

No. 54260*

**Belgium, Luxembourg
and
Netherlands (for the European part of the Netherlands)**

Agreement between the Kingdom of Belgium, the Kingdom of the Netherlands and the Grand Duchy of Luxembourg concerning the integration of air security to respond to threats posed by non-military (renegade) aircraft. The Hague, 4 March 2015

Entry into force: *1 January 2017, in accordance with article XIV*

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**Belgique, Luxembourg
et
Pays-Bas (pour la partie européenne des Pays-Bas)**

Accord entre le Royaume de Belgique, le Royaume des Pays-Bas et le Grand-Duché de Luxembourg relatif à l'intégration de la sécurité aérienne pour répondre aux menaces posées par les avions non-militaires (renégats). La Haye, 4 mars 2015

Entrée en vigueur : *1^{er} janvier 2017, conformément à l'article XIV*

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[ENGLISH TEXT – TEXTE ANGLAIS]

**AGREEMENT
BETWEEN
THE KINGDOM OF BELGIUM,
THE KINGDOM OF THE NETHERLANDS
AND
THE GRAND DUCHY OF LUXEMBOURG
CONCERNING
THE INTEGRATION OF AIR SECURITY
TO RESPOND TO THREATS POSED BY NON-MILITARY (RENEGADE)
AIRCRAFT**

The Kingdom of Belgium,

The Kingdom of the Netherlands

and

The Grand Duchy of Luxembourg,

Hereinafter referred to as «the Parties»,

Considering the provisions of Article 51 of the Charter of the United Nations,

Considering the provisions of the North-Atlantic Treaty, signed in Washington on 4 April 1949,

Considering the provisions of the Agreement between Parties to the North-Atlantic Treaty, regarding the status of their forces, signed in London on 19 June 1951, hereinafter referred to as «NATO-SOFA», unless otherwise specified in this Agreement,

Considering the Convention on International Civil Aviation, signed in Chicago on 7 December 1944;

Considering the Council Framework Decision of 13 June 2002 on combatting terrorism (2002/475/JHA);

Considering the *Declaration on Combatting Terrorism adopted by the Member States of the European Union at the European Summit in Brussels on 25 March 2004*,

Considering the Operational Concept of the North Atlantic Treaty Organization to increase the Alliance's air defence posture in response to possible terrorist attacks (MCM-062-02);

Considering the Convention of 27 May 2005 between the Kingdom of Belgium, the Federal Republic of Germany, the Kingdom of Spain, the French Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands and the Republic of Austria on enhancing the cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration;

Considering Regulation (EC) nr. 549/2004 of the European Parliament and the Council of 10 March 2004 laying down the framework for the creation of the Single European Sky and Regulation (EC) nr. 1070/2009 of the European Parliament and the Council of 21 October 2009 amending Regulations (EC) 549/2004, (EC) nr. 551/2004 and (EC) nr. 552/2004 in order to improve the performance and sustainability of the European aviation system;

Considering the "Accord entre le Gouvernement de la République Française et le Gouvernement du Royaume de Belgique relative à la coopération en matière de Défense contre les menaces aériennes non militaires" of 6 July 2005,

Emphasising the strategic importance of the airspace for the safety and security of the territory of each Party and their surrounding region;

Prompted by the desire to define an appropriate legal framework for the integration of air security to respond to threats posed by non-military aircraft;

Have agreed as follows:

ARTICLE I

Definitions

For the purpose of this agreement the meaning of the terms used therein are as follows:

1. «Common Area of Interest (CAoI)». the area consisting of the sovereign airspace of the Parties.
2. «Third State Airspace (TSA)». any airspace outside of the CAoI of a State not Party to this Treaty.
3. «Air Incident»: Any abnormality in assigned NATO and national airspace requiring tactical actions, including the use of aircraft. Air incidents can be of a military and of a non-military nature. Air Incidents of a non-military nature encompass Renegade(s).
4. «Renegade»: A civil air platform that is assessed as operating in such a manner as to raise suspicion that it might be used as a weapon to perpetrate a terrorist attack.
5. «Assigned Aircraft (AAC)»: the military aircraft assigned to execute the obligations under this Agreement.
6. «Assigned Aircraft (AAC) Rotation ». the rotational contribution with Assigned Aircraft by Parties.
7. «Recognised Air Picture (RAP)». an air threat analysis of the detected air movements of all aircraft within a particular airspace, with each aircraft being identified as friendly or hostile, and ideally containing additional information, such as type of aircraft, flight number and flight plan. The information may be drawn from a number of different sources, including military and civilian sensors, civilian air traffic control and allied nations or NATO.
8. «Control and Reporting Centre (CRC)»: air defence centre that is responsible for the build-up of a RAP of all movements in its assigned airspace and that is the command and control authority of the AAC.
9. «General Aviation Security Measures (GASM)». the identification and classification of an aircraft, which is done by the national Control and Reporting Centres (CRC)