

MEMORANDUM OF UNDERSTANDING

BETWEEN

THE GOVERNMENT OF THE KINGDOM OF SWEDEN

AND

THE MINISTRY OF DEFENCE OF THE KINGDOM OF DENMARK

ON

THE ENHANCED DEFENCE COOPERATION

WITHIN

THE AIR AND MARITIME DOMAIN

INTRODUCTION

The Government of the Kingdom of Sweden and the Ministry of Defence of the Kingdom of Denmark hereinafter referred to as the Participants;

Recognizing that Denmark and Sweden share common regional defence and security interests and that it would be to their mutual benefit to strengthen bilateral defence cooperation;

Willing to intensify their good and cordial relations within the area of defence cooperation, while respecting each participants' recognised practices;

Aiming to increase operational effect and optimise the use, sustainability and development of their defence capabilities within maritime and air domains;

Wishing to contribute to the steadfast enhancement of international stability, peace and security;

Considering the Terms of Reference, November 2014, approved by the Defence Ministers of Denmark and Sweden tasking Defence Command Denmark and the Swedish Armed Forces to identify potential areas for enhanced bilateral military cooperation with the aim to increase operational effect within the air and maritime domains in peacetime;

Recognising the recommendations of the "Final report on enhanced Danish-Swedish military co-operation" (Joint Report) which was delivered on 31 March 2015;

Acknowledging any obligation that may follow from the Participants' membership of the European Union (EU) and/or the North Atlantic Treaty Organisation (NATO);

Having regard to the Agreement between the Parties to the North Atlantic Treaty Regarding the Status of their Forces (NATO SOFA) signed in London on 19 June 1951 and the Agreement among the States Parties to the North Atlantic Treaty and the other States participating in the Partnership for Peace regarding the Status of Their Forces (NATO PfP SOFA), done in Brussels on 19 June 1995;

Having regard to the General Security Agreement on the Mutual Protection and Exchange of Classified Information, dated 7th May 2010;

Respecting the Memorandum of Understanding between the Ministry of Defence of the Kingdom of Denmark and the Ministry of Defence of the Republic of Finland and the Ministry for Foreign Affairs of Iceland and the Ministry of Defence of the Kingdom of Norway and the Government of the Kingdom of Sweden on Nordic Defence Cooperation (NORDEFECO) dated 4 November 2009;

Have resolved to conclude this Memorandum of Understanding (MOU) to establish the basis for further bilateral defence cooperation within the air and maritime domain in peacetime.

Section 1 PURPOSE AND SCOPE

1. The purpose of the enhanced Swedish-Danish bilateral defence cooperation is to increase the operational effect and improve quality of maritime and air operations in peacetime, including enhanced access to each others air and sea territory under certain conditions.
2. This MOU identifies areas of cooperation and will provide the overall framework for the enhanced bilateral military cooperation.
3. The enhanced cooperation will not duplicate efforts or activities within the framework of Nordic Defence Cooperation (NORDEFECO) or Sea Surveillance Co-operation Baltic Sea (SUCBAS) but rather spearhead further cooperation within the realm of these two main forums of regional cooperation.
4. The areas of cooperation are laid down in section 2.
5. Subordinate arrangements relating to the areas of cooperation will be concluded between the Participants or any subordinate entity duly authorised by either Participant. Such arrangements will be concluded under the auspices of this MoU. In case of inconsistency between the MoU and any subordinate arrangement the text of the MoU will prevail.
6. The MoU and any subordinate arrangement are not intended to conflict with national legislation of the Participants or with international law. In case of conflict, national legislation or international law will prevail. The Participants will notify each other in the event of any conflict arising.
7. Further areas of cooperation may be identified and made subject to the provisions of this MoU with the mutual consent of the Participants. Should an opportunity of mutual interest to the Participants arise that would fall outside the scope of this MoU, the Participants may open dialogue with Ministries or Agencies of their respective governments in order to facilitate cooperation.

