ACORD
MULTILATERAL PRIVIND TARIFELE DE RUTĂ AERIANĂ*

ADOPTAT LA BRUXELLES, LA 12 FEBRUARIE 1981

MULTILATERAL AGREEMENT RELATING TO ROUTE CHARGES

SIGNED AT DRUSSELES, ON 12 FEBRUARY 1981

* *În vigoare pentru Republica Moldova din 1 martie 2000.*

THE FEDERAL REPUBLIC OF GERMANY.

THE REPUBLIC OF AUSTRIA.

THE KINGDOM OF BELGIUM.

SPAIN,

THE FRENCH REPUBLIC,

THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND,

IRELAND,

THE GRAND DUCHY OF LUXEMBOURG,

THE KINGDOM OF THE NETHERLANDS.

THE PORTUGUESE REPUBLIC,

THE SWISS CONFEDERATION,

hereinafter called " the Contracting States ",

THE EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION, hereinafter called " EUROCONTROL",

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

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

Desirous of continuing and strengthening the co-operation established;

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

Convinced that this uniformity will also facilitate consultation with users;

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

Recognizing that such a system requires a new legal basis;

Have agreed as follows:

Article 1

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

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

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

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

Article 2

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

Article 3

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

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

(b) those charges are collected by EUROCONTROL as a single charge per flight.

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

(a) establish the principles governing the assessment of the costs referred to in paragraph 1 (a) above;

(b) establish the formula to be applied in calculating the route charges;

(c) approve, for each charging period, the rate at which the costs referred to in paragraph 1 (a) above are to be recovered;

(d) determine the unit of account in which the route charges are expressed;

(e) determine the conditions of application of the system, including the conditions of payment, as well as the unit rates and tariffs and the period during which they are to apply;

(f) determine the principles governing exemption from the route charges;

(g) approve reports of the enlarged Committee;

(h) adopt the financial regulations applicable to the route charges system;

(i) approve agreements between EUROCONTROL and any State wishing to avail itself of EUROCONTROL's resources or technical assistance in connection with air navigation charges not covered by this Agreement;

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

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

Article 4

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

Article 5

1. The enlarged Committee shall undertake:

(a) the preparation of decisions for the enlarged Commission;

(b) the supervision of the operation of the route charges system, including the use of the resources employed by EUROCONTROL for the purpose, and the taking of all necessary measures, particularly in respect of recovery of route charges, in conformity with the decisions of the enlarged Commission;

(c) the reporting to the enlarged Commission on the resources required for the operation of the route charges system and the submission to it of the budgetary annex relating to EUROCONTROL's activities in connection with route charges;

(d) the performance of any other tasks entrusted to it by the enlarged Commission;

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

Article 6

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

(a) decisions on the matters referred to in Article 3.2 (a) to (f) and (h) shall require a unanimous vote of all Contracting Stares and shall be binding on all Contracting States; failing a unanimous decision, the enlarged Commission shall take a decision by a two-thirds majority of the votes cast; any Contracting State which is unable for overriding national considerations to apply that decision shall submit to the enlarged Commission an explanatory statement of the reasons therefor;

(b) decisions on the matters referred to in Article 3.2 (i) and (j) shall require a two-thirds majority of the votes cast, provided that the votes comprise the weighted majority of the Member States of EURO-CONTROL in accordance with the provisions reproduced in Annex 2 to this Agreement; every year EUROCONTROL shall notify the Contracting States which are not Member Scares of EUROCONTR01. of the number of votes to which the Member States are entitled under the said provisions;

(c) decisions on the matters referred to in Article 3.2 (g) shall require a two-thirds majority of the votes cast. The same applies to proceedings introduced on behalf of EUROCONTROL by the enlarged Commission before the arbitral tribunal mentioned in Article 25.

2. (a) The rules of procedure of the enlarged Committee, including the rules relating to the taking of decisions, shall require approval by the enlarged Commission by a unanimous vote of all Contracting Stares.

(b) However, in the matters referred to in Article 5.1 (c), the decisions of the enlarged Committee shall be adopted in accordance with the provisions of paragraph 1 (b) of this article.

Article 7

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

Article 8

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

Article 9

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

Article 10

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

Article 11

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

Article 12

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

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

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

Article 13

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

(a) where the debtor has his residence or registered office;

(b) where the debtor has a place of business, if neither his residence nor his registered office is situated in the territory of a Contracting State;

(c) in the absence of the grounds of jurisdiction set out in (a) and (b) above, where the debtor has assets;

(d) in the absence of the grounds of jurisdiction set out in (a) to (c) above, where EUROCONTROL has its headquarters.

