EU/European Organisation for the Safety of Air Navigation (Eurocontrol) Agreement: enhanced cooperation

2012/0213(NLE) - 02/08/2012

PURPOSE: to conclude the Agreement providing a general framework for enhanced cooperation between the European Union and the European Organisation for the Safety of Air Navigation.

PROPOSED ACT: Council Decision.

BACKGROUND: 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 European Union (EU) and Eurocontrol.

The European Commission negotiated, on behalf of the Union, the Agreement and it was signed by both the parties on 24 April 2012, subject to its conclusion at a later date.

The Agreement should now be approved on behalf of the European Union.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 100(2), in conjunction with point (a) of Article 218(6) of the Treaty on the Functioning of the European Union (TFEU). The Agreement is an efficient binding legal instrument that fosters technical cooperation between both parties. It establishes a general framework that allows cooperative activities to be set up in the field of ATM and related policies. The proposed agreement does not impose any additional administrative or financial burden on Member States' authorities.

CONTENT: this proposal aims to conclude the Agreement providing a general framework for enhanced cooperation between the EU and the Eurocontrol.

Principles: the Agreement should:

- acknowledge the principles of the Single European Sky (SES), notably **the role of the EU as the single regulator for air traffic management (ATM)** and **the use of the technical expertise of Eurocontrol to help the EU to deliver ATM improvements in Europe** in accordance with the Single European Sky legal framework;
- support the EU in the implementation and development of the SES and other related policies (environment, climate change and research);
- facilitate further institutional reform of Eurocontrol, for example, in establishing a new relationship between Eurocontrol and the European Aviation Safety Agency (EASA), and provide a framework for potentially sensitive issues such as pan-European civil-military cooperation.

Terms and conditions: the proposed draft Agreement defines the terms and conditions of enhanced cooperation between the EU and Eurocontrol to support the EU in the implementation and development of ATM in accordance with the SES legal framework and related EU policies.

The objectives are:

-

to contribute to timely and consistent implementation of the SES within the EU and with States 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 proposed draft Agreement defines the forms and mechanisms of cooperation and coordination between the parties including the stakeholder consultation processes. A Joint committee set up by 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.

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