

## Basic information

**2009/0047(COD)**

COD - Ordinary legislative procedure (ex-codecision procedure)  
Regulation

Setting up the European GNSS Agency

Repealing Regulation (EC) No 1321/2004 [2003/0177\(CNS\)](#)

Amending Regulation (EC) No 683/2008 [2004/0156\(COD\)](#)

Repealed by [2018/0236\(COD\)](#)

Amended by [2013/0022\(COD\)](#)

### Subject

3.30.03.06 Communications by satellite

8.40.08 Agencies and bodies of the EU

Procedure completed

## Key players

European  
Parliament

### Committee responsible

**ITRE**

Industry, Research and Energy

### Rapporteur

TOŠENOVSKÝ Evžen (ECR)

### Appointed

17/09/2009

### Former committee responsible

**ITRE**

Industry, Research and Energy

### Former rapporteur

### Appointed

### Committee for opinion

**BUDG**

Budgets

### Rapporteur for opinion

HAUG Jutta (S&D)

### Appointed

01/09/2009

**CONT**

Budgetary Control

The committee decided not to give an opinion.

**TRAN**

Transport and Tourism

The committee decided not to give an opinion.

### Former committee for opinion

**BUDG**

Budgets



### Former rapporteur for opinion

### Appointed

**CONT**





Budgetary Control

	<b>TRAN</b> Transport and Tourism		
Council of the European Union	<b>Council configuration</b>	<b>Meetings</b>	<b>Date</b>
	General Affairs	3032	2010-09-13
	Transport, Telecommunications and Energy	2964	2009-10-09
	Transport, Telecommunications and Energy	2987	2009-12-17
	Transport, Telecommunications and Energy	2949	2009-06-11
European Commission	<b>Commission DG</b>	<b>Commissioner</b>	
	Internal Market, Industry, Entrepreneurship and SMEs	TAJANI Antonio	

Key events			
Date	Event	Reference	Summary
24/03/2009	Legislative proposal published	COM(2009)0139 	Summary
26/03/2009	Committee referral announced in Parliament, 1st reading		
11/06/2009	Debate in Council		Summary
09/10/2009	Debate in Council		Summary
19/10/2009	Resumption of business from the previous parliamentary term		
17/12/2009	Debate in Council		Summary
11/05/2010	Vote in committee, 1st reading		Summary
17/05/2010	Committee report tabled for plenary, 1st reading	A7-0160/2010	
16/06/2010	Decision by Parliament, 1st reading	T7-0213/2010	Summary
16/06/2010	Results of vote in Parliament		
13/09/2010	Act adopted by Council after Parliament's 1st reading		
22/09/2010	Final act signed		
22/09/2010	End of procedure in Parliament		
20/10/2010	Final act published in Official Journal		

Technical information	
<b>Procedure reference</b>	2009/0047(COD)
<b>Procedure type</b>	COD - Ordinary legislative procedure (ex-codecision procedure)
<b>Procedure subtype</b>	Legislation
<b>Legislative instrument</b>	Regulation

<b>Amendments and repeals</b>	Repealing Regulation (EC) No 1321/2004 <a href="#">2003/0177(CNS)</a> Amending Regulation (EC) No 683/2008 <a href="#">2004/0156(COD)</a> Repealed by <a href="#">2018/0236(COD)</a> Amended by <a href="#">2013/0022(COD)</a>
<b>Legal basis</b>	Treaty on the Functioning of the European Union TFEU 172
<b>Other legal basis</b>	Rules of Procedure EP 165
<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	ITRE/7/00277

Documentation gateway				
<b>European Parliament</b>				
Document type	Committee	Reference	Date	Summary
Committee draft report		<a href="#">PE428.325</a>	12/11/2009	
Amendments tabled in committee		<a href="#">PE430.983</a>	11/12/2009	
Committee opinion	<a href="#">BUDG</a>	<a href="#">PE439.174</a>	05/03/2010	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A7-0160/2010</a>	17/05/2010	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T7-0213/2010</a>	16/06/2010	<a href="#">Summary</a>
<b>Council of the EU</b>				
Document type	Reference	Date	Summary	
Draft final act	<a href="#">00024/2010/LEX</a>	22/09/2010		
<b>European Commission</b>				
Document type	Reference	Date	Summary	
Legislative proposal	<a href="#">COM(2009)0139</a> 	24/03/2009	<a href="#">Summary</a>	
Commission response to text adopted in plenary	<a href="#">SP(2010)6136</a>	01/09/2010		
Document attached to the procedure	<a href="#">COM(2011)0347</a> 	10/06/2011	<a href="#">Summary</a>	
Follow-up document	<a href="#">COM(2017)0616</a> 	23/10/2017	<a href="#">Summary</a>	
Follow-up document	<a href="#">SWD(2017)0346</a> 	23/10/2017		
<b>Other institutions and bodies</b>				
Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	<a href="#">CES1201/2009</a>	15/07/2009	

