

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Measure of the Permanent Commission -

MEASURE No. 17/227

concerning the exercise by the Permanent Commission of its supervisory powers over the greater management autonomy delegated by the Director General to the Director Network Manager

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 and Article 3 of the Statute of the Agency which forms Annex 1 to that Protocol;

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 2.1 of the consolidated version of the Convention annexed thereto, as provisionally applied under Decision No. 71 of the Permanent Commission of 9 December 1997;

Having regard to the European Commission Decision of 7 July 2011 (C (2011) 4130) on the nomination of the Network Manager for the air traffic management (ATM) network functions of the single European sky;

Having regard to the Directive No. 11/77 of the Permanent Commission of 1 September 2011 relating to the acceptance of the nomination by the European Commission of EUROCONTROL as the Network Manager for the Air Traffic Management (ATM) network functions of the single European sky;

Considering European Commission Regulation (EU) No. 677/2011 laying down detailed rules for the implementation of air traffic management (ATM) network functions and amending Regulation (EU) No 691/2010, as variously amended, and in particular the execution of such functions by the Network Manager in pursuance to this Regulation;

Considering Recital 24 and Article 21 of European Commission Regulation (EU) No. 677/2011, whereby the Commission should ensure an appropriate oversight of the Network Manager;

Considering that pursuant to the results of the "Review of the Network Manager" commissioned by the European Commission and the request for corrective measures addressed by the European Commission to EUROCONTROL by letter dated 21 June 2016, the Agency has developed an action plan with the purpose of establishing a greater management autonomy of the Network Manager Directorate, to ensure more transparency of its resources and its costs; the European Commission has validated that action plan by letter dated 25 November 2016;

Whereas the short-term measures proposed in the said action plan aim at further improving delivery of Network functions for the benefit of the single European sky;

Considering that greater management autonomy of the Network Manager Directorate can be achieved within the current organisational set up of the Organisation;

Considering that Director Network Manager is already responsible for the delivery of the network functions;

Considering the need to centralise the management of all technical, operational and administrative processes, under the Network Manager Directorate, led by Director Network Manager;

Having regard to WP PC/17/ad hoc/1/8 which detailed the scope of the greater management autonomy the Director General intends to implement for the Network Manager Directorate

Considering that greater management autonomy of the Network Manager Directorate, and evolution thereof, is of strategic importance for the EUROCONTROL Organisation, including as regard its relationships with the European Union, and thus requires the Permanent Commission to exercise its supervisory powers pursuant to Article 6.1.b) of the Amended Convention;

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

HEREBY TAKES THE FOLLOWING MEASURE:

Article 1

1. Further to his proposal, the Director General, is invited to delegate to Director Network Manager the powers and/or authority to sign on matters concerning the Directorate Network Manager on the basis of the Director General delegation decision at Annex.

Article 2

1. The Director General shall report on an annual basis to the Permanent Commission on the implementation of the greater management autonomy he will delegate to the Director Network Manager as referred to in Article 1 of this Measure.
2. Should significant adaptations be envisaged to the scope of such greater management autonomy, the Director General shall consult with the Permanent Commission prior to any implementation decisions being taken.

Article 3

This measure shall enter into force at the date of its signature.

Done at Brussels on 28.3.2017



Piotr SAMSON
President of the Commission

DECISION

**No. xx/xx (20xx)
(date)**

concerning the delegation to the Director Network Manager of powers and/or authority to sign on matters concerning the support services from other Agency units, NM budget process, NMD-staff social dialogue process, and operational and technical Agreements which are necessary for the performance by EUROCONTROL of the network Functions

The DIRECTOR GENERAL of the Agency,

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 Article 3 of the Statute of the Agency which forms Annex 1 to that Protocol;

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 2.1 of the consolidated version of the Convention annexed thereto, as provisionally applied under Decision No. 71 of the Permanent Commission of 9 December 1997;

Having regard to the European Commission Decision of 7 July 2011 (C (2011) 4130) on the nomination of the Network Manager for the air traffic management (ATM) network functions of the single European sky;

Having regard to the Directive No. 11/77 of the Permanent Commission of 1 September 2011 relating to the acceptance of the nomination by the European Commission of EUROCONTROL as the Network Manager for the Air Traffic Management (ATM) network functions of the single European sky;

Considering European Commission Regulation (EU) No. 677/2011 laying down detailed rules for the implementation of air traffic management (ATM) network functions and amending Regulation (EU) No 691/2010, as variously amended, and in particular the execution of such functions by the Network Manager in pursuance to this Regulation;

Considering Recital 24 and Article 21 of European Commission Regulation (EU) No. 677/2011, whereby the Commission should ensure an appropriate oversight of the Network Manager;

Considering that pursuant to the results of the "Review of the Network Manager" commissioned by the European Commission and the request for corrective measures addressed by the European Commission to EUROCONTROL by letter dated 21 June 2016, the Agency has developed an action plan with the purpose of establishing a greater management autonomy of the Network Manager Directorate, to ensure more transparency of its resources and its costs; the European Commission has validated that action plan by letter dated 25 November 2016;

