

EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Directives of the Permanent Commission -

DIRECTIVE No 03/61

relating to the conclusion of a Memorandum for Co-operation between EUROCONTROL and the Commission of the European Communities

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 7.3 and 13 thereof;

Having regard to the Protocol consolidating the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation, which was opened for signature on 27 June 1997, and in particular Article 40 of the consolidated version of the Convention annexed thereto;

Having regard to the Protocol on the Accession of the European Community to the EUROCONTROL International Convention relating to Co-operation for the Safety of Air Navigation of 13 December 1960, as variously amended and as consolidated by the Protocol of 27 June 1997, hereinafter referred to as "the Accession Protocol";

Having regard to Decision N° 98 of 10 April 2003, on provisional application, pending their entry into force, of certain provisions of the Accession Protocol;

Considering the Single European Sky initiative developed within the European Community;


Whereas it is desirable to establish and implement arrangements with the Commission of the European Communities for the conduct of the co-operation stemming from the European Community membership in EUROCONTROL, in accordance with the Accession Protocol, and from the Single European Sky initiative;

On the proposal of the Director General and the Provisional Council,

GIVES THE FOLLOWING DIRECTIVE TO THE AGENCY:

The Agency shall conclude, on the Organisation's behalf, with the Commission of the European Communities a Memorandum for Co-operation, the text of which is at Annex to this Directive.

Done at Brussels on 06.11.2003


Josef TURECKY
President of the Commission

MEMORANDUM

**concerning a framework for co-operation between the European Organisation
for the Safety of Air Navigation and the Commission of the
European Communities**

This Memorandum is between the European Organisation for the Safety of Air Navigation (hereinafter called "EUROCONTROL") and the Commission of the European Communities (hereinafter called "the Commission").

1. INTRODUCTION

EUROCONTROL and the Commission, in their respective legal and institutional contexts, pursue air traffic management policies in Europe.

EUROCONTROL and the Commission recognise the need to co-operate for the achievement of the objectives of their respective policies stemming from the EUROCONTROL revised Convention to which the European Community is acceding and the Single European Sky initiative of the European Community.

EUROCONTROL and the Commission intend to co-operate, where possible and appropriate and within their respective institutional and legal frameworks according to the following arrangements:

2. PURPOSE

The purpose of this Memorandum is to establish a framework for co-operation between EUROCONTROL and the Commission, in accordance with their respective tasks and responsibilities.

The strengths and advantages of EUROCONTROL and the Commission are brought to bear upon their co-operation in order to make their actions complementary and mutually reinforcing.

Co-operation between EUROCONTROL and the Commission should respect the differences in institutional and operational arrangements governing their action. Consequently, this Memorandum does not create rights and obligations under international law between the European Community and EUROCONTROL.

3. SCOPE

EUROCONTROL and the Commission intend to support each other's efforts by providing expertise and technical assistance in the area of air traffic management.

The Commission, where possible and appropriate and taking into account its obligations under European Community law, will rely on the technical expertise

and assistance of EUROCONTROL in its preparation and monitoring of the measures related to the implementation of the Single European Sky.

EUROCONTROL may call on the Commission to support certain of its activities.

The Commission will, as far as possible, give due consideration to any suitable mechanisms and source of information of the EUROCONTROL, which can efficiently support the Commission in the development of its work.

EUROCONTROL and the Commission will exchange information and views relevant to the fulfilment of their respective tasks and responsibilities, in particular with regard to their objectives and timetables in the area of air traffic management and air traffic management related fields, and share, where appropriate, the experiences acquired.

4. AREAS OF CO-OPERATION

Without prejudice to other issues that may acquire more importance or require immediate attention and action, and subject to the results of joint periodic reviews referred to in paragraph 9, the priority areas are:

- 4.1. With regard to the implementation of the Single European Sky and, in particular with a view to the development of relevant implementing rules,
 - safety and security,
 - human resources and ATC training,
 - provision of air navigation services, including access to data, accounting principles, air navigation charges schemes and performance regime,
 - provision, common management and publication of aeronautical information,
 - airspace architecture and management, in particular European Upper Flight Information Region (EUIR), Functional Airspace Blocks (FABs) and airspace classification,
 - civil/military co-ordination,
 - flow and capacity management,
 - systems and equipment and their interoperability including communication (COM), surveillance (SUR) and navigation (NAV) systems.

