

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Measures of the Permanent Commission

MEASURE N° 85/53

amending the Rules of Procedure of the Committee of Management

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 Articles 6.1 (b) and 7.3 and Article 6 of its Annex 1 (Statute of the Agency);

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;

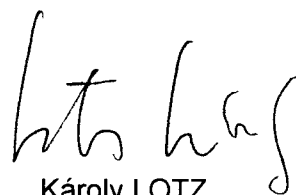
Considering the desirability of an early implementation, where appropriate, of certain provisions of the revised Convention and the need to amend for that purpose, inter alia, the Rules of Procedure of the Committee of Management;

On the proposal of the Committee of Management;

HEREBY TAKES THE FOLLOWING MEASURE:

With effect from 1 January 1998, the Rules of Procedure of the Committee of Management 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
COMMITTEE OF MANAGEMENT

Article 1 (Composition of the Committee)

1. The Committee of Management, hereinafter called “the Committee”, shall be composed of representatives of each of the Member States, which may appoint several representatives in order to allow in particular the representation of the interests of both civil aviation and national defence. Each representative shall have an alternate who shall validly represent him if he is unable to be present.
2. 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 Committee proceedings with observer status. The Committee 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 Committee.
3. The European Community, represented by the European Commission, may participate, with observer status, in the work of the Committee.

Article 2 (Presidency and Secretariat)

1. The Committee shall elect a President and a Vice-President from among the representatives of Member States for a term of one calendar year, the presidency and the vice-presidency being assumed consecutively by each of the States signatory to the Protocol of 12 February 1981 amending the 1960 Convention, in rotation according to French alphabetical order, followed by any other Member States in the sequence of their accession to the Convention. The Vice-President shall normally succeed the President at the end of his term of office.
2. In the absence of the President, sessions of the Committee shall be presided over by the Vice-President or, in his absence, the oldest representative present.
3. The Committee shall appoint a Secretary from the personnel of the Agency.

Article 3 (Frequency and convening of sessions)

1. The Committee shall meet when necessary. Furthermore, the President shall convene the Committee when requested to do so by at least one-third of the Member States.
2. Notices convening the sessions shall be sent by the Secretary by letter, or in cases of urgency, by telegram, and shall include the provisional agenda.

Article 4 (Agenda and working papers)

1. Prior to each session of the Committee, the Secretary shall draw up a provisional agenda and submit it to the President for approval. Any item to be placed on the agenda at the request of a Member State, or the Provisional Council, or the Director General shall figure on the provisional agenda.
2. Except in cases of urgency, duly explained in the notice convening the session, the Secretary shall dispatch the provisional agenda, together with 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 Committee at the beginning of the session. A unanimous vote 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 forwarded at least three weeks before the session shall be removed from the agenda unless there is unanimous agreement 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 such an event, notwithstanding the provisions of Article 7.1, any Member State may reserve the right to notify the Secretary of his vote in writing within three weeks.
6. Where this right is exercised, voting shall not be deemed closed until the Secretary has received all the votes cast in writing. In the event of any Member State failing to notify the Secretary of its vote in writing within three weeks, the item shall automatically be placed on the agenda for the next session of the Committee.

Article 5 (Quorum)

1. For sessions of the Committee, a quorum shall consist of the representatives, entitled to vote, of three-quarters of the Member States.
2. 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 number of representatives entitled to vote.

Article 6 (Voting)

1. Voting shall be carried out in accordance with the provisions of the Statute of the Agency in Annex 1 to the Convention.
2. Should an equal number of votes be cast for and against the proposal, the President shall decide either to take a second vote during the same session, or to include the proposal in the agenda of a further session for which he shall fix the date. Should an equal number of votes again be cast during the further session, the President shall have a casting vote.

Article 7 (Voting sequence and proxies)

1. The representatives of the Member States shall vote according to the alphabetical sequence in French of the names of their States.
2. The representative of a Member State may vote on behalf of another Member State, subject to an instrument of proxy being deposited with the President.

Article 8 (Written notification of votes)

Without prejudice to the procedure applicable in the special case referred to in Article 4.5, and notwithstanding the provisions of Article 7.1, the Committee may authorise Member States who so request to notify the Secretary in writing of their vote. In such an event, a decision shall be deemed taken when the necessary majority is attained in accordance with Article 9.2 of the Statute of the Agency in Annex 1 of the Convention.

Article 9 (Agreement by correspondence)

1. The Provisional Council or the Director General may ask the Committee to give its agreement on routine matters by correspondence.
2. Votes for and against a proposal, and any abstentions, shall be notified to the Secretary in writing (fax) or by telex by a specified date. Proposals submitted to the Committee by correspondence shall be deemed approved where the votes received by the Secretary by the specified date for reply represent the weighted majority of votes cast (abstentions not being deemed votes cast).
3. If by the specified date for reply two or more 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 Committee.

Article 10 (Confidentiality of proceedings)

1. The sessions of the Committee shall not be public, unless the Committee unanimously decides otherwise.
2. The representatives of the Member States may be assisted by experts.
3. The Committee may decide to examine particular items in a restricted sitting in which only the Director General of the Agency and the Directors involved take part.

Article 11 (Minutes)

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 12 (Functional incompatibility)

Any position or function, whether paid or unpaid, in any profit-seeking private business, the activities of which are directly or indirectly related to those of EUROCONTROL, shall be incompatible with the status of representative of a Member State in the Committee.

Article 13 (Allowances)

The office of membership of the Committee is unremunerated.

Article 14 (Working groups)

The Committee may set up standing or ad hoc working groups to assist the Committee in its work in accordance with terms of reference.

Article 15 (Correspondence)

All correspondence to the Committee shall be addressed to the President at Agency Headquarters.

Article 16 (Languages used)

The deliberations of the Committee shall be conducted in German, English, Spanish, French, Greek, Italian, Dutch, Portuguese, Turkish, one of the 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.