existing provisions in respect of amortisation of approved indirect investments shall cease on the date of entry into force of the present Protocol.

2. The payments due pursuant to decisions taken by the Organisation prior to the entry into force of the present Protocol shall still be effected thereafter in accordance with the rules laid down by such decisions and shall be set out in special budgetary annexes.

#### ARTICLE 6 TRANSITIONAL BUDGETARY PROVISIONS

1. Within three months following the entry into force of the present Protocol, a budget shall be drawn up and approved by the Commission.

2. This budget shall have retroactive effect from the date of entry into force of the present Protocol and shall terminate on 31 December of the then current year.

3. During the period of preparation of the budget referred to in paragraph 1 above, the Commission may invite the Contracting Parties to make appropriate advances to the working capital fund.

4. Advances in respect of working capital shall be offset against the contributions determined pursuant to Article 19 of Annex 1 to the present Protocol.

#### IL-HAMES SKEDA

(Artikoli 2, 12, 14)

### MULTILATERAL AGREEMENT RELATING TO ROUTE CHARGES

The Federal Republic of Germany, The Republic of Austria, The Kingdom of Belgium, Spain, The French Republic, The United Kingdom of Great Britain and Northern Ireland, Ireland, The Grand Duchy of Luxembourg, The Kingdom of the Netherlands, The Portugese Republic, The Swiss Confederation, hereinafter called "the Contracting States" ;

The European Organisation for the Safety of Air Navigation, hereinafter called "EUROCONTROL" ;

Considering that the agreements concluded by European States with EUROCONTROL for the collection of route charges must be replaced owing to the amendment of the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960;

Recognising that co-operation in respect of the establishment and collection of route charges has proved effective in the past;

Desirous of continuing and strenghtening the co-operation established;

Resolved to operate, with due regard to the guidelines recommended by the International Civil Aviation Organization, a uniform European route charges system accesible to as many European States as possible;

Convinced that this uniformity will also facilitate consultation with users;

Considering that it is desirable for the States participating in the EUROCONTROL route charges system to strenghten the Organisation's powers in regard to the recovery of charges;

Recognising that such a system requires a new legal basis;

Have agreed as follows:

ARTICLE 1

1. The Contracting States agree to adopt a common policy in respect of charges for en route air navigation facilities and services, hereinafter called "route charges", in the airspace of the Flight Information Regions falling within their competence.

2. They accordingly agree to create a joint system for the establishment and collection of route charges and to use for this purpose the services of EUROCONTROL.

3. To this end the Permanent Commission and the Committee of Management of EUROCONTROL shall be enlarged to include representatives of the Contracting States which are not members of EUROCONTROL and are hereinafter called the "enlarged Commission" and the "enlarged Committee".

4. The Flight Information Regions mentioned in paragraph 1 above are listed in Annex 1 to this Agreement. Any amendment which a Contracting State wishes to make to the list of its Flight Information Regions shall be subject to the unanimous agreement of the enlarged Commission if it would result in a change in the overall limits of the airspace covered by this Agreement. Any amendment which does not result in such a change shall be notified to EUROCONTROL by the Contracting State concerned.

ARTICLE 2

Each Contracting State shall have one vote in the enlarged Commission, subject to the provisions of Article 6.1 (b).

ARTICLE 3

1. The enlarged Commission shall undertake the establishment of the joint system of route charges in such a manner that:

- (a) those charges are established according to a common formula which takes account of the costs incurred by the Contracting States in respect of en route air navigation facilities and services and of the operation of the system, as well as the costs incurred by EUROCONTROL in operating the system;
- (b) those charges are collected by EUROCONTROL as a single charge per flight.

2. The enlarged Commission shall, for the above purposes:

- (a) establish the principles governing the assessment of the costs referred to in paragraph 1 (a) above;
- (b) establish the formula to be applied in calculating the route charges;
- (c) approve, for each charging period, the rate at which the costs referred to in paragraph 1 (a) above are to be recovered;
- (d) determine the unit of account in which the route charges are expressed;
- (e) determine the conditions of application of the system, including the conditions of payment, as well as the unit rates and tariffs and the period during which they are to apply;
- (f) determine the principles governing exemption from the route charges;
- (g) approve reports of the enlarged Committee;
- (h) adopt the financial regulations applicable to the route charges system;
- (i) approve agreements between EUROCONTROL and any State wishing to avail itself of EUROCONTROL's resources or technical assist-

ance in connection with air navigation charges not covered by this Agreement;

- (j) approve the budgetary annex proposed by the enlarged Committee in accordance with Article 5.1 (c).

3. The enlarged Commission shall establish its rules of procedure by a unanimous vote of all Contracting States.

#### ARTICLE 4

Each Contracting State shall have one vote in the enlarged Committee, subject to the provisions of article 6.2 (b).

#### ARTICLE 5

1. The enlarged Committee shall undertake:

- (a) the preparation of decisions for the enlarged Commission;
- (b) the supervision of the operation of the route charges system, including the use of the resources employed by EUROCONTROL for this purpose, and the taking of all necessary measures, particularly in respect of recovery of route charges, in conformity with the decisions of the enlarged Commission;
- (c) the reporting to the enlarged Commission on the resources required for the operation of the route charges system and the submission to it of the budgetary annex relating to EUROCONTROL's activities in connection with route charges;
- (d) the performance of any other tasks entrusted to it by the enlarged Commission;

2. The enlarged Committee shall establish its rules of procedure, subject to the provisions of Article 6.2 (a).

#### ARTICLE 6

1. The decisions of the enlarged Commission shall be taken as follows:

- (a) decisions on the matters referred to in Article 3.2 (a) to (f) and (h) shall require a unanimous vote of all Contracting States and shall be binding on all Contracting States; failing a unanimous decision, the enlarged Commission shall take a decision by a two-thirds majority of the votes cast; any Contracting State which is unable for overriding national considerations to apply that decision shall submit to the enlarged Commission an explanatory statement of the reasons therefor;
- (b) decisions on the matters referred to in Article 3.2 (i) and (j) shall require a two-thirds majority of the votes cast, provided that the votes comprise the weighted majority of the Member States of EUROCONTROL in accordance with the provisions reproduced in Annex 2 to this Agreement; every year EUROCONTROL shall notify the Contracting States which are not Member States of EUROCONTROL of the number of votes to which the Member States are entitled under the said provisions;
- (c) decisions on the matters referred to in Article 3.2 (g) shall require a two-thirds majority of the votes cast. The same applies to proceedings introduced on behalf of EUROCONTROL by the

enlarged Commission before the arbitral tribunal mentioned in Article 25.

2. (a) the rules of procedure of the enlarged Committee, including the rules relating to the taking of decisions, shall require approval by the enlarged Commission by a unanimous vote of all Contracting States.
- (b) However, in the matters referred to in Article 5.1 (c), the decisions of the enlarged Committee shall be adopted in accordance with the provisions of paragraph 1 (b) of this article.

#### ARTICLE 7

EUROCONTROL shall assess, in accordance with the applicable rules, the route charges due for each flight in the airspace defined in Article 1.

#### ARTICLE 8

EUROCONTROL shall collect the route charges referred to in Article 7. For that purpose, they shall constitute a single charge due in respect of each flight, which shall constitute a single claim by EUROCONTROL, payable at its headquarters.

#### ARTICLE 9

The person liable to pay the charge shall be the person who was the operator of the aircraft at the time when the flight was performed.

#### ARTICLE 10

If the identity of the operator is not known, the owner of the aircraft shall be regarded as the operator unless he proves which other person was the operator.

#### ARTICLE 11

Where a debtor has not paid the amount due, measures may be taken to enforce recovery.

#### ARTICLE 12

1. Proceedings for recovery of the amount due shall be instituted either by EUROCONTROL or, at EUROCONTROL's request, by a Contracting State.

2. Recovery shall be effected by either judicial or administrative procedure.

3. Each Contracting State shall inform EUROCONTROL of the procedures applied in that State and of the competent courts, tribunals or administrative authorities.

#### ARTICLE 13

Recovery proceedings shall be instituted in the territory of the Contracting State:

- (a) where the debtor has his residence or registered office;
- (b) where the debtor has a place of business, if neither his residence nor his registered office is situated in the territory of a Contracting State;
- (c) in the absence of the grounds of jurisdiction set out in (a) and (b) above, where the debtor has assets;
- (d) in the absence of the grounds of jurisdiction set out in (a) to (c) above, where EUROCONTROL has its headquarters.

## ARTICLE 14

EUROCONTROL shall have the capacity to institute proceedings before the competent courts, tribunals and administrative authorities of States not parties to this Agreement.

## ARTICLE 15

The following decisions taken in a Contracting State shall be recognised and enforced in the other Contracting States:

- (a) final decisions of a court or tribunal;
- (b) decisions of an administrative authority which have been subject to review by a court or tribunal, but are no longer so, either because the court or tribunal has dismissed the appeal by a final decision, or because the appeal has been withdrawn, or because the time for lodging the appeal has expired.

## ARTICLE 16

Decisions referred to in Article 15 shall not be recognised or enforced in the following cases:

- (a) if the court, tribunal or administrative authority of the State of origin was not competent in accordance with Article 13;
- (b) if the decision is manifestly incompatible with the public policy of the State addressed;
- (c) if the debtor did not receive notice of the decision of the administrative authority or of the institution of the proceedings in sufficient time to enable him to defend the case or to appeal to a court or a tribunal;
- (d) if proceedings relating to the same route charges have been previously instituted and are still pending before a court, tribunal or an administrative authority of the State addressed;
- (e) if the decision is incompatible with a decision relating to the same route charges given in the State addressed;
- (f) if the court, tribunal or authority of the State of origin, in order to arrive at its decision, has decided a preliminary question concerning the status or legal capacity of natural persons, rights in property arising out of a matrimonial relationship, wills or succession in a way that conflicts with a rule of the private international law of the State in which the recognition is sought, unless the same result would have been obtained by the application of the rules of private international law of that State.

## ARTICLE 17

The decisions referred to in Article 15, if enforceable in the State of origin, shall be enforced in accordance with the law of the State addressed. If necessary, an order of enforcement shall on request be issued by a court, tribunal or an administrative authority of the State addressed.

## ARTICLE 18

1. The request shall be accompanied by:

- (a) a certified copy of the decision;
- (b) in the case of a decision of a court or tribunal rendered by default, the original or a certified copy of a document establishing that notice of the institution of the proceedings was duly served on the debtor;

- (c) in the case of an administrative decision, a document establishing that the requirements of Article 15 have been met;
- (d) a document establishing that the decision is enforceable in the State of origin and that the debtor has received notice of the decision in due time.

2. A duly certified translation of the documents shall be supplied if the court, tribunal or administrative authority of the State addressed so requires. No legalisation or similar formality shall be required.

#### ARTICLE 19

- 1. The request can be rejected only for one of the reasons set forth in Article 16. In no case may the decision be reviewed on its merits in the State addressed.
- 2. The procedure for the recognition and enforcement of the decision shall be governed by the law of the State addressed insofar as this Agreement does not otherwise provide.

#### ARTICLE 20

The amount collected by EUROCONTROL shall be paid to the Contracting States in accordance with the decisions of the enlarged Committee.

#### ARTICLE 21

Where the claim is recovered by a Contracting State, the amount collected shall be paid without delay to EUROCONTROL, which shall proceed in accordance with Article 20. The recovery costs incurred by the state shall be charged to EUROCONTROL.

#### ARTICLE 22

The competent authorities of the Contracting States shall co-operate with EUROCONTROL in the establishment and collection of route charges.

#### ARTICLE 23

If the enlarged Committee decides unanimously to abandon recovery of a charge, the Contracting States concerned may take whatever action they deem fit. In such a case, the provisions of this Agreement relating to recovery and to recognition and enforcement of decisions shall cease to apply.

#### ARTICLE 24

In the event of a state of emergency or war, the provisions of this Agreement shall not affect the freedom of action of the Contracting States involved.

#### ARTICLE 25

1. Any dispute which may arise either between the Contracting States, or between the Contracting States and EUROCONTROL represented by the enlarged Commission, relating to the interpretation or application of this Agreement or of its annexes, and which it has not been possible to settle by direct negotiation or by any other method, shall be referred to arbitration on the request of any one of the parties.

2. For the purpose, each of the parties shall in each case appoint an arbitrator and the arbitrators shall agree on the appointment of a third arbitrator.

3. The arbitral tribunal shall determine its own procedure.

4. Each party shall bear the costs in respect of its own arbitrator and its representation in the proceedings before the tribunal; the costs in respect of the

third arbitrator and any other costs shall be borne equally by the parties to the dispute. The arbitral tribunal may however determine a different sharing of costs if it thinks fit.

5. The decisions of the arbitral tribunal shall be binding on the parties to the dispute.

#### ARTICLE 26

This agreement shall replace the Multilateral Agreement relating to the Collection of Route Charges of 8 September 1970.

This provision is without prejudice to any agreement between EUROCONTROL and a non-member State of EUROCONTROL relating to the collection of route charges which concerns the Flight Information Regions referred to in Article 1 of this Agreement, which shall remain in force until that State becomes a party to this Agreement.

#### ARTICLE 27

1. This agreement shall be open for signature, prior to the date of its entry into force, by any State which is at the time of signature participating in the EUROCONTROL system of collection of route charges or is granted the right of signature by a unanimous decision of the Permanent Commission.

2. This agreement shall be subject to ratification. The instruments of ratification shall be deposited with the Government of the Kingdom of Belgium. Ratification of the Protocol, opened for signature at Brussels on 12 February 1981, amending the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960, hereinafter called "the Protocol" shall also constitute ratification of this Agreement.

3. This Agreement shall enter into force on the date of entry into force of the Protocol in the case of EUROCONTROL, the Member States of EUROCONTROL, and States which have deposited their instruments of ratification before that date.

4. Where any state deposits its instrument of ratification after the date of the entry into force of this Agreement, this Agreement shall enter into force in respect of that State on the first day of the second month following the date on which the instrument of ratification was deposited.

5. EUROCONTROL shall become a party to this Agreement by its signature.

6. The Government of the Kingdom of Belgium shall notify the Governments of the other signatory States to this Agreement of each signature of this Agreement, of the deposit of any instrument of ratification and of the date of entry into force of this Agreement.

#### ARTICLE 28

1. Any State may accede to this Agreement.

With the exception of European States which accede to the amended Convention referred to in Article 27.2, States may accede to this Agreement only with the approval of the enlarged Commission carried by a unanimous vote.

2. The instrument of accession shall be deposited with the Government of the Kingdom of Belgium, which shall notify the Governments of the other Contracting States.

3. Accession shall take effect from the first day of the second month following the deposit of the instrument of accession.

#### ARTICLE 29

1. States parties to the amended Convention shall be bound by this Agreement for as long as the said amended Convention remains in force.

2. States which are not parties to the amended Convention shall be bound by this Agreement for a period of five years from the date on which the Agreement enters into force in respect of the State concerned or until the expiry of the Convention, whichever is the earlier. This five-year period shall be automatically extended for further five-year periods save where the State concerned notifies the Government of the Kingdom of Belgium in writing, not less than two years before the expiry of the current period, of its intention to withdraw from the Agreement. The Government of the Kingdom of Belgium shall notify the Governments of the other Contracting States in writing of such notice.

3. The Government of the Kingdom of Belgium shall notify the Governments of the other Contracting States in writing of any notice given by a Contracting Party to the amended Convention of its intention to denounce the said Convention.

#### ARTICLE 30

The Government of the Kingdom of Belgium shall cause this Agreement to be registered with the Secretary General of the United Nations, in accordance with Article 102 of the Charter of the United Nations, and with the Council of the International Civil Aviation Organization, in accordance with Article 83 of the Convention on International Civil Aviation signed in Chicago on 7 December 1944.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, after presentation of their full powers, found to be in good and due form, have signed this Agreement.

DONE at Brussels, this 12th day of February 1981, in the German, English, Spanish, French, Dutch and Portuguese languages, the six texts being equally authentic, in a single original, which shall be deposited in the archives of the Government of the Kingdom of Belgium, which shall transmit certified copies to the Governments of the other signatory States. In the event of any inconsistency, the text in the French language shall prevail.

#### ANNEX 1

##### **Flight Information Regions**

##### *Contracting Parties*

The Federal Republic of

Germany .....

The Republic of Austria ..

The Kingdom of Belgium )

The Grand Duchy of  
Luxembourg .....

Spain .....

##### *Flight Information Regions*

Hannover Upper Flight Information Region

Rhein Upper Flight Information Region

Bremen Flight Information Region

Düsseldorf Flight Information Region

Frankfurt Flight Information Region

München Flight Information Region

Wien Flight Information Region

Bruxelles Upper Flight Information Region

Bruxelles Flight Information Region

Madrid Upper Flight Information Region

Madrid Flight Information Region

Barcelona Upper Flight Information Region

Barcelona Flight Information Region

Islas Canarias Upper Flight Information Region

Islas Canarias Flight Information Region

The French Republic .....	France Upper Flight Information Region Paris Flight Information Region Brest Flight Information Region Bordeaux Flight Information Region Marseille Flight Information Region
The United Kingdom of Great Britain and Northern Ireland .....	Scottish Upper Flight Information Region Scottish Flight Information Region London Upper Flight Information Region London Flight Information Region
Ireland .....	Shannon Upper Flight Information Region Shannon Flight Information Region
The Kingdom of the Netherlands .....	Amsterdam Flight Information Region
The Portuguese Republic ....	Lisboa Upper Flight Information Region Lisboa Flight Information Region Santa Maria Flight Information Region
The Swiss Confederation ....	Genève Upper Flight Information Region Genève Flight Information Region Zürich Upper Flight Information Region Zürich Flight Information Region

## ANNEX 2

(Article 6.1 (b))

Extracts from the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960 amended by the Protocol opened for signature at Brussels in 1981

## ARTICLE 7.3 OF THE CONVENTION

“3. Unless otherwise provided, directives and measures in the cases provided for in Article 6.1 (b) and 6.4 shall require a majority of the votes in the Commission, it being understood that:

- those votes shall be subject to the weighting provided for in Article 8 below,
- those votes shall represent the majority of the Contracting Parties voting.”

## ARTICLE 8 OF THE CONVENTION

“Article 8

1. The weighting referred to in Article 7 shall be determined according to the following table:

<i>Annual contribution of a Contracting Party as a percentage of the total annual contributions of all the Contracting Parties</i>	<i>Number of votes</i>
Less than 1% .....	1

From 1 to less than 2%	2
From 2 to less than 3%	3
From 3 to less than 4½%	4
From 4½ to less than 6%	5
From 6 to less than 7½%	6
From 7½ to less than 9%	7
From 9 to less than 11%	8
From 11 to less than 13%	9
From 13 to less than 15%	10
From 15 to less than 18%	11
From 18 to less than 21%	12
From 21 to less than 24%	13
From 24 to less than 27%	14
From 27 to less than 30%	15
30%	16

2. The numbers of votes shall be initially established with effect from the date of entry into force of the Protocol opened for signature at Brussels in 1981 by reference to the above table and in accordance with the rule in Article 19 of the Statute of the Agency for determining the annual contributions of the Contracting Parties to the Organisation's budget.

3. In the event of the accession of a State, the number of votes of the Contracting Parties shall be re-established in accordance with the same procedure.

4. The numbers of votes shall be re-established each year in accordance with the foregoing provisions."

#### ARTICLE 19 OF ANNEX I OF THE CONVENTION (STATUTE OF THE AGENCY)

##### "Article 19

1. Without prejudice to the provisions of paragraph 2 below, the annual contribution of each Contracting Party to the budget shall be determined, for each financial year, in accordance with the following formula:

- (a) an initial 30% of the contribution shall be calculated in proportion to the value of the Gross National Product of the Contracting Party, as defined in paragraph 3 below;
- (b) a further 70% of the contribution shall be calculated in proportion to the value of the route facility cost-base of the Contracting Party, as defined in paragraph 4 below.

2. No Contracting Party shall be required to pay, in any given financial year, a contribution in excess of 30% of the total amount of contributions from the Contracting Parties. Should the contribution of any one Contracting Party calculated in accordance with paragraph 1 above exceed 30%, the excess shall be distributed among the other Contracting Parties according to the rules laid down in the aforesaid paragraph.

3. The Gross National Product to be used for the calculations shall be obtained from the statistics compiled by the Organisation for Economic Cooperation and Development — or failing that by any other body affording equivalent guarantees and designated under a decision of the Commission — by calculating the arithmetical mean for the last three years for which those

statistics are available. The value of the Gross National Product shall be that which is calculated on the basis of factor cost and current prices expressed in European Units of Account.

4. The route facility cost-base to be used for the calculations shall be the cost-base established in respect of the last year but one preceding the financial year concerned."

