



Council of the
European Union

Brussels, 22 April 2021
(OR. en)

8087/21

Interinstitutional File:
2018/0236(COD)

ESPACE 35	MI 269
RECH 164	ENER 132
COMPET 273	EMPL 160
IND 94	CSC 157
EU-GNSS 14	CSCGNSS 4
TRANS 231	CSDP/PSDC 196
AVIATION 94	CFSP/PESC 402
MAR 66	CADREFIN 190
TELECOM 155	CODEC 569

COVER NOTE

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 21 April 2021

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of the European Union

No. Cion doc.: COM(2021) 208 final

Subject: COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT pursuant to Article 294(6) of the Treaty on the Functioning of the European Union concerning the position of the Council on the adoption of a Regulation of the European Parliament and of the Council establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision 541/2014/EU

Delegations will find attached document COM(2021) 208 final.

Encl.: COM(2021) 208 final



Brussels, 21.4.2021
COM(2021) 208 final

2018/0236 (COD)

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

**position of the Council on the adoption of a Regulation of the European Parliament and
of the Council establishing the Union Space Programme and the European Union
Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No
1285/2013 and (EU) No 377/2014 and Decision 541/2014/EU**

(Text with EEA relevance)

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1. BACKGROUND

Date of transmission of the proposal to the European Parliament and to the Council (document COM(2018)447 final-2018/ 0236 COD):	6 June 2018
Date of the opinion of the European Economic and Social Committee:	17 October 2018
Date of the opinion of the Committee of the Regions:	6 December 2018
Date of the partial provisional compromise agreement (Common Understanding) endorsed by Coreper:	13 March 2019
Date of the position of the European Parliament, first reading (incorporating the common understanding):	17 April 2019
Date of political agreement endorsement by COREPER:	18 December 2020
Date the ITRE Committee of the European Parliament voted to endorse the compromise agreement	14 January 2021
Date of adoption of the position of the Council:	19 April 2021

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

The new Space Programme, for the first time, encompasses all EU space activities in one single Regulation, namely the existing flagships initiatives Copernicus, Galileo and EGNOS and new initiatives on satellite communication (GOVSATCOM) and space situational awareness (SSA). The Regulation simplifies and streamlines the governance and capitalises on synergies and horizontal activities.

In addition, the EU Space Programme Regulation puts great emphasis on the downstream sector, the users and market uptake and the exploitation of the huge potential of space data and services to develop value-adding applications and services. Moreover, the space data and services provided under the Space Programme will support policymaking for a green and the digital transitions, as well as other EU policies. The Space Programme further promotes the entrepreneurship in the space ecosystem and the competitiveness of the space sector, through the entire value chain, encouraging new entrants, small and medium enterprises and start-ups and their cross border participation.

3. COMMENTS ON THE POSITION OF THE COUNCIL

The adoption of the Council first reading position should now allow the final adoption of the Regulation. It is important that the new Space Programme together with the renamed EU Agency for the Space Programme (EUSPA) are implemented as soon as possible to ensure the continuity of the existing operational services. EUSPA replaces and expands on the European Agency for Global Navigation Satellite Systems (GSA) and, under the Commission's authority, will guarantee continuity of services and ensure security of infrastructure and systems. The entry into force of the Regulation is also a prerequisite for the conclusion of the Financial Framework Partnership Agreement (FFPA) with EUSPA and the European Space Agency (ESA), as well as other indirect management instruments with other entities for the implementation of the Programme.

Concerning the remaining open issues after the partial Common Understanding reached in February 2019, the Council position preserves the Commission proposal in all open horizontal points, notably on international cooperation, budget flexibility and duration of the programme, and it ensures the long-term service continuity of EU space programmes, notably Galileo and Copernicus.

The position of the Council reflects the political agreement reached between the European Parliament and the Council on 15 December 2020 and supported by the Commission:

- On the *governance* of the Programme, the Regulation's objective is to simplify and streamline the existing EU legal framework on space policy and the rules for the governance of the EU Space Programme. Tasks are distributed between the various actors, namely the Commission, EUSPA and ESA, in particular via the conclusion of a FFPA. As reflected in the political agreement reached with the European Parliament, the Council position emphasises the transparency towards the co-legislators with respect to the FFPA, contribution agreements and the Work Programmes.
- On the *duration*, while contrary to the Commission's proposal, it is now aligned with the duration of the Multiannual Financial Framework (MFF) 2021-2027, the Regulation clarifies that the European Space Programme Agency (EUSPA) is excluded from this time limitation and allows covering operational costs beyond 2027, so to ensure critical operational activities and services provisions.
- On the *participation of third countries and international organisations*, the Commission regrets that its initial proposal for an open participation to Copernicus and Galileo/EGNOS it is not fully followed by the Council's position. In fact, the Council' text requires that the participation to Galileo/EGNOS is subject to a specific international agreement in accordance with Article 218 TFEU for all third countries,

with the exception of EEA countries. However, the Commission can accept the Council position, taking into account the specificities of the Space activities in terms of security, including industrial security, and in a spirit of compromise.

- On the *eligibility and participation conditions in the procurement*, the Council position adds new significant elements and a structured and detailed procedure. Although more burdensome in terms of procedures, the text reflects the spirit of the Commission's initial proposal, as regards the need to set up *ex ante* clear eligibility and participation conditions and the need to preserve the security interests of the Union, the Commission's institutional prerogatives and the smooth functioning of the Programme.

4. CONCLUSION

The Commission accepts the position taken by the Council.

5. DECLARATION FROM THE COMMISSION

The Commission has made one unilateral declaration, which can be found in the appendix.

APPENDIX

Declaration from the Commission

Commission declaration on increased transparency on the implementing acts for the Financial Framework Partnership Agreement and Contribution agreements and on Work programmes:

“The Council and the European Parliament agreed on a compromise text of the European Space Programme Regulation, which requires the Commission to inform them of the framework financial partnership agreement (FFPA) and the contribution agreements to be concluded and their implementation and of the work programmes. The agreed text provides that the Commission approves those agreements and the work programmes by means of implementing acts. Therefore, the Commission will fulfil its obligation to inform the European Parliament and the Council about the upcoming conclusion of the FFPA or of a contribution agreement or adoption of a work programme in compliance with the provisions on information on committee proceedings in Regulation (EU) No 182/2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers”.

