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Committee on Transport and Tourism

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PE398.664v01-00

AMENDMENTS 13-40

Draft opinion

(PE398.335v01-00)

Anne E. Jensen

Proposal for a regulation of the European Parliament and the Council on the implementation of the deployment and commercial operating phases of the European programme of satellite radionavigation (EGNOS and Galileo)

Proposal for a regulation (COM(2007)0535 – C6-0345/2007 – 2004/0156(COD))

Text proposed by the Commission

Amendments by Parliament

Amendment by Etelka Barsi-Pataky

Amendment 13

Recital 6

(6) Satellite radionavigation is a technology which can improve the daily lives of European citizens in a large number of areas. The development of this technology is fully in line with the Lisbon Strategy and other Community policies, such as transport policy as set out in the Commission's White Paper, particularly as regards freight management, charging for use of infrastructures and road safety.

(6) Satellite radionavigation is a technology which can improve the daily lives of European citizens in a large number of areas ***such as location-based services and emergency calls, roads, maritime matters, fisheries and inland waterways, aviation, civil protection, emergency management and humanitarian aid, dangerous goods, livestock transport, agriculture, parcel measurements, geodesy and cadastral surveying, energy, oil and gas, search and rescue, logistics, the environment, science, law enforcement, public regulated services and space.*** The development of this technology is fully in line with the Lisbon Strategy and other Community policies, such

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PE398.664v01-00

as transport policy as set out in the Commission's White Paper, particularly as regards freight management, charging for use of infrastructures and road safety.

Or. en

Justification

As the range of satellite applications has not been introduced so far, it is necessary to name them in the relevant regulation.

Amendment by Etelka Barsi-Pataky

Amendment 14
Recital 6 a (new)

(6a) In the multi-annual work programme the Commission should accord special attention to the operational functions of the GNSS applications and their market sector.

Or. en

Justification

It is essential that the Commission establishes a framework for the operational function of the applications of the Galileo services and the related market aspects of the GNSS programme.

Amendment by Inés Ayala Sender

Amendment 15
Recital 14 a (new)

(14 a) In accordance with Article 18 of Council Regulation (EC, Euratom) No 605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities¹, the Member States, third countries and international organisations may contribute financially or in kind to European satellite radio navigation

programmes under appropriate agreements.

¹ *Regulation amended by Regulation (EC, Euratom) No 1995/2006 (OJ L 390, 30.12.2006, p. 11.)*

Or. es

Justification

The funding arrangements described in the Financial Regulation should be the basis for regulating the financial aspects of participation by countries or international organisations in the Galileo Project. These contributions may be in kind or in the form of funds, as was the case in earlier phases with regard to third countries. Participation must remain open not only to countries but also to international organisations. Collaborations of this kind must be covered by appropriate agreements.

Amendment by Anne E. Jensen

Amendment 16
Recital 18

(18) The main role of the Supervisory Authority will be to assist the Commission in all matters which arise during the programmes. It must also manage the funds specifically allocated to it under the programmes or entrusted to it by the Commission in accordance with Article 54(2) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, as amended by Council Regulation (EC, Euratom) No 1995/2006 of 13 December 2006.

(18) In accordance with the new public governance principles applied to the management and execution of the European GNSS programmes it is mandatory to adapt the role of the GSA. To this end, the GSA should provide direct assistance to the Commission in all matters related to the implementation of the programmes as well as continue to perform specific tasks such as technical certification, security accreditation and market preparation. To this end, it must manage the funds specifically allocated to it under the programmes and entrusted to it by the Commission in accordance with Article 54(2) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, as amended by Council Regulation (EC, Euratom) No 1995/2006 of 13 December 2006.

Or. en

Justification

Taking into account the failure of the PPP and the new public sector structure the mission of the GNSS Supervisory Authority shall be adjusted accordingly.

Amendment by Georg Jarzembowski

Amendment 17

Recital 18

(18) *The main role of the Supervisory Authority will be to assist the Commission in all matters which arise during the programmes. It must also* manage the funds specifically allocated to it under the programmes or entrusted to it by the Commission in accordance with Article 54(2) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the European Communities, as amended by Council Regulation (EC, Euratom) No 1995/2006 of 13 December 2006.

(18) *In accordance with the new public governance principles applied to the management and execution of the European GNSS programmes it is mandatory to adapt the role of the GSA. To this end, the GSA should provide direct assistance to the Commission in all matters related to the implementation of the programme as well as continue to perform specific tasks such as technical certification, security and market preparation. To this end, it* must manage the funds specially allocated to it under the programmes or entrusted to it by the Commission in accordance with Article 54(2) of Council Regulation (EC, Euratom) No 1605/2002 of 25 June 2002 on the Financial Regulations applicable to the general budget of the European Communities, as amended by Council Directive (EC, Euratom) No 1995/2006 of 13 December 2006.

