

**No. 54829\***

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**Netherlands (for the European part of the Netherlands)  
and  
European Organization for the Safety of Air Navigation**

**Agreement between the Kingdom of the Netherlands and the European Organization for the Safety of Air Navigation relating to the provision of air traffic services to operational air traffic. Brussels, 28 August 2017**

**Entry into force:** *28 August 2017 by signature, in accordance with article 14*

**Authentic text:** *English*

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**Pays-Bas (pour la partie européenne des Pays-Bas)  
et  
Organisation européenne pour la sécurité de la navigation  
aérienne**

**Accord entre le Royaume des Pays-Bas et l'Organisation européenne pour la sécurité de la navigation aérienne relatif à la fourniture de services de la circulation aérienne pour la circulation aérienne opérationnelle. Bruxelles, 28 août 2017**

**Entrée en vigueur :** *28 août 2017 par signature, conformément à l'article 14*

**Texte authentique :** *anglais*

**Enregistrement auprès du Secrétariat de l'Organisation des Nations Unies :** *Pays-Bas, 20 décembre 2017*

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**Agreement between the Kingdom of the Netherlands and the European Organisation for the Safety of Air Navigation relating to the Provision of Air Traffic Services to Operational Air Traffic**

The Kingdom of the Netherlands, hereinafter referred to as “the Netherlands”, and the European Organisation for the Safety of Air Navigation (EUROCONTROL), hereinafter referred to as “the Organisation” and, hereinafter jointly referred to as “the Parties”;

Having regard to the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation as amended at Brussels in 1981 (“the amended Convention”);

Having regard to Article 2, paragraph 2 (b), Article 6, paragraph 3, Article 7, paragraph 2, Article 11 and Article 12 of the amended Convention;

Having regard to Decision No. 71 of the Permanent Commission of 9 December 1997 on early implementation of certain provisions in the revised Convention, in particular in respect of the role and duties of the Organisation;

Having regard to Decision No. 72 of the Permanent Commission of 9 December 1997 on early implementation of certain provisions in the revised Convention, in particular on the establishment of a Provisional Council;

Having regard to the Agreement relating to the Provision and Operation of Air Traffic Services and Facilities by EUROCONTROL at the Maastricht Area Control Centre, signed at Brussels on 25 November 1986 (hereinafter referred to as “the Maastricht Agreement”);

Whereas the Netherlands wishes to integrate civil-military air traffic services in the Amsterdam Flight Information Region with the objective to improve the overall performance of the air traffic management system for the benefit of both civil and military airspace users;

Whereas, in order to achieve the desired integration of civil-military air traffic management services in the entire Dutch airspace, the Netherlands intends to entrust the Organisation with the provision of air traffic services for operational air traffic in the upper airspace of the Amsterdam Flight Information Region at Maastricht Upper Area Control Centre;

Whereas the purpose of this Agreement is to establish the conditions pursuant to which the Organisation shall provide air traffic services to OAT in the upper airspace of the Amsterdam FIR;

Having regard to Measure No. 15/216 of the Permanent Commission of 9 December 2015 authorising the Organisation to negotiate and conclude an agreement in this regard;

Whereas amendments of the Maastricht Agreement may have an impact on the present Agreement and that the present Agreement may therefore need to be amended;

Whereas the Parties commit to keep the present agreement aligned with the Maastricht Agreement to the fullest possible extent to ensure its proper functioning;

Have agreed as follows:

#### Article 1

##### *Definitions*

For the purpose of this Agreement:

- a) the term Agency means: Agency of the European Organisation for the Safety of Air Navigation (EUROCONTROL);
- b) the term Agreement means: this Agreement, the contracts drawn up in application thereof under Articles 4 and 8, as well as any amendment to the Agreement or the contracts;
- c) the term Amsterdam FIR means: Amsterdam Flight Information Region;
- d) the term Director General means: Director General of the Agency of the European Organisation for the Safety of Air Navigation (EUROCONTROL)
- e) the term MAA means: Military Aviation Authority of the Netherlands;
- f) the term MUAC means: the Maastricht Upper Area Control Centre;
- g) the term Maastricht Agreement means: the Agreement relating to the Provision and Operation of Air Traffic Services and Facilities by EUROCONTROL at the Maastricht Area Control Centre, signed at Brussels on 25 November 1986;
- h) the term Ministry of Defense means: Ministry of Defense of the Netherlands;
- i) the term OAT means: operational air traffic, i.e. flights that are not conducted in accordance with the rules and procedures established by the International Civil Aviation Organization;
- j) the term TRA means: Temporary Restricted Area;
- k) the term NSA means: the National Supervisory Authority of the Netherlands.

#### Article 2

##### *Mandate*

1. The Netherlands shall entrust the Organisation pursuant to Article 2, paragraph 2 (b), of the amended Convention with the provision and operation of air traffic services and facilities for OAT in the Amsterdam FIR within the lateral and vertical limits mentioned in Annex I of the Maastricht Agreement, i.e. above Flight Level 245 in the Amsterdam FIR, to the extent and in the manner prescribed in this Agreement. For this purpose, the Organisation shall employ the facilities at MUAC, and shall provide the staff required for the operation and maintenance of the Centre.
2. Article 1, paragraph 2, of the Maastricht Agreement with regard to certain competences and obligations of the Netherlands shall remain unaffected.
3. Notwithstanding paragraph 1 of this Article, the Organisation shall not be responsible for the provision and operation of air traffic services and facilities for OAT in the TRA North Bravo area within the Amsterdam FIR.

#### Article 3

##### *General responsibilities of the Organisation*

1. The Organisation shall be responsible to provide air traffic services to OAT in the airspace mentioned in Article 2 of this Agreement in accordance with the service requirements defined pursuant to its Article 4, paragraph 1, and the regulations and instructions concerning the provision of the services pursuant to this Agreement.
2. The Organisation shall determine the operational and technical measures required for the operation of air traffic services under this Agreement, with the aim of ensuring the safety, efficiency and expeditious flow of OAT through the most cost-effective means. For this purpose, the Organisation shall:
  - a) establish through its Agency the means required for the discharge of its task pursuant to Annex I of the amended Convention (Statute of the Agency);
  - b) ensure maximum compatibility between the services provided by MUAC pursuant to the Maastricht Agreement and pursuant to this Agreement as well as with the services provided by the Netherlands in the airspace under its control;
  - c) agree with the Netherlands on the manner in which the facilities referred to in Article 4, paragraph 5, of this Agreement shall be operated.