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### Għanijiet u Raġunijiet

L-Għan ta' l-Abbozz huwa li jagħmel l-*Articles of the Convention Relating to the Co-Operation for the Safety of Air Navigation (Eurocontrol)* kif sussegwentement miżjuda u emendati, u l-*Multilateral Agreement Relating to Route Charges* eżegwibli bhala parti tal-Liġi ta' Malta, u biex Malta tkun tista' ssir membru ta' *Eurocontrol* u biex jagħti d-dritt lil *Eurocontrol* biex titlob u tikseb hlas ta' *route charges* għan-nom ta' Malta.



**A BILL  
entitled**

*AN ACT to provide for Malta's membership to Eurocontrol*

BE IT ENACTED by the President, by and with the advice and consent of the House of Representatives, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title and commencement.

1. (1) This Act may be cited as the Eurocontrol Act, 1988.

(2) The provisions of this Act other than this section and sections 2 and 14, shall come into force on such date as the Minister may, by notice in the Gazette, establish, such date being the day on which the Convention and the Multilateral Agreement shall come into force with respect to Malta after Malta accedes thereto.

Interpretation.

2. In this Act unless the context otherwise requires:

“Agency” means the Air Traffic Services Agency comprised in Eurocontrol, the statute of which is annexed to the Convention;

L.N. 10 of 1963.

“Air Navigation Order” means the “Colonial Air Navigation Order, 1961”;

“Commission” means the Permanent Commission for the safety of air navigation, which constitutes the organ responsible for formulating the Eurocontrol’s general policy;

“Contracting State” means a country which is or becomes a party to the Multilateral Agreement Relating to Route Charges, done at Brussels on the 12th February, 1981;

“Convention” means the Convention relating to Co-operation for the Safety of Air Navigation (Eurocontrol), signed at Brussels, on the 13th December 1960, as set out in the First Schedule to this Act, as amended by the Additional Protocol thereto signed at Brussels on 6th July 1970, as set out in the Second Schedule to

this Act, which in turn was amended by the Amendment of the Additional Protocol signed at Brussels on the 21st November 1978 as set out in the Third Schedule to this Act, and as amended by the Protocol amending the Convention, done at Brussels on the 12th February 1981, as set out in the Fourth Schedule to this Act;

“decision creditor” means the person by whom the decision was obtained and includes the successors and assignees of that person;

“decision debtor” means the person against whom the decision was given; and includes any person against whom the decision is enforceable;

“en route air navigation services” includes information, directions and other facilities furnished, issued or provided in connection with the navigation or movement of aircraft;

“Eurocontrol” means The European Organisation for the Safety of Air Navigation established by the Convention, including, except where the context otherwise requires, the Permanent Commission for the Safety of Air Navigation and the Air Traffic Services Agency comprised in that Organisation;

“installations” means apparatus for locating, directing, affording navigational aid to, or otherwise communicating with, aircraft in flight, including apparatus for recording or processing material received or transmitted by such apparatus, and any other apparatus for use in connection with any such apparatus as aforesaid;

“manager”, in relation to an aerodrome, means a person who is in charge of it or holds a licence granted in respect of it by virtue of article 61 of the Colonial Air Navigation Order, 1961, published by Legal Notice 10 of 1963, as kept in force by section 21 of Civil Aviation Act, 1972;

Act XLIII of 1972.

“Minister” means the Minister responsible for civil aviation and to the extent of the authority given, any person authorised in that behalf by such Minister;

“Multilateral Agreement” means the Multilateral Agreement Relating to Route Charges, done at Brussels on the 12th February, 1981, as set out in the Fifth Schedule to this Act;

“prescribe” means prescribed by regulations under this Act;

“record” includes, in addition to a record in writing —

(a) any disc, tape, sound-track or other device in which sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced therefrom;

(b) any film, tape or other device in which visual images are embodied so as to be capable (as aforesaid) of being reproduced therefrom; and

(c) any photograph;

and any reference to a copy of a record includes in the case of a record falling within paragraph (a) only of this definition, a

transcript of the sounds or signals embodied therein, in the case of a record falling within paragraph (b) only of this definition, a still reproduction of the images embodied therein, and in the case of a record falling within both those paragraphs, such a transcript together with such a still reproduction;

“registering court” in relation to any decision means the court by which the decision was registered;

“relevant authority”, in relation to a Contracting State, means —

(a) any court or tribunal which, under the law of the State, has jurisdiction to decide questions as to whether or not a sum is due to Eurocontrol in respect of air navigation services provided by Eurocontrol or some other person;

(b) any administrative authority which, under that law, has jurisdiction to take, or is otherwise authorised to take, decisions in respect of such questions being decisions which in that State are subject to appeal to, or review by, a court or tribunal.

(c) any court or tribunal which, under that law, has jurisdiction to decide any appeal from, or carry out any review of, a decision made in respect of any such question by another relevant authority;

“State addressed” in relation to any decision means the State in which the decision is sought to be enforced;

“State of origin” in relation to any decision means the State in which the decision was given.

Enforcement of the Convention, the Additional Protocol, etc.

3. (1) The Convention and the Multilateral Agreement shall be, and be enforceable as, part of the law of Malta.

(2) Where any law, other than the Constitution is inconsistent with the abovementioned Convention or the Multilateral Agreement, the said Convention or the Multilateral Agreement shall prevail, and such law, shall, to the extent of the inconsistency, be void.

Legal Personality.

4. (1) Eurocontrol shall have the legal capacity of a body corporate. It shall have the right to acquire or transfer movable or immovable property and to sue or be sued in any court of law.

(2) Except as otherwise provided in the Convention anything which may be required or authorised by law to be done by or to Eurocontrol may be done by or to the Agency on behalf of Eurocontrol.

Provision of land, premises, etc.

5. The Minister may provide for Eurocontrol any land, premises, installations, equipment or services (including the services of personnel) in Malta which may be required for the purposes of or in connection with the functions of Eurocontrol under the Convention.

6. (1) The Minister may make regulations for requiring the payment to Eurocontrol of charges, of such amounts and in such currencies as may be prescribed, in respect of en route air navigation services which, whether in pursuance of international arrangements or otherwise, are provided for aircraft by the Director of Civil Aviation, or Eurocontrol or any other person.

Power to charge  
for en route  
air navigation  
services, etc.

(2) The liability for any charges payable by virtue of regulations under subsection (1) of this section may be imposed upon the operators or owners of aircraft separately or jointly for which the en route air navigation services in question are available (whether or not they are actually used or could be used with the equipment installed in the aircraft).

(3) Regulations under subsection (1) of this section may provide for charges payable by virtue of such regulations to be so payable elsewhere than in Malta and to be recoverable in Malta wherever they are payable (without prejudice to their recovery elsewhere); and liability for any charges payable by virtue of such regulations may be imposed upon the operator or owner of any aircraft whether or not it is registered in Malta, whether or not it is in or over Malta at the time when the services to which the charges relate are provided and whether or not those services are provided from a place in Malta.

(4) The charges to be prescribed under this section shall be at such rates as the Minister may determine in pursuance of tariffs which are approved under any international agreement to which Malta is a party, and the regulations may prescribe different charges in respect of aircraft of different classes or descriptions or in respect of aircraft used in different circumstances; the said regulations may also prescribe for the payment, with any charges or separately, of interest on the charges in respect of any period during which the charges were due but unpaid and may dispense with the charges in such cases as may be prescribed by or determined under the regulations.

(5) For the purpose of facilitating the assessment and collection of charges payable by virtue of regulations under this section, the regulations may make provision for requiring operators of aircraft or managers of aerodromes —

(a) to make such records of the movements of aircraft, and of such other particulars relating to aircraft, as may be prescribed, and to preserve those records for such period as may be prescribed;

(b) to produce for inspection by officers of Eurocontrol at such times as may be prescribed, any records which are required by the regulations or the Air Navigation Order, to be preserved by those operators or managers;

(c) to furnish to Eurocontrol such particulars of any such records as may be prescribed.

(6) The requirements mentioned in subsection (5) of this section may be imposed upon the operator of any aircraft whether or not it is registered in Malta, whether or not it is in or over Malta at

the time when the services to which the charges relate are provided and whether or not those services are provided from a place in Malta.

(7) Regulations under subsection (1) above may make provision —

(a) in the case of default in the payment of any charge payable by an operator under the regulations, for authorising the detention, pending payment, of the aircraft in respect of which the charge was incurred or of any other aircraft of which the person in default is the operator at the time when the detention begins;

(b) for authorising the detention of any aircraft of which the person in default is the operator at the time when the detention begins, pending compliance, in the case of default in complying with any requirement imposed by the regulations on the operators of aircraft with respect to the production for inspection, or the furnishing of particulars, of any records;

and such regulations may make such further provision as appears to the Minister to be necessary or expedient for effecting such detention, and, in the case of paragraph (a) above, the judicial sale of the aircraft in order to satisfy any charge.

Payment to Eurocontrol.

7. The Minister may from time to time pay to Eurocontrol, out of the Consolidated Fund without any further authority other than this Act, such sums as he may determine, being sums for the payment of which Malta is liable under the Convention or the Multilateral Agreement.

Immunities and Privileges. Act I of 1966.

8. Eurocontrol shall be entitled to the immunities and privileges described in paragraphs 2 to 5 of Part I of the Second Schedule to the Diplomatic Immunities and Privileges Act, 1966.

Inviolability of Eurocontrol.

9. (1) The immunity and privilege described in paragraph 2 of Part 1 of the Second Schedule of the Diplomatic Immunities and Privileges Act, 1966, shall extend to premises occupied by Eurocontrol wholly or mainly for the housing of its installation; and no judgement or order of any court shall be enforced upon anything forming part of any such installation.

(2) Subsection (1) above shall not preclude access to any premises or the inspection of any record or document where the Director-General of the Agency is given advance notice wherever possible of the exercise of the power conferred by this subsection and the access or inspection is —

(a) by a police officer acting in the execution of a warrant or other legal process;

(b) by a Court of Inquiry or an Inspector of Accidents acting in pursuance of The Civil Aviation (Investigation of Accidents) Regulations, 1956, or of regulations made under section 4 of the Civil Aviation Act, 1972; or

G.N. 31 of 1956. Act XLIII of 1972.

(c) by a police officer having reason to believe that an offence has been or is being or is about to be committed on the premises.

(3) Without prejudice to the preceding provisions of this section, the property and assets of Eurocontrol shall be immune from the exercise by any person of any right or power to seize or otherwise interfere with such property or assets.

(4) No court or tribunal in Malta shall have jurisdiction in respect of any matter involving Eurocontrol and any of its officers or servants, being a matter which by virtue of any international agreement to which Malta is a party is within the exclusive jurisdiction of the Administrative Tribunal of the International Labour Organisation.

(5) For the purpose of subsection (4) above, a certificate of the Minister that any matter is or is not, as mentioned in that subsection, within the exclusive jurisdiction of the Administrative Tribunal of the International Labour Organisation shall be conclusive of what is certified.

**10.** (1) The Director-General and the staff of Eurocontrol shall be exempt from payment of income tax and of any contributions under the Social Security Act, 1987:

Exemption  
from taxes,  
duties, etc.

Provided that the Commissioner of Inland Revenue may take into account the salaries and emoluments thus exempted when assessing the amount of tax payable on income from other sources.

(2) The provisions of subsection (1) of this section shall not apply to pensions and annuities paid by Eurocontrol.

(3) The staff of Eurocontrol shall be exempt from customs duties and charges as provided under paragraphs (a) and (b) of subarticle (5) of article 22 of the Convention.

**11.** (1) The courts in Malta shall have jurisdiction to hear and determine a claim for charges or interest payable to Eurocontrol by virtue of regulations made under section 6 of this Act, notwithstanding that the person against whom the claim is made is not resident in Malta or otherwise subject to the jurisdiction of the Maltese Courts under section 742 of the Code of Organisation and Civil Procedure.

Jurisdiction.

(2) Subject to subsection (3) of this section, the courts in Malta shall have jurisdiction to hear and determine a claim against Eurocontrol for damages notwithstanding that the cause for such damages did not take place within the jurisdiction of Malta.

Cap. 12.

(3) The provisions of subsection (2) of this section shall not apply in respect of damage or injury sustained wholly within or over a country to which the provisions of the Convention or the Multilateral Agreement do not apply.

Enforcement  
of foreign  
decisions,  
etc. in  
respect of  
en route air  
navigation  
services.

12. (1) Subject to the following provisions of this section, where a relevant authority in a Contracting State has decided as to whether or not any sum is due to Eurocontrol in respect of en route air navigation services provided by it or by some other person, the decision creditor may apply to the Court of Appeal, at any time within twelve months after the date of the decision to have the decision registered in one of the superior courts of Malta.

(2) On any application as mentioned in subsection (1) of this section, the Court of Appeal shall, subject to the provisions of this section, order the decision to be registered accordingly.

(3) A decision shall not be registered as aforesaid if it is not a decision described in Article 15 of the Multilateral Agreement or if it is a decision falling within the list of Article 16 of the said Multilateral Agreement.

(4) For the purposes of this section proceeding in respect of a sum payable to Eurocontrol must be brought against the person liable to pay the sum in the country according to Article 13 of the Multilateral Agreement, and an application as mentioned in subsection (1) of this section must be accompanied by those documents specified in Article 18 of the Multilateral Agreement.

(5) Where a decision is registered under this section—

(a) the decision shall, as from the date of registration, be of the same force and effect, and executive proceedings may be taken thereon, as if it had been a judgement originally obtained on the date of registration in the registering court; and its registration in the Public Registry may be made in accordance with such law, as may, from time to time be in force, relative to the registration of judgements in the Public Registry;

(b) That decision shall be enforceable by the registering court as if such decision were a judgement delivered by that Court;

(c) the costs of and incidental to the registration of the decision (including the costs of obtaining a certified copy thereof from the original court or tribunal or administrative authority and of the application for registration) shall be recoverable in like manner as if they were sums payable under the decision.

Cap. 12.

(6) The Rule Making Board set up under section 29 of the Code of Organisation and Civil Procedure shall have power to make rules to provide —

(a) for the mode of registration of decisions referred to in this section;

(b) for service on the decision debtor of notice of the application for the registration of a decision under this section;

(c) for enabling the registering court, on an application by the decision debtor, to set aside the registration of a decision; and

(d) for suspending the execution of a decision registered under this section until the expiration of the period during which the decision debtor may apply to have the registration set aside.

(7) In any action brought in any court in Malta on any decision which might be ordered to be registered under this section, the plaintiff shall not be entitled to recover any costs of the action unless an application to register the decision under this section has previously been refused, or unless the court otherwise orders.

(8) Nothing in this section contained shall be construed to be in derogation of the provisions contained in the British Judgements (Reciprocal Enforcement) Act and in Title V of Book Third of the Code of Organisation and Civil Procedure, in regard to the enforcement of foreign judgements to which subsection (1) of this section does not apply.

13. (1) Any person who, without reasonable cause, fails to comply with any requirement of regulations made by virtue of subsection (5) of section 6 of this Act shall be guilty of an offence and on conviction shall be liable to a fine (multa) not exceeding five hundred liri.

Penalties.

(2) Any person who, being in possession of information furnished to or obtained by him in pursuance of regulations under subsection (5) of section 6 of this Act, discloses that information otherwise than —

(a) with the consent of the person by whom it was furnished or from whom it was obtained; or

(b) for the purpose of the regulations; or

(c) for the purposes of any proceedings arising out of section 6 or subsection (2) of section 11 of this Act, or of any criminal proceedings whether or not arising out of this Act, or

(d) for the purposes of any public inquiry or Inspector's investigation held or carried out in pursuance of the Civil Aviation (Investigation of Accidents) Regulations, 1956, or of regulations made under section 4 of the Civil Aviation Act, 1972, or

G.N. 31 of  
1956.

Act XLIII of  
1972.

(e) for the purpose of any report of any such proceedings, inquiry or investigation as aforesaid, shall be guilty of an offence and shall be liable on conviction to a fine (multa) not exceeding five hundred liri or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(3) Any person who, in furnishing in pursuance of such regulations any such particulars as are described in paragraph (c) of subsection (5) of section 6 of this Act, furnishes any particulars which to his knowledge are false in any material particular, shall be guilty of an offence and, on conviction, shall be liable to a fine (multa) not exceeding one thousand liri or to imprisonment for a term not exceeding two years or to both.

exceeding one thousand liri or to imprisonment for a term not exceeding two years or to both.

Authority to accede to the Convention and to the Multilateral Agreement.

**14.** In virtue of this Act, and in compliance with the provisions of the Ratification of Treaties Act, 1983, the Government of Malta is authorised to accede to the Convention and to the Multilateral Agreement.

Language of Schedules and Regulations.

**15.** (1) The Schedules to this Act shall be in the English language only.

(2) Regulations made under the provisions of this Act may be made in the English language only.



## FIRST SCHEDULE

(Sections 2, 14)

**BRUSSELS CONVENTION 1960****Incorporating Annexes and Protocols****Convention relating to Co-operation for the Safety of Air Navigation (Eurocontrol)<sup>1</sup>, Brussels, 13th December 1960**

*Note.* The convention is drawn up in the German, English, French and Dutch languages of which, in the case of any inconsistency, the French text is to prevail. Only the English text is reproduced here.

*Arrangement of Contents*

"Eurocontrol" International Convention relating to Cooperation for the Safety of Air Navigation

Annex I.—Statute of the Agency

Annex II.—List of Contracting Parties referred to in Article 37 (i) of the "Eurocontrol" Convention

Protocol of Signature of the "Eurocontrol" International Convention relating to co-operation for the Safety of Air Navigation

Protocol as to the Transitional Period preceding the coming into force of the "Eurocontrol" Convention

THE FEDERAL REPUBLIC OF GERMANY,

THE KINGDOM OF BELGIUM,

THE FRENCH REPUBLIC,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

THE GRAND DUCHY OF LUXEMBOURG,

THE KINGDOM OF THE NETHERLANDS,

CONSIDERING that the entry into service and general employment of turbine-engined transport aircraft may give rise to far-reaching changes in the organisation of air traffic control,

CONSIDERING that, from the operational standpoint, modern types of aircraft are characterised:

by high speeds,

by the necessity, for reasons of economical operation, of being able to make an uninterrupted climb at high speed to optimum operating altitudes and of remaining at those altitudes until a point as near as possible to the destination of the aircraft has been reached,

CONSIDERING that those characteristics imply not only the adaptation or reorganisation of existing control methods and procedures but also the creation, above a certain level, of new flight information regions organised in whole or in part into control areas,

CONSIDERING that, having regard to the rapid progress in the technical development of such aircraft, the control of air traffic at a high altitude can no longer be envisaged within the restricted framework of national frontiers, in the case of the majority of European countries,

CONSIDERING therefore that it is expedient to create an international control organisation operating in respect of air space which extends beyond the limits of the territory of a single State,

CONSIDERING that in so far as pertains to the lower air space it may be of advantage in certain cases to entrust the air traffic services in part of the territory of one Contracting Party to the aforesaid international organisation or to another Contracting Party,

CONSIDERING moreover that internationalised control presupposes the adoption of a common policy and the standardisation of regulations based on the Standards and Recommended Practices of the International Civil Aviation Organisation (ICAO), due regard being paid to the requirements of national defence,

CONSIDERING furthermore that it is highly desirable to co-ordinate the action taken by the States in respect of the training of personnel of the air navigation services and in the field of study and research relating to air traffic problems,

HAVE AGREED as follows:

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1 For parties see Part I Status, ante. The Protocol, signed on 12th February 1981, amending the Convention is printed in the chronological order, post.

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#### ARTICLE 1

(1) The Contracting Parties agree to strengthen their co-operation in matters of air navigation and in particular to provide for the common organisation of the air traffic services in the upper air space.

(2) For this purpose they hereby establish a "European Organisation for the Safety of Air Navigation" (EUROCONTROL), hereinafter called "the Organisation". The Organisation shall comprise two organs:

a "permanent Commission for the safety of air navigation", hereinafter called "the Commission";

an "air traffic services Agency", hereinafter called "the Agency", of which the Statute is annexed to the present Convention.

(3) The seat of the Organisation shall be at Brussels.

#### ARTICLE 2

(1) Any one of the Contracting Parties may, in respect of the lower air space, and having regard to practical operational requirements, request a decision from the Commission that the air traffic services for the whole or part of its lower air space be entrusted to the Organisation or to another Contracting Party.

(2) In the latter case, the abstention of a third Contracting Party shall not form an obstacle to the validity of the decision of the Commission, notwithstanding the provisions of paragraph (2) of Article 8 of the present Convention.

(3) The provisions of this Article which relate to the option of any one Contracting Party to entrust to another Contracting Party the air traffic services for the whole or part of its lower air space shall not be deemed to limit the right of the Contracting Parties to conclude with one another bilateral agreements for the same purpose.

