



MEMORANDUM OF COOPERATION

BETWEEN

the **EUROPEAN AVIATION SAFETY AGENCY**

(hereinafter referred to as "EASA"),

with headquarters in Konrad Adenauer-Ufer 3
50668 Köln, Germany,

represented by Mr Patrick Ky, Executive Director,

AND

the **EUROPEAN CHEMICAL AGENCY**,

(hereinafter referred to as "ECHA"),

with headquarters in Annankatu 18
00120 Helsinki, Finland

represented by Mr Geert Dancet, Executive Director,

(hereinafter referred to individually as "a Party" or collectively as "the Parties")

PREAMBLE:

- (1) Having regard to the respective mandates of the Parties and their objectives as defined in their founding legal acts, namely Regulation (EC) No 216/2008 of the European Parliament and of the Council on common rules in the field of civil aviation and establishing a European Aviation Safety Agency, and Regulation (EC) No 1907/2006 of the European Parliament and of the Council concerning the Registration, Evaluation, Authorisation and Restriction of Chemicals (REACH) and establishing a European Chemicals Agency;
- (2) Having regard to the Joint Statement and the Common Approach on decentralised agencies, signed by the Council, the European Parliament and the Commission in July 2012, and various initiatives under the framework of the EU Agencies Network with a view to create efficiencies and synergies between the agencies;
- (3) Taking note of the progress achieved so far in the exchange of information and expertise between the Parties;

(4) Considering that it is within the common interest of the Parties to enhance further their cooperation in certain areas, while avoiding duplication of efforts and overlaps in their respective activities, and ensuring the best use of available resources.

Therefore, in consideration of the mutual interest above, the Parties have agreed the following:

1. PURPOSE

The purpose of this Memorandum of Cooperation (MoC) is to provide for a framework of cooperation and determine specific working arrangements between the Parties as well as to establish a communication channel, with a view to effectively cooperate in matters of common interest, in particular the field of activities identified in this MoC, based on the principles common interest, reciprocity and complementarity.

2. SCOPE

Cooperation between the Parties encompasses in particular, but is not limited to, the following areas, in accordance with the respective mandates of the Parties:

- 2.1. Exchange of information regarding authorisation and restriction of chemicals under Regulation (EC) No 1907/2006 as well as on classification, labelling and packaging of substances and mixtures under Regulation (EC) No 1272/2008, as relevant for the activities of EASA;
- 2.2. Exchange of information regarding aspects of civil aviation under Regulation (EC) No 216/2008, as relevant for the activities of ECHA;
- 2.3. Participation in meetings convened under their respective auspices or in relevant working groups established by either of the Parties in matters in which the other Party has an interest or technical competence, as appropriate;
- 2.4. Implementation of specific joint projects, taking into account availability of adequate resources, as relevant;
- 2.5. Consultation of one another on matters of common interest in order to coordinate their activities and to avoid that they give contradicting messages, as appropriate.

3. LEGAL NATURE

- 3.1. This MoC is a statement of intent and does not create any enforceable rights or obligations. The Parties will fulfil their tasks under this MoC on a best-effort basis;
- 3.2. This MoC does not modify or supersede any European Union law or any national laws nor does it affect any provisions under other multilateral or bilateral agreements in force and applicable to the Parties;
- 3.3. There will be no third party beneficiaries to this MoC.

4. IMPLEMENTATION

- 4.1. This MoC will be implemented by mutual agreement and regular consultation between the Parties;
- 4.2. Further aspects of the cooperation between the Parties as the detailed working methods and procedures may be developed and agreed in the framework of the present MoC, including specification of the respective roles and responsibilities of involved members of staff and the modalities for the participation as observer to relevant meetings.

5. CONFIDENTIALITY

- 5.1. Exchange of information between the Parties for the purpose of this MoC shall only take place in accordance with the provisions of this MoC and in accordance with the applicable laws and regulations governing the processing and release of information, in particular the provisions of Regulation (EC) No 45/2001;
- 5.2. Each Party will ensure that information received on the basis of this MoC will be treated in accordance with applicable laws and regulations governing the processing and release of information. Sharing of information shall safeguard the legitimate rights of third parties, including their Intellectual Property rights. When exchange of data that is not publicly available takes place, confidentiality requirements shall apply as foreseen in the Parties' founding legal acts or other relevant legislation and the Parties respect each other's confidentiality policy. Unauthorised use and processing of data provided by a third party for the benefit of another party shall not be allowed.

6. APPLICABILITY, AMENDMENT AND TERMINATION

- 6.1. The Parties will begin to cooperate under the framework of this MoC as of the date of last signature by either Party;
- 6.2. This MoC may be amended at any time with the written consent of both Parties;
- 6.3. This MoC may be terminated by either Party by providing three (3) months' written notice to the other Party.

IN WITNESS WHEREOF, the Parties have signed this MoC in two (2) original copies of which each Party has received one copy:

For EASA

Patrick Ky, Executive Director

Signature: _[signed]_

Done at: Cologne

Date: 13 December 2017

For ECHA

Geert Dancet, Executive Director

Signature: _[signed]_

Done at: Helsinki

Date: 14 November 2017