

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Directives of the Permanent Commission -

DIRECTIVE N°23/114

requesting the Agency to extend the European ATM Voluntary Solidarity Fund established by CN Directive No 22/111 of 24 November 2022, to continue to support Ukraine and the Republic of Moldova in sustaining, for 2024, ATM/ANS costs for staff, training and any other costs to ensure operational readiness when air traffic recovers

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 of 13 December 1960, as amended by the Protocol signed at Brussels on 12 February 1981 and in particular Articles 6.1(b) and 7.3 thereof;

Having regard to Decision No 22/138 of the Permanent Commission of 24 November 2022 entrusting the Organisation with the task of creating voluntary solidarity funds in support of one or more Member States in air traffic crisis situations;

Having regard to Directive No 22/111 of 24 November 2022 requesting the Agency to establish and manage a European ATM Voluntary Solidarity Fund to support Ukraine and the republic of Moldova in sustaining, for 2022 and 2023, staff/training costs and any other costs to ensure operational readiness when air traffic recovers;

Considering that at this stage the conflict in Ukraine is still on going and the airspace of the Republic of Moldova is still strongly impacted by the current war in Ukraine;

Considering that Ukraine and the Republic of Moldova are in a situation impacting the exercise of their responsibilities vis-à-vis the provision of air navigation services in their respective airspace, with the resulting impact on the staff and infrastructure which are essential to keep and maintain until air traffic recovers;

Considering that this situation constitutes an air traffic crisis situation due to reasons beyond Ukraine's and the Republic of Moldova's control;

Considering the missing revenues resulting from the loss of air traffic and the necessity to support Ukraine and the Republic of Moldova in sustaining for 2024 ATM/ANS costs related to staff, training and any other costs to ensure operational readiness when air traffic recovers;

Considering Member States' willingness to apply, on a voluntary basis, the solidarity principle, also in order to safeguard the continuum and integrity of the network when traffic recovers in Ukraine's airspace and in the Republic of Moldova's airspace;

Considering that in accordance with the Financial Regulations applicable to the Route Charges System, and in particular Article 4 thereof, the route charges collected may be distributed to recipients designated by the States;

On the proposal of the Provisional Council;

GIVES THE FOLLOWING DIRECTIVE TO THE AGENCY:

Article 1

The Agency shall extend the European ATM Voluntary Solidarity Fund in order to support Ukraine and the Republic of Moldova in sustaining, for 2024, ATM/ANS costs related to staff, training and any other costs to ensure operational readiness when air traffic recovers for a total amount of 37.326 MEUR.

Article 2

The principles governing the functioning of the European ATM Voluntary Solidarity Fund at Annex 1 shall apply to the functioning of the Fund in relation to the support to Ukraine and the Republic of Moldova in sustaining 2024 costs.

Article 3

The Special Agreements with Ukraine and the Republic of Moldova relating to the requirements for the use of this European ATM Voluntary Solidarity Fund and all associated administrative and governance arrangements shall be extended accordingly.


Article 4

Any amount still remaining in the Fund to be used to cover 2022 and 2023 costs, which has not been requested by Ukraine and the Republic of Moldova by 1 December 2023 shall be reimbursed to the contributing States in proportion to the contribution key adopted in CN Directive No 22/111 in line with the table attached therein.

Article 5

This Directive shall enter into effect at the date of its signature.