Or. en

Justification

Adjustment to the new public governance principles.

Amendment by Gilles Savary

Amendment 18

Article 3, indent 2

– a development and validation phase comprising the construction and launch of the first satellites, the establishment of the first ground-based infrastructures and all the work and operations making it possible to validate the system in orbit, funded by the Community and *the European Space Agency*;

– a development and validation phase comprising the construction and launch of the first satellites, the establishment of the first ground-based infrastructures and all the work and operations making it possible to validate the system in orbit, funded by the Community *and, where appropriate, funds from other public or private sources*;

Or. fr

Justification

This amendment does not call into question Community funding of the programme but opens up the possibility for Member States to develop certain specific applications by making a direct contribution to the funding of these applications.

Amendment by Gilles Savary

Amendment 19
Article 4, paragraph 2

2. The deployment phase shall be financed entirely by the European Community and should run from 2008 to 2013.

2. The deployment phase shall be financed entirely by the European Community *and, where appropriate, funds from other public or private sources*, and should run from 2008 to 2013

Or. fr

Justification

This amendment does not call into question Community funding of the programme but opens up the possibility for Member States to develop certain specific applications by making a direct contribution to the funding of these applications.

Amendment by Gilles Savary

Amendment 20
Article 4, paragraph 3

3. The commercial operating phase is set to begin in 2013. During this phase the operation of the system shall, where appropriate, be ensured through service concession contracts or public service contracts with the private sector. These contracts may be concluded before 2013. The financial contribution of the European Community to the commercial operating phase will depend on the level of contributions from the private sector resulting from any contracts concluded, following prior approval by the budgetary authority.

3. The commercial operating phase is set to begin in 2013. During this phase the operation of the system shall, where appropriate, be ensured through service concession contracts or public service contracts with the private sector ***and, where appropriate, public lenders***. These contracts may be concluded before 2013. The financial contribution of the European Community to the commercial operating phase will depend on the level of contributions from the private sector resulting from any contracts concluded, following prior approval by the budgetary authority.

Or. fr

Justification

This amendment does not call into question Community funding of the programme but opens up the possibility for Member States to develop certain specific applications by making a direct contribution to the funding of these applications.

Amendment by Inés Ayala Sender

Amendment 21
Article 4, paragraph 4

4. Agreements or conventions concluded by the European Community shall lay down the conditions and detailed rules for any third-country involvement in providing additional funding to the programme.

4. The Member States may provide additional funding for the programme. Third countries or international organisations may also provide additional funding for the programme. Agreements or conventions concluded by the European Community shall lay down the conditions and detailed rules for any third-country involvement in providing additional funding to the programme.

Or. es

Justification

Galileo is a global system. The Member States may provide additional finance for the programme. Furthermore, in order to ensure its global success, it is vital to involve third countries and international organisations. Agreements or conventions regulating participation of this kind, in accordance with the Treaty, must include conditions and rules which clearly define such participation.

Amendment by Gilles Savary

Amendment 22
Article 4, paragraph 4

4. Agreements or conventions concluded by the European Community shall lay down the conditions and detailed rules for any third-country involvement in providing additional funding to the programme.

4. Agreements or conventions concluded by the European Community shall lay down the conditions and detailed rules for any ***Member State or*** third-country involvement in providing additional funding to the programme.

Or. fr

Justification

Additional funding for the programme may come from Member States of the European Union or third countries.

Amendment by Eva Lichtenberger

Amendment 23
Article 5 a (new)

Article 5a

The Commission shall ensure the compatibility and interoperability of the systems, networks and services of EGNOS and Galileo, both as between each other and with other conventional navigation systems applications.

Or. en

Amendment by Gilles Savary

Amendment 24
Article 6, paragraph 1

1. The European Community shall finance the operation of EGNOS, without prejudice to any contribution from the private sector.

1. The European Community shall finance the operation of EGNOS, without prejudice to any contribution from the private sector ***or other public sources***

Or. fr

Justification

This amendment does not call into question Community funding of the programme but opens up the possibility for Member States to develop certain specific applications by making a direct contribution to the funding of these applications.

Amendment by Gilles Savary

Amendment 25
Article 8, paragraph 1

1. The amount needed to implement the activities specified in Article 7 of this Regulation, with the exception of those relating to the commercial operation of the system established under the Galileo programme, is EUR 3 105 million at current prices for the period from 1 January 2007 to 31 December 2013.