Article 14

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

Article 15

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

(a) final decisions of a court or tribunal;

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

Article 16

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

(a) if the court, tribunal or administrative authority of the State of origin was not competent in accordance with Article 13;

(b) if the decision is manifestly incompatible with the public policy of the State addressed;

(c) if the debtor did not receive notice of the decision of the administrative authority or of the institution of the proceedings in sufficient time to enable him to defend the case or to appeal to a court or a tribunal;

(d) if proceedings relating to the same route charges have been previously instituted and are still pending before a court, tribunal or an administrative authority of the Stare addressed;

(c) if the decision is incompatible with a decision relating to the same route charges given in the State addressed;

(f) if the court, tribunal or authority of the State of origin, in order to arrive at its decision, has decided a preliminary question concerning the status or legal capacity of natural persons, rights in property arising out of a matrimonial relationship, wills or succession in a way that conflicts with a rule of the private international law of the State in which the recognition is sought, unless the same result would have been obtained by the application of the rules of private international law of that State.

Article 17

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

Article 18

1. The request shall be accompanied by:

(a) a certified copy of the decision;

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

(c) in the case of an administrative decision, a document establishing that the requirements of Article 15 have been met;

(d) a document establishing that the decision is enforceable in the State of origin and that the debtor has received notice of the decision in due time.

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

Article 19

1. The request can be rejected only for one of the reasons set forth in Article 16. In no case may the decision be reviewed on its merits in the State addressed.

2. The procedure for the recognition and enforcement of the decision shall be governed by the law of the State addressed insofar as this Agreement does not otherwise provide.

Article 20

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

Article 21

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

Article 22

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

Article 23

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

Article 24

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

Article 25

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

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

3. The arbitral tribunal shall determine its own procedure.

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

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

Article 26

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

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

Article 27

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

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

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

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

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

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

Article 28

1. Any State may accede to this Agreement.

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

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

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

Article 29

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

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

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

Article 30

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

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

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

ANNEX 1

FLIGHT INFORMATION REGIONS

Contracting Parties	Flight Information Regions
1	2
The Federal Republic of Germany	Hanover Upper Flight Information Region Rhein Upper Flight Information Region Bremen Flight Information Region Dusseldorf Flight Information Region Frankfurt Flight Information Region Munchen Flight Information Region
The Republic of Austria	Wien Flight Information Region
The Kingdom of Belgium	Bruxelles Upper Flight Information Region
The Grand Duchy of Luxembourg	Bruxelles Flight Information Region
Spain	Madrid Upper Flight Information Region Madrid Flight Information Region Barcelona Upper Flight Information Region Barcelona Flight Information Region Islas Canarias Upper Flight Information Region Islas Canarias Flight Information Region
The French Republic	France Upper Flight Information Region Paris Flight Information Region Brest Flight Information Region

1	2
	Bordeaux Flight Information Region Marseille Flight Information Region
The United Kingdom of Great Britain and Northern Ireland	Scottish Upper Flight Information Region Scottish Flight Information Region London Upper Flight Information Region London Flight Information Region
Ireland	Shannon Upper Flight Information Region Shannon Flight Information Region
The Kingdom of the Netherlands	Amsterdam Flight Information Region
The Portuguese Republic	Lisbon Upper Flight Information Region Lisbon Flight Information Region Santa Maria Flight Information Region
The Swiss Confederation	Geneva Upper Flight Information Region Geneva Flight Information Region Zurich Upper Flight Information Region Zurich Flight Information Region

ANNEX 2

[ARTICLE 6.1 (B)]

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

Article 7.3 of the Convention

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

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

– those votes shall represent the majority of the Contracting Parties voting."

Article 8 of the Convention

Article 8

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

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 × %	4
From 4 × to less than 6 %	5
From 6 to less than 7 × %	6
From 7 × 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 Organization'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 19 of Annex I of the Convention (Statute of the Agency)

"Article 19

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

(a) an initial 30 % of the contribution shall be calculated in proportion to the value of the Gross National Product of the Contracting Party, as defined in paragraph 3 below;

(b) a further 70 % of the contribution shall be calculated in proportion to the value of the route facility cost-base of the Contracting Party, as defined in paragraph 4 below.

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

3. The Gross National Product to be used for the calculations shall be obtained from the statistics compiled by the Organization 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."