

**ADMINISTRATIVE ARRANGEMENT
BETWEEN
THE EUROPEAN DEFENCE AGENCY
AND
THE MINISTRY OF DEFENCE OF UKRAINE**

The European Defence Agency (EDA), represented by the Head of the Agency, and the Ministry of Defence of Ukraine (hereinafter referred to as “MoD of Ukraine”), represented by the Minister of Defence of Ukraine, have concluded this Administrative Arrangement between the EDA and the MoD of Ukraine (hereinafter referred to as “Participants”). It is noted that this Administrative Arrangement fulfils the requirements of Article 26 of Council Decision (CFSP) 2015/1835 of 12 October 2015 defining the statute, seat and operational rules of the European Defence Agency (hereinafter referred to as "Council Decision")¹.

Principle of the relationship

1. The Participants undertake to pursue cooperative activities falling within the scope of the mission of the EDA, in line with the provisions set out in this Administrative Arrangement. The Participants will exchange views and information on matters of common interest in order to maximise opportunities for future co-operation.
2. The EDA intends to provide to the MoD of Ukraine the fullest possible transparency regarding the Agency’s projects, programmes and activities with a view to the participation of the MoD of Ukraine therein as appropriate. The MoD of Ukraine intends to provide to the EDA the fullest possible transparency regarding defence plans, current and future capability requirements, and industrial capacities, to facilitate the identification of potential areas for cooperation. The relationship, including any contractual commitments which may be entered into for the implementation of cooperative projects and programmes, will be conducted in full respect of the decision-making autonomy of the European Union (EU) and Ukraine, and the single institutional framework of the EU. The Annex to this Administrative Arrangement sets out the procedures for the participation of MoD of Ukraine in such projects and programmes.

¹ OJ L 266, 13.10.2015, p. 55.

Provisions for consultation on subjects related to EDA work

3. For the purposes of consultation and information exchange, EDA may convene ad hoc meetings with the participating Member States and the MoD of Ukraine in accordance with Article 26(6) of the Council Decision. Furthermore, and in accordance with Article 8(7) of the Council Decision, the Steering Board may decide to invite Ukraine to attend Steering Board meetings as appropriate.
4. Information will be provided on the basis of reciprocal transparency. Documents exchanged in this framework will be regarded as officially representing the views of the originating Participant. The Steering Board may use a written procedure to exchange information without convening a meeting. The EDA will record these exchanges, solely for archiving purposes.
5. At working level, a Point of Contact will be established in the EDA's staff, and a Liaison Officer will be designated by the MoD of Ukraine in order to facilitate the flow of information 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 ad hoc meetings with participating Member States, or at Steering Board meetings as appropriate. In order not to impede the information flow, neither the EDA nor the MoD of Ukraine will be bound by the content of these exchanges. The corresponding documents will be indicative in nature. The EDA will record these exchanges.
6. The Participants intend to ensure that Point of Contact/Liaison Officer contacts/exchanges occur with the necessary frequency and transparency:
 - to give to the MoD of Ukraine maximum advance notice, visibility and details on which to base its decisions on participation in specific projects and programmes;
 - to provide the EDA with well-founded and authoritative information about the potential contribution of MoD Ukraine to specific projects and programmes, enabling it to provide such information to the Steering Board in accordance with the relevant provisions of the Council Decision.

7. Involvement of the MoD of Ukraine 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 paragraphs 1 and 2 of this Administrative Arrangement.

Security matters

8. 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 Ukraine on Security Procedures for Exchanging and Protecting Classified Information of 13 June 2005.

Review

9. This Administrative Arrangement, including its Annex, may be reviewed at any time in the light of lessons learned and experience gained. This Administrative Arrangement may be amended only by mutual written consent of the Participants. The amendments will constitute an integral part of this Administrative Arrangement and take effect in accordance with paragraph 10 hereof.

Coming into effect, duration and termination

10. 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.

Final provisions

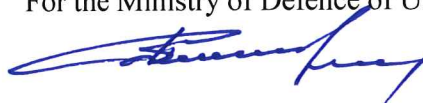
11. Done in Brussels on 7 December 2015 in duplicate each in the English and Ukrainian languages, both texts being equally authentic.

In case of discrepancies regarding the application and interpretation of this Administrative Arrangement the English text shall prevail.

For the European Defence Agency



For the Ministry of Defence of Ukraine



ANNEX

PARTICIPATION BY THE MoD of UKRAINE **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 of Ukraine in EDA ad hoc projects or programmes, and the regime applicable to contracts to be let by the EDA in this context.

Participation by the MoD of Ukraine in ad hoc projects and programmes

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

Where the MoD of Ukraine 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 of Ukraine in these projects and programmes, the following procedure will apply with respect to the MoD of Ukraine:

- (1) The MoD of Ukraine will send a letter to the EDA identifying the ad hoc project(s) and programme(s) in which the MoD of Ukraine 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 EDA and/or Ukraine;

(2) The EDA will seek the Steering Board approval of the MoD Ukraine'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 participation of the MoD of Ukraine, as well as the tasks to be performed by the EDA, the EDA will forthwith inform the MoD of Ukraine in writing about such approval and/or decisions by the Steering Board.

3. Initial areas with the potential for cooperation include Single European Sky, standardisation, logistics (eg spare parts and airlift) and training (eg helicopter training).

Regime applicable to Contracts to be let by the EDA

4. Where the Contributing Members and the MoD of Ukraine 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 and procurement rules for ad hoc projects and programmes. The EDA will, when the MoD of Ukraine 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 of Ukraine in accordance with the arrangements made among the Contributing Members and the MoD of Ukraine.
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