

European GNSS Agency: tasks, bodies and powers

2013/0022(COD) - 12/03/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 638 votes to 34 with 12 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 912/2010 setting up the European GNSS Agency.

Parliament adopted its position in first reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise between Parliament and Council.

In the resolution, Parliament emphasised that any decision of the legislative authority in favour of multiannual funding for the European GNSS Agency shall be without prejudice to the decisions of the budgetary authority in the context of the annual budgetary procedure. It requests that the Commission:

- present a **financial statement** which fully takes into account the result of the legislative agreement between the European Parliament and the Council to meet the budgetary and staff requirements of the Agency and possibly of the Commission services;
- find a feasible solution to the problems the Agency might be facing with regard to the **funding for Type II European Schools**, as this has a direct effect on the Agency's ability to attract qualified personnel;
- not consider the Czech average when determining the correction coefficient for staff remuneration for the Agency but adjust to the cost of living in the metropolitan area of Prague.

Tasks: the new texts states that the tasks of the Agency shall be as set out in Article 14 of [Regulation \(EU\) No 1285/2013](#) of the European Parliament and of the Council. The Agency shall be a body of the Union. It shall have legal personality.

The choice of the location of those offices shall be made on the basis of objective criteria defined to ensure the Agency's smooth operation.

Administrative Board: this will be composed of (i) one representative appointed by each Member State; (ii) four representatives appointed by the Commission; (iii) one non-voting representative appointed by the European Parliament.

The term of office of the members of the Administrative Board shall be four years renewable once.

Each representative of the Member States and of the Commission shall have one vote. The Executive Director shall not vote.

Parliament proposed that Members of the Administrative Board and of the Security Accreditation Board should be appointed on the basis of their **degree of relevant experience and expertise**.

The European Parliament, the Commission and the Member States shall endeavour to **limit the turnover** of their representatives on the Administrative Board.

The Administrative Board may invite any person whose opinion may be of interest to attend its meetings as an observer. It shall have the power to dismiss the Chairperson, the Deputy Chairperson or both of them.

Tasks of the Administrative Board: the latter must, amongst other things:

- make practical arrangements for the participation of third countries or international organisations in the work of the Agency, after consulting the Security Accreditation Board on those provisions of those arrangements concerning security accreditation;
- adopt technical procedures necessary to perform its tasks;
- approve, on the basis of a proposal from the Executive Director, the working arrangements between the Agency and ESA;
- approve, on the basis of a proposal from the Executive Director, an anti-fraud strategy;
- approve, where necessary and on the basis of proposals from the Executive Director, the Agency's organisational structures.

The European Parliament shall be consulted on this multiannual work programme.

Executive Director: the Agency shall be represented its Executive Director, who shall perform the following tasks:

- prepare the working arrangements between the Agency and ESA;
- implement the decisions of the Administrative Board;
- preparing the multiannual and the annual work programmes of the Agency and submitting them to the Administrative Board for approval, with the exception of the parts prepared and adopted by the Security Accreditation Board;
- preparing a progress report on the implementation of the annual work programme;
- ensuring the circulation of all relevant information, in particular as regards security, between the bodies of the Agency
- communicating to the Commission the view of the Agency on the technical and operational specifications necessary to implement systems evolutions referred to in Regulation (EU) No 1285 /2013;
- drawing up an anti-fraud strategy for the Agency that is proportionate to the risk of fraud.

Work programmes: the multiannual work programme of the Agency, shall lay down the actions to be performed by the Agency during the period covered by the multiannual financial framework. That programme shall set out overall strategic programming, **including objectives, milestones, expected results and performance indicators**, and resource programming, including the human and financial resources assigned to each activity.

The annual work programme shall be based on the multiannual work programme and shall comprise detailed objectives and expected results, including performance indicators.

The security accreditation activities for European GNSS systems: Parliament stated that these activities should be carried out in accordance with the following principles: (i) 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; (iii) they will be carried out using a risk assessment and management approach; (iv) decisions shall be prepared and taken by professionals who are duly qualified; (v) execution by all relevant stakeholders according to a security accreditation strategy; (vi) a permanent, transparent and fully understandable monitoring process shall ensure that the security risks for European GNSS systems are known; (vii) decisions to be taken in a strictly independent manner; (viii) EU classified information shall be handled and protected by all stakeholders involved in the implementation of the programmes.

Security Accreditation Board: this will be responsible for:

- defining and approving a security accreditation strategy setting out:
- taking security accreditation decisions, in particular on the approval of satellite launches, the authorisation to operate the systems in their different configurations and for the various services up to and including the signal in space, and the authorisation to operate the ground stations
- checking the implementation of security measures in relation to the security accreditation of the European GNSS systems by undertaking or sponsoring security assessments, inspections or reviews,
- endorsing the selection of approved products and measures which protect against electronic eavesdropping (TEMPEST) and of approved cryptographic products used to provide security for the European GNSS systems;
- approving the interconnection of the European GNSS systems with other systems;
- agreeing with the relevant Member State the template for access control;
- on the basis of the risk reports, informing the Commission of its risk assessment and providing advice to the Commission on residual risk treatment options for a given security accreditation decision.

The decisions of the Security Accreditation Board shall be addressed to the Commission.

Independence: the Security Accreditation Board shall immediately inform the Executive Director, the Administrative Board and the Commission **of any circumstances that could hamper its autonomy or independence.** In the event that no remedy is found within the Agency, the Commission shall examine the situation, in consultation with the relevant parties. On the basis of the outcome of that examination, the Commission shall take appropriate mitigation measures to be implemented by the Agency, and shall inform the European Parliament and the Council thereof.

The Security Accreditation Board shall set up special subordinate bodies, acting on its instructions, to deal with specific issues. In particular, while ensuring necessary continuity of work, it shall set up a **panel to conduct security analysis reviews and tests** to produce the relevant risk reports in order to assist it in preparing its decisions.

The Commission shall **keep the European Parliament and the Council informed**, without undue delay, of the impact of the adoption of the security accreditation decisions on the proper conduct of the programmes.

Conflicts of interest: the text emphasised that it is essential that the Agency establish and maintain a reputation for impartiality, integrity and high professional standards. The Administrative Board and the Security Accreditation Board should therefore adopt comprehensive rules on conflicts of interest that cover the entire Agency.

Classified information: the Agency should apply the Commission's rules as regards the security of EU classified information. It should also be able to establish rules for the handling of non-classified but sensitive information. Those rules should apply only to the handling of such information by the Agency.