Basic information

2010/0282(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Decision	Procedure completed
Global navigation satellite system (GNSS): rules for access to the public regulated service **Subject** 3.30.03.06 Communications by satellite 3.40.05 Aeronautical industry, aerospace industry	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
ITRE Industry, Research and Energy	GLANTE Norbert (S&D)	08/11/2010
	Shadow rapporteur VAN NISTELROOIJ Lambert (PPE) HALL Fiona (ALDE) LAMBERTS Philippe (Verts /ALE) TOŠENOVSKÝ Evžen (ECR)	

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	KOPPA Maria Eleni (S&D)	29/11/2010
TRAN Transport and Tourism	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Transport, Telecommunications and Energy	3080	2011-03-31
Transport, Telecommunications and Energy	3052	2010-12-02
Environment	3118	2011-10-10

European Commission

Commission DG	Commissioner
Competition	TAJANI Antonio

Key events

Date	Event	Reference	Summary
08/10/2010	Legislative proposal published	COM(2010)0550	Summary
19/10/2010	Committee referral announced in Parliament, 1st reading		
02/12/2010	Debate in Council		Summary
31/03/2011	Debate in Council		Summary
30/06/2011	Vote in committee, 1st reading		Summary
01/07/2011	Committee report tabled for plenary, 1st reading	A7-0260/2011	
13/09/2011	Decision by Parliament, 1st reading	T7-0350/2011	Summary
13/09/2011	Results of vote in Parliament		
10/10/2011	Act adopted by Council after Parliament's 1st reading		
25/10/2011	Final act signed		
25/10/2011	End of procedure in Parliament		
04/11/2011	Final act published in Official Journal		

Technical information

Procedure reference	2010/0282(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	Treaty on the Functioning of the European Union TFEU 172
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/7/04218

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE454.624	10/01/2011	
Amendments tabled in committee		PE456.989	07/02/2011	
Committee opinion	AFET	PE456.623	22/03/2011	
Committee report tabled for plenary, 1st reading/single reading		A7-0260/2011	01/07/2011	
Text adopted by Parliament, 1st reading/single reading		T7-0350/2011	13/09/2011	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00040/2011/LEX	26/10/2011	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2010)0550	08/10/2010	Summary
Commission response to text adopted in plenary	SP(2011)8584	09/11/2011	

National parliaments

Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2010)0550	07/12/2010	
Contribution	IT_SENATE	COM(2010)0550	16/12/2010	

Additional information

Source	Document	Date
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act

Decision 2011/1104
OJ L 287 04.11.2011, p. 0001 Summary

Delegated acts

Reference	Subject
2015/2888(DEA)	Examination of delegated act

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.

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

2010/0282(COD) - 02/12/2010

Transport ministers **took stock of progress** achieved on detailed rules for access to the Public Regulated Service (PRS) provided by the European global navigation satellite system under the Galileo programme.

All Member States support the general objective of giving a legal framework and establishing clear rules for access to PRS. In this context, several delegations underlined the need to reiterate, also in this text, the principle that "Galileo is a civil system under civil control", as stated in Regulation N° 683/2008 (recital 2).

One delegation expressed concerns as regards the **legal base** and it is still examining whether the proposed Article 172 is appropriate. Some delegations pointed out that the Commission proposal combines rules both for PRS technology and for the service itself, often in the same paragraph, and argued that these two issues should be clearly separated to avoid any possible confusion.

However, the work already done in the Council's preparatory bodies shows that **some issues still need to be further discussed**, in particular:

- the protection of classified information,
- the establishment of common minimum standards to be complied with by the PRS authorities, and
- the delegation of decisions to the Commission as regards these two issues.

Moreover, some Member States expressed the wish to further clarify the costs entailed by the PRS and who will bear them.

The Council invited its preparatory bodies to pursue its examination of the proposal.

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

2010/0282(COD) - 31/03/2011

The Council agreed on a **general approach** on rules for access to, and management of, the Public Regulated Service (PRS) provided by the European global navigation satellite system under the Galileo programme and concluded that it needs to continue to be operational even in crisis situations when other services may be cut off. Access to it will be restricted to authorised users, principally governmental bodies such as police, border control or civil protection authorities.

The draft decision contains the following key elements:

- the Member States, the Council, the Commission and the European External Action Service will have unlimited and uninterrupted access to the service worldwide. Each of them will decide whether to use the PRS within their respective competences, and it is up to them to authorise users and the uses that may be made of the PRS;

- Member States wishing to use PRS or producing PRS receivers have to designate a PRS authority responsible for managing and monitoring end-users as well as for the manufacture of PRS receivers in accordance with common minimum standards;

- the production of PRS receivers will require an accreditation process;

- non-EU countries or international organisations can only become PRS participants if agreements on security procedures and access rules have been concluded with the EU;

- PRS receivers may be exported only to authorised non-EU countries.

While there was consensus between the Member States on the draft decision, the Commission pointed out that, with regard to the modifications to its initial proposal, it still had some problems of an institutional nature, but was confident that **solutions could be found in the future negotiations with the European Parliament**, whose approval is also required and which has not yet adopted its position on the proposal. The Council's aim is to reach an agreement with Parliament at first reading.