#### ARTICLE 3

For the purposes of the present Convention the expression "air traffic" comprises civil aircraft and those military, customs and police aircraft which conform to the procedures of the International Civil Aviation Organisation (ICAO).

## ARTICLE 4

The Organisation shall have legal personality. In the territory of the Contracting Parties it shall have the fullest legal capacity to which corporate bodies are entitled under national law; it shall *inter alia* have the right to acquire or transfer movable or immovable property and to go to law. Except as otherwise provided in the present Convention or the Statute annexed thereto, it shall be represented by the Agency which shall act in its name. The Agency shall administer the property of the Organisation.

## ARTICLE 5

The Commission shall be composed of representatives of the Contracting Parties. Each Contracting Party shall be entitled to two representatives but shall have one vote only.

## ARTICLE 6

(1) The aim of the Commission shall be to promote, in co-operation with the national military authorities, the adoption of measures and the installation and operation of facilities designed to:

- ensure the safety of air navigation,
- ensure an orderly and rapid flow of air traffic,

within defined air space under the sovereignty of the Contracting Parties or in respect of which the air traffic services have been entrusted to those Parties under international agreements.

(2) For this purpose the Commission shall be responsible for:

- (a) the study, on the basis of the Standards and Recommended Practices of the International Civil Aviation Organisation and having regard to the requirements of national defence, of the standardisation of national regulations governing air traffic and the standardisation of the operation of the services responsible for ensuring the safety and regulation of air traffic;
- (b) the promotion of a common policy to be followed in respect of radio aids, telecommunications and corresponding airborne equipment, destined to ensure the safety of aircraft;
- (c) the promotion and co-ordination of studies relating to air navigation services and installations in order to take account of technical developments, and, if necessary, the study of amendments to the Regional Air Navigation Plans to be submitted to the International Civil Aviation Organisation;
- (d) the determination, in accordance with the provisions of Article 38 of the present Convention, of the configuration of the air space in respect of which the air traffic services are entrusted to the Agency; the exercise of the powers which devolve upon the Commission under Article 2 of the present Convention;
- (e) the determination of the policy to be followed by the Agency in respect of remuneration for services rendered to users, and, where applicable, the approval of the tariffs and conditions of application of charges established by the Agency;
- (f) the study of measures designed to facilitate the financing of investments required for the functioning of the Agency or more generally of the services of the Contracting Parties which participate in the work of ensuring the safety of air navigation;

- (g) the exercise of the power of general supervision of the activities of the Agency in application of Article 20 of the present Convention and of Article 8, Article 9, Article 10, Article 11, Article 12, Article 13 paragraph (3) (a), Article 14 paragraph (2), Article 17 paragraph (2), Article 23 paragraphs (2) and (4), Article 28 paragraph (3), Article 29 paragraphs (1) and (3), Article 30 paragraph (1), Article 34 paragraph (1) and Article 37 of the Statute annexed hereto.

#### ARTICLE 7

For the accomplishment of its task, the Commission:

- (a) shall formulate recommendations in cases falling within the scope of paragraph (2) (a), (b) and (c) of Article 6 of the present Convention;
- (b) shall take decisions in cases falling within the scope of paragraph (1) of Article 2, paragraph (2) (d) of Article 6, paragraph (2) of Article 9, paragraph (2) of Article 12 and Article 13 of the present Convention;
- (c) shall give directives to the Agency in cases falling within the scope of paragraph (2) (e) and paragraph (2) (f) of Article 6 and of Article 20 and Article 31 of the present Convention;
- (d) shall take all the necessary measures for the exercise of the functions which devolve upon it under paragraph (2) (g) of Article 6 of the present Convention;
- (e) shall, where necessary, refer disputes to the arbitral tribunal for which provision is made in paragraph (1) of Article 33 of the present Convention.

#### ARTICLE 8

(1) Recommendations shall be formulated by a majority of the members of the Commission. The representatives of the Contracting Parties concerned shall propose to the competent authorities of their respective countries all the necessary measures for the implementation of the recommendations which they have agreed to on the Commission.

(2) Decisions shall require the unanimous vote of the Commission. They shall have binding effect for each of the Contracting Parties.

(3) The directives of the Commission shall require a majority of the votes of the Contracting Parties, it being understood:

that those votes shall be subject to the weighting prescribed in the table in Article 9 hereunder which weighting is based on the Gross National Products of the Contracting Parties,

that those votes shall represent the majority of the Contracting Parties.

(4) The conclusions arising from deliberations under paragraphs (d) and (e) of Article 7 shall be adopted in accordance with the rules specified in paragraph (3) of this Article, except in cases where different rules are applicable under express provisions of the Convention or of the Statute annexed thereto.

#### ARTICLE 9

(1) The weight table referred to in the preceding Article is as follows [see over]

(2) The Gross National Product (GNP) to be used for the calculations shall be obtained from the statistics compiled by the Organisation for European Economic Co-operation (OEEC)<sup>1</sup>—or failing that by any other body affording equivalent guarantees and designated under a decision of the Commission—by calculating the arithmetical mean for the last three years for which those statistics are available. The value of the Gross National Product (GNP) shall be that which is calculated on the basis of factor cost and current prices.

(3) The numbers of votes shall be established initially by reference to the [following] weight table and in accordance with the rule, given in paragraph (2) of this Article, for determining the Gross National Product, and the numbers so established shall take effect from the date of entry into force of the present Convention.

(4) In the case of the accession of a new State, the numbers of votes of the Contracting Parties shall be re-established in accordance with the same procedure.

(5) The numbers of votes shall in all cases be re-established, under the same conditions, when three years have elapsed since the date on which those numbers were last established.

WEIGHT TABLE

<i>Gross National Product (GNP)</i> according to factor cost and current prices in thousands of millions of new French francs	Number of votes
Less than 10	1
From 10 inclusive to 20 exclusive	2
From 20 inclusive to 30 exclusive	3
From 30 inclusive to 46 $\frac{2}{3}$ exclusive	4
From 46 $\frac{2}{3}$ inclusive to 63 $\frac{1}{3}$ exclusive	5
From 63 $\frac{1}{3}$ inclusive to 80 exclusive	6
From 80 inclusive to 110 exclusive	7
From 110 inclusive to 140 exclusive	8
From 140 inclusive to 200 exclusive	9
From 200 inclusive to 260 exclusive	10
From 260 inclusive to 320 exclusive	11
From 320 inclusive to 380 exclusive	12

and thereafter one additional vote for each additional increase of sixty thousand million new French francs, or fraction thereof, in the GNP specified above.

1 Now replaced by the Organisation for Economic Co-operation and Development (OECD).

#### ARTICLE 10

(1) The Commission shall establish its rules of procedure which shall be adopted unanimously.

(2) Those rules shall include *inter alia* the rules relating to the office of President, to the establishment of working groups and to the working languages of the Commission.

#### ARTICLE 11

The staff and facilities required for the operation of the Commission shall be made available to it by the Agency.

#### ARTICLE 12

(1) The Commission shall maintain with the appropriate States and international Organisations the necessary relations for the realisation of the aims of the organisation.

(2) The Commission shall in particular, subject to the rights conferred upon the Agency under Article 31 of the present Convention, be alone empowered to conclude on behalf of the Organisation those agreements with international Organisations, member States of the Organisation or other States which are necessary for the execution of the tasks entrusted to it by the present Convention and for the functioning of the organs established by that Convention or created for the purpose of its application.

ARTICLE 13

Agreements may be concluded between the Organisation and any State which is not a Party to the present Convention but which is desirous of using the services of the Agency. In such cases, action shall be taken by the Commission on a report being submitted by the Agency.

ARTICLE 14

The Contracting Parties shall entrust to the Agency the air traffic services in the air space defined in accordance with the provisions of paragraph (2) (d) of Article 6 and of Article 38 of the present Convention.

ARTICLE 15

(1) The character of public interest shall where necessary be recognised, in accordance with national law and with the consequences which result from the provisions of that law relating to expropriation in the public interest, as regards the acquisition of immovable property necessary for the siting of the Organisation's installations, subject to the agreement of the Government concerned. The procedure of expropriation for reasons of public interest may be set in motion by the competent authorities of the State concerned, in accordance with its national law, for the purpose of acquiring such property failing amicable agreement.

(2) In the territory of the Contracting Parties where the procedure referred to in the preceding paragraph is not in existence, the Organisation may have the benefit of those procedures for compulsory purchase which can be used for the benefit of civil aviation and telecommunications.

(3) The Contracting Parties recognise the right of the Organisation to benefit, in respect of any installations and services established on its behalf in their respective territories, from the application of national law as to those restrictions on the rights of owners of immovable property which may exist in the public interest for the benefit of national services for the same purpose and in particular as to easements in the public interest.

(4) The Organisation shall bear the expenses consequent upon the application of the provisions of this Article, including the compensation payable in accordance with the law of the State in the territory of which the property is situated.

ARTICLE 16

The Contracting Parties shall, to the extent that they are competent to do so, and in particular in respect of the allocation of radio frequencies, take the necessary measures to ensure that the Organisation can accomplish all those operations which fulfil its purpose.

ARTICLE 17

(1) For the accomplishment of its task, the Agency shall apply for the purpose of air traffic control the regulations in force in the territories of the Contracting Parties and in the air space in respect of which the air traffic services have been entrusted to them under international agreements to which they are parties.

(2) In case of difficulty in applying the provisions of the preceding paragraph, the Agency shall bring the matter before the Commission which shall make recommendations to the Contracting Parties regarding the necessary measures to be taken, under the conditions prescribed in paragraph (2) (a) of Article 6 of the present Convention.

ARTICLE 18

For the accomplishment of its task and within the limits of the powers conferred on the air traffic services, the Agency shall give all necessary instructions to aircraft commanders. The aircraft commanders shall be bound to comply with those

instructions, except in the cases of *force majeure* provided for in the regulations referred to in the preceding Article.

#### ARTICLE 19

Infringements of the air navigation regulations committed in the air space in which the air traffic services have been entrusted to the Agency shall be recorded in reports by officers specially authorised by the Agency for that purpose, without prejudice to the right under national law of officers of the Contracting Parties to report infringements of the same nature. The reports referred to above shall have the same effect in national courts as those drawn up by national officers qualified to report infringements of the same nature.

#### ARTICLE 20

The Agency shall establish, where applicable, in application of the directives of the Commission formulated in accordance with the provisions of paragraph (2) (c) of Article 6 of the present Convention, the tariffs and conditions of application of those charges which the Organisation is entitled to collect from users. The Agency shall submit those tariffs and conditions for the approval of the Commission.

#### ARTICLE 21

(1) The Organisation shall be exonerated, in the State in which its seat is located and in the territories of the Contracting Parties, from all duties, taxes and charges in respect of its creation, dissolution or liquidation.

(2) The Organisation shall be exonerated from any duties, taxes and charges entailed by the acquisition of the immovable property required for the accomplishment of its task.

(3) The Organisation shall be exonerated from all direct taxes applicable to it, its property, assets and income.

(4) The Organisation shall be exonerated from any indirect fiscal charges consequential on the issue of loans and incident upon the Organisation.

(5) It shall be exonerated from any taxation of an exceptional or discriminating nature.

(6) The exonerations provided for in this Article shall not apply to taxes and charges collected as payment for public utility services.

#### ARTICLE 22

(1) The Organisation shall be exonerated from all customs duties and taxes or charges of equivalent effect, other than charges in respect of services rendered, and shall be exempt from any import or export prohibition or restriction in respect of materials, equipment, supplies and other articles imported for the official use of the Organisation and destined for the buildings and installations of the Organisation or for its functioning.

(2) The goods so imported may not be sold, loaned or transferred, either without payment or against payment, in the territory of the Party into which they have been introduced, except under the conditions fixed by the Government of the Contracting Party concerned.

(3) Any control measures deemed to be expedient may be taken to ensure that the materials, equipment, supplies and other articles referred to in paragraph 1 and imported for consignment to the Organisation have been effectively delivered to that Organisation and are effectively used for its official buildings and installations or for its functioning.

(4) Furthermore, the Organisation shall be exonerated from all customs duties and exempt from any import or export prohibition or restriction in respect of the publications falling within the scope of Article 36 of the Statute annexed hereto.

ARTICLE 23

(1) The Organisation may hold any currency and have accounts in any currency in so far as is necessary for the execution of the transactions required for its purpose.

(2) The Contracting Parties undertake to give the Organisation the necessary authorisations for all the transfers of funds, in accordance with the conditions prescribed under national regulations and international agreement as applicable, entailed by the establishment and activity of the Organisation, including the issue and service of loans when the issue of those loans has been authorised by the Government of the Contracting Party concerned.

ARTICLE 24

(1) The Agency may call upon the services of qualified persons who are nationals of the Contracting Parties.

(2) The Contracting Parties shall apply to the persons referred to in the preceding paragraph the regulations relating to immigration, or other formalities regarding the registration of aliens, in such manner that the said regulations or formalities cannot place an obstacle in the way of admission to the country, exercise of a function at the Agency or repatriation.

(3) No exception may be made to the provisions of paragraphs (1) and (2) of this Article except for reasons of public policy, public safety or public health.

(4) Persons employed by the Organisation:

(a) shall be granted exemption from customs duties and charges, other than those in respect of services rendered, in the case of the importation of their personal effects, movable property and other household effects which are not new, which they bring from abroad on first taking up residence in the territory in question, and in the case of the re-exportation of those same effects and movable property, when they relinquish their duties;

(b) may, on taking up their duties in the territory of any one of the Contracting Parties, import their personal motor car temporarily with exemption from duty, and subsequently, and not later than on termination of their period of service, re-export that vehicle with exemption from duty, subject, however, in either event, to any conditions deemed to be necessary in each individual case by the Government of the Contracting Party concerned.

(5) The Contracting Parties shall not be obliged to grant to their own nationals the facilities provided for above.

(6) The Governments concerned shall take all the necessary measures to ensure the unrestricted transfer of net salaries.

ARTICLE 25

(1) The contractual liability of the Organisation shall be governed by the law applicable to the contract concerned.

(2) With regard to non-contractual liability, the Organisation shall make reparation for damage caused by the negligence of its organs or of its servants in the scope of their employment in so far as that damage can be attributed to them. The foregoing provision shall not preclude the right to other compensation under national law of the Contracting Parties.

ARTICLE 26

(1) The installations and archives of the Organisation shall be inviolable. The property and assets of the Organisation shall be exempt from any measure of requisition, expropriation or confiscation by administrative action.

(2) The property and assets of the Organisation may not be seized nor may execution be levied upon them, except by a judicial decision. The installations of the Organisation shall not, however, be seized nor shall execution be levied upon them.

(3) The provisions of this Article shall not prejudice access to the installations and archives of the Organisation by the competent authorities of the State in which the Organisation has its seat and of other countries in which those installations and archives may be situated, in order to enable judicial inquiries to be carried out and to ensure the execution of judicial decisions in their respective territories.

#### ARTICLE 27

(1) The Organisation shall collaborate at all times with the competent authorities of the Contracting Parties in order to facilitate the good administration of justice, to ensure the observance of police regulations and to prevent any abuse to which the privileges, immunities, exemptions or facilities specified in the present Convention could give rise.

(2) The Organisation shall facilitate as far as possible the execution of public works inside or in the vicinity of any immovable property allocated for its use in the territories of the Contracting Parties.

#### ARTICLE 28

(1) For the accomplishment of its task the Agency shall be empowered to construct the buildings and installations which it requires and to operate directly the air traffic services which are entrusted to it.

(2) In order, however, to reduce expenditure relating to both investment and administration, the Agency shall call upon national technical services and make use of existing national installations, whenever this is possible, in order to avoid any duplication.

#### ARTICLE 29

International agreements and national regulations relating to the admission to, flight over and security of the territory of the Contracting Parties shall be binding on the Agency which shall take all the necessary measures to ensure the application of such agreements and regulations.

#### ARTICLE 30

In order that the Contracting Parties may be able to verify that national regulations and international agreements are being applied, the Agency shall be bound to give those Contracting Parties which so request all the necessary information relating to the aircraft of which it has cognisance in the exercise of its functions.

#### ARTICLE 31

Within the scope of the directives given by the Commission, those relations which are essential for the co-ordination of air traffic and for the operation of the services of the Agency may be established by the Agency with the appropriate technical services, public or private, of the Contracting Parties, of non-contracting States or of international organisations. For that purpose, contracts of a purely administrative, technical or commercial nature, in so far as they are required for the operation of the Agency, may be entered into by the Agency, in the name of the Organisation, on condition that the Agency so informs the Commission.

#### ARTICLE 32

The Contracting Parties recognise that it is necessary for the Agency to achieve financial equilibrium and undertake to make available to it, taking into account its

own revenue, the appropriate financial resources within the limits and conditions defined in the Statute annexed hereto.

ARTICLE 33

(1) Any dispute which may arise either between the Contracting Parties, or between the Contracting Parties and the Organisation represented by the Commission, relating to the interpretation or application of the present Convention or of its Annexes and which it has not been possible to settle by direct negotiation or by any other method, shall be referred to arbitration on the request of any one of the parties.

(2) For that purpose, each of the parties shall in each case nominate an arbitrator, and the arbitrators shall agree on the nomination of a third arbitrator. Should one of the parties not have nominated its arbitrator within two months of the date of receipt of the request of the other party, or should the nominated arbitrators fail, within those two months, to agree on the nomination of the third arbitrator, any party may request the President of the International Court of Justice to make the nominations.

(3) The arbitral tribunal shall determine its own procedure.

(4) Each party shall bear the costs of its own arbitrator and its representation in the proceedings before the tribunal; the costs of the third arbitrator and the other costs shall be borne equally by the parties to the dispute. The arbitral tribunal may however determine a different sharing of costs if it thinks fit.

(5) The decisions of the arbitral tribunal shall be binding on the parties to the dispute.

ARTICLE 34

(1) The Statute of the Agency, likewise any modifications which, subject to the conditions prescribed in the present Convention and in the Statute annexed thereto, are made to the aforesaid Statute, shall be valid and have effect in the territory of the Contracting Parties.

(2) Any modification of the provisions of the Statute shall be subject to the approval of the Commission, carried by the unanimous vote of its members.

(3) The provisions of Articles 1, 22 to 26 inclusive and 30 of the Statute annexed hereto shall not, however, be subject to modification.

ARTICLE 35

The Governments of the Contracting Parties concerned shall consult together on the measures to be taken to meet any emergency or war, having regard to the difficulties of applying the provisions of the present Convention in whole or in part.

ARTICLE 36

The Contracting Parties undertake to ensure the application to the Agency of current statutory provisions designed to ensure the continuity of public services.

ARTICLE 37

(1) The present Convention shall apply:

- (a) (i) with respect to the Contracting Parties listed in Annex II, to their territories as defined in the said Annex;
- (ii) with respect to the other Contracting Parties, to their territories as defined by them, with the agreement of the Commission carried by a unanimous vote, at the time of the accession of those Parties;

- (b) to any territory for the international relations of which a Contracting Party is responsible and to which the Convention has been extended under paragraph (2) of this Article.

(2)(a) The United Kingdom of Great Britain and Northern Ireland may, at the time of signature or of ratification of the present Convention or at any subsequent time, declare by a written notification addressed to the Government of the Kingdom of Belgium that the Convention shall extend to all or part of the Channel Islands and of the Isle of Man; the Convention shall then extend to the territories indicated in the notification, from the date of receipt of that notification or from any other date which may be specified therein.

(b) Subject to the unanimous agreement of the Commission and to the conclusion of a preliminary financial agreement with the Organisation, any Contracting Party may, at any time after the entry into force of the present Convention, extend the application of the Convention to any territory for the international relations of which it is responsible. It shall notify the Government of the Kingdom of Belgium of that extension; the Convention shall then extend to the territories indicated in the notification, from the date of receipt of that notification or from any other date which may be agreed with the Commission.

(3) The Government of the Kingdom of Belgium shall inform all the Contracting Parties of any extension of the Convention under paragraph (2) of this Article, and shall indicate in each case the date on which the Convention has been so extended.

#### ARTICLE 38

The Agency shall provide the air traffic services:

- (a) in the upper air space above the territories referred to in the preceding Article and also in the upper air space contiguous to the aforesaid air space and in respect of which the air traffic services have been entrusted to the Contracting Parties by international agreement, subject to the rights of the Commission under Article 6 of the present Convention;
- (b) in the lower air space as determined under Article 2 of the present Convention;
- (c) in air space which forms the subject of agreements with third States, in application of the provisions of Article 13 of the Convention.

#### ARTICLE 39

(1) The present Convention shall remain in force for a period of twenty years from the date of its entry into force.

