


Procedure file

Basic information	
NLE - Non-legislative enactments Decision	2011/0021(NLE) Procedure completed
EU/USA Memorandum of Cooperation: civil aviation research and development See also 2018/0009(NLE)	
Subject 3.20.01 Air transport and air freight 3.50.20 Scientific and technological cooperation and agreements	
Geographical area United States	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ITRE Industry, Research and Energy	PPE REUL Herbert	28/02/2011
Council of the European Union	Committee for opinion	Rapporteur for opinion	Appointed
	TRAN Transport and Tourism	The committee decided not to give an opinion.	
European Commission	Council configuration	Meeting	Date
	Agriculture and Fisheries	3120	20/10/2011
	Transport, Telecommunications and Energy	3072	28/02/2011
	Commission DG	Commissioner	
	Mobility and Transport	KALLAS Siim	

Key events			
04/02/2011	Preparatory document	COM(2011)0044	Summary
17/05/2011	Legislative proposal published	09390/2011	Summary
07/06/2011	Committee referral announced in Parliament		
31/08/2011	Vote in committee		Summary
13/09/2011	Committee report tabled for plenary, 1st reading/single reading	A7-0301/2011	
27/09/2011	Results of vote in Parliament		

27/09/2011	Decision by Parliament	T7-0399/2011	Summary
20/10/2011	Act adopted by Council after consultation of Parliament		
20/10/2011	End of procedure in Parliament		
29/10/2011	Final act published in Official Journal		

Technical information

Procedure reference	2011/0021(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
	See also 2018/0009(NLE)
Legal basis	Treaty on the Functioning of the EU TFEU 218-p6; Treaty on the Functioning of the EU TFEU 218-p7; Treaty on the Functioning of the EU TFEU 100-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/7/05298

Documentation gateway

Preparatory document	COM(2011)0044	04/02/2011	EC	Summary
Document attached to the procedure	06458/2011	22/02/2011	CSL	
Legislative proposal	09390/2011	17/05/2011	CSL	Summary
Committee draft report	PE469.756	19/07/2011	EP	
Committee report tabled for plenary, 1st reading/single reading	A7-0301/2011	13/09/2011	EP	
Text adopted by Parliament, 1st reading/single reading	T7-0399/2011	27/09/2011	EP	Summary
For information	COM(2017)0620	19/10/2017	EC	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Decision 2011/710](#)
[OJ L 283 29.10.2011, p. 0026](#) Summary

EU/USA Memorandum of Cooperation: civil aviation research and development

PURPOSE: to conclude a Memorandum of Cooperation between the European Union and the United States of America in civil aviation research and development.

PROPOSED ACT: Council Decision.

BACKGROUND: the Single European Sky Air Traffic Management Research (SESAR) Programme is the technological pillar of the Single European Sky (SES). It is a three phase Programme that has defined, is developing and will deploy a high quality, new generation of ATM technologies, systems and procedures compliant with SES objectives and requirements.

The SESAR Programme is now in its development phase which consists of over 300 consistent and coordinated research, development and validation projects centrally managed by the [SESAR Joint Undertaking](#) (SJU).

In the USA, the Federal Aviation Administration (FAA) has also launched an ATM modernisation programme, known as NextGen.

Considering the parallelism of SESAR and NextGen, the European airspace users have raised a strong requirement to secure interoperability between SESAR and NextGen to ensure safe and seamless operations worldwide, to increase market opportunities for the European industry and to avoid costly duplication of equipment on board aircrafts. US companies already have access to European research and development programmes such as SESAR. It is therefore, essential to guarantee reciprocal opportunities for European industry.

Based on the Commission's recommendation, on 9 October 2009, the Council adopted a decision that mandated the Commission to open negotiations on behalf of the EU with the FAA for a Memorandum of Cooperation for research and development in the field of civil aviation. The proposed Memorandum of Cooperation with the USA provides a sound and legally binding basis for establishing cooperative research and development activities, while duly addressing sensitive issues such as liability, Intellectual Property Rights (IPR) and reciprocity. In addition, the Memorandum has the potential to set the international standards in aviation providing a worldwide interoperability.

