

Rules of Procedure

NEFAB Council

Version 1.0

Revision history

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Article 1: Definitions

“Adviser” means an expert who supports a Representative and works for the same Contracting State as the Representative in question.

“Agenda” means a list of items for consideration at a meeting. ‘Alternate’ means a person appointed by a Contracting State to represent it on the Council in the absence of the Representative.

“Committee” means a body as established by Article 10 or set up by a Council decision in accordance with Article 9.2 (m) of the NEFAB Agreement.

“Council” means the NEFAB Council as established by Article 8 of the NEFAB Agreement ‘NEFAB Agreement’ means the Agreement of 4 June 2012 for the establishment of the North European Functional Airspace Block (NEFAB) between the republic of Estonia, the Republic of Finland, the republic of Latvia and the Kingdom of Norway.

“Representative” means a person appointed by a Contracting State to represent it on the Council pursuant to Article 8 of the NEFAB Agreement.

“Working group” means a body established by the NEFAB Council that is dedicated to a specific task and for a limited period of time.

Article 2: Functions and competencies of the NEFAB Council

1. The NEFAB Council is empowered to ensure the implementation of the NEFAB Agreement and the attainment of the objectives of NEFAB in general.
2. The NEFAB Council is responsible for initiating work and formulating decisions relating to the functions and tasks assigned to it by the NEFAB Agreement.
3. The NEFAB Council shall ensure the effective functioning of the established permanent committees set out in the NEFAB Agreement, and it shall, inter alia, approve the rules of procedures of the committees.
4. The NEFAB Council shall in particular:
 - a. define strategic objectives for the development of NEFAB, assess the results achieved and take appropriate measures if required;
 - b. define the development of civil-military cooperation;
 - c. agree on a common policy and design for the airspace concerned;
 - d. define the modalities of the cooperation for the application of the concept of flexible use of airspace;
 - e. support the harmonisation of the substantive rules and procedures;
 - f. facilitate the joint designation process of the air traffic service providers;
 - g. facilitate the work of the Air Navigation Services Consultative Board;
 - h. adopt the charging policy applicable in the airspace concerned;

- i. agree on a common safety policy and support the development and implementation of a common safety management system by the air navigation service providers;
- j. adopt NEFAB performance plans and related performance targets, and decide on incentives and additional or corrective measures;
- k. endeavour to coordinate the positions of the Contracting States with regard to the work of the International Civil Aviation Organisation (ICAO), EUROCONTROL, the European Commission, the European Aviation Safety Agency and joint undertakings in the field of air navigation services;
- l. ensure coordination with adjacent functional airspace blocks, including efficient interfaces;
- m. set up committees other than those established by this Agreement and working groups to assist it in specific matters, and approve the proposals of the committees and working groups.

Article 3: Composition of the Council

1. The Council is composed of the following Representatives from each Contracting State:
 - a. one Representative from the competent authority responsible for civil aviation, and;
 - b. one Representative from the competent authority responsible for military aviation.
2. The representatives should be empowered to commit their Governments to the decisions of the Council and shall be appointed by the respective competent authority.
3. Each competent authority shall designate an Alternate for each of its Representatives with the same rights and obligations as assigned to the Representative.
4. A Representative may only represent one Contracting State.
5. Each Representative may be accompanied by one or more Advisers.

Article 4: Chairmanship

1. Unless otherwise agreed, the Chairmanship and the Vice-Chairmanship shall rotate each calendar year between the competent authorities responsible for civil aviation as laid down in the NEFAB Agreement, in the order of the Contracting States set out in the title of the NEFAB Agreement.
2. At the end of the term of a Chairmanship, the competent authority holding the Vice-Chairmanship assumes the Chairmanship for the next term.
3. In the absence of the Chair, the Vice-Chair shall preside at meetings of the Council and perform the other duties of the Chair.
4. If the Chair or the Vice-Chair is unable to complete his/her term of office, a new Chair or Vice-Chair shall be appointed without delay by the competent authority in question and shall hold office for the remainder of the term of his/her predecessor.

Article 5: Tasks of the Chair

In order to perform his/her tasks, the Chair shall inter alia:

- a. organise, convene and preside at the meetings of the Council, including sending out invitations and distributing the agenda, related documents and meeting reports;
- b. organise the work of the Council, prepare the work programme for the Council and ensure that it is followed up, including the annual report on NEFAB;
- c. take necessary actions to ensure that scheduled work is carried out and that the contracting States make a balanced contribution to the work of the Council;
- d. prepare the meetings and decisions to be made in order to facilitate decision-making by the Council;
- e. serve as focal point for the Council;
- f. chair the meetings of the Air Navigation Services Consultative Board as well as other consultation meetings of air navigation service providers, airspace users and other stakeholders;
- g. perform any other tasks assigned to him/her by the Council or by these rules of procedure.
- h. take overall responsibility for communication issues relating to the Council.