Section 2 AREAS OF COOPERATION

1. The areas of cooperation will, without conferring the rights to exercise any public authority, jurisdiction or transferring sovereignty, include:
 - a. Access: Enhanced access for warships, military aircraft – and Danish Home Guard vessels and aircraft – including armed such ships and aircraft - to the territorial sea, internal waters and air-space of the Participants as well as to each other's air and naval bases. The cooperation area does not include unmanned ships or aircraft.

- b. Information exchange: Exchange of information within the realm of air and sea surveillance.
 - c. Air and Sea Surveillance: Enhanced military operational co-operation in air space and sea/maritime surveillance in order to enhance interoperability and improve the capability to act in the air and maritime domains.
 - d. Secure communication: Secure communications between the Participants for the purpose of the co-operation areas covered by this MoU.
 - e. Education, Training and Exercises: The Participants will promote opportunities for cooperation in exercises, including the possibility of participation in exercises hosted on territorial waters and its airspace. Training and exchange of officers and staff educational resources to the areas laid down in paragraph 1.a-e.
2. Detailed procedures and conditions regarding the areas of cooperation will be laid down in subordinate arrangements.

Section 3 OPERATIONAL AND JURISDICTIONAL LIMITATIONS

1. The Participants will conclude subordinate arrangements as concerns *inter alia* to which geographically defined areas within their territories and to which air and naval bases access will be given and under what conditions such access will be given.
2. The activities under this MoU shall not include:
- a. The exercise of public authority within the territory of the other Participant.
 - b. Operations that aim to collect information about the other Participant's military or civilian infrastructure and capabilities.
 - c. Use of Special Operation Forces within the respective territorial sea, internal waters or airspace outside of planned exercises.
 - d. Intelligence operations and exchange of intelligence.
 - e. Maritime and Air interdiction operations and any other exercise of public authority of one Participant's armed services or Home Guard within the territory of the other Participant.
3. All territorial border crossings are to be reported to the authorities appointed by the Participants to deal with border crossings with information on the purpose of the crossing, forces allocated and position reports for operational units.

Section 4
FINANCIAL AGREEMENTS

Unless otherwise agreed each Participant will cover its own expenses derived from activities and projects conducted under this MoU.

Section 5
STATUS OF FORCES

The Agreement among the States Parties to the North Atlantic Treaty and the other States participating in the Partnership for Peace regarding the Status of their Forces, done in Brussels on 19 June 1995 (NATO/PfP SOFA) will together with its Additional Protocol, apply to the status of forces of one of the Participants while conducting activities or projects under the auspices of this MoU on the territory of the other Participant.

Section 6
SECURITY OF CLASSIFIED INFORMATION

The General Security Agreement on the Mutual Protection and Exchange of Classified Information, dated 7th May 2010 (GSA) will apply to classified information provided or generated under this MoU or subordinate arrangements. Specific rules concerning security of information provided or generated under this MoU may be laid down in subordinate arrangements.

Section 7
DISPUTES

Any dispute concerning the interpretation or application of this MoU (and its subordinate arrangements) will be resolved by negotiations between the Participants and will not be referred to any national or international tribunal or third party for settlement.

Section 8
FINAL PROVISIONS

1. This MoU may be amended or modified at any time. Any amendment to this MoU will be made in writing by mutual consent by the Participants and by exchange of letters.
2. This MoU or any subordinate arrangements may be terminated at any time by mutual written consent of the Participants.
3. Until further notice this MoU will not apply to the Faeroe Islands and Greenland.
4. Any of the Participants may withdraw from this MoU immediately by written notice.

5. In the event that this MoU is terminated, or a Participant makes a formal notification of its withdrawal from the MoU, the provisions of this MoU will continue to apply until any outstanding matters relating to this MoU have been resolved.
6. Unless stated therein, in case this MOU is terminated, all of its subordinate arrangements will terminate also.
7. The English language will be the working language of this MoU.
8. This MoU will enter into effect on the date of the last signature of the Participants.

Signed,

Date:

THE MINISTRY OF DEFENCE OF THE KINGDOM OF DENMARK

Peter Christiansen
Minister for Defence

Date:

THE GOVERNMENT OF THE KINGDOM OF SWEDEN

Peter Hultqvist
Minister for Defence