

PROTOCOL

ON THE ACCESSION OF THE EUROPEAN COMMUNITY TO THE EUROCONTROL INTERNATIONAL CONVENTION RELATING TO CO-OPERATION FOR THE SAFETY OF AIR NAVIGATION OF 13 DECEMBER 1960, AS VARIOUSLY AMENDED AND AS CONSOLIDATED BY THE PROTOCOL OF 27 JUNE 1997

THE REPUBLIC OF ALBANIA,
THE FEDERAL REPUBLIC OF GERMANY,
THE REPUBLIC OF AUSTRIA,
THE KINGDOM OF BELGIUM,
THE REPUBLIC OF BULGARIA,
THE REPUBLIC OF CYPRUS,
THE REPUBLIC OF CROATIA,
THE KINGDOM OF DENMARK,
THE KINGDOM OF SPAIN,
THE REPUBLIC OF FINLAND,
THE FRENCH REPUBLIC,
THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,
THE HELLENIC REPUBLIC,
THE REPUBLIC OF HUNGARY,
IRELAND,
THE ITALIAN REPUBLIC,
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA,
THE GRAND DUCHY OF LUXEMBOURG,
THE REPUBLIC OF MALTA,
THE REPUBLIC OF MOLDOVA,
THE PRINCIPALITY OF MONACO,
THE KINGDOM OF NORWAY,
THE KINGDOM OF THE NETHERLANDS,
THE PORTUGUESE REPUBLIC,
ROMANIA,
THE SLOVAK REPUBLIC,
THE REPUBLIC OF SLOVENIA,
THE KINGDOM OF SWEDEN,
THE SWISS CONFEDERATION,
THE CZECH REPUBLIC,
THE REPUBLIC OF TURKEY,
AND
THE EUROPEAN COMMUNITY,

Having regard to the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960, as amended by the Additional Protocol of 6 July 1970, in turn amended by the Protocol of 21 November 1978, all amended by the Protocol of 12 February 1981, and as amended and consolidated by the Protocol of 27 June 1997, hereinafter referred to as "the Convention", and in particular Article 40 thereof;

Having regard to the responsibilities granted by the Treaty establishing the European Community of 25 March 1957, as revised by the Amsterdam Treaty of 2 October 1997, to the European Community in certain areas covered by the Convention;

Whereas the European Community Member States, Members of EUROCONTROL, when adopting the Protocol consolidating the Convention which was opened for signature on 27 June 1997, declared that their signature was without prejudice to the Community's exclusive competence in certain areas covered by that Convention and to the Community's membership of EUROCONTROL for the purpose of exercising such exclusive competence;

Whereas the purpose of the accession of the European Community to the Convention is to assist the European Organisation for the Safety of Air Navigation, hereinafter referred to as "EUROCONTROL", in achieving its objectives as set out in the Convention, notably that of being a single and efficient body for Air Traffic Management policy-making in Europe;

Whereas the European Community's accession to EUROCONTROL requires clarification of the way in which the provisions of the Convention will apply to the European Community and its Member States;

Whereas the terms and conditions of the accession of the European Community to the Convention shall enable the Community to exercise within EUROCONTROL such competencies that have been transferred to it from its Member States;

Whereas arrangements for greater co-operation over the use of Gibraltar airport were agreed in London on 2 December 1987 by the Kingdom of Spain and the United Kingdom in a joint declaration by the Ministers of Foreign Affairs of the two countries, and such arrangements have yet to come into operation;

HAVE AGREED AS FOLLOWS:

Article 1

The European Community, within the framework of its competence, accedes to the Convention on the terms and conditions laid down in this Protocol, in accordance with Article 40 of the Convention.

Article 2

For the European Community, within the framework of its competence, the Convention shall apply to en-route air navigation services and related approach and aerodrome services for air traffic in the Flight Information Regions of its Member States listed in Annex II to the Convention, which are within the limits of the territorial applicability of the Treaty establishing the European Community.

The application of this Protocol to the airport of Gibraltar is understood to be without prejudice to the respective legal positions of the Kingdom of Spain and the United Kingdom with regard to the dispute over sovereignty over the territory in which the airport is situated.

Application of this Protocol to Gibraltar airport shall be suspended until the arrangements in the Joint Declaration made by the Foreign Ministers of the Kingdom of Spain and the United Kingdom on 2 December 1987 have come into operation. The Governments of Spain and the United Kingdom will inform the other Contracting Parties to this Protocol of such date of entry into operation.

Article 3

Subject to the provisions of this Protocol, provisions in the Convention shall be so interpreted as to also include the European Community within the framework of Community competence, and the various terms used to designate the Contracting Parties to the Convention and their representatives are to be understood accordingly.

