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

2010/0282(COD) - 25/10/2011 - Final act

PURPOSE: to lay down the rules for access to the public regulated service (PRS) offered by the global navigation satellite system (GNSS) established under the Galileo programme.

LEGISLATIVE ACT: Decision No 1104/2011/EU of the European Parliament and of the Council on the rules for access to the public regulated service provided by the global navigation satellite system established under the Galileo programme.

CONTENT: following an agreement with the European Parliament in first reading, the Council adopted a decision on the detailed rules for access to the public regulated service (PRS) offered by the global navigation satellite system established under the Galileo programme, and the rules for the management of the PRS.

The PRS is a secured and encrypted service for sensitive applications which must remain operations even in crisis situations when other services may be interrupted. Access to the PRS shall be restricted to authorised users, mainly public authorities, such as the police, authorities responsible for border controls or authorities responsible for civil protection.

The following are the main provisions of the Decision:

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. It shall be for each individual Member State, the Council, the Commission and the EEAS to decide whether to use the PRS within their respective competences.

Third countries or international organisations may become PRS participants only where agreement is reached with the EU on the security of information procedures and terms and condition for access.

Competent authority: Member States wishing to use the PRS or manufacture PRS receivers shall designate a competent PRS authority for the management and monitoring of final users, as well as the manufacturing of the PRS receivers in accordance with common minimum standards.

A Member State which has not designated a competent PRS authority should in any event designate a **point of contact** for the management of any detected harmful electromagnetic interference affecting the PRS. Where a competent PRS authority does not comply with the common minimum standards, **the Commission may, taking due account of the subsidiarity principle and in consultation with the Member State concerned and, if necessary, after obtaining further specific information, issue a recommendation**. If, after a period of three months following the recommendation, the competent PRS authority concerned still does not comply with the common minimum standards, the Commission shall inform the European Parliament and the Council and propose the adoption of appropriate measures.

Accreditation: a process of accreditation shall be necessary for the manufacture of PRS receivers. The body manufacturing the receivers is required to have been duly authorised by the Security Accreditation Board in accordance with Regulation (EU) No 912/2010 and shall comply with the decisions of the Board. It is the responsibility of the competent PRS authorities to continuously monitor compliance both with that authorisation requirement and those decisions and with specific technical requirements stemming from the

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

Export restrictions: PRS receivers shall only be exported to those third countries that are duly authorised to have access to PRS under an international agreement with the Union.

Evaluation and report: at the latest two years after the PRS has been declared operational, the Commission shall report to the European Parliament and the Council on the adequate functioning and appropriateness of the rules established for access to the PRS and, if necessary, propose amendments to this Decision accordingly.

ENTRY INTO FORCE: 05/11/2011. The Member States shall apply Article 5 (competent PRS authority) at the latest on 6 November 2013.

DELEGATED ACTS: the Commission shall be empowered to adopt delegated acts as regards the common minimum standards in the areas listed in the annex to take into account developments in the Galileo programme. The powers to adopt delegated acts are conferred on the Commission for a period of five years as of 5 November 2011. The delegation of power may be revoked at any time by the European Parliament or the Council. The European Parliament and the Council may issue objections to a delegated act within a period of two months from its date of notification (this period may be further extended by two months). If the Parliament or Council issue objections, the delegated act does not enter into force.