

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Directives of the Permanent Commission -

DIRECTIVE N° 00/55

relating to the conclusion of a bilateral agreement for the extension of the DFS recovery measures for the benefit of the EUROCONTROL Route Charges System

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


On the proposal of the Provisional Council;

HEREBY ISSUES THE FOLLOWING DIRECTIVE TO THE AGENCY:

Subject to its informing the Commission accordingly, the Agency shall conclude a bilateral agreement with the DFS Deutsche Flugsicherung GmbH, for the extension of the DFS recovery measures for the benefit of the EUROCONTROL Route Charges System, on the basis of an exchange of letters, copies of which are at Annex.

Done at Brussels, on - 1. 02. 00

 Jacob BUKSTI
President of the Commission


Ole ASMUSSEN
Vice-President of the Commission

Letter from EUROCONTROL to the DFS (Deutsche Flugsicherung GmbH)

Dear Sir,

I have the honour to refer to the Multilateral Agreement relating to Route Charges done at Brussels on 12 February 1981, hereinafter called "the Multilateral Agreement", and to the consolidated version of the EUROCONTROL Convention which incorporates the texts remaining in force of the existing Convention and the amendments made by the Diplomatic Conference of 27 June 1997, hereinafter called "the revised Convention".

Under the provisions of the Multilateral Agreement, where a debtor has not paid the amount due in respect of route charges, measures may be taken to enforce recovery.

Under the provisions of the revised Convention as well, inter alia Article 6 paragraph 2 of its Annex IV, measures may also include, at EUROCONTROL's request, the review by a Contracting Party or any competent body of the administrative authorisation connected with air transport or air traffic management issued to a person liable to pay the charge, if the relevant legislation so provides.

On behalf of EUROCONTROL, I have the honour to request you to confirm that, when seeking in accordance with the appropriate regulations of the Federal Republic of Germany to recover such unpaid charges as and when EUROCONTROL requests so to do, the DFS Deutsche Flugsicherung GmbH may elect to have recourse to the refusal of provision of air navigation services in the airspace of the Federal Republic of Germany.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.

Yours faithfully,

Yves LAMBERT
Director General

Letter from the DFS (Deutsche Flugsicherung GmbH) to EUROCONTROL:

Dear Sir,

I have the honour to refer to your letter of..... 2000 which reads as follows:

"I have the honour to refer to the Multilateral Agreement relating to Route Charges done at Brussels on 12 February 1981, hereinafter called "the Multilateral Agreement", and to the consolidated version of the EUROCONTROL Convention which incorporates the texts remaining in force of the existing Convention and the amendments made by the Diplomatic Conference of 27 June 1997, hereinafter called "the revised Convention".

Under the provisions of the Multilateral Agreement, where a debtor has not paid the amount due in respect of route charges, measures may be taken to enforce recovery.

Under the provisions of the revised Convention as well, inter alia Article 6 paragraph 2 of its Annex IV, measures may also include, at EUROCONTROL's request, the review by a Contracting Party or any competent body of the administrative authorisation connected with air transport or air traffic management issued to a person liable to pay the charge, if the relevant legislation so provides.

On behalf of EUROCONTROL, I have the honour to request you to confirm that, when seeking in accordance with the appropriate regulations of the Federal Republic of Germany to recover such unpaid charges as and when EUROCONTROL requests so to do, the DFS Deutsche Flugsicherung GmbH may elect to have recourse to the refusal of provision of air navigation services in the airspace of the Federal Republic of Germany".

I have the honour to confirm that the DFS (Deutsche Flugsicherung GmbH) shares the understanding of EUROCONTROL that, under the Multilateral Agreement as well as under Article 6 paragraph 2 of Annex IV to the revised Convention, when seeking in accordance with the appropriate regulations of the Federal Republic of Germany to recover such unpaid charges as and when EUROCONTROL requests so to do, the DFS Deutsche Flugsicherung GmbH may elect to have recourse to the refusal of provision of air navigation services in the airspace of the Federal Republic of Germany.

I avail myself of this opportunity to renew to you the assurances of my highest consideration.

Yours faithfully,

For and on behalf of the DFS (Deutsche Flugsicherung GmbH)