(2) That period shall be automatically prolonged for periods of five years, provided that no Contracting Party has, by written notice to the Government of the Kingdom of Belgium at least two years before the expiry of the current period, expressed its intention of denouncing the Convention.

(3) If, in application of the foregoing, the Organisation is dissolved, it shall be deemed to exist for the purposes of its liquidation.

#### ARTICLE 40

(1) The present Convention shall be ratified.

(2) The instruments of ratification shall be deposited with the Government of the Kingdom of Belgium.

(3) The Convention shall come into force on the first day of the month following the deposit of the instrument of ratification of the last signatory State to complete that formality.

(4) Nevertheless, as soon as the Convention has been ratified by four signatory States whose territories form a coherent whole from the standpoint of the organisation of air traffic services, one of which shall be the State in which the seat of the Organisation is located, the Government of the Kingdom of Belgium shall enter into communication with the Governments concerned in order that they may decide, if they think fit, having regard to the requirements of safety, to bring the Convention into force immediately between themselves. In the case of any signatory State whose instrument of ratification is not deposited until after the entry into force of the Convention, the latter shall take effect in respect of that State only from the date of the signing of a financial agreement between that signatory State and the Organisation.

(5) The Government of the Kingdom of Belgium shall notify the Governments of the other signatory States of any deposit of an instrument of ratification and of the date of entry into force.

#### ARTICLE 41

(1) The accession to the present Convention of any non-signatory State shall be subject to the agreement of the Commission carried by a unanimous vote. Such accession shall form the subject of a preliminary financial agreement between the non-signatory State and the Organisation, in accordance with Article 24 of the Statute annexed hereto.

(2) The President of the Commission shall notify the non-signatory State of the decision to accept the accession.

(3) The instrument of accession shall be deposited with the Government of the Kingdom of Belgium which shall notify the Governments of the other signatory and acceding States.

(4) Accession shall take effect from the first day of the month following the deposit of the instrument of accession.

#### ARTICLE 42

The Government of the Kingdom of Belgium shall cause the present Convention to be registered with the International Civil Aviation Organisation.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, after presentation of their full powers, found to be in good and due form, have signed the present Convention and have affixed thereto their seals.

DONE at Brussels this 13th day of December, 1960, in the German, English, French and Dutch languages, in a single copy which shall remain deposited in the archives of the Government of the Kingdom of Belgium which shall transmit certified copies to all the signatory States. In the case of any inconsistency, the text in the French language shall prevail.

### Annex I

#### STATUTE OF THE AGENCY

##### ARTICLE I

THE "AIR TRAFFIC SERVICES AGENCY", established by Article 1 of the International Convention relating to Co-operation for the Safety of Air Navigation dated the 13th day of December, 1960 hereinafter called "the Convention", shall be governed by the present Statute.

## ARTICLE 2

(1) The purpose of the Agency shall be to provide, within the whole of the air space defined in accordance with paragraph (2) (d) of Article 6 of the Convention and with Article 38 of the Convention, air traffic services, that is to say:

- (a) to prevent collisions between aircraft;
- (b) to ensure the orderly and rapid flow of air traffic;
- (c) to provide advice and information useful for the safe and efficient conduct of flights;
- (d) to notify appropriate organisations regarding aircraft in need of search and rescue aid, and assist such organisations as required.

(2) The Agency shall install the necessary facilities for the performance of the tasks enumerated above and shall ensure their satisfactory operation.

(3) To that end, the Agency shall work in close collaboration with the military authorities in order to meet as efficaciously and economically as possible the requirements of air traffic and the special requirements of military aviation.

(4) The Agency may *inter alia* establish air traffic research and experimental centres and schools for the advanced and specialised training of personnel of air navigation services.

## ARTICLE 3

Subject to the powers conferred upon the permanent Commission for the Safety of Air Navigation, established by the Convention and hereinafter called "the Commission", the Agency shall be administered by a Committee of Management, hereinafter called "the Committee", and by a Director. The powers of the Director are defined in Article 13 hereunder:

## ARTICLE 4

The Committee shall be composed of representatives of each of the Contracting Parties, two representatives for each Party. Only one of the two representatives shall have the power to vote and that representative shall be a highly placed official exercising in his country responsibilities in matters of air navigation. Each representative shall have an alternate who shall validly represent him if he is unable to be present.

## ARTICLE 5

The Committee shall elect a President and a Vice-President from amongst its members for a term of office of two years. These officers shall be eligible for re-election. The Committee shall appoint a Secretary who need not be one of its members. If the President is unable to be present, the meeting of the Committee shall be presided over by the Vice-President, or, in his absence, by the oldest member present.

## ARTICLE 6

(1) All but one of those representatives of the Contracting Parties who are entitled to vote shall be required to form a quorum for the meetings of the Committee.

(2) If there are not sufficient numbers to form the above quorum, the deliberations shall be deferred until a meeting to be held at a later date and not earlier than ten days after the preceding meeting; the Committee shall be reconvened for the second meeting and at least half the representatives entitled to vote shall be required to form a quorum.

ARTICLE 7

(1) The decisions of the Committee shall be carried by a majority of the votes allotted to the Contracting Parties, it being understood that those votes shall be subject to the same weighting as the votes to which the Contracting Parties are entitled on the Commission in application of Article 9 of the Convention.

(2) A proposal shall not be carried, however, unless the majority referred to in the preceding paragraph represents at least half the Contracting Parties.

(3) Should an equal number of votes be cast for and against the proposal, the President shall decide either to take a second vote during the same meeting, with or without a short suspension, or to include the proposal under deliberation in the agenda of a fresh meeting of which he shall fix the date. Should an equal number of votes again be cast during the new meeting, the President shall have a casting vote.

ARTICLE 8

(1) The Committee shall establish its rules of procedure.

(2) Those rules shall include *inter alia* provisions relating to disqualifications. Furthermore, they shall prescribe that notices convening meetings be sent by letter or, in case of urgency, by telegram and include the agenda.

(3) The rules shall be subject to the approval of the Commission.

ARTICLE 9

(1) The Committee shall give decisions on the technical organisation of the Agency in respect of which proposals shall be submitted to it by the Director.

(2) It shall, however, submit for the approval of the Commission, for which approval the unanimous vote of the members of the Commission shall be required:

- (a) plans relating to the number and location of control or flight information centres and to their spheres of action;
- (b) measures to establish research and experimental centres and advanced and specialised training schools or other institutions established in application of paragraph (4) of Article 2 of the present Statute.

ARTICLE 10

Every year the Committee shall furnish the Commission with a report of the activities and financial position of the Organisation.

ARTICLE 11

At the request of the Commission the Committee shall prepare investment and operating programmes extending over several years. The programmes shall be subject to the approval of the Commission.

ARTICLE 12

The Committee shall draw up regulations relating to entry into contracts, including the conditions governing invitations for competitive tenders, which regulations shall be subject to the approval of the Commission.

ARTICLE 13

(1) The Director shall be appointed for a term of office of five years by the Committee by a vote taken under the conditions prescribed in paragraphs (1) and (2) of Article 7 of the present Statute, provided that the majority calculated in accordance with the first paragraph of the aforesaid Article is not less than 70% of the weighted votes cast. His term of office may be renewed under the same conditions.

(2) The Director shall represent the Organisation in legal proceedings and for all civil purposes.

(3) Furthermore, on behalf of the Organisation and in accordance with the general directives of the Committee, but without being required to refer individual cases to the Committee:

- (a) He may appoint those officials whose gross annual salary is less than a sum determined by the Committee and approved by the Commission, and may terminate their services under the conditions prescribed in the staff regulations;
- (b) He may borrow for a term not exceeding one year, provided that the cumulative amount of such borrowing, allowing for repayments already effected, does not exceed 200,000 new francs<sup>1</sup>;
- (c) He may enter into contracts for sums not in excess of 350,000 new francs<sup>1</sup>. Nevertheless, in the case of the transfer for valuable consideration of movable property belonging to the Agency, that sum shall be limited to 50,000 new francs<sup>1</sup>;
- (d) He may purchase or transfer immovable property when the price thereof does not exceed 200,000 new francs<sup>1</sup>.

He shall keep the Committee informed of all the measures taken in the exercise of the aforesaid powers.

The Committee shall determine the conditions under which a substitute for the Director may be appointed should he be unable to perform his duties.

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<sup>1</sup> The sums indicated are applicable to the new French franc containing 200 milligrams gold millesimal fineness 900. They shall be converted into each national currency in round figures.

#### ARTICLE 14

(1) The Committee shall draw up the Agency's staff regulations; they shall include *inter alia* provisions relating to the nationality of personnel, salary scales, disqualifications for office, professional secrecy, continuity of the service and authority to report infringements, and they shall define those posts which may not be held in plurality with any other without the special authorisation of the Director.

(2) The aforesaid regulations shall be submitted to the Commission for its approval by unanimous vote.

#### ARTICLE 15

(1) The Agency shall be empowered to recruit personnel directly only if the Contracting Parties are unable to make qualified personnel available to it.

(2) A member of the personnel who is provided by a national Administration shall be subject, throughout the period of his employment by the Agency, to the Agency's staff regulations, without prejudice to the retention of those career benefits which are guaranteed by national regulations to members of the administrative group to which he belongs if they are made available to a national public body.

(3) Staff provided by a national Administration may always be returned to that Administration without the return being regarded as a disciplinary measure.

#### ARTICLE 16

(1) Estimates of all the receipts and expenditure of the Agency shall be prepared for each budgetary financial year and shall be allocated either to the operating budget or to the investment budget.

(2) Each budget shall be balanced as between receipts and expenditure. The receipts and expenditure of the Agency which relate to research and experimental centres, schools and more generally to any institutions set up under Article 2 of the present Statute shall be set forth in detail in a special statement.

(3) The conditions, other than those stipulated hereinafter, under which receipts and expenditure, shall be estimated, put into effect and controlled shall be determined by financial regulations adopted under Article 30 of the present Statute.

#### ARTICLE 17

(1) The budgetary financial year shall begin on 1 January and end on 31 December.

(2) The estimates for each budgetary financial year shall be submitted by the Committee for the approval of the Commission by 30 September every year at the latest.

#### ARTICLE 18

(1) The expenditure shown in the operating budget shall comprise *inter alia*:

- (a) the expenditure relating to personnel, maintenance and operation of the installations of the Organisation;
- (b) remuneration for services rendered to the Organisation, including expenditure in respect of the use of equipment or installations for a consideration or, should the case arise, to hire-purchase or payments by instalments;
- (c) the expenditure corresponding to the service of any loans which the Organisation is authorised to contract;
- (d) the expenditure relating to the functioning of the Commission.

(2) The conditions governing any industrial amortisation, taking into account financial amortisation, shall be defined, if necessary, for the purpose of determining the value of budgetary expenditure and the value of services rendered within the meaning of paragraph (4) of Article 30 of the present Statute, by the financial regulations referred to in the said Article.

#### ARTICLE 19

The expenditure allocated to the investment budget shall comprise the expenditure relating to the execution of the equipment programme.

#### ARTICLE 20

(1) The expenditure allocated to the operating budget shall be authorised for the term of one financial year. The corresponding credits shall be classified into chapters according to the nature or purpose of the expenditure, and subdivided, in so far as is required, in accordance with the financial regulations.

(2) Any credits under this budget, other than those relating to expenditure in respect of personnel, which have not been used by the end of the financial year may be carried forward to the next financial year, but for no longer period, subject to the conditions and limits fixed by the financial regulations. Those regulations shall in particular specify the percentage and nature of the expenditure which may be so brought forward.

## ARTICLE 21

(1) The provision for investment expenditure shall comprise:

- (a) credits for commitments to expenditure, which shall cover an instalment constituting a particular unit and forming a coherent whole;
- (b) credits for payment, which shall constitute the upper limit of the expenditure in respect of which payments may be made every year to cover the commitments entered into under paragraph (a) above.

(2) The diary of commitments and payments shall be annexed to the corresponding draft budget proposed by the Committee.

(3) The credits opened under the investment expenditure shall be classified into chapters according to the nature or purpose of the expenditure, and sub-divided, in so far as is required, in accordance with the financial regulations.

(4) Any credits for payment which are available at the end of the financial year shall be carried forward to the next financial year under the conditions fixed by the financial regulations.

## ARTICLE 22

The receipts of the operating budget shall comprise:

- (a) the contributions of the Contracting Parties determined in accordance with Article 23 of the present Statute;
- (b) the receipts collected from the Contracting Parties which, under Article 2 of the Convention, have entrusted to the Organisation the air traffic services for the whole or part of their lower air space;
- (c) the receipts collected from States which are not parties to the Convention and which use its services in accordance with Article 13 of the Convention;
- (d) remuneration for services rendered by the Organisation to the States for the benefit of their air traffic services in the lower air space;
- (e) any receipts in respect of remuneration for services rendered by the research and experimental centres, schools or other institutions set up under Article 2 of the present Statute;
- (f) miscellaneous receipts;

## ARTICLE 23

(1) For the purpose of calculating the annual contributions of the Contracting Parties to the operating budget, the total cost of the services of the Organisation in respect of upper air space control shall be deemed to be equal to the difference between the budgetary expenditure of one financial year and the receipts, relating to the same financial year, referred to in paragraphs (b) to (f) inclusive of Article 22 of the present Statute.

That total cost shall be divided into two fractions proportional to the services rendered to the following categories of users:

- (a) civil aircraft of non-contracting States, and military, customs and police aircraft;
- (b) civil aircraft of the Contracting Parties.

(2) The Commission shall determine the above division for each financial year, on the basis of the extent of the services rendered in the upper air space to the categories of users defined above (by reference to the penultimate and ante-penultimate years).

The annual contribution of all the Contracting Parties in respect of the first fraction shall be determined by deducting from that fraction the total amount of any charges paid to the Organisation by the corresponding category of users.

(3) The share of each of the Contracting Parties shall be calculated proportionately to the value of the Gross National Products (GNP), as defined in Article 9 of the Convention, of the Contracting Parties.

(4) The formula for sharing the second fraction among the Contracting Parties shall be based on the value of the services rendered by the Organisation to civil aircraft registered in the territory of each of the Contracting Parties. The said formula shall be fixed by the Commission and revised every five years.

(5) The annual contribution of each Contracting Party shall be determined by deducting from its share, calculated by means of the above formula, the amount of any charges payable by operators in respect of the civil aircraft registered in its territory.

#### ARTICLE 24

The receipts of the investment budget shall comprise:

- (a) loans contracted by the Organisation;
- (b) any other resources, in particular those resulting from the application of Articles 40 and 41 of the Convention, in the case of the adherence of a new State or of ratification by a signatory State after the entry into force of the Convention;
- (c) financial contributions of the Contracting Parties allocated to the aforesaid budget.

#### ARTICLE 25

(1) The financial regulations shall lay down the procedures in accordance with which the Organisation may borrow and repay loans.

(2) Each annual budget shall specify the maximum amount which the Organisation may borrow during the year covered by that budget.

(3) The Organisation may borrow on the international financial markets in order to obtain the necessary resources for the accomplishment of its tasks.

(4) The Organisation may borrow on the financial markets of a Contracting Party in accordance with the statutory provisions relating to internal loans, or, in the absence of such provisions, when the Contracting Party and the Organisation have consulted together and agreed on the loan envisaged by the Organisation.

(5) In matters falling within the scope of the present Article, the Organisation shall act in agreement with the competent authorities of the Contracting Parties or with their banks of issue.

#### ARTICLE 26

(1) The contributions of the Contracting Parties to the investment budget shall be determined in accordance with Article 32 of the Convention in such manner as to cover the difference between the budgetary expenditure and the receipts referred to in paragraphs (a) and (b) of Article 24 of the present Statute.

(2) The sharing of those contributions among the Contracting Parties shall be proportional to the respective values of their Gross National Products (GNP) calculated in accordance with Article 9 of the Convention.

#### ARTICLE 27

The operating and investment budgets may be revised during the financial year, if circumstances so require, in accordance with the conditions prescribed for their preparation and approval.

## ARTICLE 28

(1) Expenditure under the operating and investment budgets shall be taken into account in the budget for the year during which the documents in proof of payment are passed by the accountant of the Agency.

(2) Receipts shall be taken into account in the budget for the year during which they are encashed by the Agency.

(3) The accounts for each financial year shall be made up by the Committee not later than six months after the end of the financial year and shall be submitted for the approval of the Commission which shall have the final decision regarding them.

## ARTICLE 29

(1) The accounts for all the receipts and expenditure of each budget shall be examined by a control board consisting of two expert officials belonging to the Administrations of the Contracting Parties. Those officials, who shall have different nationalities, shall be appointed for a period of five years by a vote of the Commission subject to the conditions laid down in paragraph (1) of Article 13 of the present Statute. The expenditure relating to the control board shall be borne by the Organisation.

(2) The audit, which shall be made from the vouchers and if necessary in the place where the documents are, shall be designed to establish the authenticity and regularity of the receipts and expenditure and to verify that the financial administration is satisfactory. The control board shall draw up a report after the end of each financial year.

(3) The Commission shall give the Director and the Committee discharge of their administration in respect of each of the budgets.

## ARTICLE 30

(1) The financial regulations of the Agency shall be fixed by the Commission, for which purpose proposals submitted by the Agency shall be carried by the unanimous vote of the members of the Commission.

(2) In addition to the matters specified in Articles 16, 18, 20, 21, 25 and 31 of the present Statute, the financial regulations shall determine *inter alia*:

- (a) The conditions of establishing and giving effect to the budgets and the conditions of rendering and auditing accounts;
- (b) The procedures in accordance with which advances of funds and contributions shall be made available to the Organisation;
- (c) The conditions under which credits may be transferred either from chapter to chapter or from sub-division to sub-division. No expenditure relating to personnel, however, may be covered by the transfer of credits assigned to other expenditure;
- (d) The conditions under which credits may be opened for the Organisation if the operating and investment budgets have not been voted at the beginning of the financial year, and also the funds to be made available to the Organisation by the Contracting Parties, on account of the contributions.

(3) The financial regulations shall determine the rules to be followed by officers empowered to order disbursements and by accounting officers, the extent of the responsibility of such officers and the controls to which such officers are subject.

(4) The financial regulations shall determine the conditions under which the Agency shall keep analytical accounts showing the value of the services rendered, and shall establish a budgetary control by means of which the use of the credits during the financial year can be shown regularly.

ARTICLE 31

(1) The operating and investment budgets shall be drawn up in the currency of the country in which the Organisation has its seat.

(2) The financial contributions provided for in paragraph (a) of Article 22 and paragraph (c) of Article 24 of the present Statute shall be payable in that currency. The financial regulations shall, however, determine the conditions under which the Contracting Parties may pay part of their contributions in any currency which is required by the Organisation for the accomplishment of its tasks.

(3) The financial regulations shall specify the bases to be used in determining the rates of conversion and any measures of adjustment deemed to be necessary as a result of currency fluctuations.

ARTICLE 32

As a transitional measure, and by way of exception to Article 23 of the present Statute, the contributions of the Contracting Parties to the operating budget for the first three financial years shall be apportioned by applying the criterion of the Gross National Product, as defined in Article 9 of the Convention, to the whole of the difference defined in paragraph (1) of Article 23 of the aforesaid Statute.

ARTICLE 33

By way of exception, an initial budget, covering the period from the date of entry into force of the Convention until the end of the calendar year, shall be established, for the first financial year, at latest two months after the entry into force of the Convention. The Contracting Parties shall be invited to make appropriate advances for working funds.

ARTICLE 34

(1) Administrative or technical inspections of the Services of the Agency may be carried out, if so required by the Commission, acting either on its own initiative or at the request of the Committee or Director.

(2) Such inspections shall be made by officers of the Administrations of the Contracting Parties. Each inspection committee shall consist of at least two representatives of different nationalities and shall include as far as possible a representative who has taken part in a previous inspection.

ARTICLE 35

(1) The language used for the air traffic control operations ensured by the Agency shall be the English language, subject to the subsequent adoption of an international aeronautical language by the International Civil Aviation Organisation. Nevertheless, provision shall be made for pilots to use their own language during flight over their national territories. The appropriate measures shall be taken by the Agency at the request of the Contracting Parties concerned.

(2) The Committee shall determine the administrative languages of the Agency.

ARTICLE 36

The Agency shall publish such material as is necessary for its operation.

ARTICLE 37

The Committee shall submit for the approval of the Commission any modifications of the Statute which are considered to be necessary by the Committee, subject to the conditions prescribed in Article 34 of the Convention.

## ARTICLE 38

The present Statute shall enter into force at the same time and under the same conditions as the Convention.

