

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Measures of the Permanent Commission -

MEASURE No. 17/232

concerning a tacit approval procedure for certain proposals on measures of an operational, technical, financial or budgetary nature required for the operation of the Maastricht Centre

THE PERMANENT COMMISSION FOR THE SAFETY OF AIR NAVIGATION:

Having regard to the EUROCONTROL International Convention relating to Cooperation 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 its Article 2.2 (hereinafter referred to as "the amended Convention");

Having regard to the Agreement relating to the Provision and Operation of Air traffic Services and Facilities by EUROCONTROL at the Maastricht Area Control Centre (hereinafter referred to as "MUAC") signed on 25 November 1986 (hereinafter referred to as "the Maastricht Agreement");

Having regard to Decision No. 71 of the Permanent Commission of 9 December 1997 on the early implementation of certain provisions in the revised Convention, in particular in respect of the role and duties of the Organisation providing that the Organisation shall, as far as practicable and insofar as compatible with the provisions of the amended Convention, undertake the tasks entrusted to it pursuant to the revised Convention;

Having regard to 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;

Having regard to Decision No. 129 of the Permanent Commission of 9 December 2015 concerning the taking of decisions on measures of an operational, technical, financial or budgetary nature, including on investments, as well as the mandate of Director MUAC to arrange support services, required for the operation of MUAC, in particular Article 2 thereof (hereinafter referred to as "Permanent Commission Decision No. 129");

Whereas in the implementation of Article 2 of Permanent Commission Decision No. 129 a tacit approval procedure for certain proposals on measures of an operational, technical, financial or budgetary nature required for the operation of the Maastricht Centre was implemented as a temporary measure, until the entry into force of the permanent measures foreseen by Permanent Commission Decision No. 129 or until 31 December 2019 at the latest;

Whereas the Member States wish to maintain this tacit approval procedure after the entry into force of the permanent measures with regard to proposals for which the decision making procedures of the amended Convention apply pursuant to Article 5 of the amended Maastricht Agreement.

On the proposal of the Agency and the Provisional Council,

HEREBY TAKES THE FOLLOWING MEASURE:

Article 1

With regard to proposals for which the decision making procedures of the amended Convention apply pursuant to Article 5 of the amended Maastricht Agreement, the Member States confirm their existing practice to accept proposals made by the National Contracting Parties to the Maastricht Agreement as agreed in the Maastricht Decision Making Body on measures of an operational, technical, financial or budgetary nature, including on investments, required for the operation of MUAC as long as these decisions do not impact Part I of the Agency budget or do not significantly alter the obligations and liabilities of the Organisation.

Article 2

Proposals submitted to the Provisional Council and/or Permanent Commission by correspondence pursuant to Article 1 of this Measure shall include the following elements:

- a reference to the prior approval of the proposal by the Maastricht Decision Making Body;
- a statement on the cost-benefit analysis and the legal analysis of the liability for the Organisation; and
- a reference to the present Measure, accompanied with the following reminder:

“Having regard to Measure No. [] of the Permanent Commission of [], concerning a tacit approval procedure for certain proposals on measures of an operational, technical, financial or budgetary nature required for the operation of the Maastricht Centre, Member States have confirmed their existing practice to accept such proposals as long as these decisions do not impact Part I of the Agency budget or do not significantly alter the obligations and liabilities of the Organisation. Accordingly, PC Members are invited to adopt/approve this proposal which does not affect other States, and where the approval of the Permanent Commission is required, obtain the approval of their national representative in the Permanent Commission. The absence of a reply by the date specified in the proposal will be taken as signifying tacit approval.”

Article 3

The present Measure shall enter into force on the date of entry into force of the amendments to the Maastricht Agreement.

Done at Brussels on 1 December 2017,



P. SAMSON
President of the Commission