

GENERAL RULES AND PROCEDURES APPLICABLE TO AD HOC RESEARCH & TECHNOLOGY PROJECTS AND PROGRAMMES OF THE EUROPEAN DEFENCE AGENCY

GENERAL

The following General Rules and Procedures, approved by the Steering Board of the European Defence Agency on **10 June 2010 (SBD No 2010-19)**, will apply to set up Ad Hoc Research & Technology Projects and Programmes referred to in Article 20 (Ad Hoc Category A) and Article 21 (Ad Hoc Category B) of the Joint Action 2004/551/CFSP of 12 July 2004 (hereinafter referred to as the Joint Action). The definitions and acronyms of the General Provisions Applicable to Ad Hoc Research & Technology Projects and Programmes of the European Defence Agency will apply to the General Rules and Procedures.

SECTION I SCOPE

- 1.1 These General Rules and Procedures and the General Provisions together provide for the carrying out of Research & Technology co-operation, technology demonstration, and the testing of defence or security related technologies through:
- systematic and comprehensive studies of a theoretical and experimental nature, including technical and operational analysis;
 - the practical application of engineering and scientific knowledge to defence and/or security objectives;
 - the development of ideas, procedures and experimental hardware with a defence and/or security application, including the planning and realisation of simulations, scientific processes and technology demonstrators.
- 1.2. Bilateral or multilateral defence and/or security Research & Technology co-operation may be implemented in the following forms:
- a) Information Exchange;
 - b) joint Research & Technology Projects and Programmes, including technology demonstrators;
 - c) conduct of joint trials and/or experiments;
 - d) exchange of materials and/or equipment;
 - e) provision of time on national research facilities;
 - f) attachment or exchange of scientific personnel;
 - g) other forms of Research & Technology co-operation as may be mutually arranged.

- 1.3. The European Union, Third States, and other third organisations and entities may contribute to particular Ad Hoc R&T Projects or Programmes under the conditions set forth in Chapters IV, V and VI of the Joint Action, in which case the Contributing Member States will agree with them the necessary modalities relating to their participation, as required by the Joint Action.
- 1.4. Individual Ad Hoc R&T Projects or Programmes will be carried out by Contributing Members in accordance with their respective national laws, regulations and procedures.
- 1.5. For all Ad Hoc R&T Projects or Programmes carried out pursuant to these General Rules and Procedures and the General Provisions, participating Members States will not seek to apply *juste retour* on an individual Project basis, but will seek a global return.

SECTION II

EXCHANGES OF INFORMATION BETWEEN PARTICIPATING MEMBER STATES IN CONTEMPLATION OF AD HOC RESEARCH & TECHNOLOGY PROJECTS AND PROGRAMMES

- 2.1 Where in any circumstances contemplated by Articles 20 or 21 of the Joint Action, a participating Member State (the discloser) discloses Information to another participating Member State (the recipient) for the purposes of a prospective Ad Hoc Research & Technology Project or Programme, the recipient will not use such Information for any other purpose without the prior written consent of the discloser.
- 2.2 Subject to national laws and regulations concerning public access to Information and connected national legislation, the recipient will not disclose such Information to any other party without the prior written consent of the discloser; where such a disclosure is required or deemed likely to be required, the recipient being required to make the Information available will, where national legislation permits, promptly inform the discloser and work with the discloser to investigate ways of mitigating any harmful effects of the disclosure.
- 2.3 When Information is disclosed for the purposes of formulating, developing and negotiating PAs, national security and disclosure regulations and any other pre-existing obligations of confidentiality will be observed.
- 2.4 Whenever Information is disclosed as described at paragraphs 2.1 and 2.3 above, the discloser will be responsible for marking all documented Information that it provides with a legend that refers to the General Rules And Procedures, and which indicates the following:
 - a) the identity of the discloser, and of the owner of the Information;

- b) the security classification of the Information;
- c) whether the Information may be used for information and evaluation purposes only, for Defence Purposes, Security Purposes or for Government Purposes;
- d) whether or not the recipient may release the Information to its Contractors, or to Contractor Support Personnel;
- e) whether any pre-existing obligations of confidentiality apply to the Information.

2.5 If any Information is received which is not marked as aforesaid, the recipient will consult with those disclosing the Information, and in the meantime, treat the Information as if it had been disclosed in an Information Exchange.

SECTION III

ESTABLISHMENT OF AD HOC RESEARCH & TECHNOLOGY PROJECTS AND PROGRAMMES

- 3.1 Ad Hoc R&T Projects and Programmes will require the completion of a Project or Programme Arrangement (PA) by the Contributing Members concerned. However, general exchanges of Information during the initiation and development of R&T Projects and Programmes will not require the completion of a PA.
- 3.2 PAs will be established using one or other of two (Category A or Category B) PA templates and guides. These templates/guides will not form part of the General Provisions but will be offered by the Agency to PAMG to assist them in the task of preparing PAs. PAs will, as appropriate, contain provisions to cover the following:
- a) objectives;
 - b) work schedule;
 - c) list of tasks;
 - d) costs, and financial arrangements between the Contributing Members;
 - e) contractual arrangements (if any);
 - f) project management and principal government organisations involved;
 - g) industrial involvement (if any);
 - h) arrangements for reporting progress to the Contributing Members;
 - i) details of equipment loaned (if any);
 - j) personnel attachments and exchanges (if any);
 - k) special provisions specific to the PA on such subjects as disclosure and use of Information, security, claims and liabilities, or customs duties, taxes and similar charges.
- 3.3 PAs will be signed by a designated representative of each Contributing Member.

- 3.4 Ad Hoc Category A Projects and Programmes will be set up in accordance with Article 20 of the Joint Action. All pMS will in principle be expected to contribute to an Ad Hoc Category A Project or Programme.
- 3.5 In accordance with Article 20 paragraph 5 of the Joint Action, all PAs establishing Ad Hoc Category A Programmes or Projects must be submitted to the Steering Board for approval before the Project or Programme can proceed. Such PAs will be set up using a current Category A template and PA guide, as appropriate.
- 3.6 Ad Hoc Category B Projects and Programmes will be set up in accordance with Article 21 of the Joint Action. Any one or more pMS may among themselves establish an Ad Hoc Category B Project or Programme provided that:
- a) they inform the Steering Board of the intention to establish the Project or Programme together with its budget (if any);
 - b) they inform the Steering Board if any Third State, organisation or entity is expected to participate in the Project or Programme;
 - c) they inform other pMS of the Project or Programme in a timely manner so that they may express an interest in joining; the arrangements for joining to comply with Article 21 paragraph 4 of the Joint Action
 - d) they seek the approval of the Steering Board if it is intended that the Agency should let any necessary contract(s) for performance of the work;
 - e) they keep the Steering Board informed, as appropriate, of developments relating to such Project or Programme.
- 3.7 PAs for these Projects or Programmes will be set up using a current Category B template and PA guide, as appropriate, Participation in the Project or Programme and any decisions on its conduct and content that do not require Steering Board approval, will be determined by the Contributing Members.