

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Measures of the Permanent Commission -

Measure No 10/162

**concerning the approval of the Agreement on the termination of the Agreement relating to the provision of air traffic services and facilities by EUROCONTROL at the Central European Air Traffic Services (CEATS) Upper Area Control Centre of 27 June 1997 and the Special Agreement concerning the implementation of Article 6 of the CEATS Agreement (hereafter referred to as "the CEATS Termination Agreement") and delegating authority to the Agency to conclude the CEATS Termination Agreement on behalf of the Organisation**

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, amended by the Protocol signed at Brussels on 12 February 1981, and in particular articles 6.3, 7.2 and 11.3 and 12 thereof;

Having regard Measure No. 08/146 of 13 November 2008 authorising the EUROCONTROL Agency to open negotiations for the conclusion of the CEATS Termination Agreement;

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

TAKES THE FOLLOWING MEASURE:

**ARTICLE 1**

The CEATS Termination Agreement attached to this Measure is hereby approved.

**ARTICLE 2**

The CEATS Termination Agreement shall be signed on behalf of the Organisation by the Director General.

**ARTICLE 3**

Measures No. 85/45 of 6 June 1997 and No. 87/66 of 10 June 1999 are hereby cancelled.

Done at Brussels, on 20.07.2010

G. TONELLI  
President of the Commission



**CEATS Termination Agreement**

**FINAL DRAFT**

***Agreement on the termination of the  
Agreement relating to the provision of air traffic services and facilities by  
EUROCONTROL at the Central European Air Traffic Services (CEATS) Upper Area  
Control Centre of 27 June 1997 and the  
Special Agreement concerning the implementation of Article 6 of the CEATS  
Agreement***

(Hereafter referred to as "the Termination Agreement")

Between

*The Republic of Austria*

*Bosnia and Herzegovina*

*The Republic of Croatia*

*The Czech Republic*

*The Republic of Hungary*

*The Republic of Italy*

*The Slovak Republic*

*The Republic of Slovenia*

collectively referred to as "the States"

*and EUROCONTROL, the European Organisation for the Safety of Air Navigation;*

collectively referred to as "the Parties".

Whereas the Agreement relating to the provision and operation of air traffic services and facilities by EUROCONTROL at the Central European Air Traffic Services (CEATS) Upper Area Control Centre (hereafter referred to as "the CEATS Agreement"), signed on 27 June 1997 by the Republic of Austria, Bosnia and Herzegovina, the Republic of Croatia, the Czech Republic, the Republic of Hungary, the Republic of Italy, the Slovak Republic, the Republic of Slovenia and EUROCONTROL, entered into force on 28 August 2004 following the ratification of the Agreement by five of the signatory States;

Whereas the Special Agreement concerning the implementation of Article 6 of the CEATS Agreement (hereafter referred to as "the Special Agreement") signed on 27 June 1997 by the Republic of Austria, Bosnia and Herzegovina, the Republic of Croatia, the Czech Republic,

the Republic of Hungary, the Republic of Italy, the Slovak Republic, the Republic of Slovenia entered into force on 28 August 2004 for five States which ratified the CEATS Agreement;

Having regard to Measure No. 85/44 of 6 June 1997, Measure No. 85/45 of 6 June 1997 and Measure No. 87/66 of 10 June 1999 of the EUROCONTROL Permanent Commission regarding the conclusion of the CEATS Agreement and the establishment of CEATS Upper area control centre support facilities.

Having regard Measure No. 08/146 of 13 November 2008 and Measure No [...] of [...] respectively authorising the EUROCONTROL Agency to open negotiations for the conclusion of this Agreement and authorising its signature.

Having regard to the decisions taken by the CEATS Coordination Group (hereafter referred to as "the CCG") at its 20<sup>th</sup> meeting on 28 March 2008;

Having regard to the joint Declaration by the Ministers of Transport of the Republic of Austria, Bosnia and Herzegovina, the Republic of Croatia, the Czech Republic, the Republic of Hungary, the Slovak Republic and the Republic of Slovenia done in Luxembourg on 12 June 2008 regarding the start of the process to terminate the CEATS Agreement;

Whereas certain elements of the CEATS Agreement have been provisionally applied by all signatory States since its signature, as reflected by decisions of the Permanent Commission and actions agreed upon by the CCG;

Whereas the Parties wish to jointly terminate the CEATS Agreement;

Whereas the Parties, taking into account European developments, intend to strengthen their efforts towards the establishment of Functional Airspace Block(s), in accordance with the Single European Sky regulations;

Whereas, in accordance with general principles of international law, reflected in the Vienna Convention on the Law of Treaties between States and International Organisations, termination of an instrument of international law can take place by consent of all Parties;

Therefore the Parties have agreed as follows:

## **ARTICLE 1**

- 1.1 The Parties hereby jointly terminate the CEATS Agreement. The Parties are released from any and all obligations arising out of, or otherwise related to, the CEATS Agreement, with the exception of those financial obligations referred to in Article 2 to this Agreement.
- 1.2 The States hereby jointly terminate the Special Agreement. The States are released from any and all obligations arising out of, or otherwise related to, the Special Agreement, with the exception of those financial obligations referred to in Article 2 to this Agreement.

