

Chief Executive

Brussels, 19 June 2013

Mr Frank Brenner
Director General
EUROCONTROL
Brussels

DEVELOPMENT OF COOPERATION BETWEEN THE EUROPEAN DEFENCE AGENCY AND EUROCONTROL

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 its 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

- 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

¹ EUROCONTROL International Convention relating to Cooperation for the Safety of Air Navigation of 13 December 1960 as variously amended.

² 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.

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).

- 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: support to training, certification and licensing of military aircrews⁴, 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.

⁴ Certification and licensing for military personnel is a matter for each Member State.

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 in a coordinated and aligned process 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

Date: 19.06.2013
Ref.: DSS/OFF/EDA052-13
Subject: Development of cooperation between the European
Defence Agency and EUROCONTROL
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Ms Claude-France ARNOULD
European Defence Agency
Rue des Drapiers, 17-23
B- 1050 Bruxelles

Dear Madam,

I have the honour to refer to your letter of 19 June 2013 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.

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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