

ADMINISTRATIVE ARRANGEMENT BETWEEN
THE EUROPEAN DEFENCE AGENCY
AND
THE MINISTRY OF DEFENCE OF THE REPUBLIC OF SERBIA

The Head of the European Defence Agency and the Minister of Defence of the Republic of Serbia have set this Administrative Arrangement between the European Defence Agency (EDA) and the Ministry of Defence of the Republic of Serbia (MoD Serbia) (hereinafter referred to as "Participants"). It is noted that this Administrative Arrangement fulfils the requirements of Article 24 of the Council Decision 2011/411/CFSP of 12 July 2011 defining the statute, seat and operational rules of the European Defence Agency and repealing Joint Action 2004/551/CFSP (hereinafter referred to as "Council Decision").

Principle of the relationship

1. The MoD Serbia and the EDA share a desire to exchange views and information on matters of common interest falling within the scope of the Agency's mission, and to ensure that the MoD Serbia is kept fully informed of opportunities for future co-operation. The EDA intends to provide the MoD Serbia with the fullest possible transparency regarding the Agency's specific projects and programmes with a view to the MoD Serbia's participation therein as appropriate. The relationship, including any contractual commitments which may be entered into for the implementation of cooperative projects and programmes, will be conducted with full respect for the decision-making autonomy of both the European Union and the Republic of Serbia, and the single institutional framework of the EU. The Annex to this Administrative Arrangement sets out the procedures for MoD Serbia's participation in such projects and programmes.

Provisions for consultation

2. Representatives of the MoD Serbia will participate in the Consultative Committee foreseen in Article 24 of the Council Decision which will provide a forum for exchanging views and information on matters of common interest falling within the scope of the EDA's mission.
3. In its general composition, the Consultative Committee will be chaired by the Chief Executive or his/her representative and should normally meet twice yearly, and on other occasions when a mutual interest is recognised.
4. The Consultative Committee may also meet in specific compositions dealing with specialised issues such as research and technology or armaments.
5. Information will be provided on a basis of reciprocal transparency. Documents exchanged in the framework of the Consultative Committee will be regarded as officially representing the views of the originating Participant. The Consultative Committee may use a written procedure to exchange information in the framework of this Committee without convening a meeting. The EDA will record these exchanges, solely for archiving purposes.
6. A Point of Contact will be established in the Agency's staff, and a liaison officer will be designated by the MoD Serbia in an appropriate Serbian office, in addition to the Consultative Committee. The primary objective of this arrangement is to speed up the flow of information, in relation to Consultative Committee activities, between the Participants concerning participation in projects and programmes. The Point of Contact and Liaison Officer will also ensure that the appropriate "matters of common interest" are identified for discussion at the Consultative Committee meetings and that those meetings are effectively structured. In order not to impede the information flow, neither the Agency nor the MoD Serbia will be bound by the content of these exchanges. The corresponding documents will have an indicative nature. The EDA will record these exchanges.

7. The Participants intend to ensure that the Consultative Committee and Liaison Officer/Point of Contact arrangements operate with sufficient frequency and transparency:
 - to give the MoD Serbia maximum advance warning, visibility and details on which to base its decisions on participation in specific projects and programmes;
 - to provide the EDA with well-based and authoritative information about the potential contribution of the MoD Serbia to specific projects and programmes, enabling it to provide such information to its Steering Board in accordance with the relevant provisions of the Council Decision.
8. Involvement of the MoD Serbia in EDA ad hoc projects and programmes will be subject to the arrangements specified in Chapter IV of the Council Decision, bearing in mind the principle of the relationship between the Participants referred to in paragraph 1 of this Administrative Arrangement.
9. In accordance with Article 8.7 of the Council Decision, the Steering Board may decide to invite representatives of the MoD Serbia as appropriate, to attend meetings on matters of common interest.

Security matters

10. The rules and modalities governing all provision or exchange of information under this Administrative Arrangement, including its Annex, are consistent with the Agreement between the European Union and the Republic of Serbia on security procedures for exchanging and protecting classified information.

Review

11. This Administrative Arrangement, including its Annex, may be reviewed at any time in the light of lessons learned and experience gained. Amendments will be agreed in conformity with each Participant's internal procedures.

Coming into effect and termination

12. This Administrative Arrangement, including its Annex, will take effect at the date of its signature. It will apply for an unlimited period of time and may be terminated by either Participant at any time.

Done et Bransels,

13 DEC. 2013

Carl H. Anders.

For the European Defence Agency



For the Ministry of Defence of the Republic of Serbia

ANNEX

PARTICIPATION BY THE MOD SERBIA IN EDA AD HOC PROJECTS AND PROGRAMMES REGIME APPLICABLE TO CONTRACTS TO BE LET BY THE EDA

1. This Annex sets out the procedures for the participation by the MoD Serbia in ad hoc projects or programmes of the EDA, and the regime applicable to contracts to be let by the EDA in this context.

Participation by the MoD Serbia in ad hoc projects and programmes

2. The MoD Serbia may take part in ad hoc projects and programmes in accordance with the provisions of Chapter IV of the Council Decision.

Where the MoD Serbia wishes to participate in ad hoc projects and programmes, whether or not the EDA is requested to let a contract or contracts by the contributing Members and the MoD Serbia in these projects and programmes, the following procedure will apply with respect to the MoD Serbia:

- (1) The MoD Serbia will send a letter to the EDA identifying the ad hoc project(s) and programme(s) in which the MoD Serbia wishes to participate with other Contributing Members specifying, as the case may be, the modalities agreed upon with the Members contributing to such project or programme and the tasks (if any) required to be performed by the MoD Serbia;

- (2) The EDA will seek the Steering Board approval of the MoD Serbia's contribution to the ad hoc project(s) and programme(s) and of the EDA's tasks under such project(s) and programme(s);
- (3) When the Steering Board has approved the ad hoc project(s) and programme(s) with the MoD Serbia's participation, as well as the tasks to be performed by the EDA, the EDA will forthwith inform the MoD Serbia in writing about such approval and/or decisions by the Steering Board.

Regime applicable to Contracts to be let by the EDA

3. Where the Contributing Members and the MoD Serbia in an ad hoc project or programme wish the EDA to let a contract or contracts and provided that the EDA has been given such authority by the Steering Board, the EDA will enter into a contract or contracts in accordance with its own contracting principles for ad hoc projects and programmes. The EDA will, when the MoD Serbia is contributing in such projects or programmes, let the contract or contracts in the same manner as for the other Contributing Members, and will secure the rights and obligations of the MoD Serbia in accordance with the arrangements made among the Contributing Members and the MoD Serbia.
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