- 4.2. With regard to research and development and with a view to achieving a Strategic Research Agenda for ATM, all the components of ATM from a “gate-to gate” perspective,
 - safety,
 - ATM capacity
 - ATC sector productivity
 - airport throughput,
 - supporting technical infrastructure, including avionics,
 - validation and innovation methodology and tools,
 - environmental, economic and social impact.

- 4.3. With regard to technical information and data collection and analysis in the areas of air traffic and environmental statistics,

- safety,
- traffic statistics and forecast,
- capacity and delays,
- costs related to ATM,
- environment,
- flight efficiency.

4.4. With regard to global satellite navigation systems and Galileo in particular,

- operational requirements for airspace users,
- test and validation activities
- procedure development for Galileo operations,
- legal and institutional aspects of world-wide GNSS in the framework of ICAO,
- business case development for and liaison with civil aviation,
- safety management of Galileo services,
- infrastructure planning within the European Radionavigation Plan.
- costs related to ATM.

4.5. With regard to international co-operation in the aviation field,

- assistance to individual States or group of States,
- co-ordination of activities of international Organisations and institutions,
- support of regional ATM developments.

Other areas of co-operation may be added as appropriate.

5. FORMS OF COOPERATION

The activities to be pursued in the context of the areas of co-operation referred to in paragraph 4 may take the form set out below:

- Exchange of information and documentation.
- Sharing of experience and enhancing co-operation on elaboration of documents of legislative relevance.
- Linguistic assistance in translating ATC/ATM related documents.
- Elaboration of technical requirements or specifications or other technical material.
- Provision of expert advice and support.
- Co-ordination of studies, programmes and activities; the two sides will endeavour to fully associate each other in the definition, the management and the validation of the studies related to the implementation of the Single European Sky.
- Development, management, guidance and monitoring of programmes, plans and projects.
- Setting-up of databases and/or facilitation of their access and use and publication, as appropriate.
- Conduct of analysis, evaluation and audit.
- Participation in working groups in conformity with rules applicable to such participation.
- Provision of expertise by the secondment of staff.

6. PROGRAMMES OF CO-OPERATION

Rolling programmes of co-operation will be defined to be carried out on a yearly or multiannual basis within the context of the areas of co-operation referred to in paragraph 4.

The programmes of co-operation will identify specific items covering, as appropriate, one or more of the areas of co-operation. Each item may provide the following elements, where appropriate:

- objective and scope of work,
- arrangements to be followed in the execution of the work as referred to in paragraph 5, including the assignment of tasks between the two sides,
- procedures for the execution of the work, including the establishment of points of contact and of joint teams or programme boards, the frequency of meetings and the involvement of actors,
- list, format and time schedule of reports and criteria for their dissemination and utilisation,
- identification of contact persons.

7. CONSULTATION OF STAKEHOLDERS

The Commission will, as far as possible, endeavour to make best use of the arrangements of EUROCONTROL for consultation of stakeholders where these arrangements meet the Commission practices on transparency and consultation procedures and do not in any way conflict with its institutional obligations.

8. FUNDING

Each side will bear its own costs for work done under this Memorandum.

Funding aspects of their co-operation may be defined, in particular for the execution of the items referred to in paragraph 6.

9. REVIEW

The results and consequences of this co-operation will be defined at the request of either side and at least annually.

When appropriate consideration will be given to the need for improvements in the co-operation.

10. COMMUNICATION

All communication in relation to this Memorandum will be done in writing between the Directorate-General of Transport and Energy, on behalf of the Commission, and the Director-General of EUROCONTROL.

11. FINAL PROVISIONS

This Memorandum replaces the co-operation between EUROCONTROL and the Commission defined by exchange of letters of 14 November 1980.

This Memorandum may be amended or modified by the two sides.

Done at Brussels on in the English and French languages, in four originals.

For the Commission:

For EUROCONTROL

Mr François Lamoureux
Director General
CEC - Energy and Transport

Mr Víctor M. AGUADO
Director General