

# **EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION**

## **EUROCONTROL**

- Directives of the Permanent Commission -

### **DIRECTIVE No 24/115**

**requesting the Agency to continue to support Ukraine in relation to 2025 and 2026 ATM/ANS costs for staff, training, and any other costs to ensure operational readiness when air traffic recovers through the extension of the European ATM Voluntary Solidarity Fund established by CN Directive No 22/111 and previously extended**

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 the Permanent Commission 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;

Having regard to Directive No 23/114 of the Permanent Commission of 28 November 2023 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;

Considering that currently the Russian war of aggression against Ukraine is still on going and that today it is not possible to predict the end thereof;

Considering that Ukraine is in a situation impacting the exercise of its responsibilities vis-à-vis the provision of air navigation services in its 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 control;

Considering the missing revenues resulting from the loss of air traffic and the necessity to support Ukraine in sustaining, on a more stable basis, the 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 for a period of two years, on a voluntary basis, the solidarity principle, also in order to safeguard the continuity and integrity of the network when traffic recovers in Ukraine'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 in sustaining 2025 and 2026 ATM/ANS costs related to staff, training and any other costs to ensure operational readiness when air traffic recovers for total amounts of 36 MEUR in 2025 and 36 MEUR in 2026.

#### 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 in sustaining 2025 and 2026 ATM/ANS costs.

#### Article 3

The Special Agreement with Ukraine 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 remaining in the Fund to be used to cover 2024 costs and which has not been requested by Ukraine and the Republic of Moldova by 1 December 2024 shall be reimbursed to the contributing States in proportion to the contribution key adopted in CN Directive No 23/114 in line with the table attached therein.

Any amount remaining in the Fund to be used to cover 2025 costs, which has not been requested by Ukraine by 1 December 2025, shall be carried over for use in 2026.

Any amount remaining in the Fund to be used to cover 2025 and 2026 costs and which has not been requested by Ukraine by 1 December 2026 shall be reimbursed to the contributing States in proportion to the contribution key adopted in the present CN Directive 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 28.11.2024



Üllar Salumäe  
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, extended for the year 2024 by CN Directive No 23/114 of 28 November 2023 and extended once more for the period 2025-2026 by the present Directive for an amount of 36 MEUR in 2025 and 36 MEUR in 2026, in order to support Ukraine in sustaining 2025 and 2026 ATM/ANS costs 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.<sup>1</sup>

The Fund is a donation based one. The call for confirmation of the contribution by the States will be made on a yearly basis by the Agency.

The first call for confirmation of the contribution will be done after the approval of the present Directive. States will have the possibility to confirm their donation for a period of two years (2025-2026) or for a period of one year.

2. **Participation in the Fund:** The percentage of each State's share taking part in the Fund is established based on 2025 sharing keys, used for the calculation of 2025 and 2026 States' contribution to the Fund, to Parts I, IX and X of the budget of EUROCONTROL on 2025, not taking into account the sharing keys of Ukraine. The objective is to achieve total amounts of 36 MEUR in 2025 and 36 MEUR in 2026, to support Ukraine in sustaining 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 set out below (ANNEX 1 and ANNEX 2).
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 of every year, with the total amount per State established according to 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 according to the tables below shall be transferred by the State to the designated account of the Fund under article 5 below. The annual amount due should be

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<sup>1</sup> In case of a third-party attachment order served to EUROCONTROL, route charges collected on behalf of the relevant State would not be retained and disbursed to the Fund; the contribution of that State to the Fund will therefore be through option 4.b

transferred each year in maximum 6 equal payments on the 15th of the month (or the following working day if the 15th is not working day), starting with the first payment on 15 January of each year. 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 tables 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.

