

EU/Norway Cooperation Agreement: satellite navigation

2011/0033(NLE) - 21/06/2011 - Legislative proposal

PURPOSE: to conclude and apply the Cooperation Agreement on Satellite Navigation between the European Union and its Member States and Norway.

PROPOSED ACT: Council Decision.

BACKGROUND: Norway is the closest non-EU cooperation partner in the European GNSS systems Galileo and EGNOS. Norway has contributed politically, technically and financially to all phases of Galileo through its membership in the European Space Agency and its informal participation in the Galileo-specific EC governance structures over the years.

This Agreement formalises together with the Joint EEA-EU Committee Decision 94/2009, which incorporates Regulations 683/2008 and 1321/2004 (as amended) into the EEA Agreement, the cooperation between Norway and the European Union in the field of satellite navigation.

The Agreement is necessary because Norway will host two important ground installations that will contribute to the proper functioning of the system. In this context Norway gives a political commitment to subscribe to future Union policy regarding the protection of European GNSS Systems.

The Agreement has been negotiated on the basis of negotiation directives adopted by the Council on 8 July 2005. The Agreement was signed on 22 September 2010.

It is now necessary to conclude the Agreement on behalf of the EU as regards matters falling within the competence of the Union.

The Agreement will also have to be ratified by Member States.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Articles 171 and 172, in conjunction with Article 218 (6)(a) and the first subparagraph of Article 218 (8) of the TFEU.

CONTENT: by this Decision, the Cooperation Agreement on Satellite Navigation between the European Union and its Member States and the Kingdom of Norway is hereby approved on behalf of the Union.

The Agreement establishes the general cooperation principles and the rights and obligations of Norway in those areas – particularly in security - that are not covered by the existing Galileo acquis, i.e. the above mentioned decision 94/2009.

This Agreement complements the Joint EEA-EU Committee Decision 94/2009 by amending Protocols 31 and 37 to the EEA Agreement by which Norway subscribes to Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio-navigation programmes, Regulation (EC) No 1942/2006 amending Regulation (EC) No 1321/2004 and Regulation (EC) No 683/2008 of the European Parliament and of the Council on the further implementation of the European satellite navigation programmes (EGNOS and Galileo). Duplication between the two instruments has been avoided.

Principles of Cooperation: the Parties agree to apply the following principles to cooperation activities covered by this Agreement:

- the EEA Agreement shall be the basis for cooperation in satellite navigation between the Parties;
- freedom to provide satellite navigation services in the territories of the Parties;
- freedom to use all the Galileo and EGNOS services, including PRS, subject to fulfilling the conditions governing their use;
- close cooperation in GNSS security matters through the adoption and enforcement of equivalent GNSS security measures both in the Union and Norway;
- due respect of the international obligations of the Parties in respect of ground facilities of European GNSS.

This Agreement shall not affect the institutional structure established by European Union law for the purpose of the operations of the Galileo programme. Nor does this Agreement affect the applicable regulatory measures implementing non-proliferation commitments and export control, controls of intangible transfers of technology, or national security measures.

Radio spectrum: the Parties agree to cooperate on radio-spectrum issues concerning European satellite navigation systems in the International Telecommunication Union (ITU), taking account of the Memorandum of Understanding on the Management of ITU filings of the Galileo radio-navigation satellite service system signed on 5 November 2004. In this context the Parties shall protect adequate frequency allocations for European satellite navigation systems in order to ensure the availability of the services of these systems for the benefit of users. Moreover, the Parties recognise the importance of protecting radio navigation spectrum from disruption and interference.

Ground facilities of European GNSS: Norway shall take all practicable measures to facilitate the deployment, maintenance and replacement of ground facilities of European GNSS ("ground facilities") in the territories under its jurisdiction. It shall also take all practicable measures to ensure the protection and the continuous and undisturbed operation of ground facilities in its territories, including, where appropriate, by mobilising its law enforcement authorities. The archives and equipment of the ground facilities and documents in transit, whatever their form, under official seal or marking shall not be subject to inspections by customs or police. In the case of a threat or compromise against the security of ground facilities or their operation, Norway and the European Commission shall, without delay, inform each other of the event and steps to remedy the situation.

Security: the Parties are convinced of the need to protect Global Navigation Satellite Systems against threats such as misuse, interference, disruption and hostile acts. Consequently, the Parties shall take all practicable steps including, where appropriate, separate agreements, to ensure the continuity, safety and security of the satellite navigation services and the related infrastructure and critical assets in their territories. In this context Norway confirms its intention to timely adopt and enforce, within its jurisdiction, measures providing an equivalent degree of security and safety as those applicable in the European Union. In recognition of this, the Parties will address GNSS security issues including accreditation in the relevant committees of the governance structure of European GNSS. The practical arrangements and procedures are to be defined in the rules of procedures of the relevant committees taking also into account the framework of the EEA Agreement.

Other issues dealt with include:

- exchanges of classified information;
- export control - in order to ensure the application of a uniform policy of export controls and non-proliferation concerning Galileo between the Parties, Norway confirms its intention to timely adopt

and enforce, within its jurisdiction, measures providing an equivalent degree of export control and a non-proliferation of Galileo technologies, data and items as those applicable in the Union and its Member States;

- public regulated service.

BUDGETARY IMPLICATION: this proposal has no implications for the EU budget.