CONVENȚIA INTERNAȚIONALĂ EUROCONTROL PRIVIND COOPERAREA PENTRU SECURITATEA NAVIGAȚIEI AERIENE*

ÎNCHEIATĂ LA 13 DECEMBRIE 1960
(AMENDATĂ PRIN PROTOCOLUL SEMNAT
LA BRUXELLES, LA 12 FEBRUARIE 1981)

INTERNATIONAL CONVENTION EUROCONTROL RELATING TO CO-OPERATION FOR THE SAFETY OF THE AIR NAVIGATION

SIGNED ON 13 DECEMBER 1960
(AMENDED BY THE PROTOCOL
DONE IN BRUSSELS ON 12 FEBRUARY 1981)

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

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 the air navigation, making due allowance for defense needs and providing maximum freedom for all air-space users consistent with 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 programme 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 and international system of air traffic flow management in order to ensure the most effective utilization of the airspace.

f) For this purpose they hereby establish a "European Organization for the safety of Air Navigation (EUROCONTROL)", hereinafter called "the Organization", which shall act in co-operation with the national civil and military authorities. The Organization 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 Organization'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 Organization shall be in Brussels.

Article 2

1. The Organization shall undertake the following tasks:

a) to analyze 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 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 programme 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 organizations concerned with civil aviation;

i) to study amendments to the Regional Air Navigation Plans to be admitted to the International Civil Aviation Organisation;

j) to perform any other tasks with which it might be entrusted pursuant to Article 1.1.;

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 non-member States parties to that Agreement.

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

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

a) to enable such Parties in the performance of specific air navigation tasks such as the design and setting up of the 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 Organization and the Parties concerned.

3. The Organization 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 agreement between the Organization and the States concerned.

Article 3

1. The present Convention shall apply to an 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 over all limits of the airspace covered by the Convention. Any amendment, which does not result in such a change shall be notified to the Organization by the Contracting Party concerned.

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

Article 4

The Organization 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 of transfer movable or unmovable 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 Organization.

Article 5

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

2. For the purposes of Article 2.1 (I) 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 Organization 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 Organization by Article 2.1, the Commission shall take the following measures:

a) with to the Contracting Parties:

– it shall take a decision:

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

(ii) 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 the work programme 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 change in respect of its administration of the budget.

2. In addition the Commission shall:

a) Approve the Staff Regulations and the Internal 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 authorize the opening by the Agency of negotiations relating to the special agreements referred to the Article 2 and shall approve the agreements negotiated by the Agency.

4. Proceedings on behalf of the Organization 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 on the Contracting Parties. However, should a Contracting Party notify the Commission that overriding mutual 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 Article 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 that 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 number 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 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 organizations the necessary relations for the realization of the aims of the Organization.

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 Organization those agreements with international organization, the Contracting Parties or other States which are necessary for the performance of the Organization'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 negotiation and to conclude agreements necessary for the performance of the tasks referred to in Article 2.

Article 12

The agreement between the Organization and one or more Contracting Parties, or one or more non-member States, or and international organization, relating to the tasks referred to in Article 2 shall stipulate the respective tasks, rights and obligations of the Parties to the agreement 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 services of the Agency may established by the Agency with the appropriate technical

services, public or private, of the Contracting Parties, of non-contracting States or of international organizations. 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 Organization, on condition that the Agency so informs the Commission.

Article 14

1. The character of public interest shall where necessary be recognized, 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 sitting of the Organization'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 Organization 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 recognize the right of the Organization to benefit, in respect of any installations and services es5tablished on its behalf in their respective territories, from the application of national law as to those restrictions on the rights on owners of immovable property which may ever 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 Organization 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 Organization 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 Organization 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 major provided for in the regulations referred to in the proceeding article.

Article 17

In the even of the Organization 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 authorized be 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 calculation of publications and other information material sent by or to the Organization in connection with its official activities shall not be restricted in any way.

2. For its official communication and the transfer of all its documents, the Organization shall enjoy treatment not less favorable than that accorded by each Contracting Party to comparable international organizations.

Article 19

1. The Organization 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 Organization shall be exonerated from any duties, taxes and charges entailed by the acquisition of the immovable property required for the accomplished of its task.

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

4. The Organization shall be exonerated from any indirect fiscal charges consequential on the issue of loans and upon the Organization.

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

6. The exoneration provided for in article shall not apply to taxes and charges collected as payment for public utility services.

Article 20

1. The Organization 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 material use of the Organization and destined for the buildings and installations of the Organization 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 measured 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 Organization have been effectively delivered to that Organization and are effectively used for its official buildings and installations or for its functioning.

4. Furthermore, the Organization 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 Organization 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 Organization the necessary authorizations for all the transfers of funds, in accordance with the conditions prescribed under national regulations and international agreements as applicable, entitled by the establishment and activity of the Organization, including the issue and service of loans when the issue of those loans has been authorized 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 stuff of the Organization and members of their families forming part of their households, shall enjoy the exemption from measures restricting immigration and governing aliens' registrations generally accorded to staff members of comparable international organizations.

3. a) The Contracting Parties, in time of international crisis, shall accord

to the staff of the Organization, and the member, of their families forming part of their households, the same repatriation facilities as the staff of other international organizations.

