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Mostar, 27 March 2025

To:

H.E. Dr. Ursula von der Leyen
President
European Commission
Rue de la Loi / Wetstraat 200
1049 Brussels, Belgium

Mr. Raul Medina Caballero
Director General
EUROCONTROL
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Ministries of Transport/Communications of EUROCONTROL Member States
Ministries of Foreign Affairs of EUROCONTROL Member States

Subject: Urgent International Alert – Precedent of Frozen Route Charge Payments Endangering BHANSA Operations and ANSP Financial Stability

Dear President von der Leyen,
Dear Mr. Medina,
Dear Ministers,

On behalf of the Bosnia and Herzegovina Air Navigation Services Agency (BHANSA), I am writing to inform you of a serious development with potentially systemic implications for the financial security and operational continuity of Air Navigation Service Providers (ANSPs) across Europe.

On **21 March 2025**, EUROCONTROL was served with an **executory attachment order** by the Brussels courts. As a result, EUROCONTROL was **legally obligated to freeze all current and future route charge payments** due to Bosnia and Herzegovina and BHANSA. This action stems from an **investor-state dispute** between the company *Viadukt d.o.o. Portorož* and the Government of Republika Srpska, executed against the State of Bosnia and Herzegovina following an ICSID ruling (ARB/16/36).

This development has **direct and immediate operational consequences**:

- BHANSA is **unable to access funds** required for salaries, technical system maintenance, licensing, training, and essential infrastructure investments;
- **Continuation of safe and uninterrupted air navigation services** in Bosnia and Herzegovina is at imminent risk;
- There is a potential for **full closure of BiH airspace**, with cascading effects on regional air traffic, airport operations, and wider economic impacts;
- This sets a **precedent** that severely undermines the financial **integrity of the EUROCONTROL Route Charges System**.

We are gravely concerned that this incident mirrors a **similar situation that affected Albania**, where EUROCONTROL-collected charges were likewise exposed to judicial enforcement, despite being intended exclusively for public, non-commercial aviation services. These events **threaten the stability of the air navigation ecosystem**, placing all EUROCONTROL Member States and their ANSPs at risk.

Broader Implications

These cases reveal an urgent **gap in legal protections** for route charges collected on behalf of sovereign States. Despite the **Multilateral Agreement Relating to Route Charges**, the existing framework does not sufficiently shield these funds from judicial seizure in national jurisdictions (e.g., Belgium, Luxembourg).

As highlighted in the ICAO's **Manual on ANS Economics (Doc 9161)** and **Policies on Charges (Doc 9082)**, ANSPs must operate as non-profit entities, applying charges solely for cost recovery. Yet, without legal immunity, even fully compliant ANSPs are vulnerable to third-party claims unrelated to their operations.

Call to Action

We respectfully urge the European Commission, EUROCONTROL, and national authorities to take the following actions:

1. **Initiate urgent negotiations with the Kingdom of Belgium** to amend the EUROCONTROL Seat Agreement and reinforce the immunity of route charge funds from third-party attachments.
2. **Accelerate the adoption of a joint declaration** by EUROCONTROL Member States confirming that all route charges are used exclusively for non-commercial, public-service purposes — as a basis for legal immunity.
3. **Establish a protective legal mechanism** under EUROCONTROL or through EU and ICAO channels to safeguard ANSP financial flows against enforcement of unrelated arbitral awards.
4. **Engage ICAO and regional legal bodies** to reaffirm the principles of Doc 9082 and uphold the sovereign financial autonomy of air navigation authorities.

Conclusion

BHANSa remains committed to maintaining safe, continuous, and efficient air navigation services in the European sky. However, **without access to its legally earned route charge revenues**, the viability of this mission is compromised.

This matter is **not just a bilateral enforcement issue**. It is a **systemic risk** to the trust, structure, and sustainability of the European air navigation framework. We urge you to treat it as such and to act decisively.

Yours sincerely,

Davorin Primorac
DIRECTOR

Copies to:

- *Title*
- *Relevant institutions of Bosnia and Herzegovina*
- *Air Navigation Service Providers (ANSPs) of EUROCONTROL Member States*
- *ICAO EUR/NAT Office, Paris*
- *archive*