

Setting up the European GNSS Agency

2009/0047(COD) - 11/06/2009

The Council took note of the **Presidency progress report** on the draft Regulation amending Regulation (EC) No 1321/2004 establishing structures for the management of the European satellite radio-navigation programmes.

The proposal is aimed at bringing the provisions of Regulation (EC) No 1321/2004 into line with those of Regulation (EC) No 683/2008 on further implementation of these programmes, given the substantive changes introduced by the latter Regulation in the financial, governance and procurement procedures of the Galileo programmes.

Regulation (EC) No 1321/2004, amended by Regulation (EC) No 1942/2006, established a Community agency called the European Global Navigation Satellite System Supervisory Authority.

The agency's original role and tasks were 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 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 agency.

During the examination of the proposal by the working party, **all delegations supported the objective of the proposal** and recognised the need to address the inconsistencies between the two Regulations as soon as possible. However, this draft Regulation raised some **concerns that are related mainly to security matters**.

The work on this file will continue under the Swedish Presidency, focussing in particular on the following issues:

- **Tasks of the Agency:** it was recognised that the Member States will need some more time to examine thoroughly the whole issue, in order to ensure a coherent approach regarding the roles of the various actors, such as the Commission, Member States and the Agency.
- **Security Accreditation Committee:** all delegations recognise the importance to ensure that such a Committee, which should be a decision making body, fully responds to four fundamental criteria: takes collective decision, is permanently committed, is composed by specifically mandated delegates and perform its tasks independently. The majority of Member States consider that the Chairperson should be appointed by the Committee.
- **The voting rights of the Commission in the Administrative Board:** Member States consider that the proposal is excessive. Therefore, some delegations have indicated that they could support the search for an alternative appropriate solution, more in line with the present weight of the Commission in other Community agencies. Other delegations have indicated that they were open to the possibilities of giving to the Commission either "veto" right or vote right equal to 30 % of the total votes of representatives of the Member States but only for certain clearly specified matters.

- **The involvement of the European Parliament:** all Member States, although acknowledging that the European Parliament need to receive full, accurate and timely information on Galileo to fulfil its obligations as an arm of the budgetary authority, do not believe that this would require its involvement in the Administrative Board.