

CEATS Termination Agreement

***Agreement on the termination of the
Agreement relating to the provision of air traffic services and facilities by
EUROCONTROL at the Central European Air Traffic Services (CEATS) Upper Area
Control Centre of 27 June 1997 and the
Special Agreement concerning the implementation of Article 6 of the CEATS
Agreement***

(Hereafter referred to as "the Termination Agreement")

Between

The Republic of Austria

Bosnia and Herzegovina

The Republic of Croatia

The Czech Republic

The Republic of Hungary

The Republic of Italy

The Slovak Republic

The Republic of Slovenia

collectively referred to as "the States"

and EUROCONTROL, the European Organisation for the Safety of Air Navigation;

collectively referred to as "the Parties".

Whereas the Agreement relating to the provision and operation of air traffic services and facilities by EUROCONTROL at the Central European Air Traffic Services (CEATS) Upper Area Control Centre (hereafter referred to as "the CEATS Agreement"), signed on 27 June 1997 by the Republic of Austria, Bosnia and Herzegovina, the Republic of Croatia, the Czech Republic, the Republic of Hungary, the Republic of Italy, the Slovak Republic, the Republic of Slovenia and EUROCONTROL, entered into force on 28 August 2004 following the ratification of the Agreement by five of the signatory States;

Whereas the Special Agreement concerning the implementation of Article 6 of the CEATS Agreement (hereafter referred to as "the Special Agreement") signed on 27 June 1997 by the Republic of Austria, Bosnia and Herzegovina, the Republic of Croatia, the Czech Republic, the Republic of Hungary, the Republic of Italy, the Slovak Republic, the Republic of Slovenia entered into force on 28 August 2004 for five States which ratified the CEATS Agreement;

Having regard to Measure No. 85/44 of 6 June 1997, Measure No. 85/45 of 6 June 1997 and Measure No. 87/66 of 10 June 1999 of the EUROCONTROL Permanent Commission

regarding the conclusion of the CEATS Agreement and the establishment of CEATS Upper area control centre support facilities.

Having regard to Measure No. 08/146 of 13 November 2008 and Measure No 10/162 of 20 July 2010 respectively authorising the EUROCONTROL Agency to open negotiations for the conclusion of this Agreement and authorising its signature.

Having regard to the decisions taken by the CEATS Coordination Group (hereafter referred to as "the CCG") at its 20th meeting on 28 March 2008;

Having regard to the joint Declaration by the Ministers of Transport of the Republic of Austria, Bosnia and Herzegovina, the Republic of Croatia, the Czech Republic, the Republic of Hungary, the Slovak Republic and the Republic of Slovenia done in Luxembourg on 12 June 2008 regarding the start of the process to terminate the CEATS Agreement;

Whereas certain elements of the CEATS Agreement have been provisionally applied by all signatory States since its signature, as reflected by decisions of the Permanent Commission and actions agreed upon by the CCG;

Whereas the Parties wish to jointly terminate the CEATS Agreement;

Whereas the Parties, taking into account European developments, intend to strengthen their efforts towards the establishment of Functional Airspace Block(s), in accordance with the Single European Sky regulations;

Whereas, in accordance with general principles of international law, reflected in the Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations, termination of an instrument of international law can take place by consent of all Parties;

Therefore the Parties have agreed as follows:

ARTICLE 1

- 1.1 The Parties hereby jointly terminate the CEATS Agreement. The Parties are released from any and all obligations arising out of, or otherwise related to, the CEATS Agreement, with the exception of those financial obligations referred to in Article 2 to this Agreement.
- 1.2 The States hereby jointly terminate the Special Agreement. The States are released from any and all obligations arising out of, or otherwise related to, the Special Agreement, with the exception of those financial obligations referred to in Article 2 to this Agreement.

ARTICLE 2

The Parties shall be bound by the financial obligations resulting from the application or provisional application of the CEATS Agreement and/or, as appropriate, the Special Agreement, prior to their termination. All financial obligations are detailed at Annex 1.

ARTICLE 3

- 3.1 The Parties hereby grant each other the right to access and to use the documents and related material developed during the CEATS project as appropriate and at no charge.
- 3.2 Any intellectual property rights which may have resulted from the application of the CEATS Agreement and/or the Special Agreement, unless otherwise agreed prior to the termination of the CEATS Agreement and Special Agreement, shall be the property of all Parties. Each Party grants to the other Parties the right to access and use of the jointly owned intellectual property rights and to share this right with their respective ANSPs.

