

# **EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION**

## **EUROCONTROL**

- Measures of the Permanent Commission -

### **MEASURE No 24/290**

**concerning the approval of an Additional Protocol to the Agreement of 17 July 2006 between the Kingdom of Belgium and EUROCONTROL on privileges and immunities ('Seat Agreement')**

The PERMANENT COMMISSION FOR THE SAFETY OF AIR NAVIGATION:

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 Protocol signed at Brussels on 12 February 1981, and in particular Articles 6.3, 7.2 and 11.3 thereof;

Having regard to the Protocol consolidating the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960, as variously amended, signed at Brussels on 27 June 1997;

Having regard to Measure No 04/101 of the Permanent Commission of 8 July 2004 authorising the Agency to open negotiations for the conclusion of bilateral Agreements regarding the application of the privileges, immunities, exemptions and facilities specified in the EUROCONTROL Convention with Member States where the Organisation has installations;

Whereas, following Measure No 06/119, the Kingdom of Belgium and EUROCONTROL have signed, on 17 July 2006, the Agreement on the privileges and immunities of the Organisation complementary to the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960 ('Seat Agreement');

Considering that it is necessary to strengthen EUROCONTROL's immunities in Belgium and therefore complement the Seat Agreement in order to ensure the proper and efficient exercise of EUROCONTROL's tasks and functions;

Considering that, after two years of application of the Additional Protocol, the Agency shall conduct a review of its implementation with a view to determining possible areas of improvement and report its findings to the Provisional Council;

On the proposal of the Agency and the Provisional Council,

HEREBY TAKES THE FOLLOWING MEASURE:

#### **Article 1**

The Additional Protocol to the Seat Agreement with the Kingdom of Belgium at Annex to this measure is hereby approved, on the understanding that EUROCONTROL will not expressly waive its immunity from execution with regard to the entire debt owed by EUROCONTROL to its Member States in connection with air navigation charges collected by EUROCONTROL on their behalf and to the related bank accounts.

**Article 2**

The Director General is authorised to sign the Additional Protocol to the Seat Agreement on behalf of the Organisation.

Done at Brussels on 4.6.2024

A handwritten signature in blue ink, consisting of stylized, overlapping loops and a long horizontal stroke extending to the right.

Üllar Salumäe  
President of the Permanent Commission

**(FINAL VERSION OF THE DRAFT)**

**Additional Protocol between the Kingdom of Belgium and the European  
Organisation for the Safety of Air Navigation  
to the  
Agreement between the European Organisation for the Safety of Air  
Navigation and the Kingdom of Belgium on the Privileges and  
Immunities of the Organisation complementary to the EUROCONTROL  
International Convention relating to Co-operation for the Safety of Air  
Navigation of 13 December 1960, signed in Brussels on 17 July 2006**

The Kingdom of Belgium,

hereinafter referred to as 'Belgium',

AND

the European Organisation for the Safety of Air Navigation,  
hereinafter referred to as 'EUROCONTROL',

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 Protocol of 6 July 1970, by the Protocol of 21 November 1978 and finally by the Protocol of 12 February 1981 (hereinafter referred to as 'the Convention');

Having regard to the Protocol consolidating the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960, as variously amended, done in Brussels on 27 June 1997;

Having regard to the Agreement between the European Organisation for the Safety of Air Navigation and the Kingdom of Belgium on the Privileges and Immunities of the Organisation complementary to the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960, signed in Brussels on 17 July 2006 (hereinafter referred to as 'the Headquarters Agreement');

Desirous to conclude to this end an Additional Protocol to the Headquarters Agreement, necessary for the proper functioning of EUROCONTROL;

Whereas the official activities of EUROCONTROL include, in particular, the determination, billing, collection from users and payment of air navigation charges to States, and whereas in that respect, EUROCONTROL must also be regarded as a public authority acting in the exercise of its public powers;

HAVE AGREED as follows:

## **Article 1**

1. In addition to the protection afforded by Article 26 of the Convention, EUROCONTROL shall, in the exercise of its official activities, enjoy immunity from execution in respect of its property and assets. These shall include all bank accounts and the entire debt owed by EUROCONTROL to its Member States in connection with air navigation charges collected by EUROCONTROL on their behalf. Those properties and assets cannot be garnished.

2. However, an exception shall be made to paragraph 1:

- (a) to the extent that EUROCONTROL has expressly waived this immunity in a particular case;
- (b) in respect of an action brought by third parties concerning persons and/or property, to the extent that such action is not directly related to the official activities of EUROCONTROL;
- (c) in respect of an action brought by third parties concerning damage caused by a motor vehicle belonging to EUROCONTROL or used on its behalf, or in the case of a traffic offence committed with the aforementioned vehicle;
- (d) in the case of attachment imposed upon salaries and emoluments owed by EUROCONTROL to a staff member;
- (e) in respect of a counterclaim directly relating to a principal claim initiated by EUROCONTROL;
- (f) for the enforcement of an arbitration award rendered pursuant to Article 9 of this Headquarters Agreement.

## **Article 2**

In this Protocol, the phrase 'official tasks of EUROCONTROL' shall be understood to refer to the tasks that are necessary for the implementation, by EUROCONTROL, of the objectives and statutory mandates assigned to it under the Convention.

## **Article 3**

The Protocol shall enter into force on the thirtieth day after the date on which the Party which was the last to complete the procedures has notified the other Party that the necessary internal procedures for the entry into force of this Protocol have been completed.

IN WITNESS WHEREOF, the representatives of the Kingdom of Belgium and of EUROCONTROL have signed this Protocol.

Done in Brussels, on [date], in two originals, in the English, Dutch and French languages, the three texts being equally authentic.

For the Kingdom of Belgium:

For EUROCONTROL: