

PROGRAMME ARRANGEMENT (PA) No A.PRG.CAP672

BETWEEN

THE FEDERAL MINISTER OF DEFENCE OF THE REPUBLIC OF AUSTRIA

AND

THE MINISTER OF DEFENCE OF THE KINGDOM OF BELGIUM

AND

THE MINISTRY OF DEFENCE OF THE REPUBLIC OF BULGARIA

AND

THE MINISTRY OF DEFENCE OF THE REPUBLIC OF CYPRUS

AND

THE MINISTRY OF DEFENCE OF THE REPUBLIC OF CROATIA

AND

THE MINISTRY OF DEFENCE OF THE CZECH REPUBLIC

AND

THE MINISTRY OF DEFENCE OF THE REPUBLIC OF ESTONIA

AND

THE MINISTRY OF DEFENCE OF THE REPUBLIC OF FINLAND

AND

THE MINISTER OF DEFENCE OF THE FRENCH REPUBLIC

AND

THE FEDERAL MINISTRY OF DEFENCE OF THE FEDERAL REPUBLIC OF GERMANY

AND

THE MINISTRY OF NATIONAL DEFENCE OF THE HELLENIC REPUBLIC

AND

THE MINISTRY OF THE DEFENCE OF HUNGARY

AND

THE MINISTRY OF DEFENCE OF THE ITALIAN REPUBLIC

AND

THE MINISTRY OF DEFENCE OF THE REPUBLIC OF LATVIA

AND

THE MINISTRY OF NATIONAL DEFENCE OF THE REPUBLIC OF LITHUANIA

AND

THE MINISTER OF DEFENCE OF THE GRAND DUCHY OF LUXEMBOURG

AND

THE MINISTER OF DEFENCE OF THE REPUBLIC OF MALTA

AND

THE MINISTER OF DEFENCE OF THE KINGDOM OF THE NETHERLANDS

AND

THE MINISTER OF NATIONAL DEFENCE OF THE REPUBLIC OF POLAND

AND

THE MINISTRY OF NATIONAL DEFENCE OF THE PORTUGUESE REPUBLIC

AND

THE MINISTRY OF NATIONAL DEFENCE OF ROMANIA

AND

THE MINISTRY OF DEFENCE OF THE SLOVAK REPUBLIC

AND

THE MINISTRY OF DEFENCE OF THE REPUBLIC OF SLOVENIA

AND

THE MINISTRY OF DEFENCE OF THE KINGDOM OF SPAIN

AND

THE GOVERNMENT OF THE KINGDOM OF SWEDEN

AND

THE SECRETARY OF STATE FOR DEFENCE OF THE UNITED KINGDOM OF GREAT

BRITAIN AND NORTHERN IRELAND

Hereinafter referred to as “the contributing Members”

AND

THE EUROPEAN DEFENCE AGENCY

Hereinafter referred to collectively as “the Participants”

On the

OPTIMISING CROSS BORDER MOVEMENT PERMISSION PROCEDURES IN EUROPE

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DEFINITIONS AND ABBREVIATIONS

AHWG	Ad Hoc Working Group
CBMP	Cross Border Movement Permission
cM(s)	Contributing Member(s) to this Programme (those that signed or accede to this arrangement)
CSDP	Common Security and Defence Policy
DIC TA	Technical Arrangement Concerning Diplomatic Clearances For Participants' Military Transport Aircraft In Their Respective National Airspace Or Territory, dated 19 th November 2012 and its amendment.
ECP	EDA Collaboration Platform (shared electronic workspace to work collaboratively on documents; has controlled access feature)
EDA	European Defence Agency
EDA Council Decision	Council Decision (CFSP) 2015/1835 of 12 October 2015 defining the statute, seat and operational rules of the European Defence Agency (recast)
EDA SB	EDA Steering Board
IWWs	Inland Water Ways
MC	Management Committee. In the related Outline Description from 7 May 2018 to Programme N° [A] PRG.CAP.672, under article 17 a reference is made to the Programme Management Group (PMG). Where this Outline Description is referring to the PMG, the MC from this programme is meant.
Movement Credit	The allocation granted to road movement in order to move over a specified route and time according to movement instructions.
Multinational Movement and Transport organisations	Multinational Organisations having Movement and Transportation as their primary activity.

PA	Programme Arrangement
Participants	PA Participants (all cM(s) and EDA)
pMS	EDA participating Member State (all Member States participating in EDA, regardless of contribution or membership in this Programme)
TA	Technical Arrangement
Third Party	States, organizations and entities, which have signed an administrative arrangement with EDA, according to the EDA Council Decision
ToR	Terms of Reference

INTRODUCTION

The Participants to the present PA:

- Considering EDA Council Decision (CFSP) 2015/1835 of 12 October 2015 defining the statute, seat and operational rules of the European Defence Agency and repealing Joint Action 2004/551/CFSP of 12 July 2004 on the establishment of the European Defence Agency;
- Considering the Action Plan on Military Mobility JOIN (2018) 5 final adopted by the High representative and the Commission on 28.03.2018, approved by the Council on 25 June 2018;
- Considering the approval by the Council of the Military Requirements for Military Mobility within and beyond the EU on 28 November 2018;
- Considering the EDA Steering Board Decision SBD 2018/13 dated 29 May 2018 approving the “Optimising Cross Border Movement Permission procedures in Europe” as an Ad Hoc Category A programme;
- Recognising that activities and operations are conducted in a multinational environment that mutual support and cooperation can significantly enhance operational readiness and ability to deploy the forces, in the framework of Military Mobility;
- Recognising that Military Mobility is an area for EU-NATO cooperation in the frame of the implementation of the Warsaw Joint Declaration and the Brussels Joint Declaration.

- Recognising that the deployments, sustainment and redeployments of Defence/Armed Forces remain a national responsibility;
- Recognising the fundamental principle of MS' sovereignty;
- Acknowledging that this PA is not intended to conflict with applicable national or international law;

have reached the following understanding concerning this Category A programme, hereafter referred to as the CBMP-Programme:

OPTIMISING CROSS BORDER MOVEMENT PERMISSION PROCEDURES IN EUROPE

Military Mobility enables the effective, timely, and safe deployment, movement and transportation of military personnel and assets upon EU MS' needs in the frame of missions, operations, exercises or for any routine day-to-day movements. A better mobility of forces within and beyond the EU will enhance European security by enabling the EU MS to act faster, in line with their defence needs and responsibilities, both in the context of CSDP missions and operations, as well as national and multinational activities (e.g. in the framework of international organisations or multilateral coalitions).

The need to improve CBMP procedures in Europe aims at facilitating the smooth movement of EU military personnel and equipment through EU countries by harmonising procedures to shorten lead times was presented to the EDA SB Ministerial on 29 May 2018, and accepted as a Cat A Programme, thereafter endorsed as a Military Mobility opportunity.

Military deployment and sustainment are a national responsibility. This includes planning and execution, as well as the timely provision of assets, services and infrastructure. Due to the almost exclusively multi-national character of today's CSDP operations, there is an increasing need for coordination and cooperation between pMS.

CHAPTER I – OBJECTIVE

1. The objective of the CBMP-Programme is to serve as the umbrella programme to develop two TAs for border-crossing permissions: one for surface and one in the air domain;
2. It is aimed to harmonize and simplify procedures and to develop optimised solutions without additional bureaucratic burden;
3. Every MS decides on access to its territory is an overarching principle which will lead the CBMP-Programme;
4. It is aimed at ensuring that unnecessary duplications concerning NATO procedures and processes are avoided;

CHAPTER II - SCOPE OF THE CBMP PROGRAMME

1. According to the Council Conclusions (EU Council Note 14770/18), the cross border movement permission is defined as: “the authorization granted to military forces to cross a border, transit through a country, enter a national airspace and overfly a country or enter national waters”.
2. Depending on the transport mode, and subject to national regulation, this authorization may include a movement credit, diplomatic clearance and/or other Military/diplomatic approvals, as described in the respective TA’s.
3. The CBMP-Programme is designed to improve cross border movement by harmonizing and simplifying procedures and developing solutions within cMs’ territories, airspaces and inland waters by using for example pre-grant permissions based on these procedures. It requires the development of TA containing options for:
 - surface movement encompassing road, rail and inland waterways;
 - the air domain including Air-to-Air Refuelling missions, Remotely Piloted Aircraft System platforms, fighter aircraft, helicopters, and training platforms; further air domain related aspects being later identified in the programme as future opportunities, to be determined within the development of the TA;

ensuring that cMs retain sovereign control of entry into their airspace and territory at all times.

