

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Measures of the Permanent Commission -

MEASURE No. 87/71

authorising the Agency to sign an Agreement with the French Republic concerning the protection of IFPU2

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, as amended by the Protocol signed at Brussels on 12 February 1981, and in particular Articles 7.2 and 11.3 thereof;

on the proposal of the Director General and the Provisional Council

HEREBY TAKES THE FOLLOWING MEASURE:

1. The Agency is authorised to sign an Agreement with the French Republic concerning the protection of Unit 2 of the Integrated Initial Flight Plan Processing System ("IFPU2") at Brétigny-sur-Orge on the basis of the attached draft Agreement.
2. The Agreement shall be signed on behalf of the Organisation by the Director General of the Agency.

Done at Brussels, on 13 December 1999


D.J. FJÆRVOLL
President of the Commission

**Agreement with the French Republic concerning the protection of Unit 2 of the
Integrated Initial Flight Plan Processing System (IFPU2)**

BETWEEN

The European Organisation for the Safety of Air Navigation, represented by its Director General,

hereinafter referred to as the "the Organisation",
of the one part,

AND

the Ministry of Infrastructure, Transport and Housing, represented by the Director General of Civil Aviation,

hereinafter referred to as "the DGCA",
of the other part,

Desiring to improve the security of the installations of Unit 2 of the Integrated Initial Flight Plan Processing System, hereinafter referred to as IFPU2, operated by the Organisation in the Paris defence zone for the purpose of handling air traffic in Europe;

Having regard to the Convention on International Civil Aviation signed in Chicago on 7 December 1944, in particular Article 37 thereof and Annex 17 thereto;

Having regard to the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation signed in Brussels on 13 December 1960, as amended by the Amending Protocol of 12 February 1981, hereinafter referred to as "the amended Convention", and in particular Articles 11.3, 33 and 34 thereof and Article 13.2 of Annex 1 thereto;

Having regard to Measure No. _____ of the Permanent Commission, dated _____, authorising the Organisation to sign an Agreement with the French State concerning the protection of the installations housing IFPU2;

Having regard to Order of the French Republic No. 58-1371, dated 29 December 1958, aimed at enhancing the protection of installations of vital importance;

Having regard to Order of the French Republic No. 59-147, dated 7 January 1959, relating to the general organisation of defence;

Having regard to general interministerial instruction of the French Republic No. 4600, dated 8 February 1993, relating to the security of sensitive points and networks;

Having regard to Agreement A/20/CE/67, dated 11 May 1967, relating to the provision of EUROCONTROL with French public land in the Paris defence zone;

HAVE HEREBY AGREED AS FOLLOWS

Article 1

The Parties agree to implement, in accordance with the procedures defined by the legal provisions in force in France, the necessary measures for the designation of the installations of IFPU2 as installations of vital importance to air navigation and for their classification in the protected network concerned.

The aim of such designation and classification shall be inter alia to ensure continuity of air navigation and of the international public service provided by IFPU2.

Article 2

The Parties agree as follows:

- The Minister responsible for Transport (DGCA) shall define, in agreement with the Organisation, all measures concerning the external protection and security of the installations designated in Article 1 of the present Agreement, inter alia its specific protection plan.
- The Organisation shall draw up the specific protection plan and apply the measures contained therein.

Article 3

The Minister responsible for Transport (DGCA) hereby undertakes to complete the formalities incumbent upon him as required by the designation and classification procedures with the national authorities.

Article 4

The Organisation shall appoint a correspondent of French nationality to represent it in the State services to be tasked with the external protection measures, and in the air traffic control service (SCTA), the national network's functional authority.

Article 5

The Minister responsible for Transport (DGCA) shall hold the Organisation harmless in respect of any action for damages brought in connection with loss or damage arising from execution of the provisions of the present Agreement, unless such loss or damage is the result of negligence on the part of the Organisation or its staff.

Article 6

Any dispute arising between the Parties concerning the interpretation or implementation of the present Agreement which cannot be resolved, at the request of either Party, by direct negotiation or other method shall be submitted to arbitration in accordance with the procedure defined in Article 31 of the amended Convention.

Article 7

The Parties agree to put in place the necessary provisions to guarantee the strict confidentiality of the measures implemented in application of the present Agreement.

Article 8

1. The present Agreement shall enter into force for an unlimited period as from the date on which the Parties give notice of completion of the initial phase of the required measures. It may be revised at the request of either Party.
2. Either Party may terminate the present Agreement subject to one year's notice.
3. The present Agreement shall be drawn up in two original copies in the French language, each to be retained by one of the two signatories.

Done at _____, on _____

For the Ministry of Infrastructure, Transport
and Housing,

For the Organisation,

P. GRAFF
Director General of Civil Aviation

Y. LAMBERT
Director General of EUROCONTROL