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Subject: Draft DECISION OF THE EEA JOINT COMMITTEE amending Protocol 31 to the EEA Agreement, on cooperation in specific fields outside the four freedoms

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DECISION OF THE EEA JOINT COMMITTEE

No .../...

of ...

**amending Protocol 31 to the EEA Agreement,
on cooperation in specific fields outside the four freedoms**

THE EEA JOINT COMMITTEE,

Having regard to the Agreement on the European Economic Area (the 'EEA Agreement'), and in particular Articles 86 and 98 thereof,

Whereas:

- (1) The Contracting Parties acknowledge the existing formal cooperation in the Union Space Programme established by Regulation (EU) 2021/696 of the European Parliament and of the Council¹. They wish to build on this strong partnership and to extend the cooperation to the Governmental Satellite Communication (GOVSATCOM) component of the Union Space Programme ('GOVSATCOM component') and to the Secure Connectivity Programme established by Regulation (EU) 2023/588 of the European Parliament and of the Council² ('Secure Connectivity Programme').
- (2) It is appropriate to extend the cooperation agreed by the Contracting Parties to the EEA Agreement in Decision of the EEA Joint Committee No 319/2021 of 29 October 2021 to the GOVSATCOM component, subject to and under the conditions of the specific agreements concluded in accordance with Article 7(2) of Regulation (EU) 2021/696 and Article 39(1) of Regulation (EU) 2023/588.
- (3) It is appropriate to extend the cooperation of the Contracting Parties to the EEA Agreement to include Regulation (EU) 2023/588, subject to and under the conditions of the specific agreements concluded in accordance with Article 7(2) of Regulation (EU) 2021/696 and Article 39(1) of Regulation (EU) 2023/588.

¹ Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU (OJ L 170, 12.5.2021, p. 69, ELI: <http://data.europa.eu/eli/reg/2021/696/oj>).

² OJ L 79, 17.3.2023, p. 1, ELI: <http://data.europa.eu/eli/reg/2023/588/oj>.

- (4) The conditions for the participation of EFTA States and their institutions, undertakings, organisations and nationals in programmes of the European Union are set out in the EEA Agreement, and in particular in Article 81 thereof.
- (5) The agreements between the European Union and EFTA States on security procedures for the exchange of classified information should be taken into account.
- (6) Additional cooperation principles can, if needed, be agreed between the Contracting Parties to regulate specific areas not covered by this Decision.
- (7) The participation of the EFTA States in the GOVSATCOM component and the Secure Connectivity Programme on the basis of the EEA Agreement is of mutual interest to the Contracting Parties.
- (8) It is appropriate that the participation of Iceland and Norway in the programme committees, working groups and other activities resulting from the GOVSATCOM component and the Secure Connectivity Programme commence, subject to and under the conditions of the specific agreements concluded in accordance with Article 7(2) of Regulation (EU) 2021/696 and Article 39(1) of Regulation (EU) 2023/588.
- (9) By becoming users of the capacities and services of the GOVSATCOM component, Iceland and Norway will contribute financially to the EU budget for the GOVSATCOM component for the financial years 2021 to 2026.

- (10) By becoming users of the capacities and services of the Secure Connectivity Programme, Iceland and Norway will contribute financially to the EU budget for the Secure Connectivity Programme for the financial years 2023, 2024, 2025 and 2026.
- (11) At this stage, the contributions are determined on the basis of the significant investments made during the first years of the implementation of the programme. These investments concern the creation of infrastructure that will be used by all participants of the system, including Iceland and Norway.
- (12) Protocol 31 to the EEA Agreement should therefore be amended in order to allow for this extended cooperation to take place,

HAS ADOPTED THIS DECISION:

Article 1

Article 1 of Protocol 31 to the EEA Agreement shall be amended as follows:

1. Paragraph 8e shall be amended as follows:
 - (a) in point (a), the words ‘the Governmental Satellite Communication (GOVSATCOM) and’ shall be deleted;
 - (b) points (b) to (o) shall be renumbered as point (c) to (p);
 - (c) the following point shall be added after point (a):

‘(b) An EFTA State may participate in the Governmental Satellite Communication (GOVSATCOM) component subject to and under the conditions of a specific agreement as referred to in Article 7(2) of Regulation (EU) 2021/696.’;
 - (d) the text of point (c) shall be replaced by the following:

‘The EFTA States shall contribute financially to the activities referred to under (a) in accordance with Article 82(1)(a) of and Protocol 32 to the Agreement.

The EFTA States shall contribute financially to the activities referred to under (b) in accordance with Article 82(1)(a) of and Protocol 32 to the Agreement, after the conclusion of an agreement referred to under point (b).

In addition, in accordance with Article 82(1)(c) and (2) of the Agreement and as agreed in accordance with paragraphs 8 and 9 of Article 1 of Protocol 32 to the Agreement, Iceland shall, after the conclusion of an agreement referred to under (b), contribute EUR 147 492 (one hundred and forty seven thousand four hundred and ninety two) to the GOVSATCOM component for the financial years 2021 to 2026. This amount shall be paid in one instalment, to be included in the call for funds for the financial year 2027, as referred to in the first subparagraph of Article 2(2) of Protocol 32.

In addition, in accordance with Article 82(1)(c) and (2) of the Agreement and as agreed in accordance with paragraphs 8 and 9 of Article 1 of Protocol 32 to the Agreement, Norway shall, after the conclusion of an agreement referred to under (b), contribute EUR 2 447 865 (two million four hundred and forty seven thousand eight hundred and sixty five) to the GOVSATCOM component for the financial years 2021 to 2026. This amount shall be paid in one instalment, to be included in the call for funds for the financial year 2027, as referred to in the first subparagraph of Article 2(2) of Protocol 32.’;

- (e) in point (d), the word ‘(b)’ shall be replaced by the word ‘(c)’;
- (f) the text of point (o) shall be replaced by the following:

‘With regard to Liechtenstein, this paragraph shall be suspended until otherwise decided by the EEA Joint Committee.’.

2. The following is inserted after paragraph 8e:

‘8f. (a) The EFTA States shall participate in the activities which may result from the following Union act:

- **32023 R 0588**: Regulation (EU) 2023/588 of the European Parliament and of the Council of 15 March 2023 establishing the Union Secure Connectivity Programme for the period 2023-2027 (OJ L 79, 17.3.2023, p. 1).

The provisions of the Regulation shall, for the purposes of this Agreement, be read with the following adaptation:

In Article 5(5), the words “or from the territory of a participating EFTA State” shall be inserted after the words “third country”.

- (b) An EFTA State may participate in the Union Secure Connectivity Programme subject to and under the conditions of a specific agreement as referred to in Article 39(1) of Regulation (EU) 2023/588.
- (c) The EFTA States shall contribute financially to the activities referred to under (a) in accordance with Article 82(1)(a) of and Protocol 32 to the Agreement, after the conclusion of an agreement referred to under point (b).

In addition, in accordance with Article 82(1)(c) and (2) of the Agreement and as agreed in accordance with paragraphs 8 and 9 of Article 1 of Protocol 32 to the Agreement, Iceland shall, after the conclusion of an agreement referred to under (b), contribute EUR 1 173 139 (one million one hundred and seventy three thousand one hundred and thirty nine) for the financial years 2023, 2024, 2025 and 2026. This amount shall be paid in one instalment, to be included in the call for funds for the financial year 2027, as referred to in the first subparagraph of Article 2(2) of Protocol 32.

In addition, in accordance with Article 82(1)(c) and (2) of the Agreement and as agreed in accordance with paragraphs 8 and 9 of Article 1 of Protocol 32 to the Agreement, Norway shall, after the conclusion of an agreement referred to under (b), contribute EUR 19 801 544 (nineteen million eight hundred and one thousand five hundred and forty four) for the financial years 2023, 2024, 2025 and 2026. This amount shall be paid in one instalment, to be included in the call for funds for the financial year 2027, as referred to in the first subparagraph of Article 2(2) of Protocol 32.

- (d) With regard to Liechtenstein, this paragraph shall be suspended until otherwise decided by the EEA Joint Committee.’

Article 2

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

Article 3

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 ...,

For the EEA Joint Committee

The President

The Secretaries

To the EEA Joint Committee

* [No constitutional requirements indicated.] [Constitutional requirements indicated.]