## **ARTICLE 2**

The Parties shall be bound by the financial obligations resulting from the application or provisional application of the CEATS Agreement and/or, as appropriate, the Special Agreement, prior to their termination. All financial obligations are detailed at Annex 1.

## **ARTICLE 3**

- 3.1 The Parties hereby grant each other the right to access and to use the documents and related material developed during the CEATS project as appropriate and at no charge.
- 3.2 Any intellectual property rights which may have resulted from the application of the CEATS Agreement and/or the Special Agreement, unless otherwise agreed prior to the termination of the CEATS Agreement and Special Agreement, shall be the property of all Parties. Each Party grants to the other Parties the right to access and use of the jointly owned intellectual property rights and to share this right with their respective ANSPs.

## **ARTICLE 4**

Any disputes which may arise relating to the interpretation or application of this Agreement or its annexes shall be settled by final and binding arbitration in accordance with the Permanent Court of Arbitration Optional Rules for Arbitration between International Organisations and States, as in effect on the date of the dispute.

## **ARTICLE 5**

- 5.1 This Agreement shall be subject to ratification, signature, acceptance or approval in accordance with the internal procedures of the States.
- 5.2 Instruments of ratification, signature, acceptance or approval shall be deposited with the Government of the Kingdom of Belgium.
- 5.3 EUROCONTROL shall become a Party to this Agreement by its signature.
- 5.4 This Agreement shall enter into force for all Parties on the thirtieth day following the date of deposit of the last instrument of ratification, signature, acceptance or approval to this Agreement by the States.

Done at ....., this ..... day of ..... 2010 in the Bosnian, Croatian, Czech, English, French, German, Hungarian, Italian, Serbian, Slovak and Slovene languages, in a single original, which shall remain deposited in the archives of the Government of the Kingdom of Belgium, which shall transmit certified copies to the Governments of the other Member States of EUROCONTROL and EUROCONTROL itself. In case of any inconsistency, the text in the English language shall prevail.

For the Republic of Austria:

For Bosnia and Herzegovina:

For the Republic of Croatia:

For the Czech Republic:

For the Republic of Hungary:

For the Republic of Italy:

For the Slovak Republic:

For the Republic of Slovenia:

For the European Organisation for the Safety of Air Navigation:

*Annex 1 to the Agreement on the termination of the Agreement relating to the provision and operation of air traffic services and facilities by EUROCONTROL at the Central European Air Traffic Services (CEATS) Upper Area Control Centre of 27 June 1997*

**Financial Obligations**

The Table below represents the contributions agreed by the States at CCG/20 Meeting as well as the payments arrangement with Italy (CCG/15 – further to Italy's decision in 2005 not to proceed with the ratification of the CEATS Agreement) for the years 2008-2010 (amounts in k EURO).

<b>Part VI - CEATS</b>	
	<b>Total 2008-2010</b>
<i>See Annex 1 WP 3 CCG/20</i>	
<b>Expenditure:</b>	
Staff Close Down costs <i>(Paid to Part IV - Support to FABCE)</i>	<b>9,105</b>
Operating Expenditure <i>(CRDS Building rent, paid directly from Part VI)</i>	1,233
<b>Total Expenditure</b>	<b>10,338</b>
<b>Receipts:</b>	
Italy Payments	-2,378
<b>Total Receipts</b>	<b>-2,378</b>
<b><u>Expenditure Receipts</u></b>	<b><u>7,961</u></b>
<i>Payment by States</i>	<b>-7,961</b>
<b>Balance</b>	<b>0</b>

<b><u>Sharing Keys 2008</u></b>	<b><u>percentage</u></b>	<b>Payment by States</b>
		<b>Total 2008-2010</b>
Hungary	22.0541	1,756
Austria	26.2322	2,088
Slovenia	3.6895	294
Czech Rep.	20.2532	1,612
Slovak Rep.	8.0911	644
Croatia	13.6396	1,086
Bosnia-Herzegovina	6.0403	481
	<b><u>100.0000</u></b>	<b><u>7,961</u></b>