

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Measures of the Permanent Commission -

MEASURE No. 83/23

approving an agreement indemnifying the Civil Aviation Authority of the United Kingdom in the event of aircraft detentions carried out at EUROCONTROL's request.

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 2.1.(l), 7.2 and 11 thereof;

Having regard to the Multilateral Agreement relating to Route Charges, and in particular Article 12 thereof;

HEREBY TAKES THE FOLLOWING MEASURE:

Article 1

The Agreement 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 **28.04.95**



Dr Michael FRENDO

President of the Permanent Commission

**Agreement between the
European Organisation for the Safety of Air Navigation (EUROCONTROL)
and the Civil Aviation Authority of the United Kingdom**

The European Organisation for the Safety of Air Navigation (EUROCONTROL), hereinafter referred to as "the Organisation" represented by its Director General

and

the Civil Aviation Authority of the United Kingdom, hereinafter referred to as "the CAA" represented by [...]

Having regard to the International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960, as amended by the Protocol of 12 February 1981, hereinafter called "the amended Convention", and in particular to Article 2.1 (I), 6.3, 7.2 and 11 thereof;

Having regard to the Multilateral Agreement relating to Route Charges of 12 February 1981, hereinafter called "the Multilateral Agreement", and in particular to Article 12 thereof;

Having regard to the bilateral agreement under the form of an Exchange of Letters of 1 January 1986 between the Director General of EUROCONTROL and the United Kingdom's Ambassador at Brussels;

Having regard to Measure N° taken by the Permanent Commission on and confirmed by the enlarged Commission on;

have agreed as follows:

Article 1

The Organisation shall indemnify the CAA, its servants and agents against:

- a) their legal liability which may arise in respect of loss, damage or injury to aircraft (including the loss of use thereof) or to persons (including injury resulting in death) arising out of the detention of an aircraft by the CAA for default in the payment of EUROCONTROL route charges, pursuant to a request from EUROCONTROL, and
- b) the costs incurred by the CAA, its servants and agents, arising out of the detention, keeping or selling of such an aircraft, to the extent agreed beforehand in writing by EUROCONTROL and the CAA.

Article 2

The indemnity provided for in Article 1 above shall not apply where the loss, damage or injury to aircraft or persons is or are incurred by reason of the wilful default or gross negligence of the CAA, its servants or agents.

Article 3

Where an aircraft is detained by the CAA for default in payment of charges other than the EUROCONTROL route charges in respect of which EUROCONTROL has requested detention, that part of the costs incurred by the CAA, in respect of those other charges payable to the CAA, shall be borne by the CAA in proportion to the amount of those charges.

Article 4

Any dispute which may arise between EUROCONTROL and the CAA with regard to the interpretation or application of this Agreement and which cannot be settled by direct negotiation, shall be submitted for arbitration at the request of either Party.

In this event, the Parties shall apply the rules laid down in paragraphs 2, 3, 4 and 5 of Article 31 of the amended Convention and Article 25 of the Multilateral Agreement.

In witness whereof, the undersigned, having been duly authorised, sign this Agreement.

Done at Brussels on in two originals in the English language.

For the Civil Aviation Authority

For the European Organisation
for the Safety of Air Navigation

Director General