Additional information		
Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
<a href="#">Regulation 2010/0912</a> <a href="#">OJ L 276 20.10.2010, p. 0011</a>	<a href="#">Summary</a>

## Setting up the European GNSS Agency

2009/0047(COD) - 23/10/2017 - Follow-up document

This report from the Commission presents the interim evaluation of the European satellite navigation programmes, Galileo and EGNOS, and the evaluation of the European GNSS Agency (GSA), as required by Regulation (EU) No 1285/2013 on the implementation and exploitation of the European satellite navigation systems ("the GNSS Regulation") and Regulation (EU) No 912/2010 setting up the European GNSS Agency ("the GSA Regulation").

The interim evaluation focuses on the period from 1 January 2014 to 31 December 2016.

The evidence presented in the interim evaluation demonstrated that overall **the implementation of the GNSS Regulation and of the GSA Regulation has shown good results** in the light of the general evaluation criteria and specific requirements for the European GNSS programmes. The Galileo and EGNOS programmes have achieved all the milestones that were set for the period concerned and progress is being made towards delivering on all the programme implementation objectives set for 2020.

**Market uptake:** over the evaluation period, the market uptake of Galileo and EGNOS has progressed well. The European GNSS industry has grown and accounted for **25% of the global GNSS market in 2015**. The vast majority of new navigation chipsets include the processing of Galileo signals and are gradually integrated in user receivers in various market segments.

**System deployment and services:** the Galileo programme has achieved its key objective set out for the evaluation period. The system was **declared operational** and is providing initial services since December 2016, namely an initial open service (OS), search and rescue support service (SAR) and public regulated service (PRS).

EGNOS now provides the highest quality guided approach services available today to airline and aerodrome operators, with an increase in flight and landing safety, and benefits related to the optimisation of fuel consumption.

**Budget:** for the period 2014-2020, the European Union allocated a total budget of **EUR 7 071.73 million** for the Galileo and EGNOS programmes. This envelope covers programme management activities, Galileo deployment and exploitation activities, EGNOS exploitation activities and risks associated with these activities. As of end 2016, the Galileo and EGNOS programmes are **on track to respect the budget boundaries** set by the GNSS Regulation for the period 2014-2020. The Commission monitors the budget closely to ensure it stays within the limit.

**Impact and effectiveness of the GSA:** over the period 2014-2016, the GSA has **successfully achieved important objectives** for the progress of Galileo and EGNOS programmes and for the development of European downstream markets. This has been accomplished through an effective implementation of both core tasks entrusted to the GSA directly on the basis of the GSA Regulation, and tasks delegated to it by the Commission through Delegation Agreements.

**Key achievements** of the Agency include:

- the implementation in particular of testing activities that were a prerequisite for the declaration of Galileo Initial Services;
- the transition towards the Galileo exploitation phase, in particular the award of the contract to the Galileo Service operator (GSO);
- the smooth implementation of FP7, Horizon 2020 and Fundamental Elements R&D projects;
- downstream market development through monitoring, communication and promotion activities.

These results have been delivered within budget.

The GSA Regulation established the **Security Accreditation Board (SAB)**, which is responsible for security accreditation related tasks for the European GNSS systems. The SAB has performed well. Constant monitoring is required to ensure its complete independence.

**Next steps:** looking to the future, the Commission aims to provide a **long-term vision for the programmes**, allowing businesses and users to reap the benefits of the European satellite navigation systems. In this context, the Commission will strive for **greater synergies between space and defence programmes**, in line with the recently adopted Space Strategy for Europe and Defence Action Plan.

