EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

— Directives of the Permanent Commission —

DIRECTIVE No. 17/99

relating to the EUROCONTROL Stakeholder Engagement Policy

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 6.1.b and 7.3 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, which was opened for signature on 27 June 1997, and in particular Article 2.1 of the consolidated version of the Convention annexed thereto as provisionally applied under Decision N°71 of the Permanent Commission of 9 December 1997;

Having regard to the Decision No. 72 of the Permanent Commission of 9 December 1997 on early implementation of certain provisions in the revised Convention, in particular on the establishment of a provisional Council;

Whereas, considering the outcome of the work carried out from 2013 to 2016 by the Study Group of Alternates of the Permanent Commission (CN-SG), the Permanent Commission, inter alia, urged the Member States to work, through a group of volunteers assisted by the Agency, on a possible further involvement of the stakeholders in the EUROCONTROL governing bodies;

Whereas the Member States Volunteers Group “Involvement of Stakeholders” (MSVG-IS), which actively involved the stakeholders, developed a EUROCONTROL Stakeholder Engagement Policy which defines principles and guidelines to enhance the involvement of stakeholders in activities leading to decisions in EUROCONTROL;

On the proposal of the Provisional Council,

GIVES THE FOLLOWING DIRECTIVE TO THE AGENCY:

ARTICLE 1

The EUROCONTROL Stakeholder Engagement Policy in attachment is hereby issued.

EUROCONTROL is invited to take the Stakeholder Engagement Policy into consideration in its relations with stakeholders.

Done at Brussels on 1 December 2017;

[Signature]

P. SAMSON
President of the Commission
Member States’ Volunteers Group

“Involvement of stakeholders”

Agreement on a stakeholder engagement policy

- Output from Member States Volunteers Group on “Stakeholder Involvement” -

- Submitted by the Chairman -

1. SUMMARY

1.1. This document sets out a draft policy to enhance the involvement of stakeholders in activities leading to decisions by the EUROCONTROL Agency or its Member States. It has been updated following the discussion at the second meeting of the Volunteers Group on Stakeholder Involvement in EUROCONTROL governance, as well as following further written comments received since the meeting.

1.2. This policy was presented for final discussion at the third meeting of the group on 3 October 2017 and is submitted for decision to the Permanent Commission via the Provisional Council.

2. STAKEHOLDERS COVERED BY THIS POLICY

2.1. It is not considered appropriate to include an exhaustive list of stakeholders in this document to avoid being overly prescriptive, but they will include for example: the operational stakeholders such as air navigation service providers, airports, airspace users, military representatives, representative organisations of operational stakeholders, the manufacturing supply industry, organisations representing the social partners and professional staff organisations.

2.2. The stakeholders of EUROCONTROL covered by this policy are entities with a legitimate interest in EUROCONTROL activities and/or who see a direct impact on their business, performance or operational activities. Furthermore, these stakeholders are jointly cooperating with the EUROCONTROL Agency in technical-operational teams and expert groups, providing their own resources to do so. These stakeholders should be understood not to have decision-making powers in EUROCONTROL governing bodies but for which the impact of EUROCONTROL functions and services on them creates the need for them to be fully consulted before decisions are taken which will impact on them.

2.3. Although this policy covers the military, it has to be underlined that the military coordination and cooperation is both at stakeholder level and at State level and is an important part of the core function of EUROCONTROL. This civil-military coordination therefore has to be ensured at all levels of decision making.
2.4. It must be acknowledged that stakeholder engagement must be kept proportionate and manageable. Therefore, there has to be an expectation that stakeholders will coordinate their representation as much as possible, particularly through the use of professional organisations, where applicable.

3. **THE NEED FOR A EUROCONTROL STAKEHOLDER ENGAGEMENT POLICY**

3.1. It is well established that EUROCONTROL should deliver its functions and services in cooperation with national aviation authorities and operational/industry stakeholders. In particular, this is reflected in articles 1.2. and 7.2. of the revised Convention. User organisations should be understood to be "operational" stakeholders. This is even more important when taking into consideration changes in the ATM environment in the last 15 years. The role of States and Operational Stakeholders has drastically evolved as a consequence of the separation of activities related to regulation and oversight from service provision and this has to be reflected in the governance structure of the Organisation.

3.2. Operational stakeholders, i.e. airspace users, airports and air navigation service providers are not represented by the civil and military authorities forming the States representation in the governing bodies of EUROCONTROL. However, their performance, business and operations are directly affected by the activities of EUROCONTROL. Also, the costs of EUROCONTROL are part of the cost-base of its Member States, thus included in the calculation of unit rates and, as a consequence, recovered by the Member States through the collection of route charges from the airspace users. Due to the nature of EUROCONTROL as an intergovernmental organisation which is in a monopoly situation in providing certain services, "operational" stakeholders do not have the possibility to negotiate contractual arrangements or choose alternatives for services received. Therefore, they need in particular to be able to communicate their expectations to decision makers. The fact that these operational stakeholders have various ways of interaction with EUROCONTROL creates the need to have a policy that clarifies the relations on both sides (e.g. EUROCONTROL and the operational stakeholders) in all interactions that contribute to decision making in a spirit of mutual trust.