4. The programme will entail two work strands, dealing with surface movement and air domain procedures harmonisation and permissions respectively.
5. A TA on surface movement is aimed at enhancing the military mobility for road, rail and IWWs by harmonising administrative procedures and developing solutions.
6. A TA on air domain, complementary to the existing DIC TA, will facilitate air operations over, to and from cMs' territories for air-assets and missions-types listed above.
7. Each cMs may decide whether it will contribute to the TA on surface movement and/or to the TA on air domain.

CHAPTER III - GOVERNANCE

For the governance of the CBMP-Programme a Management Committee (MC) will be established. The MC will exercise oversight of the programme activities, monitor the progression towards the aims and objectives of this PA and give guidance to the subordinate expert groups developing the specific TAs. These expert groups are typically established in form of AHWG, which are in charge of the development of the TAs in accordance with the objectives set for these AHWGs, observing the guidance from the MC.

Section 1. MC

1. The cMs will take decisions through the MC.
2. The MC will comprise representatives of each cMs and EDA, which has no voting rights. The Chairperson will be unanimously selected among cMs by the MC. EDA will provide the Chairperson for the CBMP-Programme in case no candidate is proposed by the cMs.
3. Any pMS who are not cMs for the purposes of this PA will be invited to attend all MC meetings and the meetings of the AHWG to be established under Section 2 of this Chapter, but will not have voting rights.
4. Third parties may be invited to MC meetings, without them having any voting rights and taking part in the decision-making process, following a fifteen working days silence procedure and if the silence is not broken in accordance with EDA rules and procedures.

5. The MC will:
 - (a) Facilitate the sharing of information between the cMs and pMS;
 - (b) Decide on the approval of the different proposals and documents, such as:
 - i. ToR;
 - ii. establishment of related expert groups (e.g. AHWGs) focusing on operational or technical aspects which will support the development of the CBMP-Programme;
 - iii. termination of related expert groups (e.g. AHWGs);
 - iv. documents issued by the MC and by the subordinate expert groups;
 - v. publishable summaries of the programme activities,
 - vi. the draft TAs to be developed under this PA,
 - (c) Suggest amendments to this PA for approval by the cMs;
 - (d) Convene as often as deemed necessary by the cMs representatives, but at least once a year;
 - (e) Decide upon Third Party participation to AHWG meetings.
6. The MC will decide by consensus, unless otherwise foreseen in this PA. MC-representatives will only object to decisions pertaining to work strands to which they decided to participate. Decisions subject to consensus will be annexed to MC meeting minutes or to EDA communications following a silence procedure. MC-decisions affecting the EDA role and resources, will only be taken after prior consultation with EDA. In any case, the EDA SB will be informed of such decision, including a statement on the advice of EDA on the matter.
7. The MC will report to the cMs and the EDA SB through an annual report, which will encompass:
 - (a) An evaluation of the CBMP-Programme's progress in achieving its aims and objectives as described in Chapter I;
 - (b) An update on the progress of all CBMP activities.
8. Additionally, the MC will report to the cMs and the EDA SB as appropriate.

