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NOTE

from: Permanent Representatives Committee (Part 1)
to: Council
No Cion prop. 6952/13 ESPACE 18 COMPET 120 IND 54 RECH 52 TRANS 83 COSDP 87
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Subject: *Preparation of the Council ("Competitiveness") of 29-30 May 2013*
Proposal for a Decision of the European Parliament and the Council –
Establishing a Space Surveillance and Tracking Support Programme
- *Progress Report*

I. INTRODUCTION

1. On 28 February 2013, the Commission adopted the proposal for a Decision of the European Parliament and the Council – Establishing a Space Surveillance and Tracking (SST) Support Programme, with a legal basis in Article 189(2) of the Treaty on the Functioning of the European Union (TFEU).

2. The proposal responds to requests from Member States for a proposal on how to set up an SST capability at European level expressed in several Council conclusions and resolutions over the past years¹ and follows extensive consultation with stakeholders and the public. Member States asked the EU to define the governance and data policy for a European SST service, to play an active role in the setting up of the service, and to make best use of existing sensors and expertise. The consultation also showed public opinion to be aware of and to support the need to protect space infrastructure.
3. The SST support programme proposes the establishment of a European SST service which will seek to ensure the security of European and national space infrastructures and services. The SST service will increase the safety of satellite operations by reducing collision risks and helping to better predict uncontrolled re-entries of inactive satellites or space debris.
4. The proposed Decision allows for the definition of a partnership, whereby Member States will contribute with their assets to the SST capability at European level and the Union will provide a legal framework and a financial contribution to the implementation of the actions defined. The legal framework defines the governance scheme and the data policy for the SST service.
5. With regard to budgetary implications, the SST support programme should remain within the overall EU budget envelope for the next Multiannual Financial Framework (MFF) and no funding requests beyond the MFF proposal are made. The indicative Union contribution to the implementation of the support programme is EUR 70 million over the period from 2014-2020 at current prices. However, this overall contribution depends on the outcome of the ongoing co-decision process on the MFF.

¹ Most recently in the Council Conclusions on “Towards a space strategy for the European Union that benefits citizens” of 31 May 2011 (doc. 10901/11) and the Council Resolution of 6 December 2011 on “Orientations concerning value added and benefits of space for the security of European citizens (doc. 18232/11).

II. STATE OF PLAY

1. Under the Irish Presidency, the proposal was presented at the SPACE Working Party (SPACE WP) meeting on 8 March and discussed at several meetings in April and May. While Member States have expressed broad support for the proposed development of a European SST capability and service, a number of Member States have reserved their positions and expressed concern in relation to specific issues in the proposal.

2. The issues raised during the discussions at the SPACE WP included the following:
 - Financing of the SST support programme – the Commission’s proposal foresees that EU funding for this programme could be drawn from other relevant programmes within MFF 2014-2020, and in particular from Galileo, Horizon 2020, Internal Security Fund (ISF) and Copernicus. The Council Legal Service (CLS) has been requested to provide a written opinion on the financing mechanism proposed by the Commission.

 - Governance – including the role of the European Union Satellite Centre, liability issues, the further development of user requirements, a mechanism for compliance, control of national assets and responsibility for operational requirements.

 - Security aspects of SST data policy – including the protection of data and the access to and use of classified information.

- Dual-use (civil / military) – while recognising the dual-use nature of the programme, a small number of Member States have expressed concern in relation to this aspect of the proposal, which will require further careful consideration and may ultimately require an opinion from an appropriate Council body concerned with CSDP matters.
- Objectives of the programme – including the principle of an acceptable level of autonomy and the need to define the level of the service to be provided.

3. The European Parliament has not yet commenced its examination of the proposal.

III. CONCLUSIONS

1. The SPACE WP has examined the Commission's proposal at a number of meetings. On the basis of these discussions and Member States' comments, the Presidency has prepared the present progress report in order to inform the Council ("Competitiveness") of progress made to date and of the main issues arising. The legal text of the proposal has been advanced and a further iteration of the Presidency compromise text will be discussed at the next SPACE WP meeting on 7 June.
2. At its meeting of 24 May 2013, the Permanent Representatives Committee examined and noted the progress report, and agreed to forward it to the Council.
3. Therefore, the Council ("Competitiveness") is invited to take note of this progress report at its meeting of 30 May 2013.