



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 19 December 2012**

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**NOTE**

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| From :         | Presidency  |
| To:            | Delegations   |
| No. Cion prop. | 16374/12 ESPACE 54 TRANS 400 RECH 415   |
| Subject:       | Draft Council Conclusions on "Establishing appropriate relations between the EU and the European Space Agency " |

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Delegations will find attached a first draft Council Conclusions on "Establishing appropriate relations between the EU and the European Space Agency" for discussion during the Space Working Party meeting on 11 January 2013.

**Draft COUNCIL CONCLUSIONS**

**"Establishing appropriate relations between the EU and the European Space Agency"**

THE COUNCIL OF THE EUROPEAN UNION

HAVING REGARD to the Framework Agreement between the European Community – which has been succeeded by the European Union – and the European Space Agency (the "Framework Agreement"), which entered into force on 28 May 2004<sup>1</sup>, and to the increasing cooperation between the two parties;

HAVING REGARD to the European Space Policy welcomed and supported by the Council of the EU and the Council of ESA at Ministerial level on 22 May 2007, and WELCOMING the progress accomplished by the European Commission and ESA in the implementation of the European Space Policy;

RECOGNIZING that the entry into force in 2010 of the Treaty on the Functioning of the European Union (TFEU) establishes a EU competence in space, which strengthens the political dimension of space in Europe, and provides that the EU shall establish any appropriate relations with ESA;

RECALLING the Council Conclusions on "Towards a space strategy for the European Union that benefits its citizens" of 31 May 2011<sup>2</sup>;

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)"<sup>3</sup>;

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<sup>1</sup> OJ L 261, 6.8.2004, p. 64.

<sup>2</sup> Doc. 10901/11

<sup>3</sup> Doc. 16374/12

HAVING REGARD to the political declaration adopted on 20 November 2012 by the ESA Council at Ministerial level on “Towards the European Space Agency that best serves Europe” and NOTING the mandate provided to the Director General of ESA to work with the European Commission on a range of actions;

RECOGNISES the need to examine the relationship between the EU and ESA as it is no longer fully appropriate in view of the changes in the political context and the growing role of the EU in the space domain;

RECOGNISES, in particular, that the EU-ESA Framework Agreement of 2004 and its governance elements no longer provides the appropriate framework with which to ensure an efficient and effective European space sector which fully utilises in a coherent manner the respective competencies of both the EU and ESA;

NOTES it is critical for EU/ESA relations to be developed in a fully coordinated manner so as to optimise the impacts of European investment in space for the benefit of European jobs, growth and society.

EMPHASISES its willingness to commence a process of reflection on and an analysis of the means by which the relationships between the EU and ESA may evolve in support of the European space sector.

STRESSES the need to ensure coherence and coordination between the respective processes of both the EU and ESA and the evolution and strengthening of relationships between both organisations;

CONSIDERS that there is merit in the European Commission proposal to carry out, in conjunction with ESA, a cost benefit analysis and impact assessment of the options proposed in the Communication from the Commission;

INVITES the European Commission to work together with the Director-General of ESA to ensure coherence, convergence and complementarity with a view to preparing proposals for decisions on the further evolution of ESA, on the basis of analysis, and in the context of EU/ESA relations.