1. The amount needed to implement the activities specified in Article 7 of this Regulation, with the exception of those relating to the commercial operation of the system established under the Galileo programme, is EUR 3 105 million at current prices ***on the date of the Council's political agreement of 30 November 2007*** for the period from 1 January 2007 to 31 December 2013.

Or. fr

Justification

The aim is to indicate the reference period for prices.

Amendment by Gilles Savary

Amendment 26
Article 8, paragraph 2

2. Appropriations shall be authorised annually by the budgetary authority within the limits laid down in the multiannual financial framework. They shall be implemented in accordance with the provisions of the Financial Regulation applicable to the general budget of the European Communities.

2. Appropriations shall be authorised annually by the budgetary authority within the limits laid down in the ***amended*** multiannual financial framework. They shall be implemented in accordance with the provisions of the Financial Regulation applicable to the general budget of the European Communities.

Or. fr

Justification

The aim is to ensure consistency with the Council agreement of November 2007.

Amendment by Gilles Savary

Amendment 27
Article 9, subparagraph 1

Income from the operation of the systems shall be collected by the European Community and shall be paid into the Community budget and be allocated to the European GNSS programmes. If the income allocated proves to be significantly more than ***expected***, the principle of allocation shall be reviewed.

Income from the operation of the systems shall be collected by the European Community and shall be paid into the Community budget and be allocated to the European GNSS programmes. If the income allocated proves to be significantly more than ***that necessary for the GNSS*** programmes, the principle of allocation shall be reviewed.

Or. fr

Justification

The aim is to clarify the wording of the Commission's initial text

Amendment by Gilles Savary

Amendment 28
Article 11, paragraph 4

4. Amendments to Annex shall be adopted by the Commission. Those measures designed to amend non-essential elements of this Regulation shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(3).

4. Amendments to Annex shall be adopted by the Commission **and, where necessary, by the legislative authority and the budgetary authority.** Those measures designed to amend non-essential elements of this Regulation shall be adopted in accordance with the regulatory procedure with scrutiny referred to in Article 14(3).

Or. fr

Justification

Given the importance of the programme, the European Parliament and the Council must be able to monitor any amendments made.

Amendment by Anne E. Jensen

Amendment 29
Article 12, paragraph 1

Without prejudice to the tasks conferred upon it under Regulation (EC) No 1321/2004, ***the Supervisory Authority shall support the Commission in all matters concerning the programmes, wherever its assistance is requested by the Commission.*** It shall manage and ***inspect*** the use of the funds specifically ***granted*** to it by the ***European Community*** under the programmes. These funds shall be made available to the ***Supervisory Authority*** through a delegation decision in accordance with Article 54(2) of Regulation (EC, Euratom) No 1605/2002 and the provisions of Regulation (EC) No 1321/2004.

The GSA shall, whenever requested by the Commission, provide it with direct assistance in all matters concerning the programmes, notably supervision of the implementation of the complete Galileo infrastructure, preparations for the operation and commercialisation of the services provided by the European GNSS systems, international promotion and cooperation activities, external communications and the preparation of regulatory and policy initiatives. In addition, the GSA, as stipulated under Regulation (EC) No 1321/2004, shall continue to ensure that the components of the systems are duly certified by the European GNSS security accreditation authority and prepare the markets. It shall manage and ***monitor*** the use of the funds specifically ***allocated*** to it by the

Commission under the programmes. These funds shall be made available to the **GSA** through a delegation decision in accordance with Article 54(2) of Regulation (EC, Euratom) No 1605/2002 and the provisions of Regulation (EC) No 1321/2004.

Or. en

Amendment by Georg Jarzembowski

Amendment 30
Article 12, paragraph 1

Without prejudice to the tasks conferred upon it under Regulation (EC) No 1321/2004, ***the Supervisory Authority shall support the Commission in all matters concerning the programmes, wherever its assistance is requested by the Commission.*** It shall manage and ***inspect*** the use of the funds specifically ***granted*** to it by the European Community under the programmes. These funds shall be made available to the Supervisory Authority through a delegation decision in accordance with Article 54(2) of Regulation (EC, Euratom) No 1605/2002 and the provisions of Regulation (EC) No 1321/2004.