**Annex II**

(Article 37 of the Convention)

<i>Contracting Parties:</i>	<i>Territories:</i>
The Federal Republic of Germany	Territory of the Federal Republic of Germany.
The Kingdom of Belgium	Territory of the Kingdom of Belgium.
The French Republic	Metropolitan Departments of France.
The United Kingdom of Great Britain and Northern Ireland	Great Britain and Northern Ireland.
The Grand Duchy of Luxembourg	Territory of the Grand Duchy of Luxembourg.
The Kingdom of the Netherlands	European territory of the Kingdom of the Netherlands.

### **Protocol of Signature of the "Eurocontrol" International Convention relating to Co-operation for the Safety of Air Navigation**

At the time of signing the International Convention relating to Cooperation for the Safety of Air Navigation, hereinafter called "the Convention", the undersigned plenipotentiaries of the Federal Republic of Germany, the Kingdom of Belgium, the French Republic, the United Kingdom of Great Britain and Northern Ireland, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands recognise that they have agreed on the following declarations:

(1) *ad Article 2 of the Convention:*

In the case of a transfer of air traffic services, under paragraph (1) of Article 2 of the Convention, the date on which the transfer shall take effect shall be fixed by the Contracting Party which has submitted the request, in agreement either with the Organisation or with the other Contracting Party, as the case may be.

(2) *ad Article 19 of the Convention:*

The wording of this provision shall not imply that reports drawn up by officers of the Agency have a greater value than those which may be drawn up by officers of the Contracting Parties.

(3) *ad Article 38 of the Convention:*

In respect of the contiguous upper air space referred to in Article 38 of the Convention it is agreed that:

- (a) the air traffic services in the air space of the Shannon-Prestwick Flight Information Region, as defined in the Air Navigation Plan—North Atlantic Region—of the International Civil Aviation Organisation, as from time to time amended, will not be entrusted to the Agency except upon a formal request being made to the Commission by the Government of the United Kingdom of Great Britain and Northern Ireland in agreement with any other government participating in the provision of those services;

- (b) the air traffic services in the air space to the south of the parallel of latitude 39° 30' North will not be entrusted to the Agency except upon a formal request being made to the Commission by the Government of the French Republic.

In either case the Commission shall make a determination as to the request in accordance with paragraph (2) (d) of Article 6 of the Convention.

- (4) *ad Article 14 of the Statute annexed to the Convention:*

The expression "salary scales" shall be understood to refer to the grading of salaries and not to the precise determination of the amounts of those salaries.

- (5) Nothing in the Convention or the Statute annexed thereto shall be deemed to restrict the jurisdiction of national courts in respect of disputes between the Organisation and the personnel of the Agency.

DONE at Brussels this 13th day of December, 1960 in the German, English, French and Dutch languages, in a single copy which shall remain deposited in the archives of the Government of the Kingdom of Belgium which shall transmit certified copies to all the signatory States. In case of any inconsistency, the text in the French language shall prevail.

### **Protocol as to the Transitional Period Preceding the Coming into Force of the "Eurocontrol" Convention**

#### THE GOVERNMENTS

OF THE FEDERAL REPUBLIC OF GERMANY,  
OF THE KINGDOM OF BELGIUM,  
OF THE FRENCH REPUBLIC,  
OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,  
OF THE GRAND DUCHY OF LUXEMBOURG,  
OF THE KINGDOM OF THE NETHERLANDS,

CONSIDERING that an International Convention relating to Co-operation for the Safety of Air Navigation, establishing a "European Organisation for the Safety of Air Navigation" (EUROCONTROL), hereinafter called "the Organisation", has been signed today,

CONSIDERING that the installation of the said Organisation cannot be effected immediately,

CONSIDERING, however, that the number of turbine-engined aircraft operated by airlines is increasing at an extremely rapid rate and that it is essential to study as a matter of urgency the measures designed to ensure the safety of the movements of such aircraft in the upper air space,

TAKING NOTE of the formation of an association called "Association pour le perfectionnement des méthodes et de l'équipement de contrôle de la circulation aérienne", for which ministerial authorisation has been published in the "Journal Officiel" of the French Republic on 10 December, 1960, and of which the purpose is to undertake immediately the study of the solutions which could be applied to the problems of the control of air traffic in the upper air space when the Organisation has been formed, to prepare the corresponding plans and to test their effective value,

HAVE AGREED AS FOLLOWS:

## ARTICLE 1

(1) The signatory Governments hereby agree to establish a provisional Commission for the safety of air navigation, hereinafter called "the Commission".

(2) The Commission shall be composed of representatives of each of the Governments, two representatives for each Government, but only one of the two representatives shall have the power to vote.

## ARTICLE 2

The aim of the Commission shall be the following:

- (a) The study of the standardisation, on the basis of the Standards and Recommended Practices of the International Civil Aviation Organisation and having regard to the requirements of national defence, of national regulations governing air traffic and of the operation of the services responsible for ensuring the safety and regulation of air traffic;
- (b) The promotion of common action to be taken in respect of radio aids, telecommunications and corresponding airborne equipment, destined to ensure the safety of aircraft;
- (c) The promotion and co-ordination of studies relating to air navigation services and installations in order to take account of technical developments, and, if necessary, the study of amendments to the Regional Air Navigation Plans to be submitted to the International Civil Aviation Organisation.

## ARTICLE 3

(1) For the accomplishment of its task, the Commission shall formulate recommendations.

(2) The recommendations shall be formulated by a majority of those members of the Commission who are entitled to vote. Recommendations formulated under paragraph (c) of the preceding Article shall, however, require a three-quarters majority of those members of the Commission who are entitled to vote.

## ARTICLE 4

(1) The Commission shall establish its rules of procedure which shall be adopted unanimously.

(2) Those rules shall include *inter alia* provisions relating to the office of President, the establishment of working groups and the working languages of the Commission.

## ARTICLE 5

For the purpose of carrying out the studies referred to in paragraph (c) of Article 2 of the present Protocol, there shall be resort in so far as is required to the association, "Association pour le perfectionnement des méthodes et de l'équipement de contrôle de la circulation aérienne" for which ministerial authorisation has been published in the "Journal Officiel" of the French Republic on 10th December 1960, likewise to any other associations of the same nature formed under similar conditions and affording the same guarantees, in particular as regards the control of the use of the funds made available to the associations by the signatory Governments.

## ARTICLE 6

(1) The signatory Governments undertake to make available to the association or associations referred to in Article 5 above, on the one hand, as far as possible, the resources in personnel, equipment and installations required for the accomplishment of the studies referred to in the aforesaid Article, and on the other hand,

within the limits of credits opened under the national budgets, the necessary contributions in cash.

(2) The share of each of the Contracting Parties shall be calculated proportionately to the value of their respective Gross National Products.

(3) The Gross National Product (GNP) to be used for the calculations shall be obtained from the statistics compiled by the Organisation for European Economic Co-operation (OEEC)—or failing that by any other body affording equivalent guarantees and designated under a decision of the Commission—by calculating the arithmetical mean for the last three years for which those statistics are available. The value of the Gross National Product (GNP) shall be that which is calculated on the basis of factor cost and current prices.

(4) For the purpose of calculating the financial contributions properly so called of each of the signatory Governments, account shall be taken of the contributions in kind made by each Government under the first paragraph of this Article.

#### ARTICLE 7

(1) Each of the signatory Governments may become a Contracting Party to the present Protocol:

- (a) by signature without reservation of ratification,
- (b) by signature subject to ratification, followed by ratification.

(2) In the cases referred to at paragraph (1) (b) of this Article, the instruments of ratification shall be deposited with the Belgian Government and the ratification shall take effect on the date of deposit of the instruments. The Belgian Government shall inform the signatory Governments of the ratification.

(3) The present Protocol shall come into force as soon as the signatory Governments have finally approved it either by signature without reservation of ratification or by signature followed by ratification.

(4) The present Protocol shall remain in force until the entry into force of the International Convention relating to Co-operation for the Safety of Air Navigation.

IN WITNESS WHEREOF, the undersigned representatives, after having communicated their full powers, found to be in good and due form, have signed the present Protocol.

DONE at Brussels this 13th day of December, 1960 in the German, English, French and Dutch languages, in a single copy which shall remain deposited in the archives of the Government of the Kingdom of Belgium which shall transmit certified copies to all the signatory States. In the case of any inconsistency, the text in the French language shall prevail.

#### SECOND SCHEDULE

(Sections 2, 14)

### **BRUSSELS PROTOCOL 1970**

**Additional Protocol to the "Eurocontrol" International Convention relating to Co-operation for the Safety of Air Navigation signed at Brussels on 13th December 1960, with Protocol of signature, Brussels, 6th July 1970**

THE STATES PARTY to the "EUROCONTROL" International Convention relating to Co-operation for the Safety of Air Navigation signed at Brussels on the

13th of December, 1960<sup>1</sup> (hereinafter called "the Convention"), which set up the European Organisation for the Safety of Air Navigation "EUROCONTROL" (hereinafter called "the Organisation"),

<sup>1</sup> Treaty Series No. 39 (1963) (Cmnd. 2114).

HAVE AGREED AS FOLLOWS:

ARTICLE 1

1. Without prejudice to the exonerations provided for in Articles 21 and 22 of the Convention, when the Organisation in the exercise of its official activities makes substantial acquisitions of property or employs services of substantial value in respect of which indirect duties, taxes or charges (including such duties, taxes or charges levied on importation other than those referred to in paragraph 1 of Article 22 of the Convention) have been paid or are payable, the Governments of the Member States shall, whenever possible, take appropriate action to offset the effect on the Organisation of such duties, taxes or charges by means of an adjustment of the financial contributions to the Organisation or by means of remission or of reimbursement to the Organisation of the amount of the duties, taxes or charges.

2. With regard to payments by the Organisation to Member States in respect of capital investments made by those States, in so far as the cost thereof is to be refunded by the Organisation, the said States shall ensure that their statements of the amounts in question submitted to the Organisation do not include duties, taxes or charges from which the Organisation would have been exempt or which would be refunded to it or which would be the subject of an adjustment of the financial contributions to the Organisation if the Organisation had made those investments itself.

3. The provisions of this Article shall not apply in respect of duties, taxes or charges collected as payment for public utility services.

ARTICLE 2

Property acquired by the Organisation to which paragraph 1 of Article 1 applies may not be sold or otherwise disposed of except in accordance with conditions laid down by the Governments of the States concerned.

ARTICLE 3

1. When the Director General of the Agency or any official or servant subject to the Staff Regulations envisaged in Article 14 of the Statute of the Agency or the General Conditions of Service for the Staff of the Eurocontrol Maastricht Centre is taxed by a Member State on the salary and emoluments paid to him by the Organisation, the Member State concerned shall take appropriate action to make as exact a financial adjustment as possible in favour of the relevant budget of the Organisation in respect of the amount of the tax.

2. The provisions of paragraph 1 of this Article shall not apply to pensions and annuities paid by the Organisation.

ARTICLE 4

For the purpose of the present Protocol, the Organisation shall act in concert with the relevant authorities of the Member States concerned.

ARTICLE 5

Any dispute which may arise between the Contracting Parties, or between the Contracting Parties and the Organisation represented by the Commission, relating to the interpretation or application of the present Protocol shall be settled in accordance with the procedure set out in Article 33 of the Convention.

ARTICLE 6

The present Protocol shall remain in force until the expiry of the Convention.

ARTICLE 7

1. The present Protocol shall be ratified.
2. The instruments of ratification shall be deposited with the Government of the Kingdom of Belgium.
3. The present Protocol shall come into force on the first day of the month following the deposit of the instrument of ratification of the last State party to the Convention to complete that formality.
4. The Government of the Kingdom of Belgium shall notify the Governments of the other States party to the Convention of any deposit of an instrument of ratification and of the date of entry into force.

ARTICLE 8

1. Accession to the present Protocol is open to any non-signatory State which makes a request to accede to the Convention in accordance with the provisions of Article 41.
2. The agreement of the Commission stipulated in the said Article 41 shall be subject to the accession of the State concerned to the present Protocol.
3. The instrument of accession to the present Protocol shall be deposited at the same time as the instrument of accession to the Convention with the Government of the Kingdom of Belgium, which shall notify the Governments of the other signatory and acceding States.
4. Accession to the present Protocol shall take effect from the same day as the accession to the Convention.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, after presentation of their full powers, found to be in good and due form, have signed the present Protocol and have affixed thereto their seals.

DONE at Brussels, this sixth day of July, 1970, in the English, German, French and Dutch languages, in a single copy, which shall remain deposited in the archives of the Government of the Kingdom of Belgium, which shall transmit certified copies to all the signatory States. In the case of any inconsistency, the text in the French language shall prevail.

For the Federal Republic of Germany:

R. VON UNGERN-STERNBERG

For the Kingdom of Belgium:

A. BERTRAND

For the French Republic:

M. DE LADoucETTE

For the United Kingdom of Great Britain and Northern Ireland:

JOHN BEITH

For the Grand Duchy of Luxembourg:

P. HAMER

For the Kingdom of the Netherlands:

Chr. B. ARRIËNS

For Ireland:

GERARD WOODS

## THIRD SCHEDULE

(Sections 2, 14)

**BRUSSELS PROTOCOL 1978****Protocol for the Amendment of the Additional Protocol to the "Eurocontrol" International Convention Relating to Cooperation for the Safety of Air Navigation Signed in Brussels on 6 July 1970**

The States Parties to the Additional Protocol to the "EUROCONTROL" International Convention relating to Cooperation for the Safety of Air Navigation signed at Brussels on 6 July 1970 (hereinafter called "the Additional Protocol").

HAVE AGREED as follows:

**ARTICLE 1**

As from the date of entry into force of the present Protocol the text of Article 3 of the Additional Protocol shall be superseded by the following text:

"1. The Director General of the Agency and the staff members of the Organisation, including the Permanent Delegate, shall be subject, under the conditions and rules laid down by the Permanent Commission, to a tax for the benefit of the Organisation on salaries and emoluments paid by the Organisation, which shall take effect within a period of one year from the date of entry into force of this provision. As from the date on which this tax is applied, such salaries and emoluments shall be exempt from national income tax. The Contracting States may, however, take into account the salaries and emoluments thus exempted when assessing the amount of tax payable on income from other sources.

2. Paragraph 1 shall not apply to pensions and annuities paid by the Organisation.

3. The names, titles, addresses as well as remunerations and where appropriate pensions of employees and former employees to whom the provisions of paragraphs 1 and 2 of the present article are applicable shall be communicated periodically to the Contracting States."

**ARTICLE 2**

Notwithstanding the provisions of Article 1 of the present Protocol, obligations under Article 3 of the Additional Protocol shall remain binding until the relevant claims and commitments have been fully discharged.

**ARTICLE 3**

1. The present Protocol shall be ratified, accepted or approved.

2. The instruments of ratification, acceptance or approval shall be deposited with the Government of the Kingdom of Belgium.

3. The present Protocol shall come into force on the first day of the year following the deposit of the instrument of ratification, acceptance or approval of the last State party to the Additional Protocol to complete that formality.

4. The Government of the Kingdom of Belgium shall notify the Governments of the other States parties to the Additional Protocol of any deposit of an instrument of ratification, acceptance or approval and the date of its entry into force.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, after presentation of their full powers, found to be in good and due form, have signed the present Protocol and have affixed thereto their seals.

DONE at Brussels, this 21st of November, 1978, in the English, German, French and Dutch languages, in a single copy, which shall remain deposited in the archives of the Government of the Kingdom of Belgium, which shall transmit certified copies to all the signatory States. In the case of any inconsistency, the text in the French language shall prevail.

## FOURTH SCHEDULE

(Sections 2, 14)

**BRUSSELS PROTOCOL 1981****Final Act of the Diplomatic Conference on the Protocol Amending the Eurocontrol International Convention Relating to Co-operation for the Safety of Air Navigation of 13 December 1960**

The Plenipotentiaries of The Federal Republic of Germany, The Kingdom of Belgium, The French Republic, The United Kingdom of Great Britain and Northern Ireland, Ireland, The Grand Duchy of Luxembourg, The Kingdom of the Netherlands and The Portuguese Republic,

ASSEMBLED at Brussels on 12 February 1981 for the purpose of adopting the Protocol amending the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960:

HAVE ADOPTED the said Protocol, which was opened for signature on 12 February 1981, and which is contained in Annex 1 to this Final Act;

HAVE DECIDED for practical purposes to attach as Annex 2 to this Final Act the provisions of the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation as amended by the aforementioned Protocol [*not reproduced in this volume*].

IN WITNESS WHEREOF, the Plenipotentiaries have signed this Final Act.

DONE at Brussels, this 12th day of February 1981, in a single original, which shall remain deposited in the archives of the Government of the Kingdom of Belgium, which shall transmit certified copies to the Governments of the other signatory States.

**Protocol Amending the Eurocontrol International Convention Relating to Co-operation for the Safety of Air Navigation of 13 December 1960**

The Federal Republic of Germany, The Kingdom of Belgium, The French Republic, The United Kingdom of Great Britain and Northern Ireland, Ireland, The Grand Duchy of Luxembourg, The Kingdom of the Netherlands, The Portuguese Republic,

CONSIDERING that developments in air traffic require the revision of the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960 providing for the establishment of a European system organised jointly by the Member States for the control of general air traffic in the upper airspace,

CONSIDERING that it is desirable to continue and to strengthen the co-operation between the States within the framework of EUROCONTROL, in particular through the formulation of common long-term objectives and medium-term plans in consultation with users of air traffic services, in order to achieve maximum efficiency at minimum cost in the provision of air traffic services.

DESIRING to extend and to strengthen co-operation with other States which have an interest in the execution of the tasks entrusted to EUROCONTROL in order to increase its efficiency, in particular with regard to traffic flow management,

DESIRING to encourage interested States to become Members of EUROCONTROL,

HAVE AGREED as follows:

**ARTICLE I**

The EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960, as amended by the

Additional Protocol signed at Brussels on 6 July 1970, in turn amended by the Protocol signed at Brussels on 21 November 1978, hereinafter called "the Convention", is hereby amended as provided in the following articles.

## ARTICLE II

Article 1 of the Convention shall be replaced by the following:

### "Article 1

1. The Contracting Parties agree to strengthen their co-operation and to develop their joint activities in the field of air navigation, making due allowance for defence needs and providing maximum freedom for all airspace users consistent with the required level of safety. They have accordingly agreed:

- (a) to establish common long-term objectives in the field of air navigation and, in that framework, to institute a medium-term common plan for air traffic services and facilities;
- (b) to draw up common plans for advanced training, for procedural measures, and for research and development programmes relating to facilities and services for the safety, efficiency and expeditious flow of air traffic;
- (c) to concert any other measures necessary to ensure the safe and orderly flow of air traffic;
- (d) to constitute a common fund of experience in operational, technical and financial aspects of air navigation;
- (e) to co-ordinate their activities with regard to air traffic flow management by establishing an international system of air traffic flow management in order to ensure the most effective utilisation of the airspace.

2. For this purpose they hereby establish a 'European Organisation for the Safety of Air Navigation (EUROCONTROL)', hereinafter called 'the Organisation', which shall act in co-operation with the national civil and military authorities. The Organisation shall comprise two organs:

- a 'Permanent Commission for the safety of air navigation', hereinafter called 'the Commission', which shall constitute the organ responsible for formulating the Organisation's general policy;
- an 'Agency for the safety of air navigation', hereinafter called 'the Agency', the Statute of which is in Annex 1 to the present Convention. The Agency shall be the organ responsible for the performance of the tasks prescribed by the present Convention or entrusted to it, in pursuance thereof, by the Commission.

3. The headquarters of the Organisation shall be in Brussels."

## ARTICLE III

Article 2 of the Convention shall be revoked. Article 6 of the Convention shall become Article 2 and shall read as follows:

### "Article 2

1. The Organisation shall undertake the following tasks:

- (a) to analyse the future needs of air traffic and new techniques necessary for meeting such needs;
- (b) to develop and adopt common long-term objectives in the field of air navigation;
- (c) to co-ordinate the medium-term national plans in order to establish a common medium-term plan in respect of air traffic services and facilities within the framework of the long-term objectives referred to in (b) above;
- (d) to promote common policies for ground and airborne air navigation systems, and the training of the staff of air traffic services;

- (e) to study and promote measures for improving cost-effectiveness and efficiency in the field of air navigation;
- (f) to promote and conduct studies, tests and trials relating to air navigation; to collect and distribute the results of studies, tests and trials carried out by the Contracting Parties in the field of air navigation;
- (g) to co-ordinate the Contracting Parties' research and development programmes relating to new techniques in the field of air navigation;
- (h) to examine matters in the field of air navigation being studied by the International Civil Aviation Organisation and other international organisations concerned with civil aviation;
- (i) to study amendments to the Regional Air Navigation Plan to be submitted to the International Civil Aviation Organisation;
- (j) to perform any other tasks with which it might be entrusted pursuant to Article 1.1 (c);
- (k) to assist the Contracting Parties and interested non-member States in the institution and operation of an international air traffic flow management system;
- (l) to establish and collect charges levied on users of air navigation services in accordance with the Multilateral Agreement relating to Route Charges, and on behalf of the Contracting Parties and of non-member States parties to that Agreement.

