



2024/1011

3.4.2024

COUNCIL DECISION (EU) 2024/1011

of 25 March 2024

on the position to be taken on behalf of the Union within the GNSS EU/ASECNA Committee set up by the Cooperation Agreement between the European Union and the Agency for Aerial Navigation Safety in Africa and Madagascar (ASECNA) on the development of satellite navigation and the provision of associated services in ASECNA's area of competence for the benefit of civil aviation, as regards the adoption of the rules of procedure of that Committee

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 189, in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Cooperation Agreement between the European Union and the Agency for Aerial Navigation Safety in Africa and Madagascar (ASECNA) on the development of satellite navigation and the provision of associated services in ASECNA's area of competence for the benefit of civil aviation ⁽¹⁾ (the 'Agreement') was concluded pursuant to Council Decision (EU) 2018/1603 ⁽²⁾ and came into force on 1 November 2018.
- (2) Article 29 of the Agreement establishes a joint committee, called the 'GNSS EU/ASECNA Committee' (the Joint Committee), and provides that the Joint Committee shall establish its rules of procedure including, amongst other provisions, the arrangements for convening meetings, designating the chairperson, defining the latter's mandate and contacts between the parties.
- (3) It is appropriate to establish the position to be taken on the Union's behalf within the Joint Committee with regard to the adoption of the rules of procedure of the Joint Committee, as the decision on their adoption will have legal effects in the Union.
- (4) The position of the Union within the Joint Committee should therefore be based on the attached draft Decision,

HAS ADOPTED THIS DECISION:

Article 1

1. The position to be taken on behalf of the Union within the GNSS EU/ASECNA Committee set up by the Cooperation Agreement between the European Union and the Agency for Aerial Navigation Safety in Africa and Madagascar (ASECNA) on the development of satellite navigation and the provision of associated services in ASECNA's area of competence for the benefit of civil aviation (the 'Joint Committee') as regards the adoption of the Joint Committee's rules of procedure shall be based on the draft Decision attached to this Decision.

2. The representatives of the Union within the Joint Committee may accept that minor changes be made to the draft Decision without the need for a new decision of the Council.

Article 2

This Decision shall enter into force on the date of its adoption.

⁽¹⁾ OJ L 268, 26.10.2018, p. 3.

⁽²⁾ Council Decision (EU) 2018/1603 of 18 September 2018 on the conclusion on behalf of the Union of the Cooperation Agreement between the European Union and the Agency for Aerial Navigation Safety in Africa and Madagascar (ASECNA) on the development of satellite navigation and the provision of associated services in ASECNA's area of competence for the benefit of civil aviation (OJ L 268, 26.10.2018, p. 1).

Done at Brussels, 25 March 2024.

For the Council
The President
A. MARON

DRAFT
DECISION No 1/2024 of the GNSS EU/ASECNA COMMITTEE
of ...
adopting its rules of procedure

THE GNSS EU/ASECNA COMMITTEE,

Having regard to the Cooperation Agreement between the European Union and the Agency for Aerial Navigation Safety in Africa and Madagascar (ASECNA) on the development of satellite navigation and the provision of associated services in ASECNA's area of competence for the benefit of civil aviation, and in particular Article 29 thereof,

Whereas:

- (1) The Cooperation Agreement between the European Union and the Agency for Aerial Navigation Safety in Africa and Madagascar (ASECNA) on the development of satellite navigation and the provision of associated services in ASECNA's area of competence for the benefit of civil aviation ⁽¹⁾ (the 'Agreement') was signed in Brussels on 5 December 2016 and entered into force on 1 November 2018.
- (2) In accordance with Article 29(2) of the Agreement, the GNSS EU/ASECNA Committee (the 'Joint Committee') should establish its rules of procedure.
- (3) In accordance with Article 29(4) of the Agreement, the Joint Committee may decide to form any working group or group of experts which it deems suitable to assist it in accomplishing its tasks.
- (4) In accordance with Article 29(1) of the Agreement, the Joint Committee consists of representatives from ASECNA and representatives from the European Union,

HAS ADOPTED THIS DECISION:

Article 1

The rules of procedure of the Joint Committee as set out in the Annex to this Decision are hereby adopted.

