



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 4 December 2013
(OR. en)**

17336/13

**TRANS 651
MAR 195
AVIATION 242
ESPACE 104
CSCGNSS 5
DELECT 102**

"A" ITEM NOTE

From:	General Secretariat of the Council
To:	Council
No. Cion doc.:	13540/13 TRANS 470 MAR 129 AVIATION 148 ESPACE 61 CSCGNSS 2 DELECT 46
Subject:	COMMISSION DELEGATED DECISION concerning the adoption of the common minimum standards – <i>Intention to raise objection to a delegated act</i>

1. The Commission submitted the above mentioned delegated act to the Council in accordance with Article 290 of the TFEU and Article 8 of Decision No 1104/2011/EU of the European Parliament and of the Council of 25 October 2011 on the rules for access to public regulated services provided by the global navigation satellite system established under the Galileo programme¹.

¹ OJ L 287, 4.11.2011, p. 1.

2. The Commission notified this act on 6 September 2013. In accordance with Article 11(5) of Decision No 1104/2011/EU, the Council may object to this delegated act within a period of two months from the notification (i.e. up to 5 November 2013).
3. By letter dated 19 September 2013, the European Parliament informed the Council on its decision to extend by two months the period for raising objections (i.e. up to 5 January 2014). Therefore, the Council should decide by 6 January 2014 whether it has the intention to object to the draft delegated act.
4. At the Working Party on Intermodal Questions and Networks on 27 November 2013, the AT, BE, CY, CZ, DE, DK, EE, ES, FR, IT, NL, PT, SE and UK delegations signalled their opposition to this delegated act and announced that they would object to its adoption. In addition, an "informal written" procedure was launched on 27 November 2013 in order to allow all delegations to indicate their positions by 29 November at the latest. Following this consultation, EL, FI, HR, HU, IE, LU, LV, MT, RO, SI and SK indicated that they would also object to the adoption of this delegated act.

Based on the opinion of the Council Security Committee of 25 November 2013², the above delegations expressed serious concerns in relation to the content of the delegated act on several major issues, such as the scope of the delegated act (as it does not address all the stakeholders concerned), the legal nature of the documents listed in Annex I to the CMS and the tasks assigned to the Competent PRS Authorities which may, in some cases, impinge upon national sovereignty.

Against this background, they consider that several areas of the proposed delegated Decision need to be revisited at expert level before the Council can formally agree to adopt it.

² ST 16439/13 LIMITE CSC 132 TRANS 603 CSCI 67.

5. On that basis, taking into account the position of the above mentioned delegations, the required qualified majority to object to the above delegated Decision has been met, as confirmed by the Committee of Permanent Representatives on 4 December 2013.
 6. It is therefore suggested that the Council confirms that it has the intention to object to the delegated act and that the Commission and the European Parliament are to be informed thereof.
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