

SPACE

Satellites

Agreement Between the UNITED STATES OF AMERICA and the EUROPEAN UNION

Extending the Agreement of June 26, 2004

Effectuated by exchange of notes at
Brussels December 13 and 20, 2022

Entered into force December 20, 2022



NOTE BY THE DEPARTMENT OF STATE

Pursuant to Public Law 89—497, approved July 8, 1966
(80 Stat. 271; 1 U.S.C. 113)—

“ . . .the Treaties and Other International Acts Series issued under the authority of the Secretary of State shall be competent evidence . . . of the treaties, international agreements other than treaties, and proclamations by the President of such treaties and international agreements other than treaties, as the case may be, therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.”

NOTE VERBALE

The United States Mission to the European Union presents its compliments to the General Secretariat of the Council of the European Union and has the honor to refer to its diplomatic note No. SGS 22/05527, dated December 13, 2022, concerning a proposed extension of the Agreement on the promotion, provision and use of Galileo and GPS satellite-based navigation systems and related applications between the United States of America, of the one part, and the European Community and its Member States, of the other part, signed at Dromoland Castle, Co. Clare, on June 26, 2004, which entered into force on December 12, 2011 (“the Agreement”).

The United States Mission has the honor to inform the General Secretariat that the United States of America accepts the proposed extension of the Agreement contained in the General Secretariat’s note. The United States Mission has the further honor to confirm that the General Secretariat’s note and this note shall constitute an agreement between the European Union and the United States of America (the “Parties”) to extend the Agreement for a period of five years and to apply it *mutatis mutandis* between the Parties, with effect from December 12, 2021, that shall enter into force on the date of the General Secretariat’s receipt of this note.

The United States Mission has the further honor to confirm that the United States of America shares the following specific understandings set forth in the General Secretariat’s note relating to extension of the Agreement as between the United States of America and the European Union:

- Article 4(5) of the Agreement as extended by this agreement requires that the European Union shall ensure that its augmentations meet the requirements of ICAO, IMO and the ITU to which any Member State of the European Union is bound;
- Because the Agreement is being extended only between the European Union and the United States, the Member States of the European Union are no longer within the definition of “the Parties” as set out in Article 18 of the Agreement, nor, as from the date of extension, subject to potential liability as set out in Article 19(2), nor entitled to accede to the Agreement in the circumstance set out in Article 20(2); and
- At the completion of this initial five-year extension, pursuant to Article 20(5) of the Agreement and absent either Party’s notification to the contrary, the Agreement automatically extends for additional five-year periods.

In addition, the United States Mission has the honor to confirm that the United States of America shares the additional understandings communicated in the General Secretariat’s note, namely that as a consequence of the entry into force of the Treaty of Lisbon on December 1, 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community, and therefore references to “the European Community” in the text of the Agreement are, where appropriate, to be read as references to “the European Union”; and, lastly, that as of the date of extension of the Agreement, the European Union shall ensure the respect of all obligations under the Agreement vis-à-vis the United States of America.

The United States Mission to the European Union avails itself of this opportunity to renew to the General Secretariat of the Council of the European Union the assurances of its highest consideration.

United States Mission to the European Union,
Brussels, December 20, 2022.





NOTE VERBALE

The General Secretariat of the Council of the European Union presents its compliments to the United States Mission to the European Union and, on behalf of the President of the Council, has the honour to refer to the Agreement on the promotion, provision and use of Galileo and GPS satellite-based navigation systems and related applications between the European Community and its Member States, of the one part, and the United States of America, of the other part, signed at Dromoland Castle, Co. Clare, on 26 June 2004, which entered into force on 12 December 2011 ("the Agreement").

The General Secretariat of the Council of the European Union further has the honour, on behalf of the President of the Council, to notify the Mission that the European Union has completed its internal procedures necessary for the extension of the Agreement, in accordance with Article 20(5) of the Agreement, for a period of five years, effective as from 12 December 2021.

The General Secretariat of the Council proposes that this Note Verbale and an affirmative Note in reply from the United States shall constitute the agreement between the European Union and the United States of America ("the Parties") to extend the Agreement for a period of five years and to apply it *mutatis mutandis* between the Parties, effective as from 12 December 2021, which shall enter into force on the date the General Secretariat of the Council is in receipt of the United States' Note in reply.

In extending the Agreement, the Parties share the specific understandings that:

- Article 4(5) of the Agreement as extended by this agreement requires that the European Union shall ensure that its augmentations meet the requirements of ICAO, IMO and the ITU to which any Member State of the European Union is bound;

- Because the agreement is being extended only between the European Union and the United States, the Member States of the European Union are no longer within the definition of "the Parties" as set out in Article 18 of the Agreement, nor, as from the date of extension, subject to potential liability as set out in Article 19(2), nor entitled to accede to the Agreement in the circumstance set out in Article 20(2); and
- At the completion of this initial five-year extension, pursuant to Article 20(5) of the Agreement and absent either Party's notification to the contrary, the Agreement automatically extends for additional five-year periods.

Additionally, the General Secretariat of the Council, on behalf of the European Union, wishes to notify the Mission of the following:

As a consequence of the entry into force of the Treaty of Lisbon on 1 December 2009, the European Union has replaced and succeeded the European Community and from that date exercises all rights and assumes all obligations of the European Community. Therefore, references to 'the European Community' in the text of the Agreement are, where appropriate, to be read as to "the European Union".

As of the date of extension, the European Union shall ensure the respect of all obligations under the Agreement vis-à-vis the United States of America.

The General Secretariat of the Council of the European Union avails itself of this opportunity to renew to the United States Mission to the European Union the expression of its highest consideration.

Brussels, 13 December 2022

