

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

“EUROCONTROL”

- Directives of the Permanent Commission -

DIRECTIVE No. 16/94

relating to the conclusion by the Agency of agreements with air navigation services providers for the provision of cross-border air navigation services

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, amended by the Protocol signed at Brussels on 12 February 1981, and in particular Articles 6.1 (b), 7.3 and 13 thereof;

Having regard to Article 10 of Regulation (EC) No 550/2004 on the provision of air navigation services as amended (“Service Provision Regulation”) which requires that air navigation service providers formalise their working relationships by means of written agreements. This requirement includes cases where the designated service providers avail themselves, in the airspace for which they are designated, of the services of other certified service providers (“cross-border air navigation services”);

Whereas the Provisional FABEC Council has endorsed a multilateral agreement and a complementary model bilateral annex between air navigation service providers which are members of the Functional Airspace Block Europe Central (FABEC) for the provision of cross-border air navigation services in February 2013;

Whereas the Maastricht Coordination Group has endorsed the multilateral agreement and complementary model bilateral annex on 23 October 2014;

Whereas the Maastricht Coordination Group supports the conclusion of agreements by the Agency with FABEC and non-FABEC air navigation service providers designated for the airspace adjacent to the airspace entrusted to Maastricht UAC in order to formalise working arrangements concerning cross-border air navigation services;

Whereas pursuant to Article 10, paragraph 3 of the Service Provision Regulation the approval of the States concerned will be obtained before the Agency signs agreements concerning the cross-border provision of air traffic services;

On the proposal of the Provisional Council and the Director General,

GIVES THE FOLLOWING DIRECTIVE TO THE AGENCY:

Article 1

The Agency is hereby authorised to conclude, on the Organisation's behalf, the multilateral *Agreement between the FABEC ANSPs concerning the provision of ANS within the FABEC airspace* at Annex.

Article 2

1. The Agency is hereby authorised to negotiate and conclude, on the Organisation's behalf and subject to the approval of the States concerned, agreements with air navigation service providers relating to the provision of cross-border air navigation services referred to in Article 10 of Regulation (EC) No 550/2004 as amended ("Service Provision Regulation") where such cross-border air navigation services concern Maastricht UAC and are required in the interest of an efficient provision of such services to the airspace users.
2. Such agreements shall be concluded on the basis of the agreement and bilateral model annex at Annex, with the necessary adaptations in order to take account of the specific situation of the air navigation service providers concerned.

Done at Brussels on 11.5.2016



D. RATKOVICA
Outgoing President of the Commission