

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Decisions of the Permanent Commission -

DECISION No 101

on the rules governing the provision of aeronautical information to and by EUROCONTROL for the operation of the European AIS Database (EAD) service

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 (a) and 7.1 thereof;

Having regard to Article 2.1 (p) of the revised Convention, reproduced in the Annex to Decision No. 71 of 9 December 1997, whereby the Organisation shall undertake to develop, establish and operate the future common European system elements entrusted to it by the Contracting Parties;

Having regard to Decision No. 83 taken by the Permanent Commission on 13 July 2000 entrusting EUROCONTROL with the development, establishment and operation of the European AIS Database (EAD);

Considering the need to make the copyright and service charging policies governing the service operation of the EAD binding on the EUROCONTROL Member States;

On the proposal of the Provisional Council,

HEREBY TAKES THE FOLLOWING DECISION

Article 1

The rules governing the provision of aeronautical information to and by EUROCONTROL for the operation of the European AIS Database (EAD) service as set out at annex 1: "Copyright Policy" and annex 2: "Service Charging Policy" are hereby approved.

Article 2

Each Member State shall notify EUROCONTROL of its provider(s) of aeronautical information and of the entities empowered to conclude the necessary agreements with EUROCONTROL

Article 3

The present Decision shall enter into force on the day of its signature.

Done at Brussels on **25. 11. 03**



J. TURECKÝ
President of the Commission

COPYRIGHT POLICY GOVERNING THE OPERATION OF THE EUROPEAN AIS
DATABASE (EAD) SERVICE

This policy shall be applicable to EUROCONTROL Member States and to States which are not members of the EUROCONTROL Organisation participating in EAD.

Article 1. Relationship between originators and providers of aeronautical information and EUROCONTROL

- 1.1 The EUROCONTROL Member States shall enter and maintain in the EAD the aeronautical information for which they are responsible and which is required for the purposes of the EAD.
- 1.2 The EUROCONTROL Member States shall be responsible for the accuracy and timeliness of the aeronautical information they enter and maintain in the EAD.
- 1.3 The EUROCONTROL Member States shall retain the copyright on their copyright protected aeronautical information and data (complete Integrated Aeronautical Information package, as described in ICAO Annex 15, as well as all other data provided by the data provider) and shall grant EUROCONTROL the right to collate, process and make available to all EAD clients the aeronautical information contained in the EAD.
- 1.4 EUROCONTROL shall ensure that EAD information will bear an appropriate copyright notice in order to protect it against the unauthorised use by third parties. In the event that third parties intend to make use of the data for such purposes as commercial value-added products, EUROCONTROL will conclude a contract on the granting of the copyright exploitation rights with the third parties.
- 1.5 EUROCONTROL shall inform the EUROCONTROL Member States of any new client of the EAD service.
- 1.6 The entry and maintenance by the EUROCONTROL Member States of aeronautical information in the EAD and the rights conferred above to EUROCONTROL shall be free of any charge.
- 1.7 To the extent that a EUROCONTROL Member State has delegated to one or more, public or private, organisation/company/entity (Data Provider) the entry and maintenance in the EAD of the aeronautical information for which the EUROCONTROL Member State is responsible, the EUROCONTROL Member State shall ensure that the above rules governing the provision of aeronautical information to the EAD are fully adhered to.

Article 2. Provision of the EAD Aeronautical Information by EUROCONTROL

- 2.1 The aeronautical information contained in the EAD shall be made available by EUROCONTROL to all EAD clients (subject to 1.4 above).
- 2.2 EUROCONTROL shall not levy any "copyright" fee from the EAD clients for the aeronautical information provided to them and for which it holds copyrights.
- 2.3 A common copyright charging regime shall be applied and EUROCONTROL will collect from the EAD clients and on behalf of the EUROCONTROL Member State, copyright related fees which it shall transfer to the EUROCONTROL Member State holding the copyright.

SERVICE CHARGING POLICY GOVERNING THE OPERATION OF THE
EUROPEAN AIS DATABASE (EAD) SERVICE

The provision of the EAD Service and of the information contained in the EAD shall be made available under the following conditions:

1. EUROCONTROL shall not levy any service charge on any EAD client for the use of the data provision services in exchange for the client entering and maintaining aeronautical information in the EAD in accordance with the agreement concluded between the client and EUROCONTROL.
2. EUROCONTROL shall not levy any service charge on an EAD client acting on behalf of a EUROCONTROL Member State for the use of the data user services.
3. EUROCONTROL shall not levy any service charge on an EAD client, who is an airspace user subject to pay EUROCONTROL en-route charges, for the use of the data user services.
4. Non-Member States of EUROCONTROL may be charged for the EAD data user services rendered. However, the charge will, as an incentive for data provision, be adjusted in the case where a State provides adequate data to the EAD.
5. In the event that an EAD client, who is an airspace user subject to pay EUROCONTROL en-route charges, makes use of the data user services for activities not covered by the route charges, EUROCONTROL shall however be entitled to levy service charges on such EAD client for the use of the data user services.
6. EUROCONTROL shall not levy any service charge on users accessing the internet site of the EAD service (public users) as they will not be registered as EAD clients, since it will only have a very limited number of services available. EUROCONTROL may however decide to levy service charges on the public users in the event that the scope and quality of the offered services evolve.
7. EUROCONTROL shall be entitled to levy service charges from all other EAD clients for the use of the data user services.
8. The amount of the service charges that EUROCONTROL shall be entitled to levy on an EAD client shall be based on the distribution of the EAD service expenditures on the individual services used by such client.