Special Agreements may be concluded by the Organisation and non-member States interested in participating in the performance of such tasks.

2. At the request of one or more Contracting Parties, the Organisation may be entrusted with the following tasks:

- (a) to assist such Parties in the performance of specific air navigation tasks such as the design and setting up of air traffic facilities and services;
- (b) to provide and operate, wholly or in part, air traffic services and facilities on behalf of such Parties;
- (c) to assist such Parties in the calculation and collection of charges which are levied by them on users of air navigation services and which are not covered by the Multilateral Agreement relating to Route Charges.

The performance of such tasks shall in each case be governed by a special agreement between the Organisation and the Parties concerned.

3. The Organisation may further, at the request of one or more non-member States, be entrusted with the following tasks:

- (a) to assist such States in air traffic flow management and in the planning and provision of air navigation services and equipment;
- (b) to assist such States in the calculation and collection of charges not covered by the Multilateral Agreement relating to Route Charges which are levied by them on users of air navigation services.

The performance of such tasks shall in each case be governed by special agreements between the Organisation and the States concerned."

#### ARTICLE IV

Articles 3 and 37 of the Convention shall be combined into a new Article 3 and shall read as follows:

##### "Article 3

1. The present Convention shall apply to en route air navigation services and related approach and aerodrome services for air traffic in the Flight Information Regions listed in Annex 2:

2. Any amendment which a Contracting Party wishes to make to the list of its Flight Information Regions in Annex 2 shall be subject to the unanimous agreement of the Commission if it would result in a change in the overall limits of the airspace covered by the Convention. Any amendment which does not

result in such a change shall be notified to the Organisation by the Contracting Party concerned.

3. For the purpose of the present Convention the expression 'air traffic' shall comprise civil aircraft and those military, customs and police aircraft which conform to the procedures of the International Civil Aviation Organisation."

#### ARTICLE V

Article 5 of the Convention shall be replaced by the following:

##### "Article 5

1. The Commission shall be composed of representatives of the Contracting Parties. Each Contracting Party may appoint several delegates in order, in particular, to allow the representation of the interests of both civil aviation and national defence, but shall have only one vote.

2. For the purpose of Article 2.1 (l) the Commission shall be enlarged to include representatives of non-member States which are parties to the Multilateral Agreement relating to Route Charges. The Commission thus enlarged shall take decisions in accordance with the provisions of the said Agreement.

3. Where provision to that effect is made in other agreements concluded between the Organisation and non-member States in accordance with Article 2.1, in particular for air traffic flow management, the Commission shall be enlarged and shall take decisions in accordance with the provisions of those agreements."

#### ARTICLE VI

Article 7 of the Convention shall become Article 6 and shall read as follows:

##### "Article 6

For the accomplishment of the tasks assigned to the Organisation by Article 2.1, the Commission shall take the following measures:

(a) with regard to the Contracting Parties:

it shall take a decision:

—in the cases referred to in Article 2.1 (b) and (c);

—in the cases referred to in Article 2.1 (a) and (d) to (k) whenever the Commission deems it necessary for the Contracting Parties to commit themselves to common action; in such cases it may also issue a recommendation to the Contracting Parties;

(b) with regard to the Agency:

—it shall approve the annual work programme and the investment and work programmes extending over several years to be submitted to it by the Agency for the accomplishment of the tasks referred to in Article 2.1, and also the budget and the activity report; it shall give directives to the Agency, whenever it deems this to be necessary for the accomplishment of the tasks assigned to the Agency;

—it shall take all necessary measures in exercising its supervisory powers under the present Convention and the Statute of the Agency;

—it shall give the Agency a discharge in respect of its administration of the budget.

2. In addition, the Commission shall:

(a) approve the Staff Regulations and the Financial Regulations as well as measures to be taken in pursuance of Article 7.2, and of Article 19.3 of the Statute of the Agency;

(b) appoint the members of the control board for a five-year period in pursuance of Article 22.1 of the Statute of the Agency.

3. The Commission shall authorise the opening by the Agency of negotiations relating to the special agreements referred to in Article 2 and shall approve the agreements negotiated by the Agency.

4. Proceedings on behalf of the Organisation may be initiated by the Commission before the arbitral tribunal provided for under Article 31."

#### ARTICLE VII

Article 8 of the Convention shall become Article 7 and shall read as follows:

##### "Article 7

1. Decisions shall be taken by the Commission by unanimous vote of the Contracting Parties and shall be binding on the Contracting Parties. However, should a Contracting Party notify the Commission that overriding national considerations prevent it from acting on a unanimous decision taken in respect of the matters referred to in Article 2.1 (b) and (c), it may derogate from that decision subject to communication to the Commission of the grounds for the derogation. Within six months of such notification, the Commission shall either revise its previous decision or decide whether certain conditions or limits should apply to the derogation. In either case, the Commission's decision shall require a unanimous vote of the Contracting Parties.

2. The Commission shall decide upon the measures referred to in Articles 6.2 (a), 6.3 and 11.3 by unanimity of the votes cast.

3. Unless otherwise provided, directives and measures in the cases provided for in Article 6.1 (b) and 6.4 shall require a majority of the votes in the Commission, it being understood that:

—those votes shall be subject to the weighting provided for in Article 8 below,

—those votes shall represent the majority of the Contracting Parties voting.

4. The measures referred to in Article 6.2 (b) shall be taken by the Commission in accordance with paragraph 3 above, provided that the majority calculated accordingly is not less than 70% of the weighted votes cast.

5. Recommendations by the Commission shall require the votes of the majority of the Contracting Parties."

#### ARTICLE VIII

Article 9 of the Convention shall become Article 8 and shall read as follows:

##### "Article 8

1. The weighting referred to in Article 7 shall be determined according to the following table:

Annual contribution of a Contracting Party as a percentage of the total annual contributions of all the Contracting Parties	Number of votes
Less than 1% .....	1
From 1 to less than 2% .....	2
From 2 to less than 3% .....	3
From 3 to less than 4½% .....	4
From 4½ to less than 6% .....	5
From 6 to less than 7½% .....	6
From 7½ to less than 9% .....	7
From 9 to less than 11% .....	8
From 11 to less than 13% .....	9
From 13 to less than 15% .....	10
From 15 to less than 18% .....	11
From 18 to less than 21% .....	12
From 21 to less than 24% .....	13
From 24 to less than 27% .....	14
From 27 to less than 30% .....	15
30% .....	16

2. The numbers of votes shall be initially established with effect from the date of entry into force of the Protocol opened for signature at Brussels in 1981 by reference to the above table and in accordance with the rule in Article 19 of the Statute of the Agency for determining the annual contributions of the Contracting Parties to the Organisation's budget.

3. In the event of the accession of a State, the numbers of votes of the Contracting Parties shall be re-established in accordance with the same procedure.

4. The numbers of votes shall be re-established each year in accordance with the foregoing provisions."

#### ARTICLE IX

Articles 10 and 11 of the Convention shall become Articles 9 and 10.

#### ARTICLE X

Article 12 of the Convention shall become Article 11 and shall read as follows:

##### "Article 11

1. The Commission shall maintain with the appropriate States and international organisations the necessary relations for the realisation of the aims of the Organisation.

2. The Commission shall in particular, without prejudice to the provisions of Articles 6.3 and 13, be alone empowered to conclude on behalf of the Organisation those agreements with international organisations, the Contracting Parties or other States which are necessary for the performance of the Organisation's tasks provided for in Article 2.

3. At the proposal of the Agency, the Commission may delegate to the Agency the decision to open negotiations and to conclude agreements necessary for the performance of the tasks referred to in Article 2."

#### ARTICLE XI

A new Article 12 shall be inserted in the Convention and shall read as follows:

##### "Article 12

The Agreements between the Organisation and one or more Contracting Parties, or one or more non-member States, or an international organisation, relating to the tasks referred to in Article 2 shall stipulate the respective tasks, rights and obligations of the Parties to the agreements together with the financial arrangements, and shall establish the measures to be taken. Such agreements may be negotiated by the Agency in accordance with the provisions of Articles 6.3 and 11.3."

#### ARTICLE XII

Articles 13 and 14 of the Convention shall be revoked. Article 31 of the Convention shall become Article 13. Article 15 of the Convention shall become Article 14. Article 16 of the Convention shall be revoked.

#### ARTICLE XIII

Article 17 of the Convention shall become Article 15 and shall read as follows:

##### "Article 15

In the event of the Organisation performing the tasks provided for in Article 2.2 (b), the Agency shall apply the regulations in force in the territories of the Contracting Parties and in the airspace in respect of which the provision of air traffic services is entrusted to them under international agreements to which they are Parties."

#### ARTICLE XIV

Article 18 of the Convention shall become Article 16 and shall read as follows:

*Article 16*

In the event of the Organisation performing the tasks provided for in Article 2.2 (b), the Agency shall, within the limits of the powers conferred on the air traffic services, give all necessary instructions to aircraft commanders. The aircraft commanders shall be bound to comply with those instructions, except in the cases of force majeure provided for in the regulations referred to in the preceding article."

ARTICLE XV

Article 19 of the Convention shall become Article 17 and shall read as follows:

*Article 17*

In the event of the Organisation performing the tasks provided for in Article 2.2 (b), infringements of the air navigation regulations committed in the airspace in which the provision of air traffic services is entrusted to the Agency shall be recorded in reports by officers specifically authorised by the Agency for that purpose, without prejudice to the right under national law of officers of the Contracting Parties to report infringements of the same nature. The reports referred to above shall have the same effect in national courts as those drawn up by national officers qualified to report infringements of the same nature."

ARTICLE XVI

A new Article 18 shall be inserted in the Convention and shall read as follows:

*Article 18*

1. The circulation of publications and other information material sent by or to the Organisation in connection with its official activities shall not be restricted in any way.

2. For its official communications and the transfer of all its documents, the Organisation shall enjoy treatment not less favourable than that accorded by each Contracting Party to comparable international organisations."

ARTICLE XVII

Article 20 of the Convention shall be revoked. Articles 21, 22 and 23 of the Convention shall become Articles 19, 20 and 21. In the old Article 22.4 the reference to Article 36 of the Statute of the Agency shall be replaced by a reference to Article 25 of the Statute.

ARTICLE XVIII

Article 24 of the Convention shall become Article 22 and shall read as follows:

*Article 22*

1. The Agency may call upon the services of qualified persons who are nationals of the Contracting Parties.

2. The staff of the Organisation, and members of their families forming part of their households, shall enjoy the exemption from measures restricting immigration and governing aliens' registration generally accorded to staff members of comparable international organisations.

3. (a) The Contracting Parties, in time of international crisis, shall accord to the staff of the Organisation, and the members of their families forming part of their households, the same repatriation facilities as the staff of other international organisations.

(b) The provisions of (a) above shall not affect the staff's obligations to the Organisation.

4. No exception may be made to the provisions of paragraphs 1 and 2 of this article except for reasons of public policy, public safety or public health.

5. The staff of the Organisation:

- (a) shall be granted exemption from customs duties and charges, other than those in respect of services rendered, in the case of the importation of their personal effects, movable property and other household effects which are not new, which they bring from abroad on first taking up residence in the territory in question, and in the case of the re-exportation of those same effects and movable property, when they relinquish their duties;
- (b) may, on taking up their duties in the territory of any one of the Contracting Parties, import their personal motor car temporarily with exemption from duty, and subsequently, but not later than on termination of their period of service, re-export that vehicle with exemption from duty, subject, however, in either event, to any conditions deemed to be necessary in each individual case by the Government of the Contracting Party concerned;
- (c) shall enjoy inviolability for all their official papers and documents.

6. The Contracting Parties shall not be obliged to grant to their own nationals the facilities provided for in paragraph 5 (a) and (b) above.

7. In addition to the privileges, exemptions and facilities granted to the staff of the Organisation, the Director General of the Agency shall enjoy immunity from jurisdiction in respect of acts, including words spoken and written, done by him in the exercise of his functions; this immunity shall not apply in the case of a motor traffic offence or in the case of damage caused by a motor vehicle belonging to or driven by him.

8. The Governments concerned shall take all the necessary measures to ensure the unrestricted transfer of net salaries."

#### ARTICLE XIX

A new Article 23 shall be inserted in the Convention and shall read as follows:

##### "Article 23

Representatives of the Contracting Parties shall, while exercising their functions and in the course of their journeys to and from the place of meeting, enjoy inviolability for all their official papers and documents."

#### ARTICLE XX

A new Article 24 shall be inserted in the Convention and shall read as follows:

##### "Article 24

By reason of its own social security scheme, the Organisation, the Director General and staff of the Organisation shall be exempt from all compulsory contributions to national social security bodies, without prejudice to arrangements between the Organisation and Contracting Parties existing at the entry into force of the Protocol opened for signature at Brussels in 1981."

#### ARTICLE XXI

Article 26 of the Convention shall read as follows:

##### "Article 26

1. (a) The installations of the Organisation shall be inviolable. The property and assets of the Organisation shall be exempt from any measure of requisition, expropriation or confiscation.

(b) The archives of the Organisation and all official papers and documents belonging to it shall be inviolable, wherever located.

2. The property and assets of the Organisation may not be seized, nor may execution be levied upon them, except by a judicial decision. The installations of the Organisation shall not, however, be seized nor shall execution be levied upon them.

3. Nevertheless, in order to enable judicial inquiries to be carried out and to ensure the execution of judicial decisions in their respective territories, the

competent authorities of the State in which the Organisation has its headquarters and of other States in which installations and archives of the Organisation are located shall, after having informed the Director General of the Agency, have access to such installations and archives."

ARTICLE XXII

Article 28 of the Convention shall be revoked.

ARTICLE XXIII

Article 29 of the Convention shall become Article 28 and shall read as follows:  
"Article 28

In the event of the Organisation performing the tasks provided for in Article 2.2 (b), international agreements and national regulations relating to the admission to, flight over and security of, the territory of the Contracting Parties shall be binding on the Agency, which shall take all necessary measures to ensure the application of such agreements and regulations."

ARTICLE XXIV

Article 30 of the Convention shall become Article 29 and shall read as follows:  
"Article 29

In the event of the Organisation performing the tasks provided for in Article 2.2 (b), the Agency shall be bound to give those Contracting Parties which so request all necessary information relating to the aircraft of which it has cognisance in the exercise of its functions, in order that the Contracting Parties may be able to verify that international agreements and national regulations are being applied."

ARTICLE XXV

Article 32 of the Convention shall become Article 30.

ARTICLE XXVI

Article 33 of the Convention shall become Article 31.

ARTICLE XXVII

Article 34 of the Convention shall become Article 32; paragraph 3 thereof shall be replaced by the following:

"3. The provisions of Articles 1, 11, 19 and 20 of the Statute annexed hereto shall not, however, be subject to modification by the Commission."

ARTICLE XXVIII

Article 35 of the Convention shall become Article 33 and shall read as follows:  
"Article 33

In the event of a state of emergency or war, the provisions of the present Convention shall not affect the freedom of action of the Contracting Parties involved."

ARTICLE XXIX

Article 36 of the Convention shall become Article 34.

ARTICLE XXX

Article 38 of the Convention shall be revoked.

ARTICLE XXXI

Article 39 of the Convention shall become Article 35; paragraphs 1 and 2 thereof shall be replaced by the following:

"1. The validity of the present Convention, as amended by the Protocol opened for signature at Brussels in 1981, shall be extended for a period of twenty years from the date of entry into force of the said Protocol.

2. That period shall be automatically prolonged for periods of five years, unless a Contracting Party has, by written notice given to the Government of the Kingdom of Belgium at least two years before the expiry of the current period, expressed its intention to terminate the Convention. The Government of the Kingdom of Belgium shall notify the Governments of the other States parties to the Convention of such notice."

#### ARTICLE XXXII

Article 40 of the Convention shall be revoked.

#### ARTICLE XXXIII

Article 41 of the Convention shall become Article 36; paragraphs 1 and 4 thereof shall be replaced by the following:

"1. The accession to the present Convention, as amended by the Protocol opened for signature at Brussels in 1981, of any State not signatory to the said Protocol shall be subject:

- (a) to the agreement of the Commission carried by a unanimous vote, and
- (b) to the State depositing at the same time an instrument of accession to the Multilateral Agreement relating to Route Charges opened for signature at Brussels in 1981.

4. Accession shall take effect from the first day of the second month following the deposit of the instrument of accession."

#### ARTICLE XXXIV

Article 42 of the Convention shall be revoked.

#### ARTICLE XXXV

Annex I to the Convention, incorporating the Statute of the Agency, shall be replaced by Annex 1 to the present Protocol.

#### ARTICLE XXXVI

Annex II to the Convention shall be replaced by Annex 2 to the present Protocol, entitled "Flight Information Regions (Article 3 of the Convention)."

#### ARTICLE XXXVII

The Protocol of Signature of the Convention shall be revoked.

#### ARTICLE XXXVIII

The following amendments shall be made to the Additional Protocol to the Convention signed at Brussels on 6 July 1970, as amended by the Protocol signed at Brussels on 21 November 1978:

1. The references to Articles 21 and 22 of the Convention and to paragraph 1 of Article 22 of the Convention in Article 1.1 of the 1970 Protocol are replaced by references to Articles 19 and 20 of the Convention as amended by the Protocol opened for signature at Brussels in 1981, and to paragraph 1 of Article 20 of the Convention as amended by the said Protocol.

2. For the purposes of applying Article 2 of the 1978 Protocol, the reference to Article 14 of the Statute of the Agency in Article 3.1 of the 1970 Protocol is replaced by a reference to Article 12 of the Statute of the Agency set out in Annex 1 to the Convention as amended by the Protocol opened for signature at Brussels in 1981.

3. The reference to Article 33 of the Convention in Article 5 of the 1970 Protocol is replaced by a reference to Article 31 of the Convention as amended by the Protocol opened for signature at Brussels in 1981.

4. The reference to Article 41 of the Convention in Article 8.1 and 2 of the 1970 Protocol is replaced by a reference to Article 36 of the Convention as amended by the Protocol opened for signature at Brussels in 1981.

#### ARTICLE XXXIX

The transitional provisions covering transfer from the arrangements existing under the Convention to the arrangements under the Convention as amended by the present Protocol are set out in Annex 3 to the present Protocol.

#### ARTICLE XL

1. The present Protocol shall be open to signature by all States parties to the Convention until 28 February 1981.

It shall also be open to signature, prior to the date of its entry into force, by any other State invited to the diplomatic conference at which it is adopted, and any other State granted the right of signature by unanimous agreement of the Permanent Commission.

2. The present Protocol shall be subject to ratification. The instruments of ratification shall be deposited with the Government of the Kingdom of Belgium.

3. The present Protocol shall enter into force on 1 March 1983, provided that all the States parties to the Convention have ratified it by that date. If not, it shall enter into force on either 1 July or 1 January following the deposit of the last instrument of ratification, according to whether it was deposited during the first or the second six months of the year.

4. In the case of any State signatory to the present Protocol which is not party to the Convention and whose instrument of ratification is deposited after the date of entry into force of the present Protocol, the Protocol shall enter into force on the first day of the second month following the date on which the instrument of ratification is deposited.

5. Any State signatory to the present Protocol which is not party to the Convention shall, on ratification of the Protocol, also become a party to the Convention as amended by the Protocol.

6. The Government of the Kingdom of Belgium shall notify the Governments of the other States parties to the Convention and the Government of any State signatory to the present Protocol of any signature, the deposit of any instrument of ratification and the dates of entry into force of the present Protocol in accordance with paragraphs 3 and 4 above.

#### ARTICLE XLI

Ratification of the present Protocol shall be deemed to constitute ratification of the Multilateral Agreement relating to Route Charges opened for signature in 1981.

#### ARTICLE XLII

The Convention and the present Protocol shall constitute a single instrument, which shall be designated the "EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation as amended at Brussels in 1981".

#### ARTICLE XLIII

The Government of the Kingdom of Belgium shall cause the present Protocol to be registered with the Secretary-General of the United Nations, in accordance with Article 102 of the Charter of the United Nations, and with the Council of the

International Civil Aviation Organisation, in accordance with Article 83 of the Convention on International Civil Aviation signed in Chicago on 7 December 1944.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, after presentation of their full powers, found to be in good and due form, have signed the present Protocol.

DONE at Brussels, this 12th day of February 1981, in the German, English, French, Dutch and Portuguese languages, in a single original, which shall remain deposited in the archives of the Government of the Kingdom of Belgium, which shall transmit certified copies to the Governments of the other signatory States. In the case of any inconsistency, the text in the French language shall prevail.

