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ANNEX

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to the

PROPOSAL FOR A COUNCIL DECISION

on the position to be taken on behalf of the Union in the GNSS EU/ASECNA Committee set up by the Cooperation Agreement between the European Union and the Agency for the Safety of Air Navigation in Africa and Madagascar (ASECNA) on developing satellite navigation and providing associated services in ASECNA's areas of competence for the benefit of civil aviation

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Draft

DECISION 1/2023 of the GNSS EU/ASECNA COMMITTEE (JOINT COMMITTEE)

of XXX 2023

adopting its rules of procedure

THE GNSS EU/ASECNA COMMITTEE,

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

Whereas:

(1) The Agreement between ASECNA and the European Union 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') must establish its rules of procedure.

(3) The Joint Committee may decide to set up working groups or groups of experts to assist it in accomplishing its tasks.

(4) In accordance with Article 29(4) of the Agreement, the Joint Committee consists of delegates from ASECNA and the European Union,

HAS DECIDED AS FOLLOWS:

Sole Article

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

Done in English in Brussels on XXXX 2023 and in Dakar on XXXX 2023.

For the Joint Committee

The chairperson The secretary for the European Union The secretary for ASECNA

Rules of procedure

of the

GNSS EU/ASECNA COMMITTEE (JOINT COMMITTEE)

Article 1

Scope

These rules shall apply to the GSS EU/ASECNA Committee ('Joint Committee') established by Article 29(1) of the Cooperation Agreement between the European Union and the Agency for the Safety of Air Navigation in Africa and Madagascar (ASECNA) on developing satellite navigation and providing associated services in ASECNA's area of competence for the benefit of civil aviation, signed in Brussels on 5 December 2016 and in force since 1 November 2018.

Article 2

Composition of the Joint Committee

1. The Joint Committee shall be composed, for the European Union, of delegates from the European Commission ('the Commission') and of delegates from the Agency for the Safety of Air Navigation in Africa and Madagascar ('ASECNA'). These two parties shall hereinafter be referred to individually as 'the party' or jointly as 'the parties'.
2. Delegates of the parties may be accompanied by persons acting on behalf of the parties because 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 first calendar year of the entry into force of the Agreement.
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 meeting 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 committee as experts or observers shall not contribute to the adoption of decisions and recommendations at 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 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 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 delegates 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 their 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 provisions set out in the Agreement. Their titles shall include the word ‘Recommendation’ or ‘Decision’, 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. If confidentiality requirements do not preclude this, 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 proposal shall be circulated pursuant to Article 5 of these rules of procedure, within a period of no less than 21 calendar days, within which any reservations or 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 the recommendation shall be signed by the chairperson and the secretaries.

Article 11

Minutes

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

Article 12

Confidentiality

Where a party submits to the Joint Committee information designated as confidential and sensitive, the other party shall treat that information as such. The parties shall exchange classified and sensitive 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 parties or groups of experts.
2. The Joint Committee shall agree on the breakdown 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 in accordance with Article 10.

Article 16

Entry into force

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