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

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

5. The staff of the Organization:

a) shall be granted exemption from customs, duties and charges, other that those in respect of services rendered, in the ??? 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 sane effects and movable property, when they relinquish their duties;

b) may, on taking up their duties to 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, reexport 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 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, exemption and facilities granted to the staff of the Organization, 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 journey 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 Organization, the Director General and staff of the Organization shall be exempt from all compulsory contributions to national social security bodies, without prejudice to arrangements between the Organization 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 Organization shall be governed by the law applicable to the contract concerned.

2. With regard to non-contractual liability, the Organization 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 Organization shall be inviolable. The property and assets of the Organization shall be exempt from any measure of requisition, expropriation or confiscation.

c) The archives of the Organization and all officials papers and documents belonging to it shall be inviolable, whenever located.

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

3. Nevertheless, in order to enable judicial decisions in their respective territories, the competent authorities of the State in which the Organization has its headquarters and of other States in which installations and archives of the Organization are located shall, after having informed the Director General of the Agency, have access to such installations and archives.

Article 27

1. The Organization 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 Organization 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 Organization performing the tasks provided for in the Article 2.2. (b), international agreements and national regulations relating to the admission to, flight ever 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 Organization 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 cognizance 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 Organization 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 the 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 bears the costs of its own arbitrator and its representation in the proceeding 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 decision of the arbitral tribunal shall be binding on the Parties to the dispute.

Article 32

1. The Statute of the Agency, likewise any modification 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 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 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 United 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 Government of the other States parties to the Convention of such notice.

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

Article 36

1. The accession 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 and acceding States.

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

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:

a) to prevent collisions between aircraft;

b) to ensure the orderly and rapid flow of air traffic;

c) to provide advice and information conductive to the safe and efficient conduct of flights;

d) to notify appropriate organizations regarding aircraft in need of search and rescue aid, and assist such organizations 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 specialized training of performed 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 defense. 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. (I) 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 Organization 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 meeting 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 convinced for a later date not earlier that 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 disqualification. Furthermore, they shall prescribe that notices convening meetings shall be sent by later 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 organizations 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 Organization

Article 9

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

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

a) draw up a programme of tasks provided for in Article 2.1 (a), (e), (f) and (j) of the Convention;

b) formulate the long-term common objectives provided for in Article 2.1 (b) of the Convention;

c) study the research and development programme provided for in Article 2.1 (g) of the Convention;

d) draw up the medium term common planes provided foe in Article 2.1 (c) of the Convention and formulate the common policies in respect of ground and airborne system 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 II.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 drawn up, and submit for the Commission's approval:

– Regulations relating to tenders, the letting of contracts for the supply of goods and services for the Organization and the conditions governing such contracts;

– The general conditions of contract for the supply of services by the Organization.

Article 11

The Committee shall drawn 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 term on which loans may be raised by the Organization.

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, disqualification 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 authorization of the Director General.

2. The Administrative Tribunal of the International Labor Organization shall have sole jurisdiction in disputes between the Organization and the personnel of the Agency, to the exclusion of the jurisdiction of all other courts and tribunals, national and 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 Organization 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. Decision shall be taken by the Committee by a weighted majority vote.

2. A weighted majority shall mean more then 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 then 70% of the weighted votes cast. His term of office may be renewed in the same manner.

2. The Director General shall represent the Organization 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 Organization and the sale of goods and services by the Organization 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 provisions for estimating, putting into effect and auditing the Agency's receipts and expenditures, subject to the provisions of the resent Statute.

Article 17

1. The financial year shall begin in 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 Organization for Economic Co-operation and Development - or failing that by any other body affording equivalent guarantees and designated under a decision of the Commission - by calculating the arithmetical mean for the last three years for which those statistics are available. The value of the Gross National Product shall be that which is calculated on the basis of factor cost and current process 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 proceeding the financial year concerned.

Article 20

1. The Organization may borrow o the international financial markets in order to obtain the necessary resources for the accomplishment of its tasks.

2. The Organization 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 Organization raises and repays loans.

4. Each budget shall specify the maximum amount which the Organization shall act in agreement with the competent authorities of the Contracting Parties, or with their banks of issue

5. In matters falling within the scope of the present article, the Organization

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 account 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 Organization.

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 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 offers of the administrations of the Contracting Parties. Each inspection committee shall consist of at least two persons of different nationalities and shall include as far as possible a person who has taken part in a previous inspection.

Article 24

The Committee shall determine the working languages of the Agency.

Article 25

The Agency shall issue the publications necessary for its operation.

Article 26

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

ANNEX 2

Flight Information Regions

(Article 3 of the Convention)

Contracting Parties	Flight Information Regions
1	2
The Federal Republic of Germany	Hannover Upper Flight Information Region
	Rhein Upper Flight Information Region
	Dusseldorf Flight Information Region
	Frankfurt Flight Information Region
	Munchen Flight Information Region
The Kingdom of Belgium	Bruxelles Upper Flight Information Region
The Grand Duchy of Luxembourg	Bruxelles Flight Information Region
The French Republic	France Upper Flight Information Region
	Paris Flight Information Region Brest Flight Information Region Bordeaux Flight Information Region Marseille Flight Information Region
The United Kingdom of Great Britain and Northern Ireland	Scottish Upper Flight Information Region
	Scottish Flight Information Region London Upper Flight Information Region
	London Flight Information Region
Ireland	Shannon Upper Flight Information Region
	Shannon Flight Information Region

1	2
The Kingdom of the Netherlands	Amsterdam Flight Information Region
The Portuguese Republic	Lisboa Upper Flight Information Region
	Lisboa Flight Information Region
	Santa Maria Flight Information Region