

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Measures of the Permanent Commission -

MEASURE N° 85/51

amending the Rules of Procedure of the Permanent Commission

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 its Article 9;

Having regard to the Protocol consolidating the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation, which was opened for signature on 27 June 1997, and in particular the consolidated version of the Convention annexed thereto, hereinafter referred to as "the revised Convention";

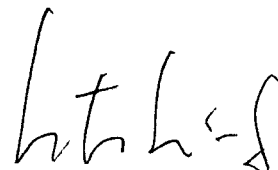
Having regard to the resolution on early implementation of the Protocol, unanimously adopted at the Conference of Plenipotentiaries on 27 June 1997, urging all Contracting Parties to participate, to the fullest extent possible, in the realisation of the early implementation of certain provisions in the revised Convention;

Considering the desirability of an early implementation, where appropriate, of certain provisions of the revised Convention and the need to amend for that purpose, inter alia, the Rules of Procedure of the Permanent Commission;

HEREBY TAKES THE FOLLOWING MEASURE:

With effect from 1 January 1998, the Rules of Procedure of the Permanent Commission which are at present in force shall be replaced by the provisions annexed hereto.

Done at Brussels on 9 December 1997.



Károly LOTZ
President of the Permanent Commission

REVISED
RULES OF PROCEDURE
OF THE
PERMANENT COMMISSION

Article 1 (Composition of the Commission)

1. The Permanent Commission for the Safety of Air Navigation, hereinafter called "the Commission", shall be composed of representatives of the Contracting Parties. Each Contracting Party may appoint several delegates in order, in particular, to allow the representation of the interests of both civil aviation and national defence, but shall have only one vote (Art. 5.1 of the amended Convention).
2. Non-Member States which are Members of the European Civil Aviation Conference (ECAC) shall be invited, where appropriate, to attend sessions of the Commission with observer status.
3. Where cooperation or association agreements so provide, non-Member States shall be invited to attend in an advisory capacity Commission proceedings concerning the subjects dealt with in such agreements.
4. The representatives of international organisations which can contribute to the work of the Organisation shall, where appropriate, be invited to attend part or all of the Commission proceedings with observer status. The Commission shall grant observer status to representative organisations of airspace users and airports and other international organisations sufficiently representative of civil aviation on the basis of criteria to be defined by the Commission.
5. The European Community, represented by the European Commission, may participate, with observer status, in the work of the Commission.

Article 2 (Presidency)

1. The Presidency shall be assumed in turn for one calendar year by a representative of each of the Contracting Parties.
2. The Presidency shall be assumed consecutively by the States signatories to the Protocol of 12 February 1981 amending the 1960 Convention, in French alphabetical order, followed by any other acceding States in the sequence of their accession.
3. In the absence of the President, sessions of the Commission shall be presided over by a Vice-President of the same nationality or, in his absence, the oldest representative present.

Article 3 (Frequency and convening of sessions)

1. The Commission shall ordinarily meet at least once a year and shall be convened by its President. The President shall further convene the Commission when requested to do so by at least one third of the Contracting Parties.
2. Notices convening the sessions shall be sent by letter or, in cases of urgency, by telex, and shall include the provisional agenda.

Article 4 (Agenda and working papers)

1. Prior to each session of the Commission, the Secretary shall draw up a provisional agenda and submit it to the President for approval. Any item proposed by a Contracting Party, the Provisional Council or the Committee of Management shall figure on the provisional agenda. The provisional agenda shall also include any item proposed by the Director General; however, the Director General shall first consult the President of the Provisional Council or the President of the Committee of Management whenever the item he wishes to propose affects the competence of these bodies.
2. Except in cases of urgency, the Secretary shall dispatch the relevant working papers at least three weeks before the opening of the session. However, working papers for information may be dispatched later.
3. The agenda shall be adopted by the Commission at the beginning of each session. A unanimous vote shall be required to place on the agenda any item not appearing on the provisional agenda.