Section 2. AHWGs

1. Based on the CBMP-Programme scope (Chapter II), an AHWG will be established for each work-strand under the CBMP-Programme, constituting the expert group for the development of the specific TAs.
2. In this respect:
 - (a) The AHWGs will be subordinated to the MC;
 - (b) It will comprise expert level representatives of the cMs, and pMS who are not cMs and who will not be entitled to vote if such a system is envisaged within the ToR of the AHWG;
 - (c) Third parties, may be invited to AHWG meetings, without them having any voting rights and taking part in the decision-making process, following a fifteen working days silence procedure and if the silence is not broken by any MC representative, in accordance with EDA rules and procedures.
 - (d) The AHWGs will report directly to the MC;
 - (e) The AHWGs will be tasked, in particular, to:
 - i. Develop ToR that define the objectives in more detail, a timeline for the achievement of such, and the way of working of the respective AHWG;
 - ii. Develop the respective draft TAs;
 - iii. Elaborate any document as deemed necessary;
 - iv. Provide information for the CBMP-Programme annual report.
 - (f) The AHWGs will meet with a frequency that is in line with the set timeline and progression towards the objectives, and upon specific tasking by the MC, and at least twice a year.
 - (g) The AHWGs will produce minutes of each meeting. Those minutes are to be provided to all cMs and the MC; cMs-representatives in the MC can object to the AHWG-proposals within fifteen working days of the provision of the meeting minutes, observing Chapter III Section 1 Point 6 and point 7.

Section 3. Role of EDA

The EDA will:

1. Facilitate and, if so agreed, host meetings of the MC and AHWGs;
2. Set up and manage a collaborative workspace (ECP) for the CBMP-Programme and its domain-specific work-strands, to which MC and AHWG representatives have access; representatives of Third Parties can be granted access based on MC approval;
3. Invite Third Parties as requested by the MC;

CHAPTER IV - FINANCIAL ARRANGEMENTS

1. The CBMP-Programme will have no direct financial implications. This does not exclude that implementing solutions, as laid down in the respective TAs, may require future financial resources, which will necessitate a new PA or an amendment to this PA. Any effort and cost as to the implementation of envisioned TAs within the national administration resides with the cMs.
2. All administrative costs of the participation to the CBMP-Programme will be borne by the Participants that incur them, including, inter alia, the travelling and accommodation expenses as well as other costs related to the work of the MC and AHWG representatives.

CHAPTER V - LEGAL AND SECURITY ASPECTS

Section 1. Legal aspects

1. Any difference in the interpretation or application of this PA will be resolved solely by consultation between the Participants.
2. All claims arising within the context of the performance of the PA will be dealt with in accordance with international and national laws and regulations of the cMs.
3. This PA does not constitute a treaty as defined by the 1969 Vienna Convention on the Law of Treaties. In case of any conflict between this PA and international or national laws and regulations of the cMs, the latter will prevail. The cMs to the PA will notify each other in the event of any such conflict.

Section 2. Security and Classified Information

1. National classified Information provided or generated under this PA will be used, stored, handled, transmitted, and safeguarded in accordance with applicable international security agreements or arrangements between the Participants and with the cMs' respective national security laws and regulations. EU classified information will be protected in accordance with Council Decision n°2013/488/EU of 23 September 2013 on the security rules for protecting EU classified information. Agreement between the Member States of the European Union regarding the protection of classified information exchanged in the interests of the European Union (2011/C 202/05) is applied when appropriate.
2. The appropriate security rules and regulations will continue to apply after the termination of this PA or the withdrawal of a cMs from the latter.

Section 3. Disclosure and Use of non-classified Information

1. The MC will encourage coordination and information exchange and sharing between the Participants as much as possible.
2. The Participants will endeavour to share information on CBMP-Programme related topics and to share all relevant information, in a transparent way.
3. Subject to the sensitivity of topics to be discussed, the Participants will agree on the level of disclosure of the information shared with invited experts. In any case, the MC will retain full discretion to decide whether information should not be disclosed to invited experts or be made public.

CHAPTER VI - FINAL PROVISIONS

Section 1. Duration

This PA will remain effective unless all cMs consent in writing to its termination on the proposal of any of the Participants.

Section 2. Amendment

1. Upon cMs proposal to the MC, this PA may be amended in writing at any time by unanimous decision of the cMs.
2. Admission of new members will not constitute a material change to this PA.

Section 3. Withdrawal and Termination

1. Any cMs can withdraw from the CBMP-Programme at any time at their own discretion via a written notice to EDA, two months prior to the desired withdrawal date. EDA will notify the MC.
2. In case of termination of this PA or the withdrawal from the CBMP-Programme by any cMs, the obligations arising from this PA during its period of validity remain in effect.

