

DECISION OF THE EEA JOINT COMMITTEE

No 121/2012

of 15 June 2012

**amending Protocol 31 (on cooperation in specific fields outside the four freedoms) and Protocol 37
(containing the list provided for in Article 101) to the EEA Agreement**

THE EEA JOINT COMMITTEE,

HAS ADOPTED THIS DECISION:

Having regard to the Agreement on the European Economic Area, as amended by the Protocol adjusting the Agreement on the European Economic Area, hereinafter referred to as 'the Agreement', and in particular Articles 86, 98 and 101 thereof,

Article 1

Article 1 (Research and technological development) of Protocol 31 to the EEA Agreement shall be amended as follows:

Whereas:

(1) the text of paragraph 8 shall be replaced by the following:

- (1) Protocol 31 to the Agreement was amended by Decision of the EEA Joint Committee No 101/2012 of 30 April 2012 ⁽¹⁾.
- (2) Protocol 37 to the Agreement was amended by Decision of the EEA Joint Committee No 61/2012 of 30 March 2012 ⁽²⁾.
- (3) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Regulation (EU) No 912/2010 of the European Parliament and of the Council of 22 September 2010 setting up the European GNSS Agency, repealing Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio navigation programmes and amending Regulation (EC) No 683/2008 of the European Parliament and of the Council ⁽³⁾.
- (4) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to take place. As regards the participation of Norway, account should also be taken in this regard of the Cooperation Agreement on Satellite Navigation between the European Union and its Member States and Norway ⁽⁴⁾, and in particular its Article 6 on security. However, due to economic constraints, the participation of Iceland in the GNSS programmes should be suspended temporarily.
- (5) For the EEA Agreement to function well, Protocol 37 to the EEA Agreement is to be extended to include the Security Accreditation Board for European GNSS systems and the Administrative Board set up by Regulation (EU) No 912/2010, and Protocol 31 is to be amended in order to specify the procedures for participation,

'(a) The EFTA States shall fully participate in the European GNSS Agency, hereinafter referred to as the "Agency", as set up by the following Union act:

— **32010 R 0912**: Regulation (EU) No 912/2010 of the European Parliament and of the Council of 22 September 2010 setting up the European GNSS Agency, repealing Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio navigation programmes and amending Regulation (EC) No 683/2008 of the European Parliament and of the Council (OJ L 276, 20.10.2010, p. 11).

- (b) The EFTA States shall contribute financially to the activities of the Agency referred to under point (a) in accordance with Article 82(1)(a) of and Protocol 32 to the Agreement.
- (c) The EFTA States shall participate fully, without the right to vote, in the Administrative Board of the Agency and in the Security Accreditation Board of the Agency.
- (d) The Agency shall have legal personality. It shall enjoy in all the States of the Contracting Parties the most extensive legal capacity accorded to legal persons under their law.
- (e) The EFTA States shall apply to the Agency the Protocol on the Privileges and Immunities of the European Union.
- (f) By way of derogation from Article 12(2)(a) of the Conditions of employment of other servants of the European Communities, nationals of the EFTA States enjoying their full rights as citizens may be engaged under contract by the Executive Director of the Agency.

⁽¹⁾ OJ L 248, 13.9.2012, p. 39.

⁽²⁾ OJ L 207, 2.8.2012, p. 41.

⁽³⁾ OJ L 276, 20.10.2010, p. 11.

⁽⁴⁾ OJ L 283, 29.10.2010, p. 12.

- (g) By virtue of Article 79(3) of the Agreement, Part VII (Institutional Provisions) of the Agreement, with the exception of Sections 1 and 2 of Chapter 3 of the Agreement, shall apply to this paragraph.
- (h) Regulation (EC) No 1049/2001 of the European Parliament and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents shall, for the application of that Regulation, apply to any documents of the Agency, including those regarding the EFTA States.
- (i) With regard to Iceland, this paragraph shall be suspended until otherwise decided by the EEA Joint Committee.
- (j) this paragraph shall not apply to Liechtenstein;
- (2) the following shall be added in point (a) of paragraph 8a:
- ‘, as amended by:
- **32010 R 0912**: Regulation (EU) No 912/2010 of the European Parliament and of the Council of 22 September 2010 (OJ L 276, 20.10.2010, p. 11).’

Article 2

Protocol 37 to the EEA Agreement shall be amended as follows:

- (1) the texts of points 30 and 31 shall be deleted;

- (2) the following points shall be inserted:

‘36. The Security Accreditation Board for European GNSS systems (Regulation (EU) No 912/2010).

37. The Administrative Board (Regulation (EU) No 912/2010).’.

Article 3

This Decision shall enter into force on the day following the last notification to the EEA Joint Committee under Article 103(1) of the Agreement (*).

It shall apply from 1 January 2012.

Article 4

This Decision shall be published in the EEA Section of, and in the EEA Supplement to, the *Official Journal of the European Union*.

Done at Brussels, 15 June 2012.

For the EEA Joint Committee

The Acting President

Gianluca GRIPPA

(*) No constitutional requirements indicated.