

COOPERATION ARRANGEMENT

between

THE EUROPEAN DEFENCE AGENCY

and

THE EUROPEAN AVIATION SAFETY AGENCY

(hereinafter referred to as “this Arrangement”)

THE EUROPEAN DEFENCE AGENCY (EDA),

and

THE EUROPEAN AVIATION SAFETY AGENCY (EASA),

Hereafter referred to as ‘the Agencies’,

HAVING DUE REGARD to Regulation 216/2008 of the European Parliament and the Council of 20 February 2008 on common rules in the field of civil aviation and establishing a European Aviation Safety Agency and repealing Council directive 91/670/EEC, Regulation (EC) 1592 and Directive 2004/36/EC (hereafter referred to as “the EASA Basic Regulation”), in particular Articles 2 and 17 thereof, and Council Decision of 12 July 2011 defining the statute, seat and operational rules of the European Defence Agency and repealing Joint Action 2004/551/CFSP, and in particular Article 5 and 23 thereof (hereafter referred to as “the EDA Constituent Act”);

RECALLING the mission of EDA, as defined in Article 2 of the EU Council Decision 2011/411/CFSP of 13 July 2011, to support the Council and the Member States in their effort to improve the EU’s defence capabilities in the field of crisis management and to sustain EU’s Common Security and Defence Policy as it stands now and develops in the future;

RECALLING that the main mission of EASA to ensure the proper functioning and development of civil aviation safety with a view to establishing and maintaining a high uniform level of civil aviation safety in Europe;

RECALLING that according to the EASA Basic Regulation, EASA will also contribute to facilitate the free movement of goods, persons and services and to promote cost-efficiency in the regulatory and certification processes to avoid duplication at national and European level,

WHEREAS this Arrangement does not affect in any way the scope or exercise of the respective Agencies' and Member States' rights, obligations and competences in accordance with their Constituent Acts and applicable national, international and EU law,

CONSIDERING that in accordance with the EASA Basic Regulation, in particular its Article 1(2) (a) and (3), Members States shall, as far as practicable, ensure that military activities or services have due regard to the objectives of the EASA Basic Regulation and that any military facilities open to public use offer a level of safety that is at least as effective as that required by the essential requirements of the EASA Basic Regulation,

HAVING IN MIND the initiative taken by the Military Airworthiness Authorities (MAWA) Forum within the framework of the EDA to harmonise their processes, practices and procedures utilising civilian standards as the baseline as far as practicable and, as a result, the first sets of European Military Airworthiness Requirements (EMARs) have already been approved by the MAWA based on the EASA civil requirements and are ready for implementation into national military airworthiness regulations,

HAVING IN MIND the scope of EDA military airworthiness harmonisation activities agreed by the Steering Board (EDA Doc. No. 2008/39 of 10 November 2008) and committed to within the European Military Airworthiness Authorities (MAWA) Basic Framework Document Edition 2.0,

CONSIDERING that the Agencies agree that while preserving the integrity of both Agencies the aforementioned context presents a key opportunity to develop a closer relationship between EDA and EASA with a view to achieving a higher level of aviation safety in Europe through an appropriate harmonisation of aviation safety requirements, noting the particularities of the military aviation domain,

CONSIDERING that both Agencies are convinced that the closer coordination and cooperation of their respective activities will result in a more efficient use of resources and avoid duplication of work, while recalling that this Arrangement will not impact Member States' existing frameworks of consultation with the Agencies,

HAVE AGREED AS FOLLOWS:

1. General provisions

- 1.1. The Agencies agree to strengthen their relationship and establish closer cooperation in the fields described under paragraph 3.
- 1.2. The Agencies will establish, respectively in accordance with the relevant provisions of the EASA Basic Regulation and the EDA Constituent Act, a work programme setting out the specific cooperation tasks to be implemented.
- 1.3. The Agencies may establish specific implementing arrangements detailing the terms, conditions, mechanisms and procedures for consultation, cooperation and information sharing necessary to effectively implement this Arrangement and in particular the cooperation activities referred to in the work programme.
- 1.4. This Arrangement will not impact or affect any EDA or EASA decision-making processes.

