



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 27 May 2014
(OR. en)**

10289/14

**ESPACE 50
COMPET 305
IND 172
TRANS 288
RECH 204**

OUTCOME OF PROCEEDINGS

From: Council

To: Delegations

No. prev. doc.: 9851/14 ESPACE 46 COMPET 277 IND 160 TRANS 274 RECH 190

Subject: Towards a shared EU-ESA vision for space fostering competitiveness
- Adoption of Council conclusions

Delegations will find attached the Council conclusions "Towards a shared EU-ESA vision for space fostering competitiveness" as adopted by the Council ("Competitiveness") at its meeting on 26 May 2014.

COUNCIL CONCLUSIONS

"Towards a shared EU-ESA vision for space fostering competitiveness"

THE COUNCIL OF THE EUROPEAN UNION

HAVING REGARD to the Treaty on the Functioning of the European Union (TFEU)¹ establishing an EU competence in space, which strengthens the political dimension of space in Europe, and provides that the Union shall establish any appropriate relations with the European Space Agency (ESA);

HAVING REGARD to the Framework Agreement between the Union and the European Space Agency (the "Framework Agreement"), which entered into force on 28 May 2004² and was renewed in 2012 for four years, and to the close cooperation between the two parties;

HAVING REGARD to the Council resolutions and orientations adopted and those of the "Space Councils" and WELCOMING the progress achieved by the European Commission and ESA in the implementation of the European Space Policy;

RECALLING the Council Conclusions on "Towards a space strategy for the European Union that benefits its citizens" of 31 May 2011³;

¹ In particular Articles 4 and 189.

² OJ L 261 of 6.8.2004, p. 64.

³ Doc. 10901/11.

TAKING NOTE of the Communication to the Council and the Parliament adopted on 14 November 2012 by the European Commission on “Establishing appropriate relations between the EU and the European Space Agency (ESA)”⁴;

TAKING NOTE of the political declaration unanimously adopted on 20 November 2012 by the ESA Council at Ministerial level, which was supported by the EU Member States present as observers, entitled “Towards the European Space Agency that best serves Europe”, which mandated the Director General of ESA to work with the European Commission in order to provide a common analysis on the situation of the European space sector and a common vision on its evolution aiming at building up coherence, convergence and complementarity among the different actors; and to bring forward proposals for decisions at the occasion of the next ESA Council meeting at ministerial level, now foreseen in December 2014;

RECALLING the Council Conclusions on "Establishing appropriate relations between the EU and the European Space Agency (ESA)" of 18 February 2013;

TAKING NOTE of the Commission Progress Report adopted on 6 February 2014⁵;

⁴ Doc. 16374/12.

⁵ Doc. 5978/14.

1. RECOGNISES the Union's achievements in space so far, in particular the Galileo, EGNOS and Copernicus flagship programmes, the European Space Policy, and the Framework programmes for research and innovation actions in the areas of space and security, as well as those related to industrial policy and international cooperation; UNDERLINES that the successful implementation of the Galileo, EGNOS and Copernicus flagship programmes constitutes a priority. UNDERLINES that the space actions launched under Horizon 2020 should underpin the innovation and competitiveness of the European space sector, and therefore INVITES the Commission and Member States to work towards a reinforced partnership between the EU and ESA by exploiting their respective expertise and competencies in order to maximise efficiency and complementarity while avoiding unnecessary duplication of activities.
2. ACKNOWLEDGES the important role of ESA as an independent intergovernmental organisation dedicated to space research and development of space systems, as well as its role in relation to Union space programmes together, where appropriate, with other relevant actors.
3. WELCOMES the technical and commercial success of European space systems, including access to space, telecommunications and Earth observation, notably meteorology, and EMPHASISES that space systems have substantial further potential to underpin innovation, smart and inclusive growth, job creation and industrial competitiveness.

4. EMPHASISES that it is essential to establish appropriate, sustainable and transparent relations between the EU and ESA so as to maximise the impacts of European investment in space and to make the best use of competencies in Europe; REAFFIRMS its willingness to take further steps towards improving these relations and CONSIDERS that the relevant lessons learnt from the flagship programmes will provide a good basis for such a relationship.
5. RECALLS that, according to the Treaty, the Union shall draw up a European space policy to promote scientific and technical progress, industrial competitiveness and the implementation of its policies. To this end, it may promote joint initiatives, support research and technological development and coordinate the efforts needed for the exploration and exploitation of space. STRESSES, therefore, that the Union should lead in identifying and bringing together user needs, ensuring the availability and continuity of operational services and related space infrastructure as well as maximising their exploitation to support its policies. RECOGNISES the need to pursue an optimum regulatory environment to foster innovation, develop markets for space applications and services including stimulating the uptake by European, national, regional and local authorities, as well as to support the global competitiveness of the European space industry by creating the conditions for fair and reliable access to international markets and promoting the European space technology and services capabilities in the framework of international cooperation.

6. STRESSES that ESA constitutes an asset for Europe, in particular with regard to developing space technologies and systems, fostering Europe's access to space and pushing the frontiers of space-based scientific knowledge and research, supporting innovation and global competitiveness. EMPHASISES therefore that ESA's capacities and expertise should be further exploited with a view to enhancing the European endeavour for autonomously building and operating space infrastructure and systems.

In view of the next steps aiming at providing the Union and ESA Member States with concrete, coherent and converging proposals on how to improve EU-ESA relations based on mutual trust and respect of each other's competencies:

7. WELCOMES the Commission's intention to perform an impact assessment, accompanying any future initiatives, to identify further improvements for a reliable and sustainable relationship between the EU and ESA. CONSIDERS that the assessment should be made in cooperation with the Director General of ESA on the impacts within ESA of any such changes and it should take into account the impact on the industrial landscape and competitiveness of the Europe's space sector, including SME's, simplification and streamlining measures, and whether these could only be pursued through amendment to the EU-ESA Framework Agreement (option 2) or an "EU pillar" (option 3), and NOTES that both options have yet to be fully defined.
8. SHARES the Commission's assessment that transforming ESA into a EU agency would "require political consensus which may be difficult to reach in the foreseeable future" and its intention to focus its assessment on the options referred to in paragraph 7, including improvements on the basis of the existing EU-ESA Framework Agreement.

9. RECOGNISES that for the assessment of both options further analysis is required on programme implementation, specific institutional needs, financial, procurement, administrative and legal aspects, with a view to identifying pragmatic solutions and using existing and flexible legal mechanisms to the extent possible.
10. UNDERLINES that a dynamic and stepwise approach could be considered for the cooperation scheme with different timelines including for the short term, mid-term and long-term.
11. INVITES the respective Member States of the Union and of ESA to consider the possibility of endorsing a common option through, inter alia, a joint and concomitant meeting of the Council of the Union and the ESA Council at ministerial level.
12. EMPHASISES the need to set the ground for a scheme, which provides the most appropriate framework to implement an efficient and effective European space policy that fully utilises the competencies in Europe, in particular those of the EU, ESA and their respective Member States, and ensures the optimum contribution to other Union sectorial policies. In this context, STRESSES the importance of jointly developing a long-term European space vision and a strategy as a planning tool for major space activities in Europe thereby supporting the optimisation of public resources and skills.
