



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 8 October 2012**

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**AVIATION 140  
OC 524**

**REPORT**

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From: General Secretariat  
To: COREPER / Council  
No Cion doc.: 13169/12 AVIATION 124

Subject: *Preparation of the Council meeting (Transport, Telecommunications and Energy) on 29 October 2012*

Proposal for a COUNCIL DECISION on the signing, on behalf of the Union, and provisional application of the Agreement providing a general framework for enhanced cooperation between the European Union and the European Organisation for the Safety of Air Navigation  
- Adoption

**COMMON GUIDELINES**

**Consultation deadline for Croatia: 02.10.2012**

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**I. INTRODUCTION**

On 8 June 2011, the Commission submitted a Recommendation to the Council in order to authorise the Commission to open and conduct negotiations with the European Organisation for Safety of Air Navigation (EUROCONTROL) in view of the adoption of a High Level Agreement. The main objective of the Agreement is to replace the existing 2003 Memorandum of Cooperation between the European Commission and EUROCONTROL, now obsolete, with a new legal framework for the relationship between the EU and EUROCONTROL and thus to consolidate the already existing cooperation arrangements and activities.

On the other hand, the evolution of the Single European Sky (SES) regulatory framework needs to be reflected in a new and more stable arrangement, taking into account the latest and the future developments, and recognising the EU's and EUROCONTROL 's complementary and mutually reinforcing strengths.

## **II. CONTENT OF THE AGREEMENT**

The proposed draft Agreement defines the terms and conditions of enhanced cooperation between the EU and Eurocontrol in order to support the EU in the implementation and development of air traffic management (ATM) in accordance with the SES legal framework and related EU policies.

Its objectives are:

- to contribute to timely and consistent implementation of the SES within the EU and with third countries that agree to be bound by the SES;
- to facilitate the necessary civil-military cooperation on ATM in the SES and the use of EUROCONTROL expertise in these areas;
- to facilitate the involvement of non-EU Member States in the SES.

In addition, the draft Agreement aims to ensure synergies and avoid duplication of EASA's work in safety-related ATM matters and environmental issues and to consider Eurocontrol's pan-European dimension.

The proposed draft Agreement lists the areas of cooperation concerning the implementation of SES, SESAR and other related EU policies that will be defined further in separate annexes to the Agreement. The Agreement also defines the forms and mechanisms of cooperation and coordination between the parties, including the stakeholder consultation processes. A Joint Committee set up according to point 7 of the Agreement will be responsible for its management and functioning. In addition, the funding of the activities is defined in accordance with the rules applicable to the parties' respective budgets.

### **III. WORK WITHIN THE COUNCIL BODIES**

On 16 June 2011, at the TTE Council in Luxemburg, the Transport ministers were informed by the Commission about the necessity to negotiate a new High Level Agreement between the EU and EUROCONTROL.

The Council preparatory bodies examined the above-mentioned Commission's Recommendation and, on 6 October 2011, the Council granted a mandate to the Commission authorising it to open negotiations with the European Organisation for the Safety of Air Navigation (EUROCONTROL) in order to conclude a cooperation agreement between the two organisations.

Based on the negotiating directives of the mandate, the Commission conducted negotiations with EUROCONTROL and, on 24 April 2012, the draft Agreement was initialled by both parties.

### **IV. TASKS FOR COREPER/COUNCIL**

Coreper is invited to confirm the agreement reached at Working Party level and to forward to the TTE Council for adoption the Council Decision on the signing, on behalf of the Union, and provisional application of the Agreement providing a general framework for enhanced cooperation between the European Union and the European Organisation for the Safety of Air Navigation, as provided in JL document 13792/12 AVIATION 137 OC 493, at its meeting on 29 October 2012.