ARTICLE 4

Any disputes which may arise relating to the interpretation or application of this Agreement or its annexes shall be settled by final and binding arbitration in accordance with the Permanent Court of Arbitration Optional Rules for Arbitration between International Organisations and States, as in effect on the date of the dispute.

ARTICLE 5

- 5.1 This Agreement shall be subject to ratification, signature, acceptance or approval in accordance with the internal procedures of the States.
- 5.2 Instruments of ratification, signature, acceptance or approval shall be deposited with the Government of the Kingdom of Belgium.
- 5.3 EUROCONTROL shall become a Party to this Agreement by its signature.
- 5.4 This Agreement shall enter into force for all Parties on the thirtieth day following the date of deposit of the last instrument of ratification, signature, acceptance or approval to this Agreement by the States.

Done in the Bosnian, Croatian, Czech, English, French, German, Hungarian, Italian, Serbian, Slovak and Slovene languages, in a single original, which shall remain deposited in the archives of the Government of the Kingdom of Belgium, which shall transmit certified copies to the Governments of the other Member States of EUROCONTROL and EUROCONTROL itself. In case of any inconsistency, the text in the English language shall prevail.

Annex 1

Agreement on the termination of the Agreement relating to the provision and operation of air traffic services and facilities by EUROCONTROL at the Central European Air Traffic Services (CEATS) Upper Area Control Centre of 27 June 1997

Financial Obligations

The Table below represents the contributions agreed by the States at CCG/20 Meeting as well as the payments arrangement with Italy (CCG/15 – further to Italy's decision in 2005 not to proceed with the ratification of the CEATS Agreement) for the years 2008-2010 (**amounts in k EURO**).

Part VI - CEATS	
<u>See Annex 1 WP 3 CCG/20</u>	Total 2008-2010
Expenditure:	
Staff Close Down costs (Paid to Part IV - Support to FABCE)	9,105
Operating Expenditure (CRDS Building rent, paid directly from Part VI)	1,233
Total Expenditure	10,338
Receipts:	
Italy Payments	-2,378
Total Receipts	-2,378
<u>Expenditure Receipts</u>	<u>7,961</u>
<i>Payment by States</i>	-7,961
Balance	0

<u>Sharing Keys 2008</u>	<u>percentage</u>	Payment by States
		Total 2008-2010
Hungary	22.0541	1,756
Austria	26.2322	2,088
Slovenia	3.6895	294
Czech Rep.	20.2532	1,612
Slovak Rep.	8.0911	644
Croatia	13.6396	1,086
Bosnia-Herzegovina	6.0403	481
	<u>100.0000</u>	<u>7,961</u>

Done at Brussels on 12th May 2011

Per la Repubblica italiana
For the Republic of Italy

Alessio Quaranta

Done at Brdo pri Kranju on 5th May 2011

Für die Republik Österreich
or the Republic of Austria

Doris Bures

Za Republiku Bosnu i Hercegovinu
За Републику Босну и Херцеговину
For Bosnia and Herzegovina

Djordje Ratkovica

Za Republiku Hrvatsku
For the Republic of Croatia

Danijel Mileta

Za Českou republiku
For the Czech Republic

Ivo Vykydal

Za Magyar Köztársaság
For the Republic of Hungary

Tamás Iván Kovács

Za Slovenskú republiku
For the Slovak Republic

Ján Figel'

Za Republiko Slovenijo
For the Republic of Slovenia

Patrik Vlačič

Für die Europäische Organisation für Flugsicherung
Za Evropsku agenciju za bezbjednost vazdušne plovidbe
За Европску агенцију за безбједност ваздушне пловидбе
Za Evropsku organizaciju za sigurnost zračne plovidbe
Za Evropskou organizaci pro bezpečnost leteckého provozu
Za Európai Szervezet a Légi Közlekedés Biztonságáért
Per l'Organizzazione europea per la sicurezza
della navigazione aerea
Za Európsku organizáciu pre bezpečnosť letovej prevádzky
Za Evropsko organizacijo za varnost zračne plovbe
Pour l'Organisation européenne pour la sécurité
de la navigation aérienne
For the European Organisation for the Safety of Air Navigation:

David McMillan