Article 2

This Decision shall enter into force on the day of its adoption.

Done in French in Brussels on ... 2024 and in Dakar on ... 2024.

For the Joint Committee

The chairperson

The secretary for the European Union

The secretary for ASECNA

⁽¹⁾ OJ EU L 268, 26.10.2018, p. 3.

ANNEX

RULES OF PROCEDURE OF THE GNSS EU/ASECNA COMMITTEE*Article 1***Scope**

These rules of procedure shall lay down the operating rules of the GNSS EU/ASECNA Committee ("Joint Committee") established by Article 29(1) of the Cooperation Agreement between the European Union and the Agency for Aerial Navigation Safety in Africa and Madagascar (ASECNA) on the development of satellite navigation and the provision of associated services in ASECNA's area of competence for the benefit of civil aviation (the "Agreement"), signed in Brussels on 5 December 2016 and entered into force on 1 November 2018.

*Article 2***Composition of the Joint Committee**

1. The Joint Committee shall be composed, of the one part, for the European Union, of representatives from the European Commission (the "Commission") and, of the other part, of representatives from the Agency for Aerial Navigation Safety in Africa and Madagascar ("ASECNA").
2. Representatives of the parties may be accompanied by persons acting on behalf of the parties on account of their particular skills.

*Article 3***Chairmanship**

1. Each party shall hold the chairmanship of the Joint Committee alternately for a period of one calendar year.
2. The chairmanship shall be held by ASECNA during the calendar year in which the Agreement enters into force.
3. The party that holds the chairmanship shall appoint the Joint Committee's chairperson and his or her deputy.
4. The chairperson shall direct the work of the Joint Committee.

*Article 4***Observers**

The Joint Committee may decide, by common agreement of the parties, to invite persons in an expert capacity or representatives of other bodies to attend its meetings as observers in order to provide information on specific matters. The Joint Committee shall lay down the terms and conditions under which such observers may attend the meetings. Persons invited by the Joint Committee as experts or observers shall not contribute to the adoption of decisions and recommendations at Joint Committee meetings.

*Article 5***Secretariat**

1. An official from the European Commission and an official from ASECNA shall act jointly as secretaries of the Joint Committee.
2. The secretariat of the Joint Committee shall be responsible for communication between the parties, including the submission of documents.
3. The party that holds the chairmanship shall be responsible for the secretarial tasks.

*Article 6***Meetings of the Joint Committee**

1. The Joint Committee shall meet as and when necessary, in principle once a year.

The chairperson shall convene, after consultation with the parties, the meeting of the Joint Committee at a mutually agreed time and place. Telephone and video conferences may also be used, if the parties so agree.

The chairperson shall convene an extraordinary meeting of the Joint Committee at the request of either the European Union or ASECNA.

The Joint Committee shall meet within 15 calendar days of such a request under Article 29(3) of the Agreement.

2. The Joint Committee shall meet in Brussels or in Dakar, depending on the party that holds the chairmanship, unless the parties agree otherwise.
3. The chairperson shall send the notice regarding the convening of the meeting, together with the draft agenda and the documents for the meeting, to the representatives of the parties at least 21 calendar days before the meeting. Documents for meetings convened in accordance with Article 29(3) of the Agreement shall be sent no later than 7 calendar days before the meeting.
4. The chairperson may, in agreement with the parties, shorten the time limits indicated in paragraph 3 in order to take account of the requirements of a particular matter.
5. The chairperson shall be informed of the composition of the delegation of each party at least 7 calendar days before each meeting.
6. Meetings of the Joint Committee shall not be public unless the parties decide otherwise.