## ANNEX 1

### Statute of the Agency

#### ARTICLE 1

The Agency established by Article 1 of the Convention shall be governed by the present Statute.

#### ARTICLE 2

1. The Agency shall be the organ responsible for the performance of the tasks entrusted to it by the Convention or by the Commission.
2. When the Agency provides air navigation services, its objectives shall be:
  - (a) to prevent collisions between aircraft;
  - (b) to ensure the orderly and rapid flow of air traffic;
  - (c) to provide advice and information conducive to the safe and efficient conduct of flights;
  - (d) to notify appropriate organisations regarding aircraft in need of search and rescue aid, and assist such organisations as required.
3. The Agency shall install the necessary facilities for the performance of its tasks and shall ensure their satisfactory operation.
4. To that end, the Agency shall work in close collaboration with the military authorities in order to meet as efficiently and economically as possible the requirements of air traffic and the special requirements of military aviation.
5. For the accomplishment of its task on the conditions laid down in Article 7.2 below, the Agency may, among other things, construct and operate the buildings and installations it requires, in particular air traffic research and experimental centres, air traffic flow management centres, and schools for the advanced and specialised training of personnel of air navigation services. However, it shall call upon national technical services and make use of existing national installations whenever this is possible, in order to avoid any duplication.

#### ARTICLE 3

Subject to the powers conferred upon the Commission, the Agency shall be administered by a Committee of Management, hereinafter called "the Committee", and by a Director General.

#### ARTICLE 4

1. The Committee shall be composed of representatives of each of the Contracting Parties, which may appoint several representatives in order to allow in particular the representation of the interests of both civil aviation and national defence. Only one of the representatives shall have the power to vote and he shall be a highly placed official exercising in his country responsibilities in matters of air navigation. Each representative shall have an alternate who shall validly represent him if he is unable to be present.

2. For the purposes of Article 2.1 (l) of the Convention, the Committee shall be enlarged to include representatives of non-member States which are parties to the Multilateral Agreement relating to Route Charges. The Committee thus enlarged shall take decisions in accordance with the provisions of the said Agreement.

3. Where provision to that effect is made in the other agreements concluded by the Organisation with non-member States in accordance with Article 2.1 of the Convention, in particular for air traffic flow management, the Committee shall be enlarged and shall take decisions in accordance with the provisions of those agreements.

#### ARTICLE 5

1. For meetings of the Committee a quorum shall consist of the representatives, entitled to vote, of all but one of the Contracting Parties.

2. If the quorum is not attained, the deliberations shall be deferred until a meeting to be convened for a later date not earlier than ten days after the preceding meeting; at that meeting a quorum shall consist of at least half the number of representatives entitled to vote.

#### ARTICLE 6

1. The Committee shall establish its rules of procedure, including rules governing the election of a President and Vice-President and the appointment of a Secretary.

2. Those rules shall include provisions relating to disqualifications. Furthermore, they shall prescribe that notices convening meetings shall be sent by letter or, in case of urgency, by telegram, and shall include the agenda.

3. The rules shall be subject to the approval of the Commission.

#### ARTICLE 7

1. The Committee shall make decisions on the organisation of the Agency in respect of which proposals shall be submitted to it by the Director General.

2. It shall, however, submit for the approval of the Commission measures to be taken in pursuance of Article 2.5 above.

#### ARTICLE 8

Every year the Committee shall report to the Commission on the activities and financial position of the Organisation.

#### ARTICLE 9

1. At the request of the Commission, the Committee shall prepare investment and work programmes extending over several years. The programmes shall be subject to the approval of the Commission.

2. In particular, the Committee shall, for submission for approval by the Commission in accordance with the provisions of the Convention:

- (a) draw up a programme of tasks provided for in Article 2.1 (a), (e), (f) and (j) of the Convention;
- (b) formulate the long-term common objectives provided for in Article 2.1 (b) of the Convention;
- (c) study the research and development programmes provided for in Article 2.1 (g) of the Convention;
- (d) draw up the medium-term common plans provided for in Article 2.1 (c) of the Convention and formulate the common policies in respect of ground and airborne systems and personnel training provided for in paragraph 1 (d) of the said article;
- (e) adopt the agreements provided for in Article 2 of the Convention;

(f) arrange for the studies provided for in Article 2.1 (h) and (i) of the Convention.

3. Within the limits of any delegation by the Commission pursuant to Article 11.3 of the Convention, the Committee shall take the decision to open negotiations with a view to conclusion of the agreements referred to in Article 2 of the Convention and shall approve, where appropriate, the agreements negotiated.

#### ARTICLE 10

The Committee shall draw up, and submit for the Commission's approval:

- regulations relating to tenders, the letting of contracts for the supply of goods and services to the Organisation and the conditions governing such contracts;
- the general conditions of contract for the supply of services by the Organisation.

#### ARTICLE 11

The Committee shall draw up and submit for the Commission's approval the Financial Regulations, which shall determine, in particular, the accounting procedures to be followed in respect of income and expenditure, the conditions governing payment of national contributions and the terms on which loans may be raised by the Organisation.

#### ARTICLE 12

1. The Committee shall draw up and submit for the Commission's approval the Agency's Staff Regulations:

- they shall include, in particular, provisions relating to the nationality of personnel, salary scales, pensions, disqualifications for office, professional secrecy and continuity of the service;
- they shall specify those posts which may not be held in plurality with any other post without the special authorisation of the Director General.

2. The Administrative Tribunal of the International Labour Organisation shall have sole jurisdiction in disputes between the Organisation and the personnel of the Agency, to the exclusion of the jurisdiction of all other courts and tribunals, national or international.

#### ARTICLE 13

1. The Agency shall be empowered to recruit personnel directly only if the Contracting Parties are unable to make qualified personnel available to it. However, the Agency may agree with States which are not members of the Organisation to permit the employment of qualified personnel from such States in connection with the implementation of the agreements referred to in Article 5.2 and 3 of the Convention.

2. Personnel provided by a national administration shall be subject, throughout the period of their employment by the Agency, to the Agency's Staff Regulations, without prejudice to the retention of those career benefits which are guaranteed by national regulations.

3. Staff provided by a national administration may always be returned to that administration without the return being regarded as a disciplinary measure.

#### ARTICLE 14

1. Decisions shall be taken by the Committee by a weighted majority vote.

2. A weighted majority shall mean more than half the votes cast, it being understood that:

- those votes are weighted in accordance with Article 8 of the Convention;
- those votes represent a majority of the Contracting Parties voting.

3. Should an equal number of votes be cast for and against the proposal, the President shall decide either to take a second vote during the same meeting, or to include the proposal in the agenda of a further meeting for which he shall fix the date. Should an equal number of votes again be cast during the further meeting, the President shall have a casting vote.

#### ARTICLE 15

1. The Director General shall be appointed for a term of office of five years by the Committee by a vote taken in accordance with Article 14.2, provided that the majority calculated in accordance with the aforesaid paragraph 2 is not less than 70% of the weighted votes cast. His term of office may be renewed in the same manner.

2. The Director General shall represent the Organisation in legal proceedings and for all civil purposes.

3. Furthermore, in conformity with the general policy established by the Committee and the Commission, the Director General:

- (a) shall be responsible for the efficient functioning of the Agency;
- (b) may appoint the staff and may terminate their services in accordance with the Staff Regulations;
- (c) may borrow money for a term not exceeding one year in accordance with the Financial Regulations and within the limits determined for that purpose by the Commission;
- (d) may enter into contracts both for the supply of goods and services to the Organisation and the sale of goods and services by the Organisation in accordance with the Regulations referred to in Article 10 and within the limits determined for those purposes by the Commission.

4. The Director General may discharge the aforesaid functions without prior reference to the Committee, but in all cases he shall keep the Committee informed of the measures taken in the exercise of the aforesaid powers.

5. The Committee shall determine the conditions under which a substitute for the Director General may be appointed should he be unable to perform his duties.

#### ARTICLE 16

1. Estimates of all receipts and expenditure of the Agency shall be prepared for each financial year.

2. The budget shall be balanced as between receipts and expenditure. Agency receipts and expenditure in respect of research and experimental centres, schools and any other institutions set up under Article 2.5 above shall be recorded in detail in a special statement.

3. Financial Regulations adopted pursuant to Article 11 above shall make provision for estimating, putting into effect and auditing the Agency's receipts and expenditures, subject to the provisions of the present Statute.

#### ARTICLE 17

1. The financial year shall begin on 1 January and end on 31 December.

2. The estimates for each financial year shall be submitted by the Committee for the approval of the Commission not later than 31 October in each year.

#### ARTICLE 18

The Committee shall submit for approval by the Commission proposals concerning the format of the budget and the unit of account to be used.

#### ARTICLE 19

1. Without prejudice to the provisions of paragraph 2 below, the annual contribution of each Contracting Party to the budget shall be determined, for each financial year, in accordance with the following formula:

- (a) an initial 30% of the contribution shall be calculated in proportion to the value of the Gross National Product of the Contracting Party, as defined in paragraph 3 below;
- (b) a further 70% of the contribution shall be calculated in proportion to the value of the route facility cost-base of the Contracting Party as defined in paragraph 4 below.

2. No Contracting Party shall be required to pay, in any financial year, a contribution in excess of 30% of the total amount of contributions from the Contracting Parties. Should the contribution of any one Contracting Party calculated in accordance with paragraph 1 above exceed 30%, the excess shall be distributed among the other Contracting Parties according to the rules laid down in the aforesaid paragraph.

3. The Gross National Product to be used for the calculations shall be obtained from the statistics compiled by the Organisation for Economic Co-operation and Development—or failing that by any other body affording equivalent guarantees and designated under a decision of the Commission—by calculating the arithmetical mean for the last three years for which those statistics are available. The value of the Gross National Product shall be that which is calculated on the basis of factor cost and current prices expressed in European Units of Account.

4. The route facility cost-base to be used for the calculations shall be the cost-base established in respect of the last year but one preceding the financial year concerned.

#### ARTICLE 20

1. The Organisation may borrow on the international financial markets in order to obtain the necessary resources for the accomplishment of its tasks.

2. The Organisation may issue loans on the financial markets of a Contracting Party in accordance with national law relating to internal loans, or, in the absence of such law, with the agreement of the Contracting Party.

3. The Financial Regulations shall determine the procedures by which the Organisation raises and repays loans.

4. Each budget shall specify the maximum amount which the Organisation may borrow during the year covered by that budget.

5. In matters falling within the scope of the present article, the Organisation shall act in agreement with the competent authorities of the Contracting Parties or with their banks of issue.

#### ARTICLE 21

The budget may be revised during the financial year, if circumstances so require, in accordance with the requirements prescribed for its preparation and approval.

#### ARTICLE 22

1. The accounts of all budgetary receipts and expenditure shall be examined annually by a control board consisting of two expert officials belonging to the administrations of the Contracting Parties. These officials, who shall have different nationalities, shall be appointed by the Commission on the proposal of the Committee in accordance with Article 6.2 (b) of the Convention. The expenditures relating to the control board shall be borne by the Organisation.

2. The audit, which shall be made from the vouchers and if necessary *in situ*, shall be designed to establish the regularity of the receipts and expenditures and to verify that the financial administration is satisfactory. The control board shall present a report to the Commission after the end of each financial year.

ARTICLE 23

1. Administrative or technical inspections of the services of the Agency may be carried out, if so required by the Commission, acting either on its own initiative or at the request of the committee or Director General.

2. Such inspections shall be made by officers of the administrations of the Contracting Parties. Each inspection committee shall consist of at least two persons of different nationalities and shall include as far as possible a person who has taken part in a previous inspection.

ARTICLE 24

The Committee shall determine the working languages of the Agency.

ARTICLE 25

The Agency shall issue the publications necessary for its operation.

ARTICLE 26

The Committee shall submit for the approval of the Commission any modifications of the Statute which are considered to be necessary by the Committee, subject to the provisions of Article 32.3 of the Convention.

ANNEX 2

**Flight Information Regions  
(Article 3 of the Convention)**

<i>Contracting Parties</i>	<i>Flight Information Regions</i>
The Federal Republic of Germany	Hannover Upper Flight Information Region Rhein Upper Flight Information Region Bremen Flight Information Region Düsseldorf Flight Information Region Frankfurt Flight Information Region München Flight Information Region
The Kingdom of Belgium The Grand Duchy of Luxembourg The French Republic	Bruxelles Upper Flight Information Region Bruxelles Flight Information Region France Upper Flight Information Region Paris Flight Information Region Brest Flight Information Region Bordeaux Flight Information Region Marseille Flight Information Region
The United Kingdom of Great Britain and Northern Ireland	Scottish Upper Flight Information Region Scottish Flight Information Region London Upper Flight Information Region London Flight Information Region
Ireland	Shannon Upper Flight Information Region Shannon Flight Information Region
The Kingdom of the Netherlands The Portuguese Republic	Amsterdam Flight Information Region Lisboa Upper Flight Information Region Lisboa Flight Information Region Santa Maria Flight Information Region

## ANNEX 3

**Transitional provisions covering transfer from the arrangements existing under the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960 to the arrangements under the Convention as amended by the present Protocol**

## ARTICLE 1 DEFINITION

For the purposes of the present Annex:

- “seven States” means the Federal Republic of Germany, the Kingdom of Belgium, the French Republic, the United Kingdom of Great Britain and Northern Ireland, Ireland, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands;
- “four States” means the Federal Republic of Germany, the Kingdom of Belgium, the Grand Duchy of Luxembourg and the Kingdom of the Netherlands;
- “transitional period” means the period from the date of entry into force of the present Protocol until such time as the Commission, by a unanimous vote of the seven States on a proposal from the four States, has agreed on future arrangements for the Maastricht Centre and has decided to implement them.

## ARTICLE 2 MAASTRICHT CONTROL CENTRE

1. The following provisions of this article shall apply during the transitional period.
2. (a) Maastricht Control Centre, including its staff, shall continue to be the responsibility of the Organisation, whose property it shall remain.  
(b) The said Centre shall continue to provide air traffic control services in the airspace entrusted to it in pursuance of the Convention of 13 December 1960. In the exercise of its functions the Organisation shall apply the provisions of paragraphs 10 to 15 of this article.  
(c) The operating costs in respect of such functions shall be financed by the four States in accordance with a cost-sharing formula to be agreed between them.
3. The seven States shall contribute to the cost of investments in respect of the Maastricht Centre approved prior to the entry into force of the present Protocol in proportion to their respective Gross National Products as defined in Article 19.3 of Annex 1.
4. (a) The Contributions of the seven States, on the basis referred to in paragraph 3, shall be used to finance only such new investments at Maastricht as are necessary to maintain the scale of the facilities and services approved up to the date of entry into force of the present Protocol or to preserve the level of safety.  
(b) By derogation from Article 7 of the Convention, decisions on such investments shall be taken by the Committee and the Commission by a majority vote of the seven States, it being understood that:  
—the votes are weighted in accordance with the table below,  
—the votes represent at least five out of the seven States.  
(c) The table referred to in sub-paragraph (b) above is as follows:

## WEIGHT TABLE

**Gross National Product according to factor cost and current prices in thousands of millions of French francs**

	<i>Number of votes</i>
Less than 10 .....	1
From 10 inclusive to 20 exclusive .....	2
From 20 inclusive to 30 exclusive .....	3
From 30 inclusive to 46 $\frac{2}{3}$ exclusive .....	4
From 46 $\frac{2}{3}$ inclusive to 63 $\frac{1}{3}$ exclusive .....	5
From 63 $\frac{1}{3}$ inclusive to 80 exclusive .....	6
From 80 inclusive to 110 exclusive .....	7
From 110 inclusive to 140 exclusive .....	8
From 140 inclusive to 200 exclusive .....	9
From 200 inclusive to 260 exclusive .....	10
From 260 inclusive to 320 exclusive .....	11
From 320 inclusive to 380 exclusive .....	12

and thereafter one additional vote for each additional increase or fraction thereof of sixty thousand million French francs.

5. A sum equivalent to the receipts from route charges in respect of the amounts for annual amortisation and interest on the capital expenditure at the Maastricht Centre shall be payable by the four States in accordance with a cost-sharing formula to be agreed between them. This sum shall be redistributed to the seven States in proportion to their average contributions to the Investment Budgets from 1974 to 1980 in the case of investments financed before 31 December 1980, and to their actual contributions in the case of investments financed after that date.

6. (a) From the date of entry into force of the present Protocol, the radar installations and transmitting and receiving stations which form an integral part of the Maastricht Centre system and are used to provide air traffic services shall become the property of the States in which they are located.

(b) The said States shall purchase the above-mentioned facilities at the then current written-down value. The proceeds of the sale shall be distributed among the seven States in proportion to their average contributions to the Investment Budgets from 1974 to 1980 in the case of investments financed before 31 December 1980, and to their actual national contributions in the case of investments financed after that date.

7. The installations, equipment and technical services made available to the military authorities of the Federal Republic of Germany, in accordance with the Agreement concluded on 3 November 1977 between the Government of the Federal Republic of Germany and EUROCONTROL relating to the collocation of the German Air Force at the EUROCONTROL Maastricht UAC, shall continue to be made available.

8. Expenditure in respect of investment costs of the Maastricht Centre which is entered in the Organisation's budget and is met by the seven States shall be set out in a special budgetary annex.

9. Expenditure in respect of the operating and maintenance costs of the Maastricht Centre which is entered in the Organisation's budget and is met by the four States shall be set out in a special budgetary annex.

10. The Contracting Parties shall, to the extent that they are competent to do so, and in particular in respect of the allocation of radio frequencies, take the necessary measures to ensure that the Organisation can accomplish all those operations which fulfil its purpose.

11. (a) For the accomplishment of its task, the Agency shall apply for the purpose of air traffic control the regulations in force in the territories of the Contracting Parties and in the airspace in respect of which the air traffic services have been entrusted to them under international agreements to which they are parties.
- (b) In case of difficulty in applying the provisions of (a) above, the Agency shall bring the matter before the Commission which shall make recommendations to the Contracting Parties regarding the necessary measures to be taken.

12. For the accomplishment of its task and within the limits of the powers conferred on the air traffic services, the Agency shall give all necessary instructions to aircraft commanders. The aircraft commanders shall be bound to comply with those instructions, except in the cases of *force majeure* provided for in the regulations referred to in paragraph 11 above.

13. Infringements of the air navigation regulations committed in the airspace in which the air traffic services have been entrusted to the Agency shall be recorded in reports by officers specifically authorised by the Agency for that purpose, without prejudice to the right under national law of officers of the Contracting Parties to report infringements of the same nature. The reports referred to above shall have the same effect in national courts as those drawn up by national officers qualified to report infringements of the same nature.

14. International agreements and national regulations relating to the admission to, flight over and security of the territory of the Contracting Parties shall be binding on the Agency which shall take all the necessary measures to ensure the application of such agreements and regulations.

15. In order that the Contracting Parties may be able to verify that national regulations and international agreements are being applied, the Agency shall be bound to give those Contracting Parties which so request all the necessary information relating to the aircraft of which it has cognisance in the exercise of its functions.

#### ARTICLE 3 KARLSRUHE CONTROL CENTRE

On the date of entry into force of the present Protocol, Karlsruhe Control Centre shall become the property of the Federal Republic of Germany, which shall purchase the Centre at the then current written-down value. The proceeds of the sale shall be distributed among the seven States in proportion to their average contributions to the Investment Budgets from 1974 to 1980 in the case of investments financed before 31 December 1980, and to their actual contributions in the case of investments financed after that date.

#### ARTICLE 4 FACILITIES LOCATED IN IRELAND

From the date of entry into force of the present Protocol, the Shannon Control Centre, the Mount Gabriel secondary radar installation and radio-telephony stations and the Woodcock Hill secondary radar installation shall become the property of Ireland. In the four years thereafter, route charge receipts corresponding to the cost allowed for amortisation of these facilities shall be distributed among the seven States in proportion to their average contributions to the Investment Budgets from 1974 to 1980 in the case of investments financed before 31 December 1980, and to their actual national contributions in the case of investments financed after that date.

#### ARTICLE 5 RESIDUAL PAYMENTS

1. Any entitlement to reimbursement under existing provisions in respect of amortisation of approved indirect investments shall cease on the date of entry into force of the present Protocol.

2. The payments due pursuant to decisions taken by the Organisation prior to the entry into force of the present Protocol shall still be effected thereafter in accordance with the rules laid down by such decisions and shall be set out in special budgetary annexes.

**ARTICLE 6 TRANSITIONAL BUDGETARY PROVISIONS**

1. Within three months following the entry into force of the present Protocol, a budget shall be drawn up and approved by the Commission.

