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

2011/0021(NLE) - 20/10/2011 - Final act

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.