3.3. This stakeholder engagement policy should create a framework for this relationship and complement and inform the detailed terms of reference of all EUROCONTROL governance or consultation bodies rather than replace them. The terms of reference for these bodies should set out detailed arrangements for the functioning of these bodies in a way that is consistent with the principles set out in this stakeholder policy.

4. **PRINCIPLES FOR STAKEHOLDER ENGAGEMENT**

In order to ensure effective stakeholder engagement there should be a number of procedural and behavioural requirements on the EUROCONTROL Organisation and on stakeholders.

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1. The revised Convention is currently in the process of being ratified. Art. 1.2. "EUROCONTROL shall act in cooperation with the national civil and military authorities and the user organisations." User organisations should be understood to mean operational stakeholders.
2. Art. 7.2. "The Council, pursuant to its supervisory powers as conferred on it in regard to the Agency by this Convention; (a) shall approve, after having consulted representative organisations of airspace users recognised by the Council, the Agency’s five-year and annual work programmes submitted to it by the Agency for the accomplishment of the tasks referred to in Article 2, together with the five-year financial plan and the budget, including the financial obligations, the Agency’s activity report and the reports submitted pursuant to Articles 2.2 (c), 10.3 and 11.1 of the Statute of the Agency; [...] (d) shall determine, after having consulted the representative organisations of airspace users and airports recognised by the Council, the general conditions for the operation of the common European air traffic flow management system provided for in Article 2.1 (e), taking due account of the prerogatives exercised by the States in regard to management of their airspace [...]".
What EUROCONTROL should expect from stakeholders:

1. Stakeholders should clarify the interests they represent and the relevance of such interests to EUROCONTROL’s work. They should also make clear which of EUROCONTROL’s functions and tasks have an impact on their activities, business interests or performance.

2. Stakeholders should ensure that their representation is proportionate and make full use of professional organisations where possible.

3. Stakeholder groups (AAB, ANSB) should coordinate input as far as possible in order to present common views where feasible and appropriate.

4. Stakeholders should provide their views in a timely manner respecting any consultation deadlines set.

5. Stakeholders should ensure those that represent them have a clear mandate from those represented, and have been rightfully appointed by their respective user organisations / stakeholder group.

6. Representatives of stakeholders should identify and acknowledge potential conflicts of interests, in accordance with the existing EUROCONTROL rules.

7. Stakeholders should contribute to the objectives of EUROCONTROL in a constructive manner in order to improve decision making (content and process) with a goal to achieve the best overall result.

8. Stakeholders should commit to protect confidentiality where appropriate and stipulated.

What stakeholders may expect from EUROCONTROL:

A. EUROCONTROL (both the Agency and its Member States) should ensure that stakeholders (including Operational stakeholders, given the particular impacts of EUROCONTROL on their activities) have appropriate bodies through which to coordinate and provide their input to the decision-making bodies. These bodies should allow them to make formal proposals for discussion and decision in the State Governing bodies of EUROCONTROL. This should also provide for a mechanism to raise concerns directly when necessary, as well as to the Agency’s Senior Management.

B. EUROCONTROL, through its functions, business activities and tasks documented in the Business Plan and Agency Work programme should not enter into competition with the stakeholders’ activities provided by them.

C. EUROCONTROL should establish clear reporting lines for stakeholder bodies that provide advice which supports decision making. These should be clearly set out in the terms of reference for stakeholder bodies.

D. EUROCONTROL should ensure systematic consultation with stakeholders on issues that will have an impact on their activities, business interests or performance, while avoiding duplication with existing mechanisms of EU bodies.

E. EUROCONTROL should ensure stakeholders have appropriate, timely and full information to allow them to provide their input in a considered manner.

F. EUROCONTROL should provide stakeholders with sufficient time to share opinions, involving them from the initial phases of those tasks that could have an impact on the stakeholders’ activities. There should be a minimum of one calendar month, avoiding
holiday periods, for key documents e.g. Agency Business Plan (including the Agency Work Programme) and Budget.

G. EUROCONTROL should also ensure that sufficient time is allowed to adapt proposals in the light of stakeholder comments before they are submitted to State governance bodies for a decision. The Agency should inform the stakeholders about such adaptations and provide explanation to the stakeholders of the reasons why the Agency has decided not to take into account any stakeholder comments or proposals before a final version is provided to the Member States for decision. The Member States should be informed of any differences of opinion by The Agency when their decision is sought.

H. EUROCONTROL should provide assurance that stakeholder views will be properly considered and if possible acted on.

I. EUROCONTROL should systematically inform stakeholders on the outcome of the meetings of the State governing bodies.

J. EUROCONTROL should ensure transparency of its decision making, in particular by:
   - minimising the use of restricted sessions of governance meetings to sensitive or confidential matters.
   - taking decisions in open sessions as far as possible allowing for the presence of stakeholders as observers.
   - through the Chairperson, ensuring that minutes and conclusions of meetings reflect discussions impartially and accurately, and that they are published (e.g. on the EUROCONTROL One Sky Teams portals) in a timely fashion as soon as finalised.
   - ensuring stakeholders are informed on all decisions made by the governing bodies of EUROCONTROL including decisions made by written procedure.
   - Declaring and acknowledging potential conflicts of interest.

Rules of Procedure for decision-making bodies should ensure this transparency.

K. EUROCONTROL should adopt a policy of access to documents for the operational stakeholders covered by this policy and only restrict access where there is a justified reason to do so.