The Council also requested the Commission to develop, in parallel, an Annex addressing SESAR-NextGen interoperability.

IMPACT ASSESSMENT: in the specific case of ATM modernisation, the coordinated support, between EU and USA, to ICAO standardisation activities will be a driving force with the potential to turn common SESAR-NextGen standards into international standards for ATM. Failing to guarantee interoperability would imply duplication of airborne equipment in thousands of aircraft flying both in Europe and in the US, representing an investment that airlines are unable to afford in this time of financial crisis.

LEGAL BASIS: Article 100(2), in conjunction with Article 218, paragraph (6) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the proposed draft Memorandum defines the terms and conditions for mutual cooperation between the EU and the USA for the promotion and development of civil aviation research and development. It constitutes an important instrument that, through a legally binding framework and respecting commonly agreed reciprocity principles, will allow the parties to jointly pursue their common objective to ensure greener and more efficient air transport systems. The draft Memorandum will allow the two parties to establish cooperative research and development activities in any civil aviation issue.

The proposed Memorandum of Cooperation consists of :

1. a main body document, establishing the main principles of cooperation and governance arrangements;
2. Annexes and Appendices to the Annexes that further address specific technical objectives in the field of civil aviation research and development.

As requested by the Council in its mandate, the first Annex addresses SESAR-NextGEN interoperability.

Cooperation: the objectives of this Memorandum may be achieved by cooperation in any of the following areas:

- the exchange of information regarding programs and projects, research results, or publications;
- the execution of joint analyses;
- the coordination of research and development programs and projects, and their execution based on shared effort;
- the exchange of scientific and technical staff;
- the exchange of specific equipment, software, and systems for research activities and compatibility studies;
- the joint organisation of symposia or conferences; and
- reciprocal consultations with the aim of establishing concerted action in appropriate international bodies.

Governance: the governance arrangements consist of a Joint Committee composed of representatives of the Commission, assisted by representatives of the EU Members States, and representatives of the FAA. The Joint Committee may address any matter related to the functioning of the Memorandum and its Annexes and Appendices.

These Annexes and Appendices shall describe, as appropriate, the nature and the duration of cooperation for a specific area or purpose, treatment of intellectual property, liability, funding, allocation of costs, and other relevant matters. Unless explicitly stated otherwise, in case of an incompatibility between a provision in an Annex or Appendix and a provision in this Memorandum, the provision in the Memorandum shall have precedence.

BUDGETARY IMPLICATION: this proposal has no implication for the EU budget. Each Party shall bear the costs of the activities it performs pursuant to this Memorandum.

EU/USA Memorandum of Cooperation: civil aviation research and development

PURPOSE: to conclude a Memorandum of Cooperation NAT-I-9406 between the European Union and the United States of America in civil aviation research and development.

PROPOSED ACT: Council Decision.

BACKGROUND: the Commission has negotiated on behalf of the Union the Memorandum of Cooperation NAT-I-9406 between the United States of America and the European Union in civil aviation research and development.

The Memorandum was signed on 3 March 2011.

The Memorandum should now be approved by the Union.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 100(2), in conjunction with point (a) of Article 218(6), Article 218(7) and the first subparagraph of Article 218(8) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: by this proposal, the Memorandum of Cooperation NAT-I-9406 between the United States of America and the European Union is hereby approved on behalf of the Union.

The text of the Memorandum is attached the proposed Decision. For further details of the content of this Memorandum, please refer to the summary of the previous initial legislative document dated 04/02/2011.

The Memorandum of Cooperation consists of:

- new Annexes and Appendices to the Annexes, in accordance with the Memorandum;
- amendments to the Annexes and Appendices to the Annexes.

It lays down procedural arrangements for the participation of the Union in the Joint Committee established by the Memorandum, and the resolution of disagreements.

BUDGETARY IMPLICATIONS: this proposal has no implication for the EU budget.

EU/USA Memorandum of Cooperation: civil aviation research and development

The Committee on Industry, Research and Energy adopted the report drafted by Herbert REUL (PPE, DE) in which it recommends the European Parliament to give its consent to the conclusion of the Memorandum of Cooperation NAT-I-9406 between the United States of America and the European Union.

