

RULES OF PROCEDURE OF THE NETWORK MANAGEMENT BOARD

NMB (RP) 1.0¹ of 18 October 2011

THE NETWORK MANAGEMENT BOARD,

Recognising Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the single European sky (the airspace Regulation)², and in particular Article 6 thereof,

Recognising the Commission Regulation (EU) No 677/2011 of 7 July 2011 laying down the detailed rules for the implementation of air traffic management (ATM) network functions and amending Regulation (EU) No 691/2010 (the Regulation)³, and in particular Article 16 thereof,

Recognising Commission Decision C(2011) 4130 final of 7 July 2011, and in particular the nomination of the European Organisation for the Safety of Air Navigation (EUROCONTROL) as the Network Manager,

HAS APPROVED THE FOLLOWING RULES OF PROCEDURE:

Article 1

Composition of the board

1. The board shall be composed of the following members:
 - (a) one representative of air navigation service providers per functional airspace block, established or under establishment, with a total number of four votes for all air navigation service providers;
 - (b) four representatives of commercial and non-commercial civil airspace users;
 - (c) two representatives of the airport operators;
 - (d) two representatives of the military as air navigation service providers and airspace users;
 - (e) the chairperson, appointed on the basis of technical competence and expertise upon a proposal by the Commission, based in particular on proposals from the voting members of the Network Management Board, and after a positive opinion of the Single Sky Committee;

¹ Approved at NMB#1 on 18 October 2011 with positive opinion of the Single Sky Committee expressed on 30 November 2011

² OJ L 96, 31.3.2004, p. 20

³ OJ L 185, 15.7.2011, p. 1

- (f) one representative of the Commission;
 - (g) one representative of EUROCONTROL;
 - (h) one representative of the Network Manager.
2. The members listed in points (a), (b), (c) and (d) shall be voting members.
 3. Board members may be represented by an alternate.
Exceptionally, a voting member may have two alternates.
 4. Voting members and their alternates are appointed by the Commission, after a positive opinion of the Single Sky Committee, for one period aligned with the reference periods provided for in Article 7(1) of Regulation (EU) No 691/2010.
 5. In case an organisation wishes to replace its voting member, such replacement shall be initiated through a written notice to the chair and the Commission. The provisions of paragraph 4 shall also apply.
 6. Appointments to the board are personal.
 7. As a general rule, no more than one participant for each voting member shall be admitted to attend board meetings.

Article 2

Chair and vice-chair(s) of the board

1. The chair of the board is appointed by the Commission on the basis of his/her personal capacity and professional expertise after a positive opinion of the Single Sky Committee for one period aligned with the reference periods provided for in Article 7(1) of Regulation (EU) No 691/2010.
2. The board may elect vice-chair(s) amongst the board members. A vice-chair shall be elected for one period aligned with the reference periods provided for in Article 7(1) of Regulation (EU) No 691/2010. A vice-chair shall act in the chair's stead in case the chair is unable to fulfil his/her functions. During the period the vice-chair is acting as the chair, his/her alternate shall replace him/her as board member.
3. The chair shall control the proceedings of the board and its meetings in the observance of these rules.
4. The chair of the board shall act independently .

Article 3

Participation of experts and other representatives

1. With the chair's permission, members may be accompanied by experts.
Within a reasonable time and not later than five calendar days before the date of a board meeting, the names and functions of any experts accompanying the voting members and the reasons for which their presence is required, shall be communicated to the chair.
If the chair does not object to the participation of an expert in advance of the board meeting, the permission referred to in paragraph 1 is considered to be granted.
2. The chair may decide to invite representatives of third parties or experts to talk on particular matters, on his/her own initiative or at the request of a member of the board. However, board members representing a simple majority of the voting rights may oppose their participation in the meeting.
3. The Commission may appoint independent and recognised experts as advisors who shall serve in their personal capacity and represent a broad range of disciplines encompassing major aspects of the network functions, in accordance with Article 16(6) of the Regulation. The Commission shall communicate the list of appointed experts to the chair.
4. Representatives of operational stakeholders of non-EU Member States that are members of EUROCONTROL may attend the board meetings accompanying the EUROCONTROL representative.
5. Representatives of third parties and experts referred to in paragraphs 2, 3 and 4 shall not be present at and shall not participate in voting of the board.

Article 4

Secretariat

1. The Network Manager shall provide logistical support and the services required for the proper functioning of the board, including a secretary and appropriate secretariat services.
2. The secretary shall under the responsibility of the chair draw up an attendance list, a list of decisions and draft the minutes for each meeting. The minutes shall include all decisions taken by the board at the meeting.
3. The secretary shall, within seven calendar days after the meeting, submit the decisions to the board members for their approval.
4. After approval by the chair, the secretary shall, within four weeks after the meeting, submit the draft minutes to the board members for their approval.

5. The board members shall be deemed to have approved the decisions and the minutes if they have transmitted no comments to the secretary within seven calendar days after their receipt. If the minutes are not approved in accordance with this procedure, they shall be approved at the next meeting.
6. The approved minutes shall be signed by the chair and be entered in the records under the responsibility of the secretary. They shall be available for inspection by any board member. The secretary shall send to the board members a copy of the minutes and decisions within seven calendar days after their approval.
7. The secretary is responsible for archiving and making available all documents and decisions.

Article 5

Convening meetings

1. A meeting of the board shall be convened by the chair, either on his/her own initiative, or at the request of the board members representing at least thirty per cent of the voting rights, or at the request of the Commission or of the Network Manager.
2. The meetings shall normally take place at the seat of the Network Manager and shall not be held in public.
3. The deliberations of the board shall be conducted in English; general correspondence and all documents shall be equally presented in English.

