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*Committee on Foreign Affairs*

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**2011/0392(COD)**

21.5.2012

## **DRAFT OPINION**

of the Committee on Foreign Affairs

for the Committee on Industry, Research and Energy

on the proposal for a regulation of the European Parliament and of the Council  
on the implementation and exploitation of European satellite navigation  
systems  
(COM(2011)0814 – C7-0464/2011 – 2011/0392(COD))

Rapporteur: Sampo Terho

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## SHORT JUSTIFICATION

The European satellite navigation systems - established under the Galileo and EGNOS programmes - are flagship projects of the European Union. They are managed by the Union and their purpose is to guarantee strategic independence and autonomy both to the Union and its Member States, in particular in the field of global navigation and positioning.

The current European dependence on the United States based GPS system has been a basic argument for the Galileo project since the beginning. In peaceful times and under normal conditions this dependence is less problematic, but in times of crisis and emergency situations it is vital that the security and other personnel have a reliable system at their disposal governed by Europeans, thus giving added value regarding the crisis management of the Union and its Member States.

The Galileo programme has political, operational, industrial and technological aspects, and moreover, security and defence potential. The essential security purposes and benefits of the Galileo system are in particular positioning and navigation, search and rescue support services (SAR) and CSDP missions and operations. The rapporteur considers that the last-mentioned should be tackled more profoundly in the European Commission's proposal, and he thus believes that the dual-use aspect of this capability should be taken into consideration.

In addition, the Galileo programme has been estimated to cost about 20 billion Euros all in all, of which much has already been spent. Therefore, the rapporteur accordingly advises the Union and the Member States to use of the full potential of the system. The use of the security potential of the system should be optional for the Member States, and they should decide whether or not to use the system. Some may decide not to do so, but many Member States already have indicated that they are interested in utilising this aspect of the system. It should be the legislator's duty to provide them with guidance and the possibility to do so. However, when it comes to the Union and its programmes, the rapporteur is of the view that the full use of Galileo's capabilities and potential should be mandatory. The rapporteur supports transparency within this issue, as it is evident that the European satellite navigation systems will be used by European security forces including military.

The Galileo system should be controlled by civil administration. However, the rapporteur deems it convenient to increase the civil-military synergies and to improve the coordination between the different programmes. The final question remains how the system should be managed in the best manner so that the independence is guaranteed in crisis and emergency situations. Herein, it is important to note the experience and lessons learned from e.g. the Libya conflict regarding the future satellite navigation systems. Comprehensive benefits will be gained by shared administration and controlling. In this light, the possibility to connect the satellite navigation systems on the expertise level to the European External Action Service should be considered in line with the role and mandate of this Service.

## AMENDMENTS

The Committee on Foreign Affairs calls on the Committee on Industry, Research and Energy, as the committee responsible, to incorporate the following amendments in its report:

## Amendment 1

### Proposal for a regulation

#### Recital 2

*Text proposed by the Commission*

(2) The aim of the Galileo programme is to establish and operate the first global satellite navigation and positioning infrastructure specifically designed for civilian purposes. The system established under the Galileo programme is completely independent of other existing or potential systems.

*Amendment*

(2) The aim of the Galileo programme is to establish and operate the first global satellite navigation and positioning infrastructure specifically designed for civilian purposes. ***Given its dual use nature, Member States should be able to exercise their right to use the programme also for security and defence purposes. Furthermore, the Union should be able to exploit its full potential for the Union's CSDP missions and operations.*** The system established under the Galileo programme is completely independent of other existing or potential systems, ***thus contributing to the strategic independence and autonomy of the Union, as emphasised in 2007 by the European Parliament and the Council.***

Or. en

## Amendment 2

### Proposal for a regulation

#### Recital 6

*Text proposed by the Commission*

(6) The systems established under the European satellite navigation programmes are infrastructures set up as trans-European networks of which the usage extends well beyond the national boundaries of the Member States. Furthermore, the services offered through these systems contribute, in particular, to the development of trans-European networks in the areas of transport, telecommunications and energy

*Amendment*

(6) The systems established under the European satellite navigation programmes are infrastructures set up as trans-European networks of which the usage extends well beyond the national boundaries of the Member States. Furthermore, the services offered through these systems contribute, in particular, to the development of trans-European networks in the areas of transport, telecommunications and energy

infrastructures.

infrastructures. *The use of the services by the Union and the Member States in other areas such as police, border management, crisis management and defence should be encouraged, thus giving greater impetus to civil-military cooperation.*

Or. en

### Amendment 3

#### Proposal for a regulation

#### Recital 8

##### *Text proposed by the Commission*

(8) Given the increasing usage of satellite navigation across a great number of fields of activity, an interruption in the supply of services could lead to significant harm to modern society. In addition, due to their strategic aspect, satellite navigation systems are sensitive infrastructures, that could be susceptible to malicious use. The abovementioned aspects could affect the security of the Union and its Member States. Security requirements must therefore be taken into account in the design, implementation and operation of the infrastructures emerging from the Galileo and EGNOS programmes.