The GSA shall, whenever requested by the Commission, provide it with direct assistance in all matters concerning the programmes, notably supervision of the implementation of the complete GALILEO infrastructure, preparations for the operation and commercialisation of the services provided by the European GNSS systems, international promotion and cooperation activities, external communications and the preparation of regulatory and policy initiatives. In addition the GSA, as stipulated under Regulation (EC) No 1321/2004, shall continue to ensure that the components of the systems are duly certified by the European GNSS security accreditation authority and prepare the markets. It shall manage and monitor the use of the funds specially ***allocated*** to it by the European Community under the programmes. These funds shall be made available to the Supervisory Authority through a delegation decision in accordance with Article 54(2) of Regulation (EC, Euratom) No 1605/2002 and the provisions of Regulation (EC) No 1321/2004.

Or. en

Justification

Adjustment to the new public governance principles.

Amendment by Gilles Savary

Amendment 31
Article 12, paragraph 1

Without prejudice to the tasks conferred upon it under Regulation (EC) No 1321/2004, the Supervisory Authority shall support the Commission in all matters concerning the programmes, wherever its assistance is requested by the Commission. It shall manage and inspect the use of the funds specifically granted to it by the European Community under the programmes. These funds shall be made available to the Supervisory Authority through a delegation decision in accordance with Article 54(2) of Regulation (EC, Euratom) No 1605/2002 and the provisions of Regulation (EC) No 1321/2004.

Without prejudice to the tasks conferred upon it under Regulation (EC) No 1321/2004, the Supervisory Authority shall support the Commission in all matters concerning the ***management of*** programmes, wherever its assistance is requested by the Commission. It shall manage and inspect the use of the funds specifically granted to it by the European Community under the programmes. These funds shall be made available to the Supervisory Authority through a delegation decision in accordance with Article 54(2) of Regulation (EC, Euratom) No 1605/2002 and the provisions of Regulation (EC) No 1321/2004.

Or. fr

Justification

The aim is to clarify the role of the Supervisory Authority.

Amendment by Gilles Savary

Amendment 32
Article 13, paragraph 3 a (new)

Without prejudice to the application of Community rules on public contracts and the necessary know-how, the following criteria shall be taken into account when deciding whether to grant Community funds for the implementation of the Galileo

programme:

- the level of open and fair competition throughout the industrial supply chain;

- parallel, double-source procurement, aimed at reducing technological and industrial risks as well as dependencies, and better overall control of programme costs and schedules;

- involvement of small and medium-sized enterprises (SMEs) across the Member States.

The Commission, in agreement with the ESA, may annul the tender procedure if one of the abovementioned criteria has not been met or where no qualitatively and/or financially worthwhile tender has been received.

Or. fr

Justification

The aim is to include the concept of 'know-how' in the amendment tabled by the draftsman.

Amendment by Gilles Savary

Amendment 33

Article 13, paragraph 3 b (new)

Any contract concluded pursuant to Galileo public procurement rules, and without prejudice to the necessary know-how, shall contain the following clauses:

- the contractor or the consortium of contractors shall not receive grants for more than two segments of the Galileo programme;

- subcontracting a minimum of 40% of the total value of the work for which the concession contract is to be awarded to third parties and SMEs.

- competition may be open to operators

from outside the European Union subject to reciprocity as regards other satellite navigation systems in the world.

Or. fr

Justification

In the event of an invitation to tender at global level, a reciprocity clause is needed for operators from outside the European Union.

Amendment by Inés Ayala Sender

Amendment 34
Article 13 a (new)

Article 13a

Principles governing public procurement during the deployment phase of Galileo

The Community rules on public procurement during the deployment phase of the Galileo programme shall include the following principles:

a) competitive tendering for all packages under a single procedure, whereby any independent legal body or group represented for this purpose by a legal body, or part of a group, may tender as the lead contractor for a maximum of two of the six main work packages;

b) at least 40% of the total value of the work must be subcontracted through competitive tendering at various levels to undertakings other than those belonging to the groups whose body is the lead contractor for any of the main work packages.

Or. es

Justification

The regulation should cover and regulate the purchasing policy to be pursued. In addition the

work packages into which the contract is to be divided and which are subject to the 40% subcontracting rule should be included in Annex I.

Amendment by Vladimír Remek

Amendment 35
Article 14, paragraph 2

2. Where reference is made to this paragraph, Articles 4 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

2. Where reference is made to this paragraph, Articles 5 and 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.

Or. cs

Justification

Under the proposal for a regulation, the Committee on European GNSS Programmes is to adopt implementing rules in particular by means of approving multiannual and annual work programmes. The Member States should be involved as closely as possible in the adoption of such significant implementing decisions. The most appropriate of the comitology procedures is the regulatory procedure laid down in Article 5 of Decision 1999/468/EC. The committee established by Regulation (EC) No 680/2007 (on the granting of Community financial aid in the field of the trans-European transport and energy networks), which, among other things, also decides the multiannual and annual work programme of financing for TEN-T, is likewise regulatory.