The European market for users of Galileo and EGNOS will expand. Also, the traditional GNSS market will be complemented with the field of Internet of Things, smart cities and Big Data. **The next years will be crucial** for consolidating the achievements and preparing the evolution of the programmes.

## 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.

## Setting up the European GNSS Agency

2009/0047(COD) - 17/12/2009

The Council reached a **general approach**, pending the European Parliament's position at first reading, with regard to a draft regulation amending the 2004 regulation on the structures for the management of the European satellite radio-navigation programmes.

The Commission submitted its proposal in March 2009. During discussions in the Council preparatory bodies, the proposal has been substantially modified as regards the provisions on security accreditation. The European Parliament's position at first-reading is expected early in 2010.

The objective of the proposed regulation is to bring regulation 1321/2004, which established a European Global Navigation Satellite System Supervisory Authority, now to become the European GNSS agency, into line with the rules adopted in 2008 for the governance and financing of the European satellite navigation programmes.

The rules, introduced by regulation 683/2008 on the further implementation of those programmes, take account of the fact that the concept of private management of the navigation satellite programme Galileo, as initially provided for in the regulation of 2004, has been abandoned. As a consequence, the Commission has been given full management responsibility and ownership of all Galileo assets has been transferred to the EU.

It has therefore become necessary to adapt regulation 1321/2004 accordingly. To this end, the new draft regulation:

- redefines the relation between the agency and the Commission by strengthening the powers of the Commission, which will provide the guidelines for the agency's work;
- establishes rules for security accreditation. While the Commission keeps general responsibility for all security matters, security accreditation and operation of the Galileo security monitoring centre will fall within the remit of the agency. A Security Accreditation Committee will be set up as an autonomous body within the agency, to deal with tasks such as approval of the security accreditation strategy and of satellite launches, authorisation to operate systems and services as well as authorisation to manufacture certain products.

## Setting up the European GNSS Agency

2009/0047(COD) - 24/03/2009 - Legislative proposal

**PURPOSE:** to bring the provisions of Council Regulation (EC) No 1321/2004 on the structures for the management of the European satellite radio-navigation programmes into line with those of Regulation (EC) No 683/2008 on the further implementation of the European satellite navigation programmes (EGNOS and Galileo).

**PROPOSED ACT:** Regulation of the European Parliament and of the Council.

**BACKGROUND:** in order to reflect the fact that the Galileo Joint Undertaking would cease activities on 31 December 2006, Regulation (EC) No 1321/2004 as amended established the European GNSS (Global Navigation Satellite System) Supervisory Authority. The Authority's original role was 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, which entered into force on 25 July 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

Authority. It also provides that the Authority will accomplish such tasks entrusted to it whilst respecting the Commission's role as manager of the programmes and in accordance with guidelines issued by the Commission. Regulation (EC) No 683/2008 therefore implicitly and substantially amended Regulation (EC) No 1321/2004.

It is now important to bring certain provisions of Regulation (EC) No 1321/2004 into line with those of Regulation (EC) No 683/2008 for the following reasons:

- the current situation, characterised by the coexistence of two texts which contradict each other in places, is unsatisfactory from a legal point of view;
- Regulation (EC) No 683/2008 stipulates that the Commission is to manage all questions relating to the security of the systems, but also makes the Supervisory Authority responsible for ensuring security accreditation. The precise role of the Authority in this regard therefore needs to be quickly clarified;
- although Regulation (EC) No 683/2008 amended the Supervisory Authority's responsibilities, it had no impact on its internal organisation, and the Commission's influence in this area continues to be very limited. It is necessary to make changes to increase the Commission's influence within the Authority's internal organisation.

**IMPACT ASSESSMENT:** the only logical option is to bring the text of Regulation (EC) No 1321/2004 into line with the provisions of Regulation (EC) No 683/2008. Leaving the text of Regulation (EC) No 1321/2004 unchanged would not be satisfactory from a legal point of view, would cause major security problems and would not ensure the good governance of these programmes.

