

MEMORANDUM OF UNDERSTANDING

In relation to the establishment of a Functional Airspace Block

between:

The Government of the United Kingdom of Great Britain and Northern Ireland

and

The Government of Ireland

This Memorandum records the arrangements of the two Governments as follows:

INTRODUCTION

The Governments of, on the one hand, the United Kingdom of Great Britain and Northern Ireland and, on the other, Ireland have reached an understanding to work together in relation to their respective obligations under article 5 of Regulation (EC) No 551/2004 of the European Parliament and of the Council of 10 March 2004 on the organisation and use of the airspace in the Single European Sky. Subject to the provisions of this arrangement, they will work together in using their respective airspace as a Functional Airspace Block (FAB).

PARAGRAPH 1 - RELATED ARRANGEMENTS

It is necessary to consider alongside this State level arrangement:

- Memorandum of Understanding on co-operation between the UK Civil Aviation Authority and the Safety Regulation Division of the Irish Aviation Authority in relation to the supervision of the Functional Airspace Block (NSAs' MoU), and
- Memorandum of Understanding between NATS and the Irish Aviation Authority relating to the operation of the UK/Ireland Functional Airspace Block (ANSPs' MoU).

Both are annexed to this memorandum.

PARAGRAPH 2 – ESTABLISHMENT OF A FUNCTIONAL AIRSPACE BLOCK

With a view to achieving maximum capacity and efficiency of the air traffic management network within the Single European Sky, and with a view to maintaining a high level of safety, the Governments have decided, subject to

the provisions of this arrangement, to work together in using their respective airspace as a Functional Airspace Block (FAB) in order to:

- enhance safety;
- enable optimum use of the airspace;
- achieve environmental benefits;
- maximise capacity; and
- minimise operating costs.

The Governments will work together to facilitate the performance of each of the NSA MoU and the ANSP MoU insofar as each properly relates to the establishment and maintenance of the FAB.

PARAGRAPH 3 – STRATEGIC OVERSIGHT OF THE FUNCTIONAL AIRSPACE BLOCK

For the purpose of evaluating progress towards the achievement of the objectives of the establishment of a Functional Airspace Block, the Governments will jointly review progress towards these objectives. This review will be based on (1) the annual report and plan to be prepared by the FAB Management Board which is provided for in the ANSPs' MoU; (2) any views expressed by the NSAs in relation to that draft annual report and plan; and (3) any views that might be otherwise expressed by NSAs either individually or jointly arising from their own annual review procedures.

The States will jointly consider the final annual report of the FAB Management Board and issue joint comment to the FAB Management Board on any matters arising.

PARAGRAPH 4 – FUTURE CO-OPERATION OPPORTUNITIES

The participants are receptive to modifying or expanding this MOU, for example to include other states and/ or joining the UK-Ireland Functional Airspace Block with other Functional Airspace Blocks.

PARAGRAPH 5 - RESERVED MATTERS

The following issues are reserved by each Government, and are not subject to this MOU:

- sovereignty;
- State aircraft within the meaning of Article 3 of the Convention on International Civil Aviation, done at Chicago on 7 December 1944;
- national security (insofar as it does not involve State aircraft);
- ownership and control issues of the air navigation service providers;
- involvement by either Government without the other in any other FAB.

Without prejudice to such reserved issues, the Governments, mindful of the States' obligations under Article 11 of the Service Provision Regulation (EC No 550/2004) ("Relations with military authorities"), will ensure that appropriate arrangements are in place in respect of the involvement of military authorities in the governance structures of the FAB.

PARAGRAPH 6 - ENTRY INTO EFFECT

This Memorandum of Understanding will come into effect on the date of signature.

PARAGRAPH 7 - REVIEW

There shall be a review of these arrangements if and whenever either Government so requests and in any event within 18 months of the date of signature and annually thereafter.

PARAGRAPH 8 – MODIFICATION

In the event of a proposed modification of the FAB, including but not limited to changes in its defined dimensions or its extension to include other parties, the two Governments will agree a process by which to participate in the development and agreement of such a modification, including transitional arrangements. The process will ensure co-ordination and collaboration between the two Governments and:

- (a) the ANSP and NSA parties to the UK/Ireland FAB;
- (b) any other State that is directly a party to the modification;
- (c) any neighbouring FAB or Member State impacted by the proposed modification.

PARAGRAPH 9- SUSPENSION

The FAB established under this arrangement may be suspended by either Government giving written notice to the other Government. Such notice may be given if and whenever either Government considers it necessary or expedient to do so.

A Government suspending the FAB under this arrangement may revoke that suspension by giving written notice to that effect to the other Government.

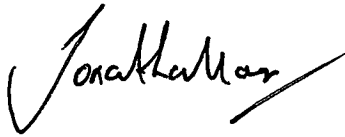
PARAGRAPH 10- TERMINATION

Each participant is entitled to withdraw from the FAB MOU if it chooses. It shall inform the other giving not less than 90 days' notice and facilitate a smooth transition to a pre MOU position or other negotiated position acceptable to both participants.

SIGNED BY:

The foregoing record represents the understandings reached between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland upon the matters referred to therein. This agreement is not eligible for registration as a treaty under Article 102 of the UN Charter.

Signed in duplicate on 25 January 2012, in the English language.



Jonathan Moor

Director General of Civil Aviation
UK Department for Transport

**For the Government of the United
Kingdom of Great Britain and
Northern Ireland**



John Fearon

Director General of Civil Aviation
Ireland Department of Transport,
Tourism and Sport

For the Government of Ireland