Some Member States underscored the importance of the security aspects of the PRS and called upon the Commission to make sure that member states' experts would be fully involved in decisions on PRS matters.

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

2010/0282(COD) - 08/10/2010 - Legislative proposal

PURPOSE: to lay down the detailed rules under which the Member States, the Council, the Commission, the European Union agencies and international organisations may access the public regulated service (PRS) offered by the global navigation satellite system (GNSS) established under the Galileo programme.

PROPOSED ACT: Decision of the European Parliament and of the Council.

BACKGROUND: Regulation (EC) No 683/2008 lays down the conditions for the further implementation of the two European satellite navigation programmes (EGNOS and Galileo). It provides that the system to be established under the Galileo programme will offer five services, including a "public regulated service" (PRS), restricted to government-authorised users, for sensitive applications which require a high level of service continuity. They specify that the PRS uses strong, encrypted signals.

The PRS is a service to which the general public will not have access and which is restricted exclusively to the Council, the Commission, Member States and, where appropriate, duly authorised European Union agencies, non-member countries and international organisations. Its use must be monitored for safety and security reasons, unlike the other unsecured services which will be offered by the two European GNSS systems.

It is therefore essential to monitor users by means such as establishing an authorisation procedure, using encryption keys, receiver approval, etc. Moreover, certain applications of the service may be politically and strategically very sensitive. The characteristics of the PRS as a whole necessitate a precise legislative definition of the detailed rules for access to the PRS.

Furthermore, in its conclusions adopted on 12 October 2006, the Transport Council asked the Commission to actively pursue its work on the drawing up of the PRS access policy and to present its proposals in due time for the Council's deliberation and approval.

IMPACT ASSESSMENT: although it has not formally been the subject of an impact assessment, the draft text is nonetheless the result of very thorough preparatory work which closely involved the various stakeholders interested in the PRS, particularly the Member States, which will be the key participants in this service.

The various matters relating to the detailed rules for access to the PRS were carefully discussed by the Security Board, known as the GSB, which was established under Council Regulation (EC) No 876/2002 and repealed under Regulation (EC) No 683/2008. It should crucially be underlined that during the preparatory work carried out by the GSB, the whole range of different possible schemes was carefully considered:

take no action;

- no monitoring of PRS users by the Member States. This option would also have been incompatible with the high level of security required for the PRS. It could not be considered in view of the sensitivity of the subject and its security implications for the Member States and the European Union;
- entirely centralised management at European Union level of all authorisation standards and procedures, approval and monitoring relating to the detailed rules for access to the PRS, in particular manufacture of receivers and distribution of access-protection keys;
- conversely, entirely decentralised management of the same components at Member State level.

Under the scheme adopted, the **technical functions directly connected to the infrastructure are centralised at European level** through the activities of the security centre used by the European GNSS Agency; **conversely, the participant supervisory functions are decentralised at national level** in order to take account of local constraints.

The Decision which is the subject of this proposal is likely to have an impact on the Member States, European Union bodies, international organisations and non-member countries and industrial companies. The many discussions which have taken place since 2007 within the various bodies responsible for the security of the programmes and systems have merely confirmed the **consensus** on the various solutions chosen in the draft.

It is important to remember that, in view of their sensitive nature, matters relating to use of the PRS involve not only system security but also the security of the Member States themselves. It has for that reason proved to be politically and practically impossible for the Member States to reach a consensus on the options selected. Recourse to Joint Action 2004/552/CFSP, which falls under the unanimity rule, is furthermore explicitly provided for by the draft in any cases where the security of the European Union and its Member States could be undermined.

LEGAL BASIS: Article 172 of the Treaty on the Functioning of the European Union (TFEU). Although the text may have implications for the Common Foreign and Security Policy, it must nonetheless be adopted under the procedures provided for under the TFEU pursuant to the Court of Justice's case law resulting from the Judgment of 20 May 2008, C-91/05 (Commission of the European Communities v. Council of the European Union), known as "*Small arms*".

CONTENT: this draft Decision lays down the detailed rules under which the Member States, the Council, the Commission, the European Union agencies and international organisations may access the public regulated service (PRS) offered by the global navigation satellite system (GNSS) established under the Galileo programme.

It contains the following key measures:

- general principles on the detailed rules for access to the PRS, in particular the fact that the Council, the Commission and the Member States have unlimited, uninterrupted access to the PRS anywhere in the world, while an agreement would be required to grant access to the PRS to European Union agencies, non-member countries and international organisations;
- the requirement for PRS participants to designate a "Competent PRS Authority" to manage and monitor manufacture, ownership and use of PRS receivers, and the establishment of minimum common standards to which the competent PRS authorities must comply;
- the establishment of a framework of conditions for the manufacture and security of PRS receivers;
- provisions on export control, control centres worldwide, and the implementation of joint actions under the “second pillar”.

BUDGETARY IMPLICATIONS: the Commission's proposal has no direct negative impact on the European Union budget; in particular, it does not commit the European Union to any new policy and the various EU supervisory bodies to which it refers have already been established by means of other texts.

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.