

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Measures of the Permanent Commission -

MEASURE N° 13/194

concerning the conclusion of a revised Agreement relating to the financing of the OAT (Operational Air Traffic) part of the costs in respect of the Maastricht Centre

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, 11 and 12 thereof;

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, signed at Brussels on 25 November 1986;

Considering the Maastricht Coordination Group's decision at its 84th Meeting on 25 April 2013 approving the draft Agreement between the Federal Republic of Germany and the European Organisation for the Safety of Air Navigation relating to the financing of the military part of the expenditure in respect of the Maastricht Centre for the period 2014-2019;

On the proposal of the Provisional Council;

HEREBY TAKES THE FOLLOWING MEASURE:

Article 1

The Agreement relating to the financing of the OAT part of the costs in respect of the Maastricht Centre at annex to this measure is hereby approved.

Article 2

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

Done at Brussels on 21.8.2013



P. HENTTU
President of the Commission

**AGREEMENT RELATING TO THE FINANCING OF THE OAT PART OF THE COSTS
IN RESPECT OF THE MAASTRICHT CENTRE**

The European Organisation for the Safety of Air Navigation (EUROCONTROL) established by the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation as amended at Brussels in 1981, represented by its Director General, Mr Frank Brenner, hereinafter referred to as "EUROCONTROL",

on the one part,

And

The Government of the Federal Republic of Germany represented by the Federal Minister of Defence, hereinafter referred to as "Federal Republic of Germany",

on the other part,

HAVING REGARD to the Agreement between EUROCONTROL and the Government of the Federal Republic of Germany relating to the co-location of the German Air Force at the EUROCONTROL Maastricht UAC signed at Bonn on 3 November 1977 as amended by the Protocol of 2 September 1996, and, in particular, Article 4 thereof,

HAVING REGARD to the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation signed at Brussels on 13 December 1960, as amended at Brussels 12 February 1981 and, in particular, Articles 6.3, 11 and 12 thereof,

HAVING REGARD to the Agreement relating to the provision of and operation of air traffic services and facilities by EUROCONTROL at the Maastricht Upper Area Control Centre, signed at Brussels on 25 November 1986, and in particular Article 10 thereof and Articles 3(a) and 7.1 of Annex III (Financial Protocol) thereto,

HAVING REGARD to the Agreement relating to the financing of the Operational Air Traffic (OAT) part of the costs in respect of the Maastricht Centre of January 2009, applicable for a period of five years,

HAVING REGARD to Measure No. 13/XXX of the Permanent Commission of XX.XX.2013 concerning the conclusion of a revised Agreement relating to the financing of the OAT (Operational Air Traffic) part of the costs in respect of the Maastricht Centre,

HAVING REGARD to the necessity to continue applying the principles for the financing of the OAT part of the costs of the Maastricht Centre,

HAVE AGREED AS FOLLOWS:

Article 1

The special contribution to be paid by the Federal Republic of Germany to EUROCONTROL in respect of the military part of the investment and operating budgetary costs at the Maastricht Centre shall be calculated on the basis of the following principles:

- a) 100% of the costs which are exclusively attributable to Operational Air Traffic (OAT) shall be allocated to the Federal Ministry of Defence. The Federal Ministry of Defence shall make no contribution to costs which are exclusively attributable to General Air Traffic.

- b) 10% of the costs which are attributable to those portions of installations, services and facilities including simulator facilities, used jointly by civil and military air traffic shall be allocated to the Federal Ministry of Defence.

Article 2

The principles referred to in Article 1 above shall apply from the date of entry into force of the Agreement until the end of the second reference period mentioned in Article 7 of Commission Regulation No 691/2010 laying down a performance scheme for air navigation services and network functions, as amended, namely until 31.12.2019.

Article 3

The present Agreement, including the cost-sharing arrangements referred to in Article 1 above may be subject to revision where drastic changes of circumstances would so require, such as but not limited to:

- the modification of the legal and institutional framework of the EUROCONTROL Maastricht Centre;
- the formal extension of the responsibility of EUROCONTROL Maastricht Centre for handling OAT of one or more States;
- admission to the EUROCONTROL Maastricht Centre of armed forces other than the German Armed Forces or their assigned air traffic service provider / availability of the Centre infrastructure to other armed forces or their assigned air traffic services provider(s).

Article 4

In the event of a revision of the present Agreement under the conditions referred to in Article 3 above, the investments of the German Ministry of Defence to EUROCONTROL Centre Maastricht made on the basis of the present and former cost-sharing agreements shall be duly taken into account.

Article 5

The present Agreement shall enter into force on 1 January 2014 and shall supersede as from that date the Agreement of January 2009 relating to the financing of the military part of the expenditure in respect of the Maastricht Centre.

Done at on 2013

In two original copies in the English and German languages, both texts being equally authentic.

For the European Organisation for the Safety of Air Navigation	For the Federal Republic of Germany Federal Ministry of Defence - FÜSK I 2
The Director General	By Direction