5. **Account of the Fund:** The amounts deducted from the national route charges (4.a above) or directly transferred (4.b above) will be credited to an account set up in the name of the Organisation and managed separately from the other assets of the Organisation.
6. **Payments to the beneficiary State:**
  - a. The beneficiary State shall issue a written request to the Agency to benefit from whole or part of the amounts credited in the Fund designated bank account. In such request the State shall formally state that the requirements as set out under these Principles 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. The beneficiary State shall not request funding in case it has received any other donation or grant to cover the costs concerned by the request.
  - e. In case of partial or complete re-opening of the airspace during the period 2025-2026, the revenues from air navigation charges shall be taken into account in the validation of the costs eligible to be covered by the Fund.
  - f. 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.
  - g. The last written request from the beneficiary State shall be received at the latest by 1 December of 2026 and should cover the remaining amounts in the Fund designated bank account.
  - h. The beneficiary State 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 State.
7. **Use of the Fund:** The Fund is created exclusively to support Ukraine in sustaining 2025 and 2026 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. The requirements for

the use of the European ATM Voluntary Solidarity Fund are reflected in the special agreement signed by Ukraine to benefit from the Fund. EUROCONTROL cannot be held liable for any misuse of the amounts received by the beneficiary State 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 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 in line with these principles and no further extension is established. If by 1 December 2026 no request from 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 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 contribution of States 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 from the Fund should be reflected as revenues in their accounts.
11. **Calculation of the Contribution to the Fund:** The calculation of the 2025 and 2026 contribution per State is set out in the tables below<sup>2</sup> (ANNEX 1 and ANNEX 2).

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<sup>2</sup> The attached tables include Iceland as it is expected that, subject to the timely finalisation of the accession process, Iceland will become the 42<sup>nd</sup> EUROCONTROL Member State as of 1 January 2025. Should the accession process not be finalised by PC/62 Session, the 2025 figures are to be understood as adapted accordingly.

Calculation of the Member States contributions to the European ATM Voluntary Solidarity Fund **2025**

	% based on EUROCONTROL 2025 contribution sharing keys (excluding Ukraine)	Amount to be paid to the fund for Ukraine (EUR)
Germany	13.5641%	4,883,071
Belgium	2.6707%	961,457
France	14.9898%	5,396,329
United Kingdom	11.4197%	4,111,105
Ireland	1.7265%	621,551
Luxembourg	0.2007%	72,249
Netherlands	3.5400%	1,274,394
Portugal	2.0555%	739,987
Greece	1.6618%	598,232
Türkiye	5.9861%	2,154,998
Malta	0.1721%	61,945
Cyprus	0.5232%	188,334
Hungary	1.0964%	394,693
Switzerland	2.8562%	1,028,231
Austria	2.3702%	853,289
Norway	1.5354%	552,752
Denmark	1.4091%	507,272
Slovenia	0.3967%	142,818
Sweden	2.7192%	978,919
Czech Republic	1.4738%	530,555
Italy	8.0028%	2,881,014
Romania	2.3282%	838,141
Slovak Republic	0.7126%	256,518
Spain	8.1360%	2,928,952
Croatia	0.8466%	304,782
Bulgaria	1.1380%	409,697
Monaco	0.0111%	3,993
North Macedonia	0.1761%	63,391
Republic of Moldova	0.0576%	20,731
Finland	0.7149%	257,350
Albania	0.2521%	90,759
Bosnia and Herzegovina	0.3349%	120,548
Poland	2.6032%	937,163
Serbia	0.8190%	294,840
Armenia	0.0872%	31,396
Lithuania	0.2765%	99,544
Montenegro	0.1013%	36,458
Latvia	0.2262%	81,431
Georgia	0.2286%	82,299
Estonia	0.2562%	92,241
Iceland	0.3238%	116,572
<b>TOTAL</b>	<b>100.000%</b>	<b>36,000,000</b>

Calculation of the Member States contributions to the European ATM Voluntary Solidarity Fund **2026**

	% based on EUROCONTROL 2025 contribution sharing keys (excluding Ukraine)	Amount to be paid to the fund for Ukraine (EUR)
Germany	13.5641%	4,883,071
Belgium	2.6707%	961,457
France	14.9898%	5,396,329
United Kingdom	11.4197%	4,111,105
Ireland	1.7265%	621,551
Luxembourg	0.2007%	72,249
Netherlands	3.5400%	1,274,394
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<b>TOTAL</b>	<b>100.000%</b>	<b>36,000,000</b>