*Article 7***Agenda**

1. The chairperson, assisted by the secretaries, shall draw up the provisional agenda for each meeting.
2. Each party may request that additional items be included in the agenda. Any such request shall be duly substantiated and sent in writing to the chairperson at least 7 calendar days before the meeting.
3. The Joint Committee shall adopt the agenda at the beginning of the meeting.

*Article 8***Conducting meetings**

The chairperson, assisted by the secretaries, shall ensure the application of these rules of procedure, conduct meetings and direct the discussions while ensuring that they are structured and focused on the subject matter. The chairperson shall give the floor to the speakers in the order in which they expressed their wish to speak and may ask a speaker to limit his or her comments to the matter under discussion.

*Article 9***Working groups of the Joint Committee**

1. The composition and functioning of the working groups or groups of experts to be set up in accordance with Article 29(4) of the Agreement shall be agreed on the basis of a mandate established by the Joint Committee.

2. The working groups or groups of experts shall apply the present rules of procedure *mutatis mutandis*.
3. The working groups or groups of experts shall work under the authority of the Joint Committee, to which they shall report after each of their meetings. They are not authorised to take decisions, but may make recommendations to the Joint Committee.
4. The Joint Committee may decide to amend or to terminate the mandate of the working groups or groups of experts.

Article 10

Decisions and recommendations

1. The Joint Committee shall take decisions and draw up recommendations by common agreement of the parties in accordance with the Agreement. The titles of decisions and recommendations shall include the word "Decision" or "Recommendation", as the case may be, followed by a serial number, the date of adoption and a reference to their subject matter.
2. The Joint Committee's decisions and recommendations shall be signed by the chairperson and the secretaries and shall be communicated to the parties.
3. Provided that the confidentiality rules set out in Article 12 are observed, either party may decide to publish the decision or recommendation adopted by the Joint Committee in accordance with its own rules. The parties shall inform each other about their intention to publish a decision or recommendation.
4. The Joint Committee may adopt its decisions or recommendations by written procedure if the parties so agree. The written procedure shall consist of an exchange of notes between the secretaries, acting in agreement with the parties. For that purpose, the text of the decision or recommendation proposal shall be transmitted to the parties pursuant to Article 5, for adoption within a period of 21 calendar days, within which any reservations or request for amendments shall be made known. The chairperson may reduce that time limit, in consultation with the parties, in order to take account of special circumstances. Once the text is approved, the decision or recommendation shall be signed by the chairperson and the secretaries.

Article 11

Minutes

1. The secretariat shall draw up draft minutes of each meeting within 21 calendar days of that meeting. The draft minutes shall mention the decisions taken and the recommendations drawn up.
2. The draft minutes shall be submitted for the approval of the Joint Committee either through written procedure or in the following meeting of the Joint Committee. Once they have been adopted by the Joint Committee, the minutes shall be signed by the chairperson and the secretaries.

Article 12

Confidentiality

Where a party submits to the Joint Committee information designated as classified or sensitive, the other party shall treat that information as such. The parties shall exchange classified information only if they have entered into an agreement to that effect. They shall seek to put in place a comprehensive and coherent legal framework enabling such an agreement to be concluded.

*Article 13***Expenses**

1. Each party shall bear any expenses it incurs relating to its participation in the meetings of the Joint Committee and of the working groups or groups of experts.
2. The Joint Committee shall agree on the apportionment of expenses for any missions assigned to experts.
3. Expenditure in connection with the organisation of meetings and reproduction of documents shall be borne by the party hosting the meeting.

*Article 14***Correspondence**

All correspondence to or from the chairperson of the Joint Committee shall be sent to the secretariat of the Joint Committee.

*Article 15***Amendment of the rules of procedure**

These rules of procedure may be amended by a decision of the Joint Committee taken in accordance with Article 10.

*Article 16***Entry into force**

These rules of procedure shall enter into force on the date they are signed.
