EUROPEAN ORGANISATION FOR THE SAFETY OF AIR NAVIGATION

EUROCONTROL

- Directives of the Permanent Commission -

DIRECTIVE No 13/82

Relating to the conclusion of a cooperation agreement between EUROCONTROL and the European Defence Agency

THE PERMANENT COMMISSION FOR THE SAFETY OF AIR NAVIGATION:

Having regard to the EUROCONTROL International Convention relating to Co-operation for the Safety or Air Navigation of 13 December 1960, 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 2.1 and 15 of the consolidated version of the Convention annexed thereto, as provisionally applied under Decision No 71 of the permanent Commission of 9 December 1997;

Having regard to Decision No 72 of the permanent Commission of 9 December 1997 on the early implementation of certain provisions of the revised Convention, in particular on the establishment of a Provisional Council;

Having regard to the Agreement between EUROCONTROL and the European Union providing a general framework for enhanced cooperation signed on 20 December 2012, in particular its Article 2, alinea 2 and 3, relating to the facilitation of the necessary civil-military cooperation on ATM in the Single European Sky;

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

GIVES THE FOLLOWING DIRECTIVE TO THE AGENCY:

Article 1

The Agency is hereby authorised to conclude, on the Organisation's behalf, a cooperation agreement with the European Defence Agency in the format of the draft exchange of letters at annex.

Done at Brussels on 14.6.2013

P. HENTTU
President of the Commission
Dear Mr Brenner,

The EDA Steering Board in Defence Ministers’ formation has tasked EDA to identify operational and financial implications, as well as potential opportunities, of Single European Sky Air traffic management Research (SESAR) on military/State aviation, as well as potential opportunities.

In accordance with the tasks set by the EUROCONTROL Convention1 and the EU Council Decision on EDA2, the Agreement between the EU and EUROCONTROL providing a general framework for enhanced cooperation3 and the good existing contacts between the two Agencies, I propose that further cooperation be established between the European Defence Agency and EUROCONTROL to support their respective Member States on relevant military matters regarding SES implementation, including its technological pillar SESAR.

To this end, I propose that cooperation be established between EDA and EUROCONTROL in the framework of their respective responsibilities, EDA supporting the Council and its member States in their effort to improve EU’s defence capability, EUROCONTROL providing ATM expertise in support to the Member States and the EU in the implementation of the Single European Sky and related policies.

Cooperation may in particular cover the following areas of common interest:

Support to Single European Sky (SES) Implementation

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3 Agreement providing a general framework for enhanced cooperation between the European Union and the European Organisation for the safety of air navigation signed on 20 December 2012 (Council Decision 2013/36/EU of 29 October 2012).
a) For its operational aspects: Identification of military and civil-military ATM (Air Traffic Management) performance and operational requirements; assistance to the military regulatory harmonisation, including OAT TransIt Service integration into the SES ATM environment; cooperation on ATM-related centralised services, notably on the introduction of dual-use technologies (e.g. advanced Flexible Use of Airspace);
b) For its enabling aspects: training, certification and licensing of military aircrews, ATM and technical personnel; assistance to standardization and certification of military system performance and capabilities as required to meet civil-military interoperability objectives;
c) Identification of military costs and development of civil-military cost-benefit analysis;
d) Coordination of military contributions for updating the European ATM Master Plan;

Military coordination in SESAR Deployment
a) Proposals on the prioritisation and synchronisation of deployment activities;
b) Identification and promotion of military contributions to Common Projects;
c) Assessment of compliance with SES requirements through demonstration of equivalent performance;
d) Connecting military and civil-military airborne and ground infrastructure

e) Assistance to qualification of ATM system-prototype capabilities;
f) Support to respective member States for national implementation decisions.

Remotely Piloted Aircraft Systems (RPAS)
a) Coordination of activities related to RPAS insertion in the Single Sky;
b) Exchange of technical information and deliverables in accordance with IPRs.

Cooperation may cover other relevant activities of common interest such as radiofrequency spectrum management to allow military usage for aeronautical services, satellite-based applications, in particular satellite communication (e.g. identification of governments requirements), as well as research and technology aspects.

Acknowledging that for the purpose of implementing our cooperation, disclosure of certain proprietary information may occur, EDA and EUROCONTROL should adhere to the following principles:

a) Ownership of all copyright and other pre-existing intellectual or industrial property rights, including any documentation, data, technical information and know-how provided in performance of the activities within the scope of this cooperation, remains vested in their respective owners. All such information will be held in confidence. Proprietary information will not be disclosed to, copied and/or used by third parties, without the express written permission of the respective owners;
b) Any results or rights thereon, including copyright and other intellectual or industrial property rights obtained within this cooperation, will be owned by EUROCONTROL and EDA, which may use, publish, assign or transfer them, with the prior authorisation of the other owner and subject to indicating EDA and Eurocontrol as the joint source/owners.
c) Taking into account the sensitive nature of the areas within the scope of this cooperation, consideration will be given by EUROCONTROL and EDA on the need for documentation classification in accordance with the rules established in their respective organisations.
EDA documentation for Government use only

Should any exchange of classified information be required, confidentiality shall be observed and decisions on establishing the conditions and necessary arrangements will be taken in accordance with the respective decision-making rules of EDA and EUROCONTROL.

EDA and EUROCONTROL will use their respective existing fora to inform their Member States, accommodate national military needs, and receive their respective Member States’ guidance. In order to facilitate consultation between EDA and EUROCONTROL, Points of Contact will be appointed within both Agencies.

In the context of this cooperation and in accordance with their respective procedures, the EDA and EUROCONTROL will define priorities at the beginning of each year.

EDA and Eurocontrol shall bear each the costs it incurs in relation to this cooperation.

The implementation of this cooperation will be reviewed after one year, with a view to identifying possible areas for enhanced collaboration.

If the above principles for the establishment of cooperation between EDA and EUROCONTROL are acceptable to you, I propose that this letter together with your affirmative reply constitute our common understanding.

Claude-France Arnould
Dear Madam,

I have the honour to refer to your letter of ........which reads as follows:

"The EDA Steering Board in Defence Ministers' formation has tasked EDA to identify operational and financial implications, as well as potential opportunities, of Single European Sky Air traffic management Research (SESAR) on military/State aviation, as well as potential opportunities.

In accordance with the tasks set by the EUROCONTROL Convention\(^1\) and the EU Council Decision on EDA\(^2\), the Agreement between the EU and EUROCONTROL providing a general framework for enhanced cooperation\(^3\) and the good existing contacts between the two Agencies, I propose that further cooperation be established between the European Defence Agency and EUROCONTROL to support their respective Member States on relevant military matters regarding SES implementation, including its technological pillar SESAR.

To this end, I propose that cooperation be established between EDA and EUROCONTROL in the framework of their respective responsibilities, EDA supporting the Council and its member States in their effort to improve EU's defence capability, EUROCONTROL providing ATM expertise in support to the Member States and the EU in the implementation of the Single European Sky and related policies.

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If the above principles for the establishment of cooperation between EDA and EUROCONTROL are acceptable to you, I propose that this letter together with your affirmative reply constitute our common understanding."

As a civil-military organisation, EUROCONTROL is fully involved in the above-mentioned areas and is prepared to cooperate with EDA on the basis of the proposed arrangements. I can confirm that I agree in full with this letter.

On EUROCONTROL side, Mr Luc Tytgat, Director Single Sky will be the point of contact for the implementation of this cooperation.

Please accept, dear Madam, the assurance of my highest consideration.

Frank BRENNER