2. This budget shall have retroactive effect from the date of entry into force of the present Protocol and shall terminate on 31 December of the then current year.

3. During the period of preparation of the budget referred to in paragraph 1 above, the Commission may invite the Contracting Parties to make appropriate advances to the working capital fund.

4. Advances in respect of working capital shall be offset against the contributions determined pursuant to Article 19 of Annex 1 to the present Protocol.

**FIFTH SCHEDULE**

(Sections 2, 12, 14)

**MULTILATERAL AGREEMENT**

**RELATING TO ROUTE CHARGES**

The Federal Republic of Germany, The Republic of Austria, The Kingdom of Belgium, Spain, The French Republic, The United Kingdom of Great Britain and Northern Ireland, Ireland, The Grand Duchy of Luxembourg, The Kingdom of the Netherlands, The Portugese Republic, The Swiss Confederation, hereinafter called "the Contracting States" ;

The European Organisation for the Safety of Air Navigation, hereinafter called "EUROCONTROL" ;

Considering that the agreements concluded by European States with EUROCONTROL for the collection of route charges must be replaced owing to the amendment of the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960;

Recognising that co-operation in respect of the establishment and collection of route charges has proved effective in the past;

Desirous of continuing and strenghtening the co-operation established;

Resolved to operate, with due regard to the guidelines recommended by the International Civil Aviation Organization, a uniform European route charges system accesible to as many European States as possible;

Convinced that this uniformity will also facilitate consultation with users;

Considering that it is desirable for the States participating in the EUROCONTROL route charges system to strenghten the Organisation's powers in regard to the recovery of charges;

Recognising that such a system requires a new legal basis;

Have agreed as follows:

## ARTICLE 1

1. The Contracting States agree to adopt a common policy in respect of charges for en route air navigation facilities and services, hereinafter called "route charges", in the airspace of the Flight Information Regions falling within their competence.

2. They accordingly agree to create a joint system for the establishment and collection of route charges and to use for this purpose the services of EUROCONTROL.

3. To this end the Permanent Commission and the Committee of Management of EUROCONTROL shall be enlarged to include representatives of the Contracting States which are not members of EUROCONTROL and are hereinafter called the "enlarged Commission" and the "enlarged Committee".

4. The Flight Information Regions mentioned in paragraph 1 above are listed in Annex 1 to this Agreement. Any amendment which a Contracting State wishes to make to the list of its Flight Information Regions shall be subject to the unanimous agreement of the enlarged Commission if it would result in a change in the overall limits of the airspace covered by this Agreement. Any amendment which does not result in such a change shall be notified to EUROCONTROL by the Contracting State concerned.

## ARTICLE 2

Each Contracting State shall have one vote in the enlarged Commission, subject to the provisions of Article 6.1 (b).

## ARTICLE 3

1. The enlarged Commission shall undertake the establishment of the joint system of route charges in such a manner that:

- (a) those charges are established according to a common formula which takes account of the costs incurred by the Contracting States in respect of en route air navigation facilities and services and of the operation of the system, as well as the costs incurred by EUROCONTROL in operating the system;
- (b) those charges are collected by EUROCONTROL as a single charge per flight.

2. The enlarged Commission shall, for the above purposes:

- (a) establish the principles governing the assessment of the costs referred to in paragraph 1 (a) above;
- (b) establish the formula to be applied in calculating the route charges;
- (c) approve, for each charging period, the rate at which the costs referred to in paragraph 1 (a) above are to be recovered;
- (d) determine the unit of account in which the route charges are expressed;
- (e) determine the conditions of application of the system, including the conditions of payment, as well as the unit rates and tariffs and the period during which they are to apply;
- (f) determine the principles governing exemption from the route charges;
- (g) approve reports of the enlarged Committee;
- (h) adopt the financial regulations applicable to the route charges system;
- (i) approve agreements between EUROCONTROL and any State wishing to avail itself of EUROCONTROL's resources or technical assist-

ance in connection with air navigation charges not covered by this Agreement;

- (j) approve the budgetary annex proposed by the enlarged Committee in accordance with Article 5.1 (c).

3. The enlarged Commission shall establish its rules of procedure by a unanimous vote of all Contracting States.

#### ARTICLE 4

Each Contracting State shall have one vote in the enlarged Committee, subject to the provisions of article 6.2 (b).

#### ARTICLE 5

1. The enlarged Committee shall undertake:

- (a) the preparation of decisions for the enlarged Commission;
- (b) the supervision of the operation of the route charges system, including the use of the resources employed by EUROCONTROL for this purpose, and the taking of all necessary measures, particularly in respect of recovery of route charges, in conformity with the decisions of the enlarged Commission;
- (c) the reporting to the enlarged Commission on the resources required for the operation of the route charges system and the submission to it of the budgetary annex relating to EUROCONTROL's activities in connection with route charges;
- (d) the performance of any other tasks entrusted to it by the enlarged Commission;

2. The enlarged Committee shall establish its rules of procedure, subject to the provisions of Article 6.2 (a).

#### ARTICLE 6

1. The decisions of the enlarged Commission shall be taken as follows:

- (a) decisions on the matters referred to in Article 3.2 (a) to (f) and (h) shall require a unanimous vote of all Contracting States and shall be binding on all Contracting States; failing a unanimous decision, the enlarged Commission shall take a decision by a two-thirds majority of the votes cast; any Contracting State which is unable for overriding national considerations to apply that decision shall submit to the enlarged Commission an explanatory statement of the reasons therefor;
- (b) decisions on the matters referred to in Article 3.2 (i) and (j) shall require a two-thirds majority of the votes cast, provided that the votes comprise the weighted majority of the Member States of EUROCONTROL in accordance with the provisions reproduced in Annex 2 to this Agreement; every year EUROCONTROL shall notify the Contracting States which are not Member States of EUROCONTROL of the number of votes to which the Member States are entitled under the said provisions;
- (c) decisions on the matters referred to in Article 3.2 (g) shall require a two-thirds majority of the votes cast. The same applies to proceedings introduced on behalf of EUROCONTROL by the

enlarged Commission before the arbitral tribunal mentioned in Article 25.

2. (a) the rules of procedure of the enlarged Committee, including the rules relating to the taking of decisions, shall require approval by the enlarged Commission by a unanimous vote of all Contracting States.
- (b) However, in the matters referred to in Article 5.1 (c), the decisions of the enlarged Committee shall be adopted in accordance with the provisions of paragraph 1 (b) of this article.

#### ARTICLE 7

EUROCONTROL shall assess, in accordance with the applicable rules, the route charges due for each flight in the airspace defined in Article 1.

#### ARTICLE 8

EUROCONTROL shall collect the route charges referred to in Article 7. For that purpose, they shall constitute a single charge due in respect of each flight, which shall constitute a single claim by EUROCONTROL, payable at its headquarters.

#### ARTICLE 9

The person liable to pay the charge shall be the person who was the operator of the aircraft at the time when the flight was performed.

#### ARTICLE 10

If the identity of the operator is not known, the owner of the aircraft shall be regarded as the operator unless he proves which other person was the operator.

#### ARTICLE 11

Where a debtor has not paid the amount due, measures may be taken to enforce recovery.

#### ARTICLE 12

1. Proceedings for recovery of the amount due shall be instituted either by EUROCONTROL or, at EUROCONTROL's request, by a Contracting State.

2. Recovery shall be effected by either judicial or administrative procedure.

3. Each Contracting State shall inform EUROCONTROL of the procedures applied in that State and of the competent courts, tribunals or administrative authorities.

#### ARTICLE 13

Recovery proceedings shall be instituted in the territory of the Contracting State:

- (a) where the debtor has his residence or registered office;
- (b) where the debtor has a place of business, if neither his residence nor his registered office is situated in the territory of a Contracting State;
- (c) in the absence of the grounds of jurisdiction set out in (a) and (b) above, where the debtor has assets;
- (d) in the absence of the grounds of jurisdiction set out in (a) to (c) above, where EUROCONTROL has its headquarters.

ARTICLE 14

EUROCONTROL shall have the capacity to institute proceedings before the competent courts, tribunals and administrative authorities of States not parties to this Agreement.

ARTICLE 15

The following decisions taken in a Contracting State shall be recognised and enforced in the other Contracting States:

- (a) final decisions of a court or tribunal;
- (b) decisions of an administrative authority which have been subject to review by a court or tribunal, but are no longer so, either because the court or tribunal has dismissed the appeal by a final decision, or because the appeal has been withdrawn, or because the time for lodging the appeal has expired.

ARTICLE 16

Decisions referred to in Article 15 shall not be recognised or enforced in the following cases:

- (a) if the court, tribunal or administrative authority of the State of origin was not competent in accordance with Article 13;
- (b) if the decision is manifestly incompatible with the public policy of the State addressed;
- (c) if the debtor did not receive notice of the decision of the administrative authority or of the institution of the proceedings in sufficient time to enable him to defend the case or to appeal to a court or a tribunal;
- (d) if proceedings relating to the same route charges have been previously instituted and are still pending before a court, tribunal or an administrative authority of the State addressed;
- (e) if the decision is incompatible with a decision relating to the same route charges given in the State addressed;
- (f) if the court, tribunal or authority of the State of origin, in order to arrive at its decision, has decided a preliminary question concerning the status or legal capacity of natural persons, rights in property arising out of a matrimonial relationship, wills or succession in a way that conflicts with a rule of the private international law of the State in which the recognition is sought, unless the same result would have been obtained by the application of the rules of private international law of that State.

ARTICLE 17

The decisions referred to in Article 15, if enforceable in the State of origin, shall be enforced in accordance with the law of the State addressed. If necessary, an order of enforcement shall on request be issued by a court, tribunal or an administrative authority of the State addressed.

ARTICLE 18

1. The request shall be accompanied by:
  - (a) a certified copy of the decision;
  - (b) in the case of a decision of a court or tribunal rendered by default, the original or a certified copy of a document establishing that notice of the institution of the proceedings was duly served on the debtor;

- (c) in the case of an administrative decision, a document establishing that the requirements of Article 15 have been met;
- (d) a document establishing that the decision is enforceable in the State of origin and that the debtor has received notice of the decision in due time.

2. A duly certified translation of the documents shall be supplied if the court, tribunal or administrative authority of the State addressed so requires. No legalisation or similar formality shall be required.

#### ARTICLE 19

1. The request can be rejected only for one of the reasons set forth in Article 16. In no case may the decision be reviewed on its merits in the State addressed.

2. The procedure for the recognition and enforcement of the decision shall be governed by the law of the State addressed insofar as this Agreement does not otherwise provide.

#### ARTICLE 20

The amount collected by EUROCONTROL shall be paid to the Contracting States in accordance with the decisions of the enlarged Committee.

#### ARTICLE 21

Where the claim is recovered by a Contracting State, the amount collected shall be paid without delay to EUROCONTROL, which shall proceed in accordance with Article 20. The recovery costs incurred by the state shall be charged to EUROCONTROL.

#### ARTICLE 22

The competent authorities of the Contracting States shall co-operate with EUROCONTROL in the establishment and collection of route charges.

#### ARTICLE 23

If the enlarged Committee decides unanimously to abandon recovery of a charge, the Contracting States concerned may take whatever action they deem fit. In such a case, the provisions of this Agreement relating to recovery and to recognition and enforcement of decisions shall cease to apply.

#### ARTICLE 24

In the event of a state of emergency or war, the provisions of this Agreement shall not affect the freedom of action of the Contracting States involved.

#### ARTICLE 25

1. Any dispute which may arise either between the Contracting States, or between the Contracting States and EUROCONTROL represented by the enlarged Commission, relating to the interpretation or application of this Agreement or of its annexes, and which it has not been possible to settle by direct negotiation or by any other method, shall be referred to arbitration on the request of any one of the parties.

2. For the purpose, each of the parties shall in each case appoint an arbitrator and the arbitrators shall agree on the appointment of a third arbitrator.

3. The arbitral tribunal shall determine its own procedure.

4. Each party shall bear the costs in respect of its own arbitrator and its representation in the proceedings before the tribunal; the costs in respect of the

third arbitrator and any other costs shall be borne equally by the parties to the dispute. The arbitral tribunal may however determine a different sharing of costs if it thinks fit.

5. The decisions of the arbitral tribunal shall be binding on the parties to the dispute.

#### ARTICLE 26

This agreement shall replace the Multilateral Agreement relating to the Collection of Route Charges of 8 September 1970.

This provision is without prejudice to any agreement between EUROCONTROL and a non-member State of EUROCONTROL relating to the collection of route charges which concerns the Flight Information Regions referred to in Article 1 of this Agreement, which shall remain in force until that State becomes a party to this Agreement.

#### ARTICLE 27

1. This agreement shall be open for signature, prior to the date of its entry into force, by any State which is at the time of signature participating in the EUROCONTROL system of collection of route charges or is granted the right of signature by a unanimous decision of the Permanent Commission.

2. This agreement shall be subject to ratification. The instruments of ratification shall be deposited with the Government of the Kingdom of Belgium. Ratification of the Protocol, opened for signature at Brussels on 12 February 1981, amending the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960, hereinafter called "the Protocol" shall also constitute ratification of this Agreement.

3. This Agreement shall enter into force on the date of entry into force of the Protocol in the case of EUROCONTROL, the Member States of EUROCONTROL, and States which have deposited their instruments of ratification before that date.

4. Where any state deposits its instrument of ratification after the date of the entry into force of this Agreement, this Agreement shall enter into force in respect of that State on the first day of the second month following the date on which the instrument of ratification was deposited.

5. EUROCONTROL shall become a party to this Agreement by its signature.

6. The Government of the Kingdom of Belgium shall notify the Governments of the other signatory States to this Agreement of each signature of this Agreement, of the deposit of any instrument of ratification and of the date of entry into force of this Agreement.

#### ARTICLE 28

1. Any State may accede to this Agreement.

With the exception of European States which accede to the amended Convention referred to in Article 27.2, States may accede to this Agreement only with the approval of the enlarged Commission carried by a unanimous vote.

2. The instrument of accession shall be deposited with the Government of the Kingdom of Belgium, which shall notify the Governments of the other Contracting States.

3. Accession shall take effect from the first day of the second month following the deposit of the instrument of accession.

#### ARTICLE 29

1. States parties to the amended Convention shall be bound by this Agreement for as long as the said amended Convention remains in force.

2. States which are not parties to the amended Convention shall be bound by this Agreement for a period of five years from the date on which the Agreement enters into force in respect of the State concerned or until the expiry of the Convention, whichever is the earlier. This five-year period shall be automatically extended for further five-year periods save where the State concerned notifies the Government of the Kingdom of Belgium in writing, not less than two years before the expiry of the current period, of its intention to withdraw from the Agreement. The Government of the Kingdom of Belgium shall notify the Governments of the other Contracting States in writing of such notice.

3. The Government of the Kingdom of Belgium shall notify the Governments of the other Contracting States in writing of any notice given by a Contracting Party to the amended Convention of its intention to denounce the said Convention.

#### ARTICLE 30

The Government of the Kingdom of Belgium shall cause this Agreement to be registered with the Secretary General of the United Nations, in accordance with Article 102 of the Charter of the United Nations, and with the Council of the International Civil Aviation Organization, in accordance with Article 83 of the Convention on International Civil Aviation signed in Chicago on 7 December 1944.

IN WITNESS WHEREOF, the undersigned Plenipotentiaries, after presentation of their full powers, found to be in good and due form, have signed this Agreement.

DONE at Brussels, this 12th day of February 1981, in the German, English, Spanish, French, Dutch and Portuguese languages, the six texts being equally authentic, in a single original, which shall be deposited in the archives of the Government of the Kingdom of Belgium, which shall transmit certified copies to the Governments of the other signatory States. In the event of any inconsistency, the text in the French language shall prevail.

#### ANNEX 1

##### **Flight Information Regions**

<i>Contracting Parties</i>	<i>Flight Information Regions</i>
The Federal Republic of Germany .....	Hannover Upper Flight Information Region Rhein Upper Flight Information Region Bremen Flight Information Region Düsseldorf Flight Information Region Frankfurt Flight Information Region München Flight Information Region
The Republic of Austria ..	Wien Flight Information Region
The Kingdom of Belgium } The Grand Duchy of } Luxembourg .....	Bruxelles Upper Flight Information Region Bruxelles Flight Information Region
Spain .....	Madrid Upper Flight Information Region Madrid Flight Information Region Barcelona Upper Flight Information Region Barcelona Flight Information Region Islas Canarias Upper Flight Information Region Islas Canarias Flight Information Region.

The French Republic .....	France Upper Flight Information Region Paris Flight Information Region Brest Flight Information Region Bordeaux Flight Information Region Marseille Flight Information Region
The United Kingdom of Great Britain and Northern Ireland .....	Scottish Upper Flight Information Region Scottish Flight Information Region London Upper Flight Information Region London Flight Information Region
Ireland .....	Shannon Upper Flight Information Region Shannon Flight Information Region
The Kingdom of the Netherlands .....	Amsterdam Flight Information Region
The Portuguese Republic ....	Lisboa Upper Flight Information Region Lisboa Flight Information Region Santa Maria Flight Information Region
The Swiss Confederation .....	Genève Upper Flight Information Region Genève Flight Information Region Zürich Upper Flight Information Region Zürich Flight Information Region

ANNEX 2

(Article 6.1 (b))

Extracts from the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960 amended by the Protocol opened for signature at Brussels in 1981

ARTICLE 7.3 OF THE CONVENTION

“3. Unless otherwise provided, directives and measures in the cases provided for in Article 6.1 (b) and 6.4 shall require a majority of the votes in the Commission, it being understood that:

- those votes shall be subject to the weighting provided for in Article 8 below,
- those votes shall represent the majority of the Contracting Parties voting.”

ARTICLE 8 OF THE CONVENTION

“Article 8

1. The weighting referred to in Article 7 shall be determined according to the following table:

<i>Annual contribution of a Contracting Party as a percentage of the total annual contributions of all the Contracting Parties</i>	<i>Number of votes</i>
Less than 1% .....	1

From 1 to less than 2% .....	2
From 2 to less than 3% .....	3
From 3 to less than 4½% .....	4
From 4½ to less than 6% .....	5
From 6 to less than 7½% .....	6
From 7½ to less than 9% .....	7
From 9 to less than 11% .....	8
From 11 to less than 13% .....	9
From 13 to less than 15% .....	10
From 15 to less than 18% .....	11
From 18 to less than 21% .....	12
From 21 to less than 24% .....	13
From 24 to less than 27% .....	14
From 27 to less than 30% .....	15
30% .....	16

2. The numbers of votes shall be initially established with effect from the date of entry into force of the Protocol opened for signature at Brussels in 1981 by reference to the above table and in accordance with the rule in Article 19 of the Statute of the Agency for determining the annual contributions of the Contracting Parties to the Organisation's budget.

3. In the event of the accession of a State, the number of votes of the Contracting Parties shall be re-established in accordance with the same procedure.

4. The numbers of votes shall be re-established each year in accordance with the foregoing provisions."

#### ARTICLE 19 OF ANNEX 1 OF THE CONVENTION (STATUTE OF THE AGENCY)

##### "Article 19

1. Without prejudice to the provisions of paragraph 2 below, the annual contribution of each Contracting Party to the budget shall be determined, for each financial year, in accordance with the following formula:

- (a) an initial 30% of the contribution shall be calculated in proportion to the value of the Gross National Product of the Contracting Party, as defined in paragraph 3 below;
- (b) a further 70% of the contribution shall be calculated in proportion to the value of the route facility cost-base of the Contracting Party, as defined in paragraph 4 below.

2. No Contracting Party shall be required to pay, in any given financial year, a contribution in excess of 30% of the total amount of contributions from the Contracting Parties. Should the contribution of any one Contracting Party calculated in accordance with paragraph 1 above exceed 30%, the excess shall be distributed among the other Contracting Parties according to the rules laid down in the aforesaid paragraph.

3. The Gross National Product to be used for the calculations shall be obtained from the statistics compiled by the Organisation for Economic Cooperation and Development — or failing that by any other body affording equivalent guarantees and designated under a decision of the Commission — by calculating the arithmetical mean for the last three years for which those

statistics are available. The value of the Gross National Product shall be that which is calculated on the basis of factor cost and current prices expressed in European Units of Account.

4. The route facility cost-base to be used for the calculations shall be the cost-base established in respect of the last year but one preceding the financial year concerned."

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### Objects and Reasons

The object of the Bill is to make the Articles of the Convention Relating to Co-operation for the Safety of Air Navigation (Eurocontrol), as subsequently added and amended, and the Multilateral Agreement Relating to Route Charges enforceable as part of the Law of Malta, and to enable Malta to become a member of Eurocontrol and give the right to Eurocontrol to claim and obtain payment of route charges on behalf of Malta.