Whereas the short-term measures proposed in the said action plan aim at further improving the delivery of Network functions for the benefit of the single European sky;

Considering that greater management autonomy of the Network Manager Directorate can be achieved within the current organisational set up of the Organisation;

Having regard to Decision No. 128 of the Permanent Commission dated 9 December 2015 concerning the implementation of an Agency-wide cost allocation methodology which shall be used from 1.1.2018 onwards;

Whereas the Director Network Manager may arrange the support services which the Network Manager Directorate requires from other Agency units by using service level agreements between the Network Manager Directorate and the other units;

Having regard to Directive No. XX of XX relating to the conclusion by EUROCONTROL of operational and technical Agreements which are necessary for the performance of the network functions;

Having regard to the Staff Regulations governing Officials of the EUROCONTROL Agency, and the Conditions of Employment applicable to Contract Staff at EUROCONTROL and the relevant Rules of Application;

Having regard to the Financial Regulations of the Agency and the relevant Rules of Application;

Considering the exchange of letters between the Director General of EUROCONTROL and the Director Aviation and International Transport Affairs - (MOVE) of the European Commission dated respectively 19.6.2014 and 8.5.2014;

Having regard to the Contract Regulations of the EUROCONTROL Organisation and the relevant Rules of Application;

Having regard to the organisational Decisions of the Director General Nos. XVI/1(2011), XVI/2(2011), and XVI/4 (2013), the Director Network Manager is responsible for the delivery of the network functions;

Considering the need to centralise the management of all technical, operational and administrative processes not included in the afore-mentioned organisational decisions, under the Network Manager Directorate, led by Director Network Manager;

Having regard to WP PC/17/ad hoc/1/3 which detailed the scope of the greater management autonomy the Director General intends to implement for the Network Manager Directorate;

Having regard to Measure --- of the Permanent Commission dated ----- concerning the exercise by the Permanent Commission of its supervisory powers over the greater management autonomy delegated by the Director General to the Director Network Manager.

HEREBY DECIDES AS FOLLOWS:**ARTICLE 1: SUPPORT SERVICES****THE DIRECTOR NETWORK MANAGER IS DELEGATED AUTHORITY TO:**

- Seek the support services provided by other Agency units from third parties or through other means from January 2018 onwards; however the implementation process, in particular with regard to the effects on Part I of the Agency budget, shall be defined by the Director General, in coordination with the Director Network Manager and the other Directors of the Agency affected;
- In case the Director Network Manager decides to no longer seek specific support services from the Organisation, a transition period of 12 months shall start upon written notification by the Director Network Manager to the Director General. After that period, the costs related to the termination shall no longer be borne by Part IX of the Agency budget;
- Exercise the powers conferred to the Director General in the Contract Regulations of the EUROCONTROL Organisation with regard to the procurement procedures related to such support services contracts;

In exercising such a power, the Director Network Manager shall at all times fully comply with the Policies, Rules and Regulations of the Organisation.

ARTICLE 2: BUDGET**THE DIRECTOR NETWORK MANAGER IS DELEGATED AUTHORITY TO:**

- Identify the technical and operational objectives of the Directorate NM and to submit to the Provisional Council/Permanent Commission Part IX of the Budget of the Agency and the Business Plan of the Network Manager for final approval.

ARTICLE 3: SOCIAL DIALOGUE**THE DIRECTOR NETWORK MANAGER IS DELEGATED AUTHORITY TO:**

- Lead the consultation meetings in the social dialogue in relation to Network Manager Directorate operational staff matters,
- Submit proposals to the Member States in relation to Network Manager Directorate operational staff matters.

The exercise of such a power shall not entail legal risks or create additional liabilities/costs for the rest of the Agency.

ARTICLE 4: OPERATIONAL AND TECHNICAL AGREEMENTS

The Director Network Manager is delegated authority to sign the agreements as referred to in Directive No.xx/nn relating to the conclusion by EUROCONTROL of operational and technical agreements, which are necessary for the performance of the network functions.

ARTICLE 5: INTERNAL PROCESSES

The Director Network Manager is delegated authority and therefore authorised to take and sign all relevant decisions pursuant to recommendations of the following committees when Network Manager Directorate staff matters are involved:

- Joint Committee
- Disciplinary Board
- Invalidity Committee
- Joint Reports Committee
- Organisational Development Committee
- Just Culture Committee

In doing so, the Director Network Manager shall comply at all times with the provisions of the Staff Regulations and implementing regulations thereof. The exercise of such a power shall not, in particular, entail legal risks or create additional liabilities/costs for the rest of the Agency.

ARTICLE 6: FINAL PROVISIONS

6.1. The signature of Director Network Manager shall be preceded with the following mention:

“On behalf of the Director General, by special delegation”

6.2. In the event of inconsistency between the provisions of previous Director General delegation decisions and the provisions of the present decision, the present Decision shall prevail.

6.3 This Decision shall enter into force on the date of its signature.

Frank BRENNER
Director General
(date)