Amendment by Gilles Savary

Amendment 36
Article 14, paragraph 5 a (new)

5 a. Agreements concluded by the European Community in accordance with the regulatory procedure with scrutiny referred to in paragraph 3 of this article shall be referred to the European Parliament.

Or. fr

Justification

Given the importance of the Galileo Programme for the European Union, Parliament must be able to monitor agreements concluded under this programme.

Amendment by Eva Lichtenberger

Amendment 37
Article 14 a (new)

Article 14 a

Protection of personal data and privacy
The Commission shall ensure that protection of personal data and privacy are guaranteed and integrated into the technical structures of the systems.

Or. en

Amendment by Eva Lichtenberger

Amendment 38
Annex, paragraph 2, indent 5 a (new)

- To provide intermodal transport and mobility services.

Or. en

Amendment by Eva Lichtenberger

Amendment 39
Annex, paragraph 2, indent 5 b (new)

- To provide non-motorised mobility.

Or. en

ANNEX 1a

PROCUREMENT STRUCTURE

***MAIN WORK PACKAGES
CONTRACTED BY THE ESA****

Systems work package

1. System engineering support

Description:

A contract is placed with a mixed industrial team to support all system design choices and decisions. This industrial team supports the ESA throughout the implementation process, up to and including system specifications, performance analysis, testing, verification and validation of all elements of the infrastructure.

Supply work packages

2. Ground mission infrastructure completion

Description:

Completion of the ground mission elements (provision of the navigation signals and messages) by means of an upgrade of the development infrastructure and deployment of the additional facilities up to full operational capability status.

3. Ground control infrastructure completion

Description:

Completion of the ground control elements (control of the individual satellites) by means of an upgrade of the development infrastructure and deployment of the additional facilities up to full operational capability status.

4. A total of 26 satellites

a. Satellites A

b. Satellites B

c. Satellites C

Description:

An initial batch of 10-12 satellites.

A second batch of 6-8 satellites, based on demonstrated performance in the delivery of batch A.

A third batch of 6-8 satellites, based on demonstrated performance in the delivery of batch B.

5. Launchers

Description:

A contract for launch services relying on two or, if possible, more technically independent families of launchers.

6. Operations work package

Operations

Description:

Operations activities are contracted to an operator. The operator coordinates the entire Galileo operations in order to ensure a successful navigation mission. The concept of operations for the Galileo system is based on two Galileo Satellite Control Centres (GCS/GMS) in Fucino and Oberpfaffenhofen and a Safety-of-Life Centre in Madrid operated on a 24/7 basis, responsible for safety-of-life multimodal services and applications. The Safety-of-Life Centre will include both the necessary modules to guarantee the proper levels of integrity, continuity and availability of the system based on a GMS in cold back-up mode and a GCS with an identical physical configuration and equivalent functional attributes to the other GCSs. Through the centres, the operator is tasked to achieve the mission performances, to control the operational status and ensure the maintenance of the complete ground infrastructure and associated

communication network, and to manage its maintenance.

The Commission takes note that the Safety-of-Life Centre may decide to transform itself into a fully qualified, equivalent Galileo Satellite Control Centre, the assets of which will be owned by the Community. The investment required for this transformation will not involve additional costs to the agreed Community budget for the European GNSS programmes for the period 2007-2013. Whilst not affecting the operational capabilities of Oberpfaffenhofen and Fucino, the Commission will in that event ensure that this Centre will be fully operationally qualified as a Galileo Satellite Control Centre by the end of 2013, subject to its being able to meet all the necessary requirements applicable to all centres, and will be included in the Galileo network of the three centres mentioned above.

** If performance in the delivery of the work packages, or the batches therein, is not satisfactory appropriate adjustments may be implemented, where possible, including competitive tendering of remaining work.*

ADDITIONAL WORK PACKAGES CONTRACTED BY THE ESA

Test receivers

Description:

Multiple-source contracts for test receiver manufacturing.

Service contracts

Description:

Contracts with the various service providers and centres for the proper functioning of the overall system architecture, such as Time Service Provider, Geodesy Service Provider, Search and Rescue interfaces.

Infrastructure supply elements

Description:

Infrastructure elements that are provided independently of the above service contracts, such as the Galileo Security Monitoring Centre to be operated by the GSA.

Additional work package contracted by the Commission

Description:

Performance measurements

Description:

A contract for independent measurement of key performance indicators

Or. xm

Justification

It makes no sense to include the purchasing policy to be followed, referring to the division of the work into packages during the deployment phase, without specifying what these packages are.