Article 6

Agenda

1. The chair shall draw up the draft agenda and submit it to the board.
2. The agenda shall make a distinction between:
 - drafts of measures referred to in Article 16(1) of the Regulation on which the board is asked to take a decision,
 - other issues put to the board for information or a simple exchange of views, either on the chair's initiative, or at a written request of a member of the board.

Article 7

Documentation to be sent to board members

1. The chair shall submit the invitation to the meeting, the draft agenda, the draft measures on which the board is asked to take a decision to the members of the board well in advance of the meeting, taking into account the urgency and the complexity of the matter, and no later than fourteen calendar days before the date of the meeting. Other documents related to the meeting, in particular documents accompanying the draft measure, shall, as far as possible, be submitted within the same time-limit.
2. All documents shall be submitted in accordance with Article 12.
3. In duly justified cases, the chair may, on his/her own initiative or at the request of a board member, shorten the time limit for transmission referred to in paragraph 1. Except in cases of extreme urgency, the time-limit shall not be shorter than seven calendar days.

Article 8

Voting

1. Voting members shall vote in accordance with the voting rights allocated to them in Article 16 (2) of the Regulation.
2. A voting member may, where appropriate and for voting purposes only, be duly represented by one other voting member.
3. Network Management Board decisions shall be adopted by a simple majority of the voting rights; the voting members will then inform the chair of their respective votes.
4. Abstentions shall not count as a vote.
5. The board may adopt decisions through the written procedure in accordance to the provisions of Article 9.
6. Drafts of measures referred to in Article 16(1) of the Regulation that are subject to a positive opinion of the Single Sky Committee shall only be put to the vote of the board after the Single Sky Committee has delivered an opinion in favour of the measure.
7. In accordance with Article 17 of the Regulation, the Commission shall be responsible for the information and appropriate involvement of the Single Sky Committee on matters referred to in paragraph 6 and shall in particular:
 - request the opinion of the Committee, and
 - report back the Committee's opinion to the board.

8. The non-voting members of the board listed in paragraphs 3 (a), (b) and (c) of Article 16 of the Regulation shall have the right to reject proposals related to votes which impact on:
 - sovereignty and responsibilities of Member States, in particular relating to public order, public security and defence matters, as set out in Article 13 of Regulation (EC) No 549/2004;
 - compatibility of Network Management Board activities with the aims and objectives of the Regulation;
 - impartiality and equity of the Network Management Board.
9. The chair, on his/her own initiative or at the request of a board member, may postpone the vote on a particular topic:
 - if a substantive change is made to the proposal during the meeting;
 - if the documents relating to a specific agenda item have not been sent to the board members within the timeframe laid down in Article 7.
10. In duly justified cases, at the request of the chair or a board member, the board may decide in accordance with paragraph 3 to keep the particular topic referred to in paragraph 9 on the agenda.
11. Where agreement cannot be reached on issues of major network significance, the board shall refer the case to the Commission for further action. The Commission shall inform the Single Sky Committee.

Article 9

Written procedure

1. In duly justified cases, the chair may obtain the board's opinion by written procedure. In particular, the chair may use the written procedure to obtain the board's opinion in cases where the draft measure has already been discussed during a board meeting.
2. The chair shall send the board members the draft measure and shall lay down a time limit for delivery of an opinion according to the urgency of the matter. The draft measure shall be adopted in accordance with paragraph 3 of Article 8.
3. The written procedure shall be terminated without result where, within the time limit referred to in paragraph 2, the chair so decides or a board member so requests. In such a case, the chair shall convene a board meeting within a reasonable time.
4. The chair shall inform the members of the board of the outcome of a written procedure without delay, and no later than fourteen calendar days after the expiry of the time-limit.

Article 10

Conflicts of interest

1. At the beginning of each meeting, any board member, as well as experts and representatives of third parties who have been invited to attend the meeting in accordance with Article 3 shall inform the chair of any conflict of interest with regard to a particular item on the agenda.
2. In the event of such a conflict of interest, the person concerned shall, at the request of the chair, withdraw from the meeting whilst the relevant items of the agenda are being dealt with.

Article 11

Working parties

1. The board may create working parties to examine particular issues. The chair of a working party shall be appointed by the board.
2. The working parties shall report back to the board, under the responsibility of their chair.

Article 12

Correspondence

1. Correspondence relating to the board shall be submitted to the Network manager, for the attention of the chair of the board and the Commission.
2. Correspondence for members of the board shall be submitted directly to the appointed members.

Article 13

Access to documents and confidentiality

1. The Board shall decide on a case by case basis on the requests concerning public access to the board's documents. It shall take into account, where appropriate, the principles and the limits laid down in Regulation (EC) No 1049/2001 of the European Parliament and the Council.

2. In order to implement the provision of paragraph 1, the Board shall establish a "data protection and confidentiality policy".

Article 14

Reimbursement of expenses for the chair

The chair may be reimbursed, upon request, travel and subsistence expenses incurred for chairing the board meetings. These costs shall be reimbursed in accordance with the mission guide applicable for the Network Manager.

Article 15

Amendments to the rules

1. The present rules may be amended by a decision of the board on a proposal presented by any board member but cannot be in contradiction to the Regulation.
2. Any amendments to these rules will require a positive opinion of the Single Sky Committee prior to the approval by the board.
3. Amendments shall take effect as from the date of the next meeting, unless the board decides otherwise.
4. The secretary shall as soon as practicable provide the board members with the revised rules.

Article 16

Final provision

These rules and further amendments thereto shall enter into force on the date of their approval.