**CONTENT:** the proposal aims to:

- amend the aim and objective, tasks and name of the Community agency established under Regulation (EC) No 1321/2004, so as to reflect the provisions of Regulation (EC) No 683/2008;
- increase the role and the powers of the Commission within this agency in order to ensure that, in accordance with the provisions of Regulation (EC) No 683/2008, the agency performs its task whilst respecting the Commission's role as manager and in accordance with the guidelines provided by the Commission;
- set up a framework within which the agency assumes the responsibility for providing security accreditations, which it has been entrusted with, and to this end, to set up, within the agency, a committee for European GNSS systems' security accreditations;
- remove the provisions of Regulation (EC) No 1321/2004 on the ownership of systems, once the EC becomes owner of these systems in accordance with the provisions of Regulation (EC) No 683/2008.

FINANCIAL IMPLICATIONS: no implication for the Community budget.

## Setting up the European GNSS Agency

2009/0047(COD) - 09/10/2009

The Council was informed by the Commission on the **current state of play** of the two European satellite navigation programmes Galileo and EGNOS and on its views concerning future developments and further implementation of the programmes.

## Setting up the European GNSS Agency

2009/0047(COD) - 10/06/2011 - Document attached to the procedure

The purpose of this communication is to **amend the financial statement** accompanying Regulation (EU) No 912/2010 setting up the European GNSS Agency. Regulation (EU) No 912/2010 is to set up the European GNSS Agency and to determine its tasks in compliance with the provisions laid down in Regulation (EC) No 683/2008, which is the basic act for implementing the Galileo and EGNOS. The European GNSS Agency now has four main tasks:

- to validate the security of the two European satellite radio-navigation systems;
- to operate the **Galileo Security Monitoring Centre (GSMC)**;
- to help prepare the systems to be placed on the market;
- to fulfil any other responsibilities that the Commission may confer on it, pursuant to the Financial Regulation.

The adoption of Regulation (EU) No 912/2010 follows the submission to the European Parliament and the Council of a draft text adopted by the Commission on 24 March 2009, which is accompanied by a financial statement. The figures on the financial statement were based on information at the Commission's disposal at the time regarding the European GNSS Agency's foreseeable operating costs, in particular with regard to staffing.

However, two years ago knowledge of the workload involved in complying with the security requirements relating to the two European radio-navigation satellite systems was not as advanced as it is today. Various studies and meetings between technical experts, mostly classified, have since 2009 made it possible to determine exactly the resources required to meet demand in this regard. Furthermore, during the discussions on the future Regulation (EU) No 912/2010 before Parliament and the Council, it proved necessary to make additions to the text drafted by the Commission on a number of points, specifically as regards the accreditation of systems security along with various clarifications.

Thus, as regards the Agency's task of accrediting systems security, while the Commission's draft text was limited to setting up the security accreditation committee, the Financial Regulation adopted sets out the conditions for that committee to pursue its activities. It makes provision, for example, for the security accreditation committee to set up specific subordinate bodies, in particular a group of experts charged with updating security analyses and performing tests, and a crypto-distribution authority.

It is recalled that the European GNSS Agency, also known as the GSA, will provide the staffing for the infrastructure of the Galileo system known as the GSMC (GALILEO Security Monitoring Centre). This centre is the 'brains' of the Galileo system as regards overall security. It is based in two geographical sites, and therefore its staff will be physically located in France and the United Kingdom. The GMC must be entirely operational by 2014, which implies that it must be capable of running by 2013 for training and hands-on learning to take place. It will be operated 24 hours per day, 7 days per week by qualified experts.

The figures given in the services section of the initial financial statement in 2009 – 8 posts in 2012 and 13 in 2013 – carried a number of provisos because not all of the necessary information was available. . Successive studies of threats, vulnerable areas and a "Secret EU" classification have provided more thorough knowledge of the system and helped to determine the types of defence to be put in place. Recent studies have shown that the **GSMC will need 16 staff members in 2012 and then 28 in 2013.**

Furthermore, since the initial proposal, amendments have been made to the remit of the accreditation committee and the GSMC :

- whilst the Commission's draft text was limited to setting up the security accreditation committee, the Financial Regulation adopted sets out the conditions for that committee to pursue its activities. It makes provision, for example, for the security accreditation committee to set up specific subordinate bodies, in particular a group of experts charged with updating security analyses and performing tests, and a crypto-distribution authority;

- the security accreditation committee's role is further detailed – with regard to the arrangements for access to public regulated service (PRS) offered by the system arising from the Galileo programme – in the proposal adopted by the Commission on 8 October 2010 and currently under discussion before the European Parliament and the Council. Under this [proposal](#), the accreditation committee is responsible for accrediting manufacturers of receivers designed to receive signals relating to the PRS ;
- moreover, the European Council's decision to make Prague the seat of the European GNSS Agency entails relocation costs that are currently being assessed. A preliminary amount is incorporated into the draft budget to cover initial relocation costs and will be reviewed once negotiations with the Czech government have been completed.

