



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 15 January 2013**

**5278/13**

**ESPACE 2  
COMPET 17  
IND 3  
TRANS 8  
RECH 4**

**NOTE**

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From :	Presidency
To:	Delegations
No. Cion prop.	16374/12 ESPACE 54 TRANS 400 RECH 415
Prev. doc.	17815/12 ESPACE 65 COMPET 779 IND 236 TRANS 467 RECH 470
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 draft Council Conclusions on "Establishing appropriate relations between the EU and the European Space Agency" for discussion during the Space Working Party meeting on 18 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 has been renewed until the year 2016**, and to the increasing cooperation between the two parties;

HAVING REGARD to **the Council resolutions and orientations adopted, following their endorsement by the "Space Councils"**<sup>2</sup> ~~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 the instruments done as far as implemented**~~}~~, and WELCOMING the progress **achieved** ~~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 an EU **shared** 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>3</sup> **which expressly welcomed the Commission's commitment to further developing the EU-ESA relationship on the basis of the "Framework Agreement"**;

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

<sup>2</sup> **25 November 2004 (doc. 14687/04); 7 June 2005 (doc. 9501/05); 28 November 2005 (doc. 14499/05); 22 May 2007 (doc. 10037/07); 26 September 2008 (doc. 13569/08); 29 May 2009 (doc. 10500/09); 25 November 2010 (doc. 16864/10); 6 December 2011 (doc. 18232/11).**

<sup>3</sup> 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)”<sup>4</sup>;

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;

**ACKNOWLEDGES the important role which ESA as an independent intergovernmental organisation plays in space matters; and the important role that it has played and continues to play with regard to the European Space programmes;**

RECOGNISES **that there may be a** the need to **review the effectiveness and efficiency of the functioning of** ~~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 **increasing** ~~growing~~ role of the EU in the space domain, **competitiveness challenges faced by the space sector and the growing importance of space activities for society;**

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

**EMPHASISES** ~~NOTES~~ **that** it is **desirable** ~~critical~~ for EU/ESA relations to **continue 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;

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<sup>4</sup> Doc. 16374/12

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 **and be further strengthened** 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, **on the basis of their respective roles and competencies**;

CONSIDERS that there is merit in the European Commission proposal to carry out **in close cooperation**, ~~in conjunction~~ with ESA, a **comprehensive** cost benefit analysis and impact assessment of the **possible** options, **including, but not limited to, those** proposed in the Communication from the Commission<sup>5</sup>;

INVITES the European Commission to work together with the Director-General of ESA **and in close cooperation with the respective EU and ESA Member States, through the High Level Space Policy Group or similar forum**, to ensure coherence, convergence and complementarity with a view to preparing proposals **on the basis of a common analysis** for decisions **by the respective bodies by 2014** on the further evolution of ESA, ~~on the basis of analysis, and in the context of EU/ESA relations~~;

**INVITES the European Commission to provide regular information on the progress of its work.**

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<sup>5</sup> Doc. 16374/12