

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Measures of the Permanent Commission -

MEASURE N° 85/52

approving the Rules of Procedure of the provisional Council

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;

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;

Having regard to Decision No. 72 on early implementation of certain provisions in the revised Convention, in particular on the establishment of a provisional Council, and paragraph 4 thereof;

HEREBY TAKES THE FOLLOWING MEASURE:

The attached draft Rules of Procedure of the provisional Council are hereby approved and shall enter into force on 1 January 1998.

Done at Brussels on 9 December 1997.



Károly LOTZ

President of the Permanent Commission

**RULES OF PROCEDURE
OF THE
PROVISIONAL COUNCIL**

Article 1 (Composition of the Provisional Council)

1. The Provisional Council shall be composed of representatives of the Contracting Parties at the level of the Directors General of Civil Aviation. Each Contracting Party may appoint several representatives in order, in particular, to allow the interests of both civil aviation and national defence to be represented, but shall have only a single voting right.
2. Participation in the sessions of the Provisional Council shall be open to States whose applications to join EUROCONTROL have been accepted by the Permanent Commission but which are not yet Members. Such States shall be invited to attend Provisional Council sessions with observer status until they become Members.
3. Where special agreements with non-Contracting Parties make provision therefor, such Parties shall be invited to attend the Provisional Council's proceedings with observer status.
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 Provisional Council's proceedings with observer status. The Provisional Council 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 Provisional Council.
5. The European Community, represented by the European Commission, may participate, with observer status, in the work of the Provisional Council.
6. Where so required by the agenda, the President may, on behalf of the Provisional Council, convene a meeting without the presence of the observers referred to in paragraphs 2, 3, 4 and 5 above.

Article 2 (Presidency)

1. The Provisional Council shall elect a President and a Vice-President from among the members of the Provisional Council for a term of one calendar year, renewable for a maximum of one further year.
2. In the absence of the President, sessions of the Provisional Council shall be presided over by the Vice-President.

Article 3 (Frequency and convening of sessions)

1. The Provisional Council shall meet once a year (November/December) in order to prepare the Agency's annual and five-year work programmes as well as the budget, the five-year financial plan and the management regulations, to resolve conflicts between priorities and adopt strategy objectives, i.e. ultimately to prepare as a general rule all measures which are binding on the Contracting Parties. It may also meet as necessary to advise the Permanent or enlarged Commission on proposals initiated by the Agency and on the supervision of the work of the Agency and in order to prepare any measures to be taken by the Permanent or enlarged Commission.
2. Sessions shall be convened by written notification sent by the Secretary by post or by electronic means subject to four weeks' notice. They shall be accompanied by the provisional agenda.

Article 4 (Agenda and working papers)

1. Prior to each session of the Provisional Council, the Secretary shall draw up a provisional agenda and submit it to the President for approval. The President shall approve the agenda on behalf of the Provisional Council. Any item to be placed on the agenda at the request of a Contracting Party, an observer as defined in Article 1.2 and 1.3 or the Director General may figure on the provisional agenda.
2. Except in cases of urgency, the Secretary shall dispatch the relevant working papers and the final version of the provisional agenda at least three weeks before the opening date of the session. Working papers for information purposes may however be dispatched later.
3. The agenda shall be adopted by the Provisional Council at the beginning of each session. A double weighted majority (more than half of the Contracting Parties voting, more than half of the weighted votes cast according to the weighting provided for in Article 8 of the amended Convention) shall be required to place on the agenda any item not appearing on the provisional agenda.
4. Any item on the provisional agenda for which the relevant working paper(s) has (have) not been transmitted at least three weeks before the opening date of the session shall be removed from the agenda unless it is agreed by a double weighted majority to discuss the item in question.
5. Following such discussion, a proposal for a decision may be put to the vote subject to a unanimous decision to that effect; in that event, notwithstanding the provisions of Article 6.6, any Contracting Party may reserve the right to notify the Secretary of its vote in writing within three weeks.
6. Where this right is exercised, voting shall not be deemed to be closed until the Secretary has received all the votes cast in writing. In the event of any Contracting Party failing to notify the Secretary of its vote in writing within three weeks, this vote shall be considered as an abstention.

Article 5 (Quorum)

The quorum for sessions of the Provisional Council shall consist of at least two-thirds of the representatives, entitled to vote, of the Contracting Parties. If the quorum is not attained, the deliberations shall be deferred until a session to be convened at a later date not earlier than ten days after the preceding session; at that session a quorum shall consist of at least half the representatives entitled to vote.