EU/USA Memorandum of Cooperation: civil aviation research and development

The European Parliament adopted a legislative resolution on the draft Council decision on the conclusion of the Memorandum of Cooperation NAT-I-9406 between the United States of America and the European Union.

Parliament gave its consent to the conclusion of the Memorandum of Cooperation.

EU/USA Memorandum of Cooperation: civil aviation research and development

PURPOSE: to conclude a Memorandum of Cooperation between the European Union and the United States of America in civil aviation research and development.

NON- LEGISLATIVE ACT: Council Decision 2011/710/EU on the conclusion of the Memorandum of Cooperation NAT-I-9406 between the United States of America and the European Union.

BACKGROUND: the Single European Sky Air Traffic Management Research (SESAR) Programme is the technological pillar of the Single European Sky (SES). It is a three phase Programme that has defined, is developing and will deploy a high quality, new generation of ATM technologies, systems and procedures compliant with SES objectives and requirements.

The SESAR Programme is now in its development phase which consists of over 300 consistent and coordinated research, development and validation projects centrally managed by the SESAR Joint Undertaking (SJU) ([EC SESAR](#)).

In the USA, the FAA has also launched an ATM modernization programme, known as NextGen.

Considering the parallelism of SESAR and NextGen, the European airspace users have raised a strong requirement to secure interoperability between SESAR and NextGen to ensure safe and seamless operations worldwide, to increase market opportunities for the European industry and to avoid costly duplication of equipment on board aircrafts. US companies already have access to European research and development programmes such as SESAR. It is therefore, essential to guarantee reciprocal opportunities for European industry.

The Commission negotiated on behalf of the Union the Memorandum of Cooperation NAT-I-9406 between the United States of America and the European Union in civil aviation research and development. The Memorandum was signed on 3 March 2011.

The Memorandum of Cooperation with the USA provides a sound and legally binding basis for establishing cooperative research and development activities, while duly addressing sensitive issues such as liability, Intellectual Property Rights (IPR) and reciprocity. In addition, it has the potential to set the international standards in aviation providing a worldwide interoperability in response to aviation stakeholders' expectations and providing the European industry with wider market opportunities.

It is now necessary to approve the Memorandum on behalf of the European Union.

CONTENT: by this Decision, the Memorandum of Cooperation NAT-I-9406 between the United States of America and the European Union is hereby approved on behalf of the Union.

The Memorandum defines the terms and conditions for mutual cooperation between the EU and the USA for the promotion and development of civil aviation research and development. It constitutes an important instrument that, through a legally binding framework and respecting commonly agreed reciprocity principles, will allow the parties to jointly pursue their common objective to ensure greener and more efficient air transport systems.

The Memorandum will allow the two parties to establish cooperative research and development activities in any civil aviation issue.

The Memorandum of Cooperation consists of :

- a main body document, establishing the main principles of cooperation and governance arrangements;
- Annexes and Appendices to the Annexes that further address specific technical objectives in the field of civil aviation research and development;
- Annex addressing SESAR-NextGen interoperability.

Cooperation: the objectives of this Memorandum may be achieved by cooperation in any of the following areas:

- the exchange of information regarding programs and projects, research results, or publications;
- the execution of joint analyses;
- the coordination of research and development programs and projects, and their execution based on shared effort;
- the exchange of scientific and technical staff;
- the exchange of specific equipment, software, and systems for research activities and compatibility studies;
- the joint organisation of symposia or conferences; and
- reciprocal consultations with the aim of establishing concerted action in appropriate international bodies.

Governance: the governance arrangements consist of a Joint Committee composed of representatives of the Commission, assisted by representatives of the EU Members States, and representatives of the FAA. The Joint Committee may address any matter related to the functioning of the Memorandum and its Annexes and Appendices.

These Annexes and Appendices shall describe, as appropriate, the nature and the duration of cooperation for a specific area or purpose, treatment of intellectual property, immunity and liability, resolution of disagreements, funding, allocation of costs, and other relevant matters.

ENTRY INTO FORCE: the Decision shall enter into force on 20 October 2011.