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From: Secretary-General of the European Commission,  
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 30 November 2018

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of  
the European Union

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Subject: ANNEX to the Recommendation for a COUNCIL DECISION authorising  
the opening of negotiations on an agreement between the European Union  
and each individual European Neighbourhood Policy South country for the  
purpose of agreeing the terms and conditions for extending the provision of  
the European Geostationary Navigation Overlay Service (EGNOS) over  
European Neighbourhood Policy

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Delegations will find attached document COM(2018) 776 final - Annex.

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Brussels, 30.11.2018  
COM(2018) 776 final

ANNEX

ANNEX

to the

**Recommendation for a COUNCIL DECISION**

**authorising the opening of negotiations on an agreement between the European Union and each individual European Neighbourhood Policy South country for the purpose of agreeing the terms and conditions for extending the provision of the European Geostationary Navigation Overlay Service (EGNOS) over European Neighbourhood Policy**

## ANNEX

### Directives for the negotiations of an agreement between the European Union and each European Neighbourhood Policy (ENP) South country laying down the terms and conditions for the provision of Satellite Based Augmentation Services (SBAS) in ENP South countries based on the European Geostationary Navigation Overlay Service (EGNOS)

- (1) The Commission will negotiate an international agreement with each individual European Neighbourhood Policy (ENP) South countries for the provision of Satellite Based Augmentation Services in ENP South Countries based on the European Geostationary Navigation Overlay Service (EGNOS).
- (2) The Commission shall conduct the negotiations in consultation with the [,] acting as special committee and shall report on the outcome of the negotiations, and, where appropriate, on any problem that may arise during the negotiations.

#### **1. PURPOSE OF THE NEGOTIATION**

The purpose of the negotiations is to reach agreements establishing the terms and conditions for the cooperation with each ENP South country for the provision of Satellite Based Augmentation Services in ENP South countries based on EGNOS system.

#### **2. SCOPE OF THE AGREEMENT**

Each agreement would cover in particular the following areas:

- (1) Provisions on cooperation: cooperation activities for setting up and operating SBAS in ENP Countries. Those cover inter alia promotion of the EGNOS programme and services, support to their implementation and operation, cooperation on frequency issues (without prejudice to EU procedures<sup>1</sup>), standardisation and all the issues concerning satellite navigation systems handled by international organisations and associations, research and development; cooperation must be compliant with existing cooperation agreements and obligations including on non-proliferation and export controls<sup>2</sup>; it is also without prejudice to measures affecting national security.
- (2) Financial provisions: participation of each ENP South country in the incremental operational expenditures for the maintenance of the EGNOS system extended to

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<sup>1</sup> Radio spectrum policy based on Decision 676/2002/EC of the European Parliament and of the Council of 7 March 2002 (Radio Spectrum Decision) which establishes coordination on radio spectrum matters at EU level, including coordination with the CEPT's responsibility for technical aspects, and the representation of EU interests in dealing with the International Telecommunication Union (ITU).

<sup>2</sup> OJ L 159 of 30 June 2000, Wassenaar Agreement and Missile Technology Control Regime (MTCR).

enable Safety-of-Life Service coverage to the ENP South countries; financial support of EU to extend the Safety-of Life Service to the ENP South countries. In line with Art 2 (5) last paragraph of Regulation (EU) 1285/2013, such support cannot under any circumstances be financed by budgetary contributions earmarked for European satellite navigation and covered by art 9 of Regulation (EU) No 1285/2013.

- (3) Establishment of appropriate cooperative mechanisms for the management of the agreement, establishment of the appropriate liability regime for the provision of EGNOS services. Guarantee by each ENP South country that any possible EU-owned or leased installation of EGNOS on its territory is given the appropriate status (privileges, immunities, etc.), as well as guarantees that each ENP South country will perform the necessary security monitoring, notification and protection of the EGNOS system and the EGNOS sites, provisions on the settlement of disputes between the parties.
- (4) Respect of the relevant provisions of the Treaties and the applicable EU legislation, including the Regulation (EU) n. 1285/2013<sup>3</sup> and Regulation (EU) N. 912/2010<sup>4</sup>, in particular with respect to the governance of the EGNOS programme;
- (5) Compliance of the elements of the EGNOS system to be deployed on the ENP South Countries' territories with the security requirements;
- (6) The inclusion of a termination clause enabling to address situations where individual ENP South Countries would fail to respect the obligations of the agreement.

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<sup>3</sup> Regulation (EU) n. 1285/2013 of the European Parliament and of the Council on the implementation and exploitation of European satellite navigation systems and repealing Council Regulation (EC) n. 876/2002 and Regulation (EC) n. 683/2008 of the European Parliament and of the Council, OJ L 347, 20/12/2013, p.1.

<sup>4</sup> Regulation (EU) n. 912/2010 of the European Parliament and of the Council of 22 September 2010 setting up the European GNSS Agency, repealing Council Decision (EC) n. 1321/2004 on the establishment of structures for the management of the European satellite radio navigation programmes and amending Regulation (EC) n. 683/2008 of the European Parliament and of the Council, OJ L276, 20/10/2010, p.11