**In light of current figures on the development of the Galileo Supervisory Authority (GSA), and in particular the Galileo Security Monitoring Centre (GSMC), it is not possible to carry out security tasks, in particular analysis capacity and response to threats to Galileo.** The initial financial statement should therefore be revised to adapt to the reality of the agency's staffing needs. The extra staff will be funded by a transfer from the budget line of the GNSS programme administration.

Summary of estimated impact on expenditure: the appropriations required for budget line 02.050201 European GNSS Agency (GSA) – Titles 1 and 2 ( **EUR 1 million in 2012 and EUR 1 million in 2013**) are covered by the redeployment of budget line 02.010405 European satellite radio-navigation programmes (EGNOS and Galileo) – Expenditure on administrative management.

## 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.

## Setting up the European GNSS Agency

2009/0047(COD) - 16/06/2010 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution setting out its position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure) on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio-navigation programmes. The amendments made in plenary are the result of a compromise between Parliament and Council and these amendments modify the Commission's proposal as follows :

**Name and repeal of Regulation 1321/2004:** the text now states that the act sets up the European GNSS Agency (rather than "Authority".) Members state that the act must also repeal Council Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio navigation programmes (rather than amending it as the Commission had proposed) and amend Regulation (EC) No 683/2008.

**Tasks:** the tasks of the Agency shall be as set out in Article 16 of Regulation (EC) No 683/2008. The text states that it is important to modify the tasks of the Agency, and, in this regard, to ensure that its tasks are defined in conformity with those set out in Article 16 of Regulation (EC) No 683 /2008, including the possibility for the Agency to accomplish other activities that may be entrusted to it by the Commission, in order to support the Commission in the implementation of the GNSS programmes. In accordance Council Regulation 1605/2002 on the Financial Regulation, such activities could for example include following the development of coordination and consultation procedures on security-related matters, carrying out research of benefit to the development and promotion of the European GNSS programmes and providing support in the development and implementation of the Public Regulated Service (PRS) pilot project.

**Bodies:** the bodies of the Agency shall be the Administrative Board, the Security Accreditation Board for European GNSS systems and the Executive Director. They shall accomplish their tasks in accordance with the guidelines given by the Commission as set out in Article 16 of Regulation (EC) No 683/2008.

**Administrative Board:** Members amended these provisions which now state that 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 duration of the term of office of the Board members shall be five years. The term of office may be renewed for a maximum of five years. A representative of the HR and a representative of the ESA shall be invited to attend the Administrative Board's meetings as observers. Each Member State and Commission representative shall have one vote. Decisions based on provisions regarding the adoption of the work programme and disciplining of the Executive director must not be adopted without a positive vote of the representatives of the Commission.

**Tasks of the Administrative Board:** the Administrative Board will ensure that the Agency carries out the work entrusted to it, under the conditions set out in the Regulation, and take any necessary decision to this end. In respect of security accreditation tasks and decisions provided for in Chapter II, the Administrative Board shall be responsible only for resources and budgetary matters. The task of the Board now also include overseeing the operation of the Galileo security center (referred to as the "Galileo Security Monitoring Centre" or "the GSMC") as referred to in Article 16(a)(ii) of Regulation (EC) No 683/2008.

**Chapters II and III:** the text now has a new Chapter to the regulation, entitled "Aspects relating to the security of the EU or the Member States." It comprises provisions on joint action. The new Chapter III is entitled "Security accreditation for European GNSS systems" and includes clauses on the general principles, the Security Accreditation Board, and the role of Member States.