2. Objectives

The objectives of this Arrangement are to:

- (a) identify areas of mutual interest;
- (b) establish a framework where an enhanced cooperation between the Agencies should take place; and
- (c) establish mutually agreed terms, conditions, mechanisms and procedures for implementing the cooperation.

3. Scope

The scope of the enhanced cooperation between the Agencies under this Arrangement covers the following areas:

- 3.1. Harmonisation of military Aviation Safety requirements with a primary focus on Airworthiness, including Remotely Piloted Air Systems (RPAS), taking into consideration the EASA regulatory framework.
- 3.2. Based on the experience gained in the field of airworthiness as set out in Para 3.1, explore the extension of activities to other aviation safety domains, in consultation with Member States.

4. Forms of cooperation

The Agencies may:

- 4.1. Support each other with expertise within the areas set out in paragraph 3 of this Arrangement.
- 4.2. Establish mechanisms for consultation, coordination, cooperation and exchange of relevant information.
- 4.3. Facilitate each Agency's access to aviation safety-related activities.

5. Cooperation activities

- 5.1. The Agencies agree to establish regular dialogue, consultation and information sharing. This is to include management level consultations and working level meetings for specific tasks;
- 5.2. Furthermore, subject to the provisions of paragraph 1, the Agencies may agree to perform the following cooperation activities:
 - 5.2.1. Ensure that each Agency is kept informed, in a timely manner, about decisions, activities, initiatives, meetings and events of relevance to this Arrangement in the areas set out in paragraph 3;
 - 5.2.2. Facilitate the exchange of expertise as follows:
 - (a) EDA provides EASA with expertise and advice on best practices on EMAR implementation and relevant civil-military projects, acknowledging the military aviation authorities' experience in technology areas such as RPAS;
 - (b) EASA provides EDA with expertise and advice on best practices as regards the MAWA activities and relevant civil-military projects.
 - 5.2.3. Exchange expertise in the form of temporary staff assignments in accordance with their respective rules and procedures,
 - 5.2.4. Inform each other about any relevant training activities and facilitate access thereto to each other's staff,
 - 5.2.5. Jointly coordinate and/or organise relevant events,
 - 5.2.6. Each Agency will designate a representative to act as focal point for matters relating to the application of this Arrangement.

6. Disclosure and Use of Unclassified Information

- 6.1. EDA and EASA will exchange all information at their disposal which may be required for the implementation of this Arrangement, subject to their respective rules and procedures.
- 6.2. Except when otherwise provided, EDA or EASA will not disclose without the written consent of the other any information exchanged in connection with this Arrangement to any third party other than those officially entitled to handle such information, nor will they use it for commercial purposes. Such disclosure will extend only so far as may be necessary for the purpose of this Arrangement set out in paragraph 3 and will be treated in strict confidence when and if requested by either EDA or EASA.
- 6.3. Nothing in this Arrangement will be construed as granting or implying any rights to, or interest in, patents, patent rights, inventions, copyrights, trade secrets, trademarks and other proprietary rights of EDA, EASA or their contractors or subcontractors or of third parties.
- 6.4. No EU Classified Information (EUCI) will be exchanged in the framework of this Arrangement.

7. Coming into effect, Duration, Amendments and Termination

- 7.1. This Arrangement will come into effect as of the date of the last signature by either Agency.
- 7.2. This Arrangement will terminate within a period agreed by both Agencies and the latest upon the expiry of six months after the receipt by either Agency of written notification sent by the other.
- 7.3. If pursuant to paragraph 7.2, this Arrangement ceases to have effect as a result of termination, its provisions will continue to apply for the period and to the extent necessary to secure the implementation of any specific implementing arrangements entered into pursuant to paragraph 1 and which is still effective on the date upon which the present Arrangement ceases to have effect.

- 7.4. This Arrangement may be amended in writing by mutual consent of both Agencies in accordance with their respective rules and procedures.
- 7.5. The Agencies will keep each other advised of any changes in each other's competence or status that may impact this arrangement.

Done at 18/6/2013 on _____, in the year 2013, in duplicate in the English language.

THE EUROPEAN DEFENCE AGENCY (EDA)

Name: ARNOLD

Title: CE EDA

EUROPEAN AVIATION SAFETY AGENCY (EASA)

Name: Patrick Goussou

Title: Executive Director