



**COUNCIL OF
THE EUROPEAN UNION**

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NOTE

From: Presidency

To: Delegations

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Subject: Towards a shared European vision for space fostering competitiveness
- Draft Council conclusions

Delegations will find attached the Presidency revised text of the draft Council conclusions on "Towards a shared European vision for space fostering competitiveness".

Changes to the previous document are indicated in **bold underlined** and ~~striketrough~~.

DRAFT COUNCIL CONCLUSIONS

"Towards a shared ~~European~~ 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 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;

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** with 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, which invited the European Commission to work together with the Director General of ESA and in close cooperation with the respective EU and ESA Member States ~~with a view to preparing~~ on the further evolution of EU-ESA relations ~~on the basis of shared analysis~~, for decisions by the respective bodies by 2014;

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 and ~~CONSIDERS that the relevant lessons learnt will provide a good basis for an improved coordination and cooperation framework with ESA.~~ 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 and in this context enhance ~~coordination~~ **cooperation** with ESA by exploiting its expertise and competence in order to maximise efficiency, ~~coherence~~ and complementarity **while avoiding duplication of activities.**
2. ACKNOWLEDGES the important role of ESA, **both** as an independent intergovernmental organisation ~~dedicated to space research and technology, **and** plays in space matters and 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 an appropriate, sustainable and transparent framework for managing the relations between the EU and ESA so as to ~~optimise~~ **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 the establishment of an improved ~~coordination and cooperation framework~~ and **CONSIDERS that the relevant lessons learnt from the flagship programmes will provide a good basis for improved cooperation with ESA**. ~~UNDERLINES the need to take forward the process of reflection and analysis of the means by which the relationship between the EU and ESA may evolve and be further strengthened in support of the European space sector and Union policies.~~
5. RECALLS that, **according to the Treaty⁶**, the Union is called upon to **shall** draw up a European space policy ~~to~~ that promotes scientific and **technical** technological progress, industrial competitiveness and the implementation of its policies. **To this end, it may promote joint initiatives, support research and technological development** and ~~to~~ coordinate the efforts needed for the exploration and exploitation of space. ~~To that end,~~ 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** ~~It should also pursue an optimum regulatory environment to encourage industrial competitiveness and facilitate~~ **foster** innovation, develop markets for space applications and services and **including stimulating** the uptake by European, national, regional and local authorities and SMEs, **as well as to** support the global competitiveness of the ~~Union~~ **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 **Article 189 (1) of the Treaty on the Functioning of the European Union (TFEU)**

6. STRESSES that ESA's ~~capacities and expertise~~ constitutes an asset for Europe, in particular with regard to developing space technologies and ~~space~~-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 ~~Union's capacity~~ **European endeavour** for building and operating **autonomous** space infrastructure and ~~space~~ systems ~~autonomously~~.

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 competences:

7. SHARES the Commission's assessment that, ~~currently~~, there is no political consensus for ESA to become an EU agency, CONCLUDES that further assessment of this possibility should not be considered and, therefore, CALLS on the Commission to rule this option out **at this stage** ~~for the foreseeable future~~.
8. URGES **WELCOMES** the Commission's **intention** to perform an impact assessment, **accompanying any future initiatives**, to identify further improvements for a reliable and sustainable relationship **with ESA**, ~~considering~~ **CONSIDERS that the assessment 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 ~~elements of an "EU pillar"~~ (option 3), in ~~consultation~~ **cooperation** with the Director General of ESA on the impacts within ESA of any such changes.
9. 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.~~**10.** INVITES the **respective** Member States of the Union and of ESA to consider the possibility of endorsing ~~the respective~~ **a** common option through, inter alia, a joint and concomitant meeting of the Council of the Union and the ESA Council at ministerial level.

~~10.~~**11. RECOGNISES that further analysis is required on** STRESSES that, in addition to the current analyses, the Commission should consider the impact on industrial landscape and competitiveness of Europe's space sector **the** programmatic content, **including research and innovation**, specific institutional needs, financial, **procurement**, administrative and legal aspects **for Union space programmes suitable for related industrial sectors**, with a view to identifying pragmatic solutions and using existing and flexible legal mechanisms to the extent possible.

12. EMPHASISES the need to set the ground for a scheme, which provides the most appropriate framework to ~~sustain~~ **implement** an efficient and effective European space policy that fully utilises ~~in a coherent manner~~ the respective competencies of ~~both the EU, and ESA~~ **and their respective Member States**, and ~~in particular~~ ensures the optimum contribution of ~~space policy~~ to other Union sectorial policies. In this context, STRESSES the importance of **jointly** developing a long-term ~~joint~~ European space strategy **programme** as a planning tool, comprising ~~all~~ major space activities in Europe thereby supporting the optimisation of public resources and skills.