Article 6 (Voting)

1. Decisions taken by the Provisional Council shall be taken by a majority of the votes cast, on condition that the said majority represents at least three-quarters of the weighted votes cast, according to the weighting provided for in Article 8 of the amended Convention, and at least three-quarters of the Contracting Parties casting a vote.
2. The Contracting Parties shall vote according to the alphabetical order of their names in French.

3. A Contracting Party may vote on behalf of another Contracting Party, subject to the prior deposit of an instrument of proxy with the Secretary.
4. Abstentions shall not be deemed to be votes cast.
5. Without prejudice to the procedure applicable in the special case referred to in Article 4.5, the Provisional Council may authorise Contracting Parties which so request to notify the Secretary in writing of their vote. In that event, a decision shall be deemed to have been taken when the necessary majority is attained in accordance with the decision-making/voting rules established for the Provisional Council.

Article 7 (Approval by correspondence)

1. Between sessions, the Director General may ask the Provisional Council to signify its agreement on routine matters and certain issues of particular importance by correspondence if he considers an urgent decision to be required.
2. The Provisional Council shall decide by correspondence on the proposals, which shall be approved in accordance with the provisions of Article 6.1 of these rules of procedure. Each Contracting Party shall notify the Secretary of its vote (for, against or abstention) by letter sent by post or electronic means within four weeks. Proposals submitted to the Provisional Council by correspondence shall be deemed to have been approved where the votes received by the Secretary within the specified period represent the majority provided for in Article 6.1 of these rules of procedure. Should any Contracting Party fail to reply within the specified period, it shall be deemed to have abstained.
3. If by the specified date for reply at least twenty percent of the Contracting Parties' representatives entitled to vote 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 Provisional Council.

Article 8 (Confidentiality of proceedings)

1. The sessions of the Provisional Council shall not be public, unless the Provisional Council decides otherwise by a double weighted majority.
2. The representatives of the Contracting Parties, non-Contracting Parties, users' organisations and international organisations recognised by the Provisional Council may be assisted by experts.
3. The Provisional Council may decide to examine particular items in a restricted sitting of the Heads of delegation of the Contracting Parties in which only the Director General of the Agency and the Directors involved take part.

Article 9 (Minutes)

1. At the end of each session the Provisional Council shall approve its written decisions. The Contracting Parties and observers as defined in Article 1.2, 1.3 and 1.4 may formally register their disapproval of a decision by the Provisional Council if discussion fails to reconcile differences.

2. 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.

Article 10 (Incompatibility of functions)

The status of a representative of a Contracting Party in the Provisional Council shall be incompatible with any position or function, whether paid or unpaid, in any profit-seeking private business, the activities of which, where unrelated to their role in the national air navigation services, are directly or indirectly related to those of EUROCONTROL.

Article 11 (Allowances)

The office of member of the Provisional Council shall be unremunerated.

Article 12 (Commissions, Standing Committees and Working Groups)

In addition to the Commissions and the Civil/Military Interface Standing Committee established by the Permanent Commission, the Provisional Council may, where it deems it necessary, be assisted by other Committees of experts in the Organisation's areas of activity.

The representative organisations of airspace users and airports and other international organisations recognised by the Provisional Council and the States referred to in Article 1.2, shall be invited to participate, with observer status, in the technical/operational activities in the framework of the Committees, Working Groups, Teams, Study Groups and Task Forces. They shall also be invited to participate, with observer status, in specific consultation meetings of the Committees, Working Groups, Teams, Study Groups and Task Forces in the field of EUROCONTROL management, budgetary and financial activities. The States referred to in Article 1.2, may be invited to participate, with observer status, in meetings of the Committees and Working Groups.

However, where so required by the agenda, the President may convene a meeting without the presence of the observers referred to in Article 1.2, 1.3 and 1.4.

Article 13 (Logistical support and Secretariat)

The Agency shall be obliged to provide logistical support and the services required for the proper functioning of the Provisional Council, including a qualified Secretary and appropriate secretariat services.

Article 14 (Correspondence)

All correspondence to the Provisional Council shall be addressed to the President at the headquarters of the Organisation.

Article 15 (Languages)

1. The deliberations of the Provisional Council shall be conducted in German, English, Spanish, French, Greek, Italian, Dutch, Portuguese, Turkish, one of the three Scandinavian languages on a rotation basis using one single channel, and the language of the President if this is not included in the list of languages mentioned above and if he/she wishes to use his/her language.
2. General correspondence and all working papers of the Provisional Council shall be presented in English and French. Working papers and correspondence dealing with financial and personnel matters, and all agendas, shall also be presented in the languages which are currently used in the Provisional Council's deliberations.