In the recitals, the text states that the Agency's Administrative Board should be empowered to take any decision which may ensure that the Agency can accomplish its tasks with the exception of the accreditation tasks, which should be entrusted to the Security Accreditation Board, and in respect of which the Administrative Board will be responsible only for resource and budget matters. Sound governance of the programmes requires also that the tasks of the Administrative Board be compliant with the new missions assigned to the Agency by virtue of Article 16 of Regulation (EC) No 683/2008, notably regarding the functioning of the Security Monitoring Centre and the instructions given pursuant to Council Joint Action 2004/552/CFSP on aspects of the operation of the European satellite radio-navigation system affecting the security of the EU.

**Joint Action:** the clause specifies that in accordance with Article 13(4) of Regulation (EC) No 683/2008, whenever the security of the Union or the Member States may be affected by the operation of the systems, the procedures set out in Joint Action 2004/552/CFSP shall apply. The security accreditation decisions taken pursuant to Chapter III, as well as the residual risks identified, shall be communicated by the Commission to the Council for information.

**Security accreditation for European GNSS systems (General Principles):** Parliament sets out eight general principle, stressing collective responsibility and consensus. It notes that in application of the principle of subsidiarity, security accreditation decisions should, following the process defined in the security accreditation strategy, be based on local security accreditation decisions taken by the national security accreditation authorities of the respective Member States.

**Security Accreditation Board:** as regards the European GNSS systems, 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 Board shall perform the tasks entrusted to the Agency with regard to security accreditation under Regulation (EC) No 683/2008 and take "security accreditation decisions" as provided for in this provision, in particular on the approval of the security accreditation strategy and of satellite launches, the authorisation to operate the systems in their different configurations and for the various services, the authorisation to operate the ground stations and in particular the sensor stations located in third States, as well as the authorisation to manufacture the receivers containing PRS technology and their components.

The security accreditation of systems by the Board shall consist of the establishment of the compliance of the systems with the security requirements referred to in Article 13 of Regulation (EC) No 683/2008 and in accordance with the relevant security rules and regulations applicable to the Council and the Commission. On the basis of the risk reports (referred to below), the Board shall inform the Commission of its risk assessment and provide advice to the Commission on residual risk treatment options for a given security accreditation decision. The decisions of the Board shall be addressed to the Commission. The 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 Board meetings as an observer.

The Board shall set up special bodies, under itself, to deal with specific issues, acting on its instructions. In particular, while ensuring necessary continuity of work, it shall set up: (i) a Panel to conduct security analysis reviews and tests to produce the relevant risk reports in order to assist it in preparing its decisions; (ii) a Crypto Distribution Authority (CDA) to assist the Committee in particular for questions related to flight keys.

If a consensus according to the general principles cannot be reached, the Board shall take decisions on the basis of majority voting. The representative of the Commission and the representative of the HR shall not vote. The Chairperson of the Board shall sign, on behalf of the Board, the decisions adopted by the Board.

The Commission shall keep the European Parliament and the Council informed, without undue delay, about the impact of the adoption of the accreditation decisions on the proper conduct of the programmes. If the Commission considers that a decision taken by the Board may have a significant effect on the proper conduct of the programmes, for example in terms of costs and schedule, it shall urgently inform the European Parliament and the Council. Taking into account the views of the European Parliament and of the Council, which should be expressed within one month, the Commission may adopt any adequate measures in accordance with Regulation (EC) No 683/2008. The Administrative Board shall be regularly kept informed about the evolution of the work of the Security Accreditation Board.

Lastly, the timetable for the work of the Board shall respect the GNSS work programme of the Commission.

**Role of Member States:** Member States shall (i) transmit to the Board all information they consider relevant for the purposes of security accreditation; (ii) permit duly authorised persons appointed by the Board to have access to any classified information and to any areas/sites related to the security of systems falling within their jurisdiction, in conformity with their national laws and regulations, and without any discrimination on ground of nationality, including for the purposes of security audits and tests as decided by the Board; (iii) each be responsible for devising a template for access control, which is to outline or list the areas/sites to be accredited, and which shall be agreed in advance between the Member States and the Board, thereby ensuring that the same level of access control is being provided by all Member States; and (iv) be responsible, at local level, for the accreditation of the security of areas that are located within their territory and form part of the security accreditation area for European GNSS systems, and report, to this end, to the Board.

**Evaluation:** by 2012 at the latest, the Commission shall evaluate the Regulation, particularly as regards the Agency's tasks, and, if necessary, make proposals.