Article 5 (Matters of procedure)

The conclusions of the Commission's deliberations relating to matters of procedure, including the setting-up of working groups, shall be reached on a majority vote by the Contracting Parties.

Article 6 (Quorum)

Except where the provisions of the amended Convention require a unanimous vote or a qualified majority, the deliberations of the Commission shall be valid when all but one of the Contracting Parties are represented.

Article 7 (Voting)

1. Voting shall be decided in accordance with the relevant provisions of the amended Convention. The voting rules provided by other relevant instruments of international law will only apply when the Commission acts on the basis of such instruments.
2. The Contracting Parties shall vote in French alphabetical order.
3. A Contracting Party may vote on behalf of another Contracting Party, subject to prior deposit of an instrument of proxy with the Secretary.

Article 8 (Approval by correspondence)

1. The Provisional Council and the Committee of Management may submit proposals to the Commission by correspondence. Proposals may also be submitted to the Commission by the Director General; however, the Director General shall first consult the President of the Provisional Council or the President of the Committee of Management wherever his proposals affect the competence of these bodies.
2. The Commission shall decide by correspondence on the proposals, which shall be approved by a majority or by a unanimous vote as required in the amended Convention. Each Contracting Party shall notify the Secretary of its vote (for, against or abstention) in writing (fax) or by telex by a specified date. Proposals submitted to the Commission by correspondence shall be deemed approved where the votes received by the Secretary by the specified date for reply represent the majority or unanimity laid down in the amended Convention (abstentions not being deemed votes cast).
3. If by the specified date for reply two or more Contracting Parties signify that the matter is not amenable to approval by correspondence, the matter at issue shall be placed on the agenda for the next session of the Commission.

Article 9 (Confidentiality of proceedings)

1. The sessions of the Commission shall not be public, unless the Commission unanimously decides otherwise.
2. The delegates may be assisted by experts. However, the Commission may decide to sit without experts to examine particular items on the agenda.

Article 10 (Minutes)

1. Minutes shall be drawn up by the Secretary after each session and shall be approved at the following session. The minutes shall be signed by the President in office at the time of their approval.
2. The texts referred to under Article 11 below shall be annexed to the minutes.

Article 11 (Acts of the Commission)

1. Acts of the Commission pursuant to the amended Convention, inter alia Article 6 thereof, shall be prefaced by the title "Decision", "Recommendation", "Directive" or "Measure", whichever is appropriate. They shall bear the signature of the President in office at the time of their adoption.

2. The relevant texts shall include:
 - a) the prefatory identification "The Permanent Commission for the Safety of Air Navigation";
 - b) reference to those provisions under which action is to be taken, preceded by the words "having regard to";
 - c) where appropriate, a statement of grounds, preceded by the word "whereas";
 - d) according to the case, the terms:
"takes the following Decision:"
"formulates the following Recommendation:"
"gives the following Directive to the Agency:"
"takes the following Measure:";
 - e) the date on which the act was done by the Commission.

Article 12 (Notification)

1. The President shall notify each of the Contracting Parties and the Agency of the Decisions, Recommendations and Directives, and of the measures taken by the Commission in exercising its supervisory power under the provisions of Article 6.1(b) of the amended Convention.
2. The President may entrust the Secretary with this task.

Article 13 (Secretariat)

The Commission shall appoint a Secretary from among the staff of the Agency.

Article 14 (Working Groups)

The Commission may set up working groups whose terms of reference it shall define.

Article 15 (Correspondence)

All correspondence to the Commission shall be addressed to the President at the Headquarters of the Organisation.

Article 16 (Languages)

The working languages of the Commission shall be German, English, Spanish, French, Greek, Italian, Dutch, Portuguese, Turkish, one of the three Scandinavian languages on a rotation basis using one single interpretation channel, and the language of the President if this is not one of the aforementioned languages and if he/she wishes to use it.

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