##### *Amendment*

(8) Given the increasing usage of satellite navigation across a great number of fields of activity, an interruption in the supply of services could lead to significant harm to modern society. ***Both the Galileo and EGNOS programmes contribute considerably to the strategic independence and autonomy of the Union.*** Due to ***this*** strategic aspect, satellite navigation systems are sensitive infrastructures, that could be susceptible to malicious use. The abovementioned aspects could affect the security of the Union and its Member States. Security requirements must therefore be taken into account in the design, implementation and operation of the infrastructures emerging from the Galileo and EGNOS programmes.

Or. en

## Amendment 4

### Proposal for a regulation Recital 31

#### *Text proposed by the Commission*

(31) In view of the global nature of the systems, it is essential that the Union can enter into agreements with third countries and international organisations in the context of programmes under Article 218 of the Treaty on the Functioning of the European Union, in particular to ensure their smooth implementation, optimise services provided to citizens of the Union and meet the needs of third countries and international organisations. It is also useful, where necessary, to adapt existing agreements to changes in the programmes. When preparing or implementing these agreements, the Commission may have recourse to the assistance of the European External Action Service, the European Space Agency and the European GNSS Agency, within the limits of the tasks allocated to them under this Regulation.

#### *Amendment*

(31) In view of the global nature of the systems, it is essential that the Union can enter into agreements with third countries and international organisations in the context of programmes under Article 218 of the Treaty on the Functioning of the European Union, in particular to ensure their smooth implementation, optimise services provided to citizens of the Union and meet the needs of third countries and international organisations. It is also useful, where necessary, to adapt existing agreements to changes in the programmes. When preparing or implementing these agreements, the Commission may have recourse to the assistance of the European External Action Service, the European Space Agency and the European GNSS Agency, within the limits of the tasks allocated to them under this Regulation. ***In particular, these agreements should be in accordance with the security and defence policy interests of the Union and the Member States.***

Or. en

## Amendment 5

### Proposal for a regulation Article 14 - paragraph 1

#### *Text proposed by the Commission*

1. The systems and their operation shall be secure.

#### *Amendment*

1. The systems and their operation shall be secure ***in view of their implications for the security and defence policy interests of the Union and the Member States.***

## Amendment 6

### Proposal for a regulation Article 27 - paragraph 1

#### *Text proposed by the Commission*

1. The Member States shall not take measures which could harm the progress of the programmes, in particular concerning intellectual property rights and the continuity of the operation of the infrastructures.

#### *Amendment*

1. The Member States shall not take measures which could harm the progress of the programmes, in particular concerning intellectual property rights and the continuity of the operation of the infrastructures ***or which could harm the security and defence policy interests of the Union or the Member States.***

Or. en

## Amendment 7

### Proposal for a regulation Article 28

#### *Text proposed by the Commission*

The Union may enter into agreements with third countries and international organisations in the context of the programmes, in particular, cooperation agreements in accordance with the procedure laid down in Article 218 of the Treaty on the Functioning of the European Union.

#### *Amendment*

The Union may enter into agreements with third countries and international organisations in the context of the programmes, in particular, cooperation agreements in accordance with the procedure laid down in Article 218 of the Treaty on the Functioning of the European Union. ***Any form of cooperation with third countries shall take account of the strategic nature of the programmes, be in accordance with the security and defence policy interests of the Union and the Member States and respect the principle of mutuality.***

Or. en

## Amendment 8

### Proposal for a regulation

#### Article 29 - paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***Any technical assistance shall respect the security and defence policy interests of the Union and the Member States.***

Or. en

## Amendment 9

### Proposal for a regulation

#### Article 33 - paragraph 1- subparagraph 1

*Text proposed by the Commission*

*Amendment*

1. ***By 30 June 2018, the Commission shall present*** an evaluation report to the European Parliament and the Council, with a view to a decision being taken on the renewal, modification or suspension of the measures taken pursuant to this Regulation concerning:

1. ***By 30 June 2015, the Commission shall present a mid-term evaluation report and by 30 June 2018, an evaluation report*** to the European Parliament and the Council, with a view to a decision being taken on the renewal, modification or suspension of the measures taken pursuant to this Regulation concerning:

Or. en

## Amendment 10

### Proposal for a regulation

#### Article 35 - paragraph 4

*Text proposed by the Commission*

*Amendment*

4. Representatives of the European GNSS Agency and the European Space Agency may be involved as observers in the work of the Committee under the conditions laid down in its rules of procedure.

4. Representatives of the European GNSS Agency and the European Space Agency may be involved as observers in the work of the Committee under the conditions laid down in its rules of procedure. ***If needed, representatives of the European External Action Service, the European Defence***



*Agency, the European Parliament or national experts on security and defence matters may also be involved as observers in the work of the Committee.*

Or. en

**Amendment 11**

**Proposal for a regulation  
Article 35 - paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

*5a. The Commission shall provide the Committee referred to in paragraph 1 with all relevant information pertaining to the programmes in a timely manner.*

Or. en