



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

from: General Secretariat
to: Delegations

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Subject: Memorandum of Cooperation NAT-I-9406 between the United States of America and the European Union
- Draft ANNEX 2 - Collaboration on air traffic management performance measurement

Pursuant to Article III.E.2. of the Memorandum of Cooperation¹ the Joint Committee of the Parties is responsible for adopting additional Annexes and Appendices to the Memorandum. Article 4(2) of Council Decision 2011/209/EU on the signing and provisional application of the Memorandum provides that the Commission, after consultation of the Special Committee, shall determine the position to be taken in the Joint Committee with respect to the adoption of additional Annexes and Appendices to the Memorandum.

In view of the consultation foreseen by the above Article, the Commission has submitted a draft Annex 2 on collaboration on air traffic management performance measurement to the Special Committee. Following the examination of the draft Annex 2 by Special Committee at its meeting on 28 January 2013, delegations will find attached the final version of the text, to be adopted by the Joint Committee at its meeting on 12 February 2013.

¹ OJ L 89, 5.4.2011.

ANNEX 2
TO
MEMORANDUM OF COOPERATION
NAT-I-9406
BETWEEN THE
UNITED STATES OF AMERICA
AND
THE EUROPEAN UNION

COLLABORATION ON AIR TRAFFIC MANAGEMENT PERFORMANCE
MEASUREMENT

ARTICLE I — PURPOSE

This Annex 2 to Memorandum of Cooperation NAT-I-9406 (the “Memorandum”) between the United States of America and the European Union (collectively, the “Parties,” and individually, a “Party”) sets forth the terms and conditions for cooperation to develop comparable operational performance measures, including measures concerning the gate-to-gate operational performance and cost-efficiency, as well as the influence of the Air Traffic Management (“ATM”) system on fuel efficiency. Comparable measures and methodologies are a key element of industry consensus and collaboration. This work will be a continuation of the U.S./Europe Comparison of ATM-related Operational Performance reports produced by the Federal Aviation Administration (“FAA”) and the European Organization for the Safety of Air Navigation (“EUROCONTROL”) and published in 2009.

ARTICLE II — SCOPE OF WORK

- A. The scope of work is to contribute to a common performance measurement framework for ATM. The work may include, but is not limited to, the following activities:
1. Developing common definitions and data to facilitate an educational exchange of information on the challenges and successes of each Party's ATM performance measurements.
 2. Establishing a standard methodology for assessing operational performance that supports common focus areas. The current performance frameworks applied in the EU and U.S. will be an input to this development.
- B. The Parties shall produce, as necessary, on a reciprocal basis, either individually or jointly for exchange between them, analyses and reports focused on common methodologies to produce comparable results per the following guidelines:
1. Results will build on the 2009 joint FAA and EUROCONTROL report comparing ATM operational performance;
 2. Analyses shall include detailed breakouts of delays and fuel efficiencies by phase of flight (gate, taxi, departure, cruise, and descent);
 3. Results shall include airport level performance to the extent both Parties deem appropriate, consistent with the 2009 FAA and EUROCONTROL report;
 4. During the process of completing analyses, data and detailed methods shall be shared between the Parties to assure consistency in methods; and
 5. Analyses shall identify causal factors driving differences in performance, as appropriate, including weather, scheduling practices, and ATM technologies and procedures.

- C. The Parties agree that future areas of cooperation may include Air Navigation Services cost breakdowns and related cost-efficiency metrics.
- D. The Parties expect the execution of joint analyses or the preparation of periodic reports of achieved performance to be a continuous process. Unless otherwise decided by the Parties, both Parties agree to make the results of this work publicly available.

ARTICLE III — MANAGEMENT

- A. Subject to the availability of funds, the Parties shall establish and manage projects and activities and ensure that the work in progress remains pragmatic, timely and result-oriented. To this end, the Parties shall establish a Performance Analysis Review Committee, which shall:
 - 1. Be composed of an equal number of participants from the FAA and the European Commission, assisted by EUROCONTROL.
 - 2. Be co-chaired by one representative each from the FAA and the European Commission;
 - 3. Meet at least once a year to:
 - a. oversee the activities set out in Article II of this Annex;
 - b. assess the achieved results;
 - c. decide on the launch of new projects and activities;
 - d. develop proposals for new appendices or amendments to existing appendices to this Annex, which it shall submit to the Joint Committee for approval in accordance with Article III.D of the Memorandum;

- e. as necessary, consult on industry participation mechanisms or refer questions concerning the activities under this Annex to the Joint Committee established under the Memorandum; and
- f. approve on all periodic analysis and reports described in Article II of this Annex before publication or distribution.

- B. The Performance Analysis Review Committee shall establish its working procedures and all decisions shall be taken by consensus between the co-chairs.
- C. The Performance Analysis Review Committee shall ensure that the work conducted under this Annex does not duplicate work on going under other Annexes/Appendices to the Memorandum.

ARTICLE IV — IMPLEMENTATION

- A. The performance of cooperative activities under this Annex shall be accomplished on behalf of the Parties by the FAA and EUROCONTROL, (collectively, the “Entities,” and individually, an “Entity”).
- B. If needed, appendices may be developed to define detailed work. The appendices shall become part of this Annex and the Memorandum upon their entry into force.
- C. Each appendix shall be numbered sequentially and contain a description of the work to be performed by the Entities, including the location and planned duration of the work; the personnel and other resources required to accomplish the work; the estimated costs; and any other pertinent information concerning the work.

ARTICLE V—IMMUNITY AND LIABILITY

The Parties shall address immunity and liability issues associated with activities under this Annex in the relevant Appendix, as appropriate.

ARTICLE VI — FINANCIAL PROVISIONS

Each Party shall bear the costs of the cooperative activities it performs pursuant to this Annex.

ARTICLE VII — POINTS OF CONTACT

The designated offices for the coordination and management of this Annex are:

A. For the United States of America:
Africa, Europe & Middle East Office, AEU-10
Federal Aviation Administration
Wilbur Wright Bldg., 6th Floor, East
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B. For the European Union:
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Directorate for Air Transport
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ARTICLE VIII — ENTRY INTO FORCE AND TERMINATION

Entry in force and termination of this Annex shall be in accordance with Article XII.C and XII.D, respectively, of the Memorandum.

ARTICLE IX — AUTHORITY

The Parties agree to the provisions of this Annex as indicated by the signatures of their duly authorized representatives.

FEDERAL AVIATION ADMINISTRATION EUROPEAN COMMISSION
DEPARTMENT OF TRANSPORTATION EUROPEAN UNION
UNITED STATES OF AMERICA

BY: _____
Carey J. Fagan

BY: _____
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TITLE: Executive Director, Office of
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