Done at Brussels on 28.11.2023



Levan KARANADZE
President of the Commission

Principles governing the functioning of the European ATM Voluntary Solidarity Fund

The following principles shall apply to the European ATM Voluntary Solidarity Fund created by CN Directive No 22/111 of 24 November 2022 and extended, by the present Directive, for a total amount of 37.326 MEUR in order to support Ukraine and the Republic of Moldova (36 MEUR and 1.326 MEUR respectively) in sustaining for 2024 ATM/ANS cost related to staff, training and any other costs to ensure operational readiness once air traffic recovers:

1. **Financing of the Fund:** funded on a voluntary basis by any EUROCONTROL Member State that decides to contribute to the Fund (donation).¹
2. **Participation in the Fund:** The percentage of each State's share taking part in the Fund is established based on the 2023 approved sharing keys used for the calculation of States' contribution to Parts I, IX and X of the budget of EUROCONTROL, not taking into account the sharing keys of Ukraine and of the Republic of Moldova. The objective is to achieve a total amount of 37.326 MEUR to support Ukraine and the Republic of Moldova in sustaining, for 2024, ATM/ANS costs related to staff, training and any other costs to ensure operational readiness once air traffic recovers. The details of the financing of the fund /allocation key per State are in the table below.
3. **Management of the Fund:** The Fund is managed by the Agency. The Fund will be subject to audit processes and oversight, and the DG will report to the Permanent Commission through the Provisional Council.
4. **Contributions to the Fund:** States shall inform the PC/CN Secretary of their chosen option to finance the Fund:
 - a. **Transfer of route charges:** The amounts due by each State shall be deducted from the national route charges collected on behalf of the participating States by the CRCO, starting on 15 January 2024, with the total amount per State established in the table below to be retained in equal payments on a monthly basis over a period of maximum 6 months, and be transferred to the designated accounts of the Fund under article 5 below. The decision of the States to retain amounts from the collected route charges for the Fund supersedes any current payment instructions already provided to EUROCONTROL by the States for the transfer of route charges. These charges shall be deducted from the amounts to be paid to the main current beneficiary of the collected route charges, unless informed otherwise by the State; or
 - b. **Direct transfer to the Fund:** The total amount due by each State established in the table below shall be transferred by the State to the designated accounts of the Fund under article 5 below. The amount due should be transferred in maximum 6 equal payments on the 15th of each month (or the following working day if the 15th is not working day), starting with the first payment on 15 January 2024. Alternatively, a different payment schedule can be agreed with the Agency. The payment can be made as soon as the extension of the Fund has been approved. The basis for payment for States choosing this option shall be the present Directive of the Permanent Commission and in particular the table below. Confirmation of the amounts to be paid by a State to the Fund can be issued by the Agency to the State concerned on request.

¹ In view of a third party attachment order, route charges collected on behalf of one State cannot currently be retained and disbursed to the Fund; the contribution of that State to the Fund will therefore be through option 4.b.

5. **Accounts of the Fund:** The amounts deducted from the national route charges (4.a above) or directly transferred (4.b above) will be credited to two separate accounts, one for each State, pro rata. The accounts shall be set up in the name of the Organisation and be managed separately from the other assets of the Organisation.
6. **Payments to Ukraine and to the Republic of Moldova:**
 - a. The beneficiary State (Ukraine or the Republic of Moldova) shall issue a written request to the Agency to benefit from whole or part of the amounts credited in the relevant accounts. In such request the State shall formally state that the requirements as set out under 7 are fulfilled.
 - b. Such request shall be signed by the duly authorised representative of the State as established in the Special Agreement relating to the requirements for the use of the European ATM Voluntary Solidarity Fund and all associated administrative and governance arrangements, and according to a template to be provided by the Agency.
 - c. Upon receipt of the said request, the Agency shall review the formal validity of the same and check that (i) the requested amounts are available in the Fund and (ii) the Agency is not prevented from making any payment due to any reason beyond its control.
 - d. If these conditions are fulfilled, the Agency will notify the State and inform it of the payment amount and date. Until that notification, no claim from the State shall exist against EUROCONTROL with respect to the amounts to be disbursed through the Fund.
 - e. The last written request from the beneficiary States shall be received at the latest by 1 December 2024 and should cover the remaining amounts in the Fund designated bank accounts.
 - f. Beneficiary States shall keep for a period of 5 (five) years from the date of the last payment received under the Fund all justifying documents needed for potential audit purposes. The costs of the audit procedures shall be borne by the beneficiary States.
7. **Use of the Fund:** The Fund is created exclusively to support Ukraine and the Republic of Moldova in sustaining, for 2024, ATM/ANS costs related to staff, training and any other costs to ensure operational readiness when air traffic recovers. The funds to be made available shall contribute to the availability of air navigation services once hostilities in Ukraine have subsided and the airspace reopens for civilian air traffic services, and with respect to the Republic of Moldova, to ensure the availability of such services pending full traffic recovery. The requirements for the use of the European ATM Voluntary Solidarity Fund are reflected in the special agreement signed by Ukraine and the Republic of Moldova to benefit from the Fund. EUROCONTROL cannot be held liable for any misuse of the amounts received by the beneficiary States under the Fund.
8. **Suspension of the financing of the Fund:** If, despite the availability of amounts in the Fund, the Agency is prevented from making any payment due to reasons beyond its control or in case the conditions for the access by Ukraine and/or the Republic of Moldova to the support as defined in the Special Agreement should cease to exist, the Organisation may in part or totally suspend any obligation or right in relation to the Fund.
9. **Liquidation of the Fund:** The Agency, on behalf of the Organisation, is delegated authority to liquidate the Fund once the total amount received in the Fund is disbursed to Ukraine and the Republic of Moldova in line with these principles. If by

