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*****I**

REPORT

on the proposal for a decision of the European Parliament and of the Council establishing a space surveillance and tracking support programme (COM(2013)0107 – C7-0061/2013 – 2013/0064(COD))

Committee on Industry, Research and Energy

Rapporteur: Amelia Andersdotter

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▬ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a decision of the European Parliament and of the Council establishing a space surveillance and tracking support programme (COM(2013)0107 – C7-0061/2013 – 2013/0064(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0107),
 - having regard to Article 294(2) and Article 189(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0061/2013),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Industry, Research and Energy and the opinions of the Committee of Foreign Affairs and the Committee on Budgets (A7-0030/2014),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments

Amendment 1

Proposal for a decision

Recital 5

Text proposed by the Commission

(5) Space debris has become ***the most*** serious threat to the sustainability of space activities. A space surveillance and tracking (hereinafter referred to as 'SST') support programme should therefore be established with the aim to support the setting up and operation of services

Amendment

(5) Space debris has become ***a*** serious threat to the sustainability of space activities, ***the availability of prime orbital slots and radiofrequency spectrum, and windows of opportunity for the launch of spacecraft***. A space surveillance and tracking (hereinafter referred to as 'SST')

consisting of monitoring and surveying space objects with a view to preventing damage to spacecraft resulting from collisions, *as well as to prevent damage to ground infrastructure or human population as a result of uncontrolled re-entries of entire spacecraft or space debris thereof into the Earth's atmosphere.*

support programme should therefore be established with the aim to support the setting up and operation of services consisting of monitoring and surveying space objects with a view to preventing damage to spacecraft resulting from collisions. *The proliferation of space debris also has an impact on the incidence of hazardous uncontrolled re-entries of space objects. An SST service should therefore be set up so as to forecast trajectories and re-entry paths in order to provide governments and civil protection services with useful information.*

Amendment 2

Proposal for a decision Recital 6

Text proposed by the Commission

(6) The provision of SST services will benefit all public and private operators of space-based infrastructures, including the Union in view of its responsibilities for its EU space programmes – European Geostationary Navigation Overlay Service (EGNOS) and Galileo being implemented by Regulation (EC) No 683/2008 of the European Parliament and of the Council of 9 July 2008 on the further implementation of the European satellite navigation programmes (EGNOS and Galileo)¹² and Copernicus/GMES established by Regulation (EU) No 911/2010 Of the European Parliament and of the Council of 22 September 2010 on the European Earth monitoring programme (GMES) and its initial operations (2011 to 2013)¹³. *Re-entry* warnings will also benefit national public authorities concerned with civil protection.

Amendment

(6) The provision of SST services will benefit all public and private operators of space-based infrastructures, including the Union in view of its responsibilities for its EU space programmes – European Geostationary Navigation Overlay Service (EGNOS) and Galileo being implemented by Regulation (EC) No 683/2008 of the European Parliament and of the Council of 9 July 2008 on the further implementation of the European satellite navigation programmes (EGNOS and Galileo)¹² and Copernicus/GMES established by Regulation (EU) No 911/2010 Of the European Parliament and of the Council of 22 September 2010 on the European Earth monitoring programme (GMES) and its initial operations (2011 to 2013)¹³. Warnings *about uncontrolled re-entry and estimated earthfall zones and times* will also benefit national public authorities concerned with civil protection. *Moreover these services may aid private insurers to estimate potential liabilities resulting from*

collision during the lifetime of a satellite.

Amendment 3

Proposal for a decision

Recital 7

Text proposed by the Commission

(7) The SST services should be complementary to research activities related to the protection of space-based infrastructure carried out under the Horizon 2020 programme established by [reference to Horizon 2020 Regulation to be added once adopted], as well as *to* the European Space Agency's activities in this domain.

Amendment

(7) The SST services should be complementary to research activities related to the protection of space-based infrastructure carried out under the Horizon 2020 programme established by [reference to Horizon 2020 Regulation to be added once adopted] ***such as the development of optic laser technologies for tracking***, as well as the European Space Agency's ***or other international, existing and future research*** activities in this domain. ***Moreover it should also be complementary to the Union's flagship space programmes, i.e. Copernicus and Galileo, its Digital Agenda initiative, and other telecommunication infrastructures which aid the achievement of the information society.***

Amendment 4

Proposal for a decision

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) The SST support programme should contribute to ensuring the peaceful use and exploration of outer space.

Amendment 5

Proposal for a decision

Recital 8

Text proposed by the Commission

(8) The SST support programme should also be complementary to existing mitigation measures such as the United Nations (UN) guidelines for space debris mitigation or other initiatives, such as the Union proposal for an international Code of Conduct on outer space activities.

Amendment

(8) The SST support programme should also be complementary to existing mitigation measures such as the United Nations (UN) guidelines for space debris mitigation or other *international* initiatives ***to ensure space sustainability and sound space governance structures, and should be consistent with*** the Union proposal for an international Code of Conduct on outer space activities.