Section 4. Admission of new Members

1. Any pMS that has chosen to opt out of the CBMP-Programme, may request to become a cMs by means of a Declaration of Intent both in the English and French language (enclosed at Annex A to this PA). The Declaration of Intent will be sent to EDA which will inform all cMs. The cMs will decide by consensus on the admission of an additional cMs through EDA, within 60 calendar days through a written procedure. After this period has ended, if no objections have been received, the applicant will become a cMs. To that effect, the admitted new cMs will sign the PA. EDA will provide a communication on the outcome to the cMs and the concerned applicant.
2. States, which are third parties, may also request to become a contributing member, by following the provisions of the EDA Council Decision and the provisions of the relevant Administrative Arrangement.

Section 5. Date of Coming into Effect

1. This PA will be signed both in the English and French languages, each version being equally valid. The original will be held by the EDA, with one certified true copy being sent to each cMs.
2. This PA will become effective at the date of the signature of a minimum of 10 cMs and EDA. For the remaining pMS, who have not opted out, the PA will become effective on the respective date of signature.

SIGNATURES



The Federal Minister of Defence of the Republic of Austria,

Signature

Place

Date



For the Minister of Defence of the Kingdom of Belgium

Signature

Place

Date



The Ministry of Defence of the Republic of Bulgaria,

Signature

Place

Date



The Ministry of Defence of the Republic of Cyprus,

Signature

Place

Date



The Ministry of Defence of the Republic of Croatia,

Signature

Place

Date



The Ministry of Defence of the Czech Republic,

Signature

Place

Date



The Ministry of Defence of the Republic of Estonia,

Signature

Place

Date



The Ministry of Defence of the Republic of Finland,

Signature

Place

Date



The Minister of Defence of the French Republic,

Signature

Place

Date



The Federal Ministry of Defence of the Federal Republic of Germany,

Signature

Place

Date



The Ministry of National Defence of the Hellenic Republic,

Signature

Place

Date



The Ministry of the Defence of Hungary,

Signature

Place

Date



The Ministry of Defence of the Italian Republic,

Signature

Place

Date



The Ministry of Defence of the Republic of Latvia,

Signature

Place

Date



The Ministry of National Defence of the Republic of Lithuania,

Signature

Place

Date



The Minister of Defence of the Grand Duchy of Luxembourg,

Signature

Place

Date



The Minister of Defence of the Republic of Malta,

Signature

Place

Date



The Minister of Defence of the Kingdom of the Netherlands,

Signature

Place

Date



The Minister of National Defence of the Republic of Poland,

Signature

Place

Date



The Ministry of National Defence of the Portuguese Republic,

Signature

Place

Date



The Ministry of National Defence of Romania,

Signature

Place

Date



The Ministry of Defence of the Slovak Republic,

Signature

Place

Date



The Ministry of Defence of the Republic of Slovenia,

Signature

Place

Date



The Ministry of Defence of the Kingdom of Spain,

Signature

Place

Date



The Government of the Kingdom of Sweden

Signature

Place

Date



The Secretary of State for Defence of the United Kingdom of Great Britain and Northern Ireland,

Signature

Place

Date



The European Defence Agency

Signature

Place

Date



DECLARATION OF INTENT

The *Republic/Kingdom/Government/Ministry /Minister* of represented by
.....

DECLARING that it wishes to participate in the:

PROGRAMME ARRANGEMENT (PA) N° A.PRG.CAP672 regarding Optimising Cross Border
Movement Permission procedures in Europe (CBMP);

Acknowledging that the terms in this declaration have the same meaning as in the afore-mentioned
Programme Arrangement;

ACCEPTS to:

- participate in the CBMP-Programme as per Chapter VI, Section 4 of this PA;
- contribute to the CBMP-Programme and to adhere to all PA provisions including its Annexes and related approved documents in the versions valid at the time;
- mandate the EDA to update the list on the front page of this PA and integrate the signatures at the end of the PA accordingly.

For the *Republic/Kingdom/Government/Ministry / Minister* of
.....

Date:

