

Setting up the European GNSS Agency

2009/0047(COD) - 24/03/2009 - Legislative proposal

PURPOSE: to bring the provisions of Council Regulation (EC) No 1321/2004 on the structures for the management of the European satellite radio-navigation programmes into line with those of Regulation (EC) No 683/2008 on the further implementation of the European satellite navigation programmes (EGNOS and Galileo).

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: in order to reflect the fact that the Galileo Joint Undertaking would cease activities on 31 December 2006, Regulation (EC) No 1321/2004 as amended established the European GNSS (Global Navigation Satellite System) Supervisory Authority. The Authority's original role was defined in order to meet the requirements of the system provided for at that time for the concession for the management and financing of the Galileo programme's deployment and operational phases. This system was discontinued in 2007, and responsibility for the management and financing of the deployment phase of the programme will no longer lie with the private sector.

Regulation (EC) No 683/2008, which entered into force on 25 July 2008, defines the new framework for the public governance and financing of the Galileo and EGNOS programmes. It sets out the principle of the strict division of responsibilities between

the European Community, represented by the Commission, the Authority and the

European Space Agency, granting the Commission responsibility for the management

of the programmes and setting out precisely the tasks given at that time to the

Authority. It also provides that the Authority will accomplish such tasks entrusted to it whilst respecting the Commission's role as manager of the programmes and in accordance with guidelines issued by the Commission. Regulation (EC) No 683/2008 therefore implicitly and substantially amended Regulation (EC) No 1321/2004.

It is now important to bring certain provisions of Regulation (EC) No 1321/2004 into line with those of Regulation (EC) No 683/2008 for the following reasons:

- the current situation, characterised by the coexistence of two texts which contradict each other in places, is unsatisfactory from a legal point of view;
- Regulation (EC) No 683/2008 stipulates that the Commission is to manage all questions relating to the security of the systems, but also makes the Supervisory Authority responsible for ensuring security accreditation. The precise role of the Authority in this regard therefore needs to be quickly clarified;
- although Regulation (EC) No 683/2008 amended the Supervisory Authority's responsibilities, it had no impact on its internal organisation, and the Commission's influence in this area continues to be very limited. It is necessary to make changes to increase the Commission's influence within the Authority's internal organisation.

IMPACT ASSESSMENT: the only logical option is to bring the text of Regulation (EC) No 1321/2004 into line with the provisions of Regulation (EC) No 683/2008. Leaving the text of Regulation (EC) No 1321/2004 unchanged would not be satisfactory from a legal point of view, would cause major security problems and would not ensure the good governance of these programmes.

CONTENT: the proposal aims to:

- amend the aim and objective, tasks and name of the Community agency established under Regulation (EC) No 1321/2004, so as to reflect the provisions of Regulation (EC) No 683/2008;
- increase the role and the powers of the Commission within this agency in order to ensure that, in accordance with the provisions of Regulation (EC) No 683/2008, the agency performs its task whilst respecting the Commission's role as manager and in accordance with the guidelines provided by the Commission;
- set up a framework within which the agency assumes the responsibility for providing security accreditations, which it has been entrusted with, and to this end, to set up, within the agency, a committee for European GNSS systems' security accreditations;
- remove the provisions of Regulation (EC) No 1321/2004 on the ownership of systems, once the EC becomes owner of these systems in accordance with the provisions of Regulation (EC) No 683/2008.

FINANCIAL IMPLICATIONS: no implication for the Community budget.