Article 4

The European Community will not contribute to the budget of EUROCONTROL.

Article 5

Without prejudice to the exercise of its voting rights under Article 6, the European Community shall be entitled to be represented and involved in the work of all bodies of EUROCONTROL in which any of its Member States is entitled to be represented as a Contracting Party, and where matters falling within its competence may be dealt with, with the exception of bodies which have an audit function.

In all bodies of EUROCONTROL where it may participate, the European Community will present its positions, within the framework of its competence, in accordance with its institutional rules.

The European Community may not submit candidates for membership of elected EUROCONTROL bodies, nor may it submit candidates for office on the bodies in which it is entitled to participate.

Article 6

1. For decisions in matters where the European Community has exclusive competence and for the purpose of the application of the rules provided for in Article 8 of the Convention, the European Community shall exercise the voting rights of its Member States under the Convention, and the votes and weighted votes so cast by the European Community shall be cumulated for the determination of the majorities provided for in the said Article 8 of the Convention. When the Community votes, its Member States shall not vote.

For the purpose of deciding on the number of Contracting Parties to the Convention required for a request for decision-making by a three-quarters majority, as stipulated at the end of the first sub-paragraph of Article 8.2, the Community shall be considered as representing its Member States, which are Members of EUROCONTROL.

A decision proposed with respect to a specific item to be voted on by the European Community shall be postponed if a Contracting Party to the Convention that is not a member of the European Community so requests. The postponement shall be used for consultations between the Contracting Parties to the Convention, assisted by the EUROCONTROL Agency, on the decision proposed. In the event of such a request, the taking of the decision may be postponed for a maximum period of six months.

2. For decisions in matters where the European Community has no exclusive competence, Member States of the European Community shall vote in accordance with their voting rights as provided for in Article 8 of the Convention, and the European Community shall not vote.



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
(Brussels, 12 February 1981)

THIS DOCUMENT IS AN UNOFFICIAL COPY OF THAT PRINTED BY THE BELGIAN
MINISTRY OF FOREIGN AFFAIRS, TO WHICH IS ADDED A LIST OF STATES HAVING
ACCEDED TO THE AMENDED EUROCONTROL CONVENTION AND THE MULTILATERAL
AGREEMENT RELATING TO ROUTE CHARGES

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
(Brussels, 12 February 1981)

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.

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.

Für die Bundesrepublik Deutschland :
For the Federal Republic of Germany :
Pour la République fédérale d'Allemagne :
Voor de Bondsrepubliek Duitsland :
Pela República Federal da Alemanha :

H. BLOMEYER-BARTENSTEIN

Für das Königreich Belgien :
For the Kingdom of Belgium :
Pour le Royaume de Belgique :
Voor het Koninkrijk België :
Pelo Reino da Bélgica :

Charles-Ferdinand NOTHOMB
R. URBAIN

Für die Französische Republik :
For the French Republic :
Pour la République Française :
Voor de Franse Republiek :
Pela República Francesa :

France de HARTINGH
Roger MACHENAUD

Für das Vereinigte Königreich Grossbritannien und Nordirland :
For the United Kingdom of Great Britain and Northern Ireland :
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :
Voor het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland :
Pelo Reino Unido da Grã-Bretanha e da Irlanda do Norte :

Peter WAKEFIELD K. B. E., C. M. G.
David Garro TREFGARNE

Für Irland :
For Ireland :
Pour l'Irlande :
Voór Ierland :
Pela Irlanda :

Albert REYNOLDS T. D.
Mary TINNEY

Für das Grossherzogtum Luxemburg :
For the Grand Duchy of Luxembourg :
Pour le Grand-Duché de Luxembourg :
Voor het Groothertogdom Luxemburg :
Pelo Grão-Ducado do Luxemburgo :

Josy BARTHEL
Pierre WURTH

Für das Königreich der Niederlande :
For the Kingdom of the Netherlands :
Pour le Royaume des Pays-Bas :
Voor het Koninkrijk der Nederlanden :
Pelo Reino dos Países Baixos :

J. H. O. INSINGER
N. SMITH-KROES

Für die Portugiesische Republik :
For the Portuguese Republic :
Pour la République Portugaise :
Voor de Portugese Republiek :
Pela República Portuguesa :

José Carlos Pinto SOROMENHO VIANA BAPTISTA
João Eduardo NUNES DE OLIVEIRA PEQUITO

PROCOLE

AMENDANT LA CONVENTION INTERNATIONALE DE COOPERATION
POUR LA SECURITE DE LA NAVIGATION AERIENNE « EUROCONTROL »
DU 13 DECEMBRE 1960

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 Organization and other international organisations concerned with civil aviation;

- (i) to study amendments to the Regional Air Navigation Plans to be submitted to the International Civil Aviation Organization;
- (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 purposes 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 Organization.»*

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 purposes 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

1. *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

mcⁿ pak se
1% ←
Nga 1 deni
mcⁿ pak se
2%

Less than 1 %	1
From 1 to less than 2 %	2
From 2 to less than 3 %	3
From 3 to less than 4 1/2 %	4
From 4 1/2 to less than 6 %	5
From 6 to less than 7 1/2 %	6
From 7 1/2 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 I 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 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 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.