Article 6: Observers

1. Unless the Council objects, the Chair may invite Observers representing national supervisory authorities, air navigation service providers, airspace users, airport operators, non-Contracting States, international organisations or other stakeholders to attend meetings.
2. Observers may attend the meetings of the Council or parts thereof not held in closed session.

Article 7: Meetings

1. The Council shall meet at such times and places as may be deemed necessary, but at least twice a year in accordance with its work programme and at the invitation of the Chair.
2. The Chair shall determine the dates and locations of the meetings at the beginning of his/her term of office.
3. The Chair may at any time, on his/her own initiative, or at the request of a Contracting State, call an extraordinary meeting if an item cannot be postponed until the next ordinary meeting. Such meetings shall take place two calendar weeks after the invitation at the earliest.
4. In cases of necessity or urgency, the Chair may conduct a meeting by telephone or other means of telecommunication as soon as reasonably possible.
5. The Chair may consult the Council in writing, by e-mail or by any other means of communication on matters that do not justify calling a meeting of the Council.
6. At least one representative from each of the Contracting States shall be present at each meeting.

Article 8: Agenda and related documents

1. The provisional Agenda shall be prepared by the Chair.
2. The provisional Agenda and related documents submitted for action by the Council shall be distributed with the invitation to all Representatives, and to the Observers if necessary, at least two calendar weeks before the meeting of the Council.
3. Documents shall clearly specify whether they are submitted for action or information.
4. The Agenda shall specify the items to be addressed in closed session.
5. Any Contracting State may propose items for the Agenda no later than one calendar week before the meeting of the Council.
6. Any new items not specified in the Agenda may be discussed if all Contracting States agree.
7. At the request of a Contracting State, an item shall be discussed in closed session.
8. The final Agenda shall be adopted at the beginning of each meeting.

Article 9: Administrative support

1. The Chair performs its functions with the support of the staff and the means at its disposal within its national administration. Support can be requested from administrations from other Contracting States if this is necessary in order to ensure the proper functioning of the Council.
2. Unless the Council decides otherwise, expenses arising from the performance of the Chair's duties, as well as any administrative support provided, are borne by the individual Contracting State(s).

Article 10: Strategic plan

The Council shall adopt a strategic plan that reflects the performance of its functions, and it shall work on the basis of this plan. The plan shall be reviewed on a regular basis.

Article 11: Decision-making procedure

1. Each Contracting State has one vote.
2. Decisions of the Council shall be made by consensus, which requires a unanimous vote by all Contracting States.
3. A decision may be made through a written procedure on the initiative of the Chair. Each Contracting State shall notify the Chair of its vote in writing within two calendar weeks of receipt of the draft Council decision. If a Contracting State requests that the draft decision be considered at a meeting

of the Council, the written procedure shall be suspended and the Chair shall put this item on the agenda for the next meeting of the Council.

Article 12: Implementation of decisions

1. Decisions adopted by the NEFAB Council shall be implemented by the Contracting States within the time limit stipulated in the decision itself.
2. Decisions requiring parliamentary approval shall be submitted to the parliaments in the Contracting States as a matter of priority.

Article 13: Language

The deliberations of the Council shall be conducted in English. The decisions and other documentation shall be in English.

Article 14: Documentation of deliberations and decisions

1. The Chair shall ensure that a record of the meeting is drawn up after each Council meeting. It shall contain a brief summary of deliberations, the conclusions reached and decisions adopted, together with the timeframe for their implementation and a list of actions to be carried out.
2. The Chair shall distribute the draft record of the meeting to the Representatives within two calendar weeks of the meeting. Unless comments are received within two calendar weeks, it shall be deemed to have been adopted.

Article 15: Recording of documentation

1. The Chair shall ensure that the documentation generated through the activities of the Council is appropriately recorded.
2. Unless otherwise decided, documents relating to the activities of the Council are deemed to be public.

Article 16: Final clauses

1. These rules of procedure or any part thereof may be revoked temporarily, suspended or amended by the Council.
2. In the event of any conflict between the provisions of these rules of procedure and the provisions of the NEFAB Agreement, the latter shall prevail.