Global navigation satellite system (GNSS): rules for access to the public regulated service

2010/0282(COD) - 13/09/2011 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 556 votes to 71 with 30 abstentions, a legislative resolution on the proposal for a decision of the European Parliament and of the Council on the detailed rules for access to the public regulated service offered by the global navigation satellite system established under the Galileo programme.

Parliament adopted its position in first reading in accordance with the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise negotiated between Parliament and Council, who amended the Commission proposal as follows:

Strategic programme: a new recital states that the Galileo programme is of strategic importance for the independence of the Union in terms of satellite navigation, positioning and timing services and offers an important contribution to the implementation of the 'Europe 2020' strategy.

Access to the PRS: Member States, the Council, the Commission and the European External Action Service (EEAS) shall have the right to unlimited and uninterrupted access to the PRS worldwide.

In order to promote the use of European technology worldwide, certain non-member countries and international organisations could become PRS participants through separate agreements to be concluded with them.

Union agencies may become PRS participants only insofar as necessary to fulfil their tasks.

Non-member countries or international organisations may become PRS participants only where:

- a security of information agreement defining the framework for exchanging and protecting classified information has been concluded between the Union and the non-member country or international organisation, providing a degree of protection at least equivalent to that of the Member States, and
- an agreement laying down the terms and conditions of the detailed rules for access to the PRS by the non-member country or international organisation has been concluded between the Union and the non-member country or international organisation. Such an agreement could include the manufacturing, under specific conditions, of PRS receivers, at the exclusion of security modules.

Application of security regulations: each Member State shall ensure that its national security regulations offer a degree of protection of classified information at least equivalent to that provided by the Commission's rules on security as set out in the Annex to Commission Decision 2001/844/EC, ECSC, Euratom and by the security regulations of the Council set out in the Annex to Council Decision 2011/292 /EU.

If there is reason to believe that EU classified information relating to the PRS has been disclosed to any person not authorised to receive it , the Commission shall, in full consultation with the Member State concerned assess the potential damage caused to the interests of the Union or of the Member State and inform the European Parliament and the Council, as appropriate, of those results.

Competent PRS Authority: a Competent PRS Authority shall be designated by: (a) each Member State, which uses the PRS and each Member State on whose territory any of the bodies referred to in the Decision are established; (b) the Council, the Commission and the EEAS, if they use the PRS; (c) Union agencies and international organisations, in accordance with the provision of the agreements referred to in the Decision.

Member State which has not designated a Competent PRS Authority shall in any case designate a point of contact for assisting as necessary in the reporting of detected potentially harmful electromagnetic interference affecting the PRS.

A competent PRS authority shall ensure that the use of PRS is in compliance with the common minimum standards with respect to the areas set out in point 1 of the Annex. Every three years the competent PRS authorities shall report to the Commission and to the European GNSS Agency on compliance with the common minimum standards.

Where a competent PRS authority does not comply with the common minimum standards, the Commission may issue a recommendation, with due regard for the subsidiarity principle. Within three months of the recommendation being issued, the competent PRS authority concerned shall either comply with the Commission's recommendation or request or propose other changes with a view to ensuring compliance with the common minimum standards and implement them in agreement with the Commission.

If, once that three-month period has expired, the competent PRS authority concerned still does not ensure compliance with the common minimum standards, the Commission shall inform the European Parliament and the Council and propose appropriate measures to be taken.

Manufacture and security of receivers and security modules: the amended text stipulates that a Member State may assign the task of manufacturing PRS receivers or the associated security modules to bodies established on its territory or on the territory of another Member State. Furthermore, the receiver manufacturer must have been duly accredited in advance by the Security Accreditation Board in compliance with Regulation (EU) No 912/20101 and must comply with the decisions of the Security Accreditation Board.

Any equipment-manufacture authorisation shall be reviewed at least every five years.

Role of the Galileo Security Monitoring Centre: the GSMC shall provide the operational interface between the Competent PRS Authorities, the Council and the High Representative acting under Joint Action 2004/552/CFSP and the control centres.

Common minimum standards: the Commission shall be empowered to adopt delegated acts concerning the adoption of the common minimum standards for the areas set out in the Annex and, if necessary, amendments updating the Annex to take account of developments in the programme, in particular with regard to technology and changes in security need.

The amended text lays down the conditions for the exercise of the delegation. On the basis of the common minimum standards, the Commission may adopt the necessary technical requirements, guidelines and other measures. In order to ensure uniform conditions for the implementation of this Decision, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.

Export restrictions: the text states that exports outside the Union of equipment or technology and software relating to PRS use and relating to the development of and manufacturing for PRS, regardless of

whether that equipment, that software or that technology are listed in Annex I to Council Regulation (EC) No 428/2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items, must be restricted to those non-member countries which are duly authorised to access the PRS under an international agreement with the Union.

Review and report: a new provision has been included stipulating that at the latest two years after PRS has been declared operational, the Commission shall report on the adequate functioning and appropriateness of the established rules for access to PRS services, and, if necessary, propose amendments to this Decision accordingly.