



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 11 February 2013**

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**“A” ITEM NOTE**

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From :	Permanent Representatives Committee (part 1)
To:	Council
No. Cion prop.	16374/12 ESPACE 54 TRANS 400 RECH 415
No. Prev. Doc.	5760/13 ESPACE 5 COMPET 45 IND 18 TRANS 26 RECH 16
Subject:	Draft Council Conclusions on "Establishing appropriate relations between the EU and the European Space Agency "

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1. On 14 November 2012, the Commission adopted a Communication to the Council and the Parliament on "Establishing appropriate relations between the EU and the European Space Agency (ESA)<sup>1</sup>".
2. On 11 January 2013, the Presidency presented draft conclusions on this communication, to the Space Working Party. The Working Party discussed the draft conclusions on 11, 18 and 25 January.
3. At its meeting of 8 February 2013, the Permanent Representatives Committee agreed on the text as set out in Annex and suggested that the Council adopts it in part "A" at a forthcoming session.

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<sup>1</sup> Doc. 16374/12

**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 and the European Space Agency (the "Framework Agreement"), which entered into force on 28 May 2004<sup>2</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 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;

RECOGNIZING that the entry into force on 1 December 2009 of the Treaty on the Functioning of the European Union (TFEU)<sup>3</sup> establishes an 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>4</sup> which welcomed, inter alia, the Commission's commitment to further developing the EU-ESA relationship on the basis of the "Framework Agreement", avoiding any unnecessary duplication of activities and improving their complementarity of efforts;

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<sup>2</sup> OJ L 261, 6.8.2004, p. 64.

<sup>3</sup> In particular Articles 4 and 189.

<sup>4</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>5</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;

1. ACKNOWLEDGES the important role which ESA as an independent intergovernmental organisation plays in space matters and in relation to European space programmes, such as Galileo and GMES/ COPERNICUS, together with other relevant actors;
2. RECOGNISES that there may be a need to review and enhance the functioning of the relationship between the EU and ESA in view of the changes in the political context, the increasing role of the EU in the space domain, competitiveness challenges faced by the space sector and the growing importance of space activities for society;
3. RECOGNISES that the "Framework Agreement" and its governance elements may, in its present form, no longer provide the most appropriate framework with which to ensure an efficient and effective European space policy that fully utilises in a coherent manner the respective competencies of both the EU and ESA;
4. EMPHASISES that it is essential that EU/ESA relations 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>5</sup> Doc. 16374/12

5. 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;
6. 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;
7. CONSIDERS that there is merit in the European Commission proposal to work closely with ESA to carry out a comprehensive cost benefit analysis and impact assessment of a set of options, including those proposed in its Communication<sup>6</sup>;
8. 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, including through existing forums<sup>7</sup> to ensure coherence, convergence and complementarity with a view to preparing common proposals on the further evolution of EU/ESA relations on the basis of common analysis, for decisions by the respective bodies by 2014;
9. LOOKS FORWARD to receiving regular information from the European Commission on the progress of this work.

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<sup>6</sup> Doc. 16374/12

<sup>7</sup> High Level Space Policy Group and Space Policy Expert Group