1 December 2024 no request from either the Republic of Moldova or Ukraine is received for the remaining amounts in the Fund, these amounts are reimbursed pro rata to the contributing States and the Fund is liquidated. The Agency, on behalf of the Organisation, is delegated authority to liquidate in part or totally the Fund beforehand if its financing or the possibility for the Agency to release the corresponding amount to Ukraine or the Republic of Moldova is in part or totally suspended and/or made impossible for a period of six months or more and where the circumstances allow so. The Agency will inform the Member States accordingly and reimburse the amounts left in the account's pro rata to the contributing States.

- 10. Treatment of the amounts transferred to, and received under, the Fund:** the revenues of States dedicated to the Fund should not be considered as lost revenues and, therefore, not be recovered from airspace users in a subsequent period. Likewise, the amounts received by Ukraine and the Republic of Moldova from the Fund should be reflected as revenues in their accounts.

State	% based on ECTL 2023 contribution sharing key (excluding the Republic of Moldova and Ukraine)	Amount to be paid to the Fund for Ukraine and the Republic of Moldova (EUR)
Germany	14,543%	5.428.298
Belgium	2,765%	1.031.991
France	16,657%	6.217.533
United Kingdom	11,350%	4.236.657
Ireland	1,559%	581.774
Luxembourg	0,205%	76.561
Netherlands	3,553%	1.326.024
Portugal	1,909%	712.397
Greece	1,585%	591.562
Türkiye	4,852%	1.811.060
Malta	0,217%	81.041
Cyprus	0,543%	202.817
Hungary	1,032%	385.049
Switzerland	2,368%	884.014
Austria	2,472%	922.862
Norway	1,668%	622.655
Denmark	1,456%	543.529
Slovenia	0,361%	134.683
Sweden	2,767%	1.032.705
Czech Republic	1,253%	467.752
Italy	8,738%	3.261.463
Romania	2,058%	768.260
Slovak Republic	0,542%	202.290
Spain	8,435%	3.148.345
Croatia	0,820%	305.960
Bulgaria	1,056%	394.159
Monaco	0,011%	4.022

North Macedonia	0,151%	56.535
Finland	0,755%	281.642
Albania	0,191%	71.329
Bosnia and Herzegovina	0,305%	113.790
Poland	1,970%	735.321
Serbia	0,699%	260.788
Armenia	0,062%	23.145
Lithuania	0,286%	106.712
Montenegro	0,091%	33.873
Latvia	0,229%	85.293
Georgia	0,189%	70.726
Estonia	0,298%	111.381
Total	100.000%	37.326.000