

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Measures of the Permanent Commission –

MEASURE No 120

Concerning the approval of an exchange of notes with the Kingdom of the Netherlands regarding the Government policy framework of the Netherlands on Attracting and Hosting International Organisations

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 6.3, 7.2 and 11.3 thereof;

Having regard to Measure 04/101 of the Permanent Commission dated 8 July 2004 authorising the Agency to open negotiations for the conclusion of bilateral Agreements regarding the application of the privileges, immunities, exemptions and facilities specified in the EUROCONTROL Convention with Member States where the Organisation has installations;

On the proposal of the Agency and of the Provisional Council;

HEREBY TAKES THE FOLLOWING MEASURE:

Article 1

The exchange of notes with the Kingdom of the Netherlands at Annex is hereby approved.

Article 2

The Director General is authorised to sign the exchange of notes on behalf of the Organisation.

Done at Brussels on 25.07.06

((To be signed))

Pavol PROKOPOVIČ
President of the Commission

**Agreement between the Kingdom of the Netherlands and the European Organisation for
the Safety of Air Navigation**
**In the light of the Netherlands Government Policy Framework on Attracting and Hosting
International Organisations**

The Ministry of Foreign Affairs of the Kingdom of the Netherlands presents its compliments to the European Organisation for the Safety of Air Navigation and, with reference to the Exchange of Notes between the Government of the Netherlands and the European Organisation for the Safety of Air Navigation of 10 and 31 October 1975 and to the Cabinet Decision of 22 April 2005 on the Policy Framework on Attracting and Hosting International Organisations, has the honour to propose the following in respect of the privileges and immunities of the staff of the European Organisation for the Safety of Air Navigation:

1. Use of terms

For the purpose of this Agreement:

- a. “the parties” means the European Organisation for the Safety of Air Navigation and the host State;
- b. “the Organisation” means the European Organisation for the Safety of Air Navigation;
- c. “the host State” means the Kingdom of the Netherlands;
- d. “the Vienna Convention” means the Vienna Convention on Diplomatic Relations of 18 April 1961.

2. Privileges and immunities

- a. The Head of the Organisation, together with members of his family forming part of his household, shall enjoy the same privileges and immunities as the host State accords to heads of diplomatic missions accredited to the host State in accordance with the Vienna Convention.
- b. The highest ranking staff of the Organisation, together with members of their family forming part of their household, shall enjoy the same privileges and immunities as the host State accords to diplomatic agents of the diplomatic missions established in the host State in accordance with the Vienna Convention.
- c. Administrative and technical staff of the Organisation, together with members of their family forming part of their household, shall enjoy the same privileges and immunities as the host State accords to administrative and technical staff of the diplomatic missions established in the host State in accordance with the Vienna Convention, provided that immunity from criminal jurisdiction and personal inviolability shall not extend to acts performed outside the course of their official duties.
- d. Service staff of the Organisation, together with members of their family forming part of their household, shall enjoy the same privileges and immunities as the host State accords to service staff of the diplomatic missions established in the host State in accordance with the Vienna Convention.

3. Determination of categories

The host State shall, in cooperation with the Organisation, determine which categories of personnel will be covered by each of the four groups as laid down in paragraph 2 of this Agreement.

4. Scope of the Agreement

- a. This Agreement does not apply to persons who are nationals or permanent residents of the host State.
- b. This Agreement shall not detract from any existing arrangements in the Headquarters Agreement or other bilateral or multilateral agreements.
- c. This Agreement shall not extend to issues concerning admission and residence.
- d. The Annex forms an integral part of this Agreement.

If this proposal is acceptable to the European Organisation for the Safety of Air Navigation, the Ministry proposes that this Note and the European Organisation for the Safety of Air Navigation's affirmative reply to it shall together constitute an Agreement between the Kingdom of the Netherlands and the European Organisation for the Safety of Air Navigation. This Agreement, the French and English texts of which are equally authentic, shall enter into force on the date of receipt of the European Organisation for the Safety of Air Navigation's reply by the Ministry.

The Ministry of Foreign Affairs of the Kingdom of the Netherlands avails itself of this opportunity to renew to the European Organisation for the Safety of Air Navigation the assurances of its highest consideration.

The Hague,2006

The European Organisation for the Safety of Air Navigation

ANNEX

Further to the provisions of Paragraph 4.b of this Agreement and of Article 1.2 of the Agreement relating to the provision and operation of Air Traffic Services and Facilities by EUROCONTROL at the Maastricht Upper Area Control Centre of 25 November 1986 and of Articles 12, 15, 27 and 28 of the EUROCONTROL Convention of 13 December 1960, as variously amended, this Agreement shall be without prejudice to the relevant rights and obligations of the States, their National Supervisory Authorities and recognised organisations to exercise all administrative, civil and criminal jurisdiction arising from national law, EC law and EU law in relation to EUROCONTROL and its staff in their performance of air navigation services. Such rights and obligations shall include, inter alia, the right to enter and inspect the premises of the EUROCONTROL Maastricht Upper Area Control Centre, to collect in the performance of their functions appropriate information and data at any time from the Organisation and its staff, to serve judicial documents related to the exercise of jurisdiction and to administer appropriate sanctions.