



**COUNCIL OF  
THE EUROPEAN UNION**

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RECH 519  
TRANS 570  
COSDP 1069  
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**NOTE**

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From: Presidency

To: Permanent Representatives Committee

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Subject: *Preparation of the Council ("Competitiveness") of 2-3 December 2013*  
Proposal for a Decision of the European Parliament and the Council –  
Establishing a Space Surveillance and Tracking Support Programme  
- *Progress Report*

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**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 Commission acted in response to requests from Member States for a proposal on how to set up a SST capability at European level, expressed in several Council conclusions and resolutions over the past years<sup>1</sup>, 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.

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<sup>1</sup> 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).

6. The European Parliament's Committee on Industry, Research and Energy (ITRE) has appointed Mrs Amalia Andersdotter (Greens-SE) as rapporteur and is expected to vote on the amendments to her draft report on 16 December 2013, thus giving the rapporteur the negotiation mandate. The plenary vote is expected to take place in April 2013.
7. The European Economic and Social Committee adopted and delivered its opinion on 10 July 2013, while the Committee of the Regions decided not to issue an opinion.

## **II. WORK UNDER THE PREVIOUS PRESIDENCY**

8. Under the Irish Presidency, the proposal was presented and discussed at several meetings of the Space Working Party.
9. At its meeting of 30 May 2013, the Council ("Competitiveness") took note of a first progress report on SST<sup>2</sup> presented by the Irish Presidency. The report focussed on a number of concerns expressed by several Member States in relation to specific issues despite their support for the development of a European SST capability and service.

These issues 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, once adopted, also Copernicus.
- Governance – including the role of the European Union Satellite Centre (EUSC), liability issues, the further development of user requirements, a mechanism for compliance, control of national assets and responsibility for operational requirements.

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<sup>2</sup> Doc. 9986/13

- 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.

10. The Council Legal Service (CLS) was requested to provide opinions with regard to the proposed financing scheme of the SST support programme as well as to the role of EUSC in the context of SST.

### **III. STATE OF PLAY**

11. Due to the complexity of the issue, the CLS written opinion on the financing scheme<sup>3</sup> was only issued on 6 November 2013 and presented to the Working Party on 8 November 2013. The CLS presented its opinion on the EUSC role in SST orally to the Working Party on 14 November 2013.

12. The CLS opinion on the financing scheme indicates that it is not clear from the text of the proposal itself whether it is intended to establish a multiannual financial programme (in which case a budget should be included in the proposal with other relevant changes), or whether it is rather to create a legal "framework" for actions that would be financed by other programmes with similar objectives and eligibility criteria that allow such financing, (in which case the proposal would have to be amended to correspond to this aim).

13. At its meeting on 8 and 14 November 2013, the Working Party examined the CLS opinion and expressed a favourable position towards the Framework option. The Commission also confirmed that this has been their intention. It was also generally agreed that subsequent to this position the text would need to be revised.

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<sup>3</sup> Doc. 15766/13

### III. CONCLUSIONS

14. The Presidency is ready to consider the further work needed on this text and the Commission has indicated its availability for support. In order for the Presidency to take the issue forward and up-date the progress report for the Competitiveness Council, Coreper is requested :

- to confirm the orientation of the Working Party for the SST to be a legal "framework" for actions and financed by other programmes with similar objectives and eligibility criteria that allow such financing;
  - to agree that the text of the Proposal should be redrafted to correspond to this effect, in line with the orientations in the opinion of the CLS.
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