

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Decisions of the Permanent Commission -

DECISION N°98

on provisional application, pending their entry into force, of certain provisions of the Protocol on the Accession of the European Community to the revised Convention

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, hereinafter referred to as "the amended Convention", and in particular Articles 2.1(j), 6.1 and 7.1 thereof;

Having regard to the Multilateral Agreement relating to route charges signed at Brussels on 12 February 1981, hereinafter referred to as "the Multilateral Agreement";

Having regard to the Protocol consolidating the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation, which was opened for signature on 27 June 1997, and in particular Article 40 of the consolidated version of the Convention annexed thereto, hereinafter referred to as "the revised Convention";

Having regard to Decision N° 71 of 9 December 1997 on early implementation of certain provisions in the revised Convention, in particular in respect of the role and duties of the Organisation;

Having regard to Decision N° 72 of 9 December 1997 on early implementation of certain provisions in the revised Convention, in particular on the establishment of a provisional Council;

Having regard to the Protocol on the Accession of the European Community to the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960, as variously amended and as consolidated by the Protocol of 27 June 1997, which was opened for signature on 8 October 2002, hereinafter referred to as "the Accession Protocol";

Considering that in a resolution of the Diplomatic Conference of 8 October 2002 on the Accession Protocol, the Conference urged all States and the European Community to develop, to the fullest extent possible, arrangements for the early implementation of certain provisions of the Accession Protocol;

Considering that such arrangements for early implementation must be compatible with the provisions of the amended Convention;

On the proposal of the provisional Council,

TAKES THE FOLLOWING DECISION:

1. Pending the entry into force of the Accession Protocol, Articles 1 to 7 thereof shall apply on a provisional basis.
2. However, pending the entry into force of the Accession Protocol:
 - (a) the Permanent Commission shall take its decisions according to the provisions of the amended Convention, and in particular Articles 6, 7 and 8 thereof;
 - (b) the enlarged Commission shall take its decisions according to the provisions of the Multilateral Agreement, and in particular Article 6 thereof.
3. The provisions of Article 6 of the Accession Protocol shall apply on a provisional basis, *mutatis mutandis*, for the participation of the European Community in the work of the provisional Council.

Paragraph 7 of Decision N° 72 is hereby revoked.

4. In the event of any inconsistency between provisions in the Terms of Reference and Rules of Procedure of bodies of EUROCONTROL, on participation of the European Community in the work of these bodies, and the provisions of this Decision, the provisions of this Decision shall prevail.

Done at Brussels on 10.04.2003



J. TURECKÝ
President of the Commission