

Setting up the European GNSS Agency

2009/0047(COD) - 22/09/2010 - Final act

PURPOSE: to establish an Agency responsible for the security accreditation of European Global Navigation Satellite Systems (GNSS).

LEGISLATIVE ACT: Regulation (EU) No 912/2010 of the European Parliament and of the Council 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.

CONTENT: following an agreement reached with the European Parliament at first reading, the Council adopted a regulation bringing the management structures set up in 2004 for the EU satellite radio-navigation programmes into line with modifications introduced in 2008 as regards the governance and financing of those programmes.

The new regulation replaces the 2004 regulation which established a European GNSS Supervisory Authority, now to become the European GNSS Agency. It strengthens the powers of the Commission within the agency, in line with the full management responsibility that the Commission has been given.

Bodies: the bodies of the Agency shall be the Administrative Board, the Security Accreditation Board for European GNSS systems and the Executive Director.

The **Administrative Board** shall be composed of one representative appointed by each Member State, five representatives appointed by the Commission and a non-voting representative appointed by the European Parliament. The Agency shall be represented by its **Executive Director**. The duration of the term of office of the Administrative Board members shall be 5 years. The term of office may be renewed for a maximum of 5 years.

The European Parliament or the Council may call upon the Executive Director to submit a report on the performance of his tasks, and to make a statement before those institutions.

Security Accreditation Board for European GNSS systems: the security accreditation activities shall be carried out in accordance with eight general principles including, inter alia: (i) security accreditation activities and decisions are undertaken in a context of collective responsibility for the security of the Union and of the Member States; (ii) efforts shall be made for decisions to be reached by consensus and for all relevant parties with an interest in security issues to be involved; (iii) a permanent monitoring process shall ensure that security risks are known; (iv) the technical security accreditation activities shall be entrusted to professionals who are duly qualified in the field of accrediting complex systems; (v) security accreditation activities shall be carried out while reconciling the requirement for independence with the need for adequate coordination, between the Commission and the authorities responsible for implementing security provisions.

The Regulation provides that a Security Accreditation Board for European GNSS systems shall be established within the Agency. This body shall have the tasks of the security accreditation authority, as referred to in the relevant security rules applicable to the Council and the Commission. The Security Accreditation Board shall be composed of one representative per Member State, one representative from the Commission and one from the HR. A representative of ESA shall be invited to attend the meetings of the Security Accreditation Board as an observer.

The Security Accreditation Board shall take ‘**security accreditation decisions**’ in particular: (i) on the approval of the security accreditation strategy and of satellite launches; (ii) the authorisation to operate the systems in their different configurations and for the various services; (iii) the authorisation to operate the ground stations and in particular the sensor stations located in third countries; (iv) as well as the authorisation to manufacture receivers containing PRS technology and their components.

The European Parliament and the Council: the Commission shall keep the European Parliament and the Council informed, without undue delay, about the impact of the adoption of the security accreditation decisions on the proper conduct of the programmes. If the Commission considers that a decision taken by the Security Accreditation Board may have a significant effect on the proper conduct of the programmes, for example in terms of costs and schedule, it shall immediately inform the European Parliament and the Council.

Role of Member States: in order to ensure that the Security Accreditation Board is able to accomplish its tasks, Member States should supply that Board with any necessary documentation, grant access to classified information and to any areas falling within their jurisdiction to duly authorised persons, and that they should be responsible at local level for the accreditation of the security of areas that are located within their territory.

Evaluation: by 2012, the Commission shall evaluate this Regulation, particularly as regards the Agency’s tasks and, if necessary, make proposals.

ENTRY INTO FORCE: 09/11/2010.