Für die Bundesrepublik Deutschland :
For the Federal Republic of Germany :
Pour la République fédérale d'Allemagne :
Voor de Bondsrepubliek Duitsland :
Pela República Federal da Alemanha :

Für das Königreich Belgien :
For the Kingdom of Belgium :
Pour le Royaume de Belgique :
Voor het Koninkrijk België :
Pelo Reino da Bélgica :

Für die Französische Republik :
For the French Republic :
Pour la République Française :
Voor de Franse Republiek :
Pela República Francesa :

Für das Vereinigte Königreich Grossbritannien und Nordirland :
For the United Kingdom of Great Britain and Northern Ireland :
Pour le Royaume-Uni de Grande-Bretagne et d'Irlande du Nord :
Voor het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland :
Pelo Reino Unido da Grã-Bretanha e da Irlanda do Norte :

Für Irland :
For Ireland :
Pour l'Irlande :
Voor Ierland :
Pela Irlanda :

Für das Grossherzogtum Luxemburg :
For the Grand Duchy of Luxembourg :
Pour le Grand-Duché de Luxembourg :
Voor het Groothertogdom Luxemburg :
Pelo Grão-Ducado do Luxemburgo :

Für das Königreich der Niederlande :
For the Kingdom of the Netherlands :
Pour le Royaume des Pays-Bas :
Voor het Koninkrijk der Nederlanden :
Pelo Reino dos Países Baixos :

Für die Portugiesische Republik :
For the Portuguese Republic :
Pour la République Portugaise :
Voor de Portugese Republiek :
Pela Republica Portuguesa :

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 objective 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), (c), (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 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.

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)

540000

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

200000

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

	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 ² / ₃ exclusive	4
From 46 ² / ₃ inclusive to 63 ¹ / ₃ exclusive	5
From 63 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.

CONSOLIDATED TEXT OF THE PROVISIONS OF THE EXISTING CONVENTION
AND THE AMENDMENTS TO THE LATTER CONTAINED IN THE PROTOCOL

CONSOLIDATED TEXT OF THE PROVISIONS OF THE EXISTING CONVENTION
AND THE AMENDMENTS TO THE LATTER CONTAINED IN THE PROTOCOL

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 air-space 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 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 Organization and other international organisations concerned with civil aviation;

- (i) to study amendments to the Regional Air Navigation Plans to be submitted to the International Civil Aviation Organization;
- (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 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 purposes 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 Organization.

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

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 purposes 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 6

1. 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 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 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 4 1/2 %	4
From 4 1/2 to less than 6 %	5
From 6 to less than 7 1/2 %	6
From 7 1/2 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 9

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 10

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

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 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 13

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 14

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 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 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 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 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 19

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 20

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 25 of the Statute annexed hereto.

Article 21

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 agreements 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 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 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 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 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 the national law of the Contracting Parties.

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 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

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 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 30

The Contracting Parties recognize 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 31

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 32

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, 11, 19 and 20 of the Statute annexed hereto shall not, however, be subject to modification by the Commission.

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 34

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

Article 35

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

Article 36

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.
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 second month following the deposit of the instrument of accession.

This consolidated version of the provisions of the Convention is drawn up in the German, English, French, Dutch and Portuguese languages. In accordance with the final clause of the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960, as also in accordance with the final clause of the Protocol of 12 February 1981 amending the aforesaid Convention, the text in the French language shall prevail in the event of any inconsistency between the texts.

ACCESSIONS

1. EUROCONTROL International Convention relating to Cooperation for the Safety of Air Navigation of 13 December 1960, amended by the Protocol signed at Brussels on 12 February 1981

Acceding States	Date		
	Agreement of the Commission	Deposit of instrument of accession	effective
Greece	7 July 1987	15 July 1988	1 September 1988
Turkey	12 November 1987	12 January 1989	1 March 1989
Malta	5 July 1988	8 May 1989	1 July 1989

2. Multilateral Agreement relating to Route Charges, signed at Brussels on 12 February 1981

Acceding States	Date		
	Agreement of the Commission	Deposit of instrument of accession	effective
Greece	7 July 1987	15 July 1988	1 September 1988
Turkey	12 November 1987	12 January 1989	1 March 1989
Malta	5 July 1988	8 May 1989	1 July 1989