Amendment 6

**Proposal for a decision
Recital 8 a (new)**

Text proposed by the Commission

Amendment

(8a) The SST support programme consists in networking and using SST sensors to provide SST services. Once this has been achieved, the SST support programme may and should be encouraged to provide support for the development of new sensors or be involved in the upgrading of existing sensors.

Amendment 7

**Proposal for a decision
Recital 8 b (new)**

Text proposed by the Commission

Amendment

(8b) The Commission, in close cooperation with the European Space Agency and other stakeholders, should continue to lead on space dialogues with its strategic partners. Close cooperation with the US should be maintained and strengthened in relation with European

SST services.

Amendment 8

Proposal for a decision Recital 8 c (new)

Text proposed by the Commission

Amendment

(8c) Parallel to the need for a long term and comprehensive SSA capacity, the Union should prioritise, support and benefit from initiatives of active removal and passivation measures of space debris, such as the one developed by ESA, as being the most effective way to reduce risks of collision and risks linked to their uncontrolled re-entry into the Earth's atmosphere.

Amendment 9

Proposal for a decision Recital 9

Text proposed by the Commission

Amendment

(9) Civil-military SSA user requirements were defined in the Commission staff working paper 'European space situational awareness high-level civil-military user requirements'¹⁴ endorsed by the Member States in the Political and Security Committee of the Council on 18 November 2011¹⁵. The provision of SST services should serve *only* civilian purposes. *Purely* military *requirements should not be addressed by this Decision.*

(9) Civil-military SSA user requirements were defined in the Commission staff working paper 'European space situational awareness high-level civil-military user requirements'¹⁴ endorsed by the Member States in the Political and Security Committee of the Council on 18 November 2011¹⁵. The provision of SST services should serve *both* civilian *and* military purposes *and this should not restrict the European Defence Agency (EDA) from contributing to the programme. A thorough analysis should be conducted on how Member States' military capabilities will benefit from SST services as well as on SST services' contribution to safeguard the implementation of the*

Outer Space Treaty.

¹⁴ SEC(2011) 1247 final, 12.10.2011.

¹⁵ Council document 15715/11,
24.10.2011.

¹⁴ SEC(2011) 1247 final, 12.10.2011.

¹⁵ Council document 15715/11,
24.10.2011.

Amendment 10

Proposal for a decision Recital 10

Text proposed by the Commission

(10) The operation of SST services should be based on a partnership between the Union **and** the Member States and use existing as well as future national expertise and assets, such as mathematical analysis and modelling know-how, ground-based radars or telescopes made available by participating Member States. The Member States retain ownership and control over their assets and remain responsible for their operations, maintenance and renewal.

Amendment

(10) The operation of SST services should be based on a partnership between the Union and the Member States, **with the relevant contribution of ESA, Union and national agencies**, and use existing as well as future national **and European** expertise and assets, such as mathematical analysis and modelling know-how, ground-based radars or telescopes made available by participating Member States **and ESA**. The Member States **and ESA** retain ownership and control over their assets and remain responsible for their operations, maintenance and renewal.

Amendment 11

Proposal for a decision Recital 11

Text proposed by the Commission

(11) The European Union Satellite Centre (EUSC), an agency of the Union established by Council Joint Action of 20 July 2001 on the establishment of a European Union Satellite Centre (2001/555/CFSP)¹⁶ which provides geospatial imagery information services and products with various levels of

Amendment

(11) The European Union Satellite Centre (EUSC), an agency of the Union established by Council Joint Action of 20 July 2001 on the establishment of a European Union Satellite Centre (2001/555/CFSP)¹⁶ which provides geospatial imagery information services and products with various levels of

classification to civil and military users, could be responsible for the operation and provision of SST services. Its expertise in handling *confidential* information in a secure environment and its tight institutional links with the Member States is an asset facilitating the provision of SST services. A pre-condition for the EUSC participation in the SST support programme is the amendment of the Council Joint Action which does currently not provide for EUSC action in the field of SST.

¹⁶ OJ L 200, 25.7.2001, p.5.

classification to civil and military users, could be responsible for the operation and provision of SST services. Its expertise in handling *classified* information in a secure environment and its tight institutional links with the Member States is an asset facilitating the provision of SST services. A pre-condition for the EUSC participation in the SST support programme is the amendment of the Council Joint Action which does currently not provide for EUSC action in the field of SST.

¹⁶ OJ L 200, 25.7.2001, p.5.

Amendment 12

Proposal for a decision

Recital 12

Text proposed by the Commission

(12) Precise information on the nature, specifications and location of certain space objects may affect the security of the European Union or its Member States. Adequate security considerations should therefore be taken into account in the establishment and operation of the network of SST sensors, the capacity to process and analyse SST data and the provision of SST services. It is therefore necessary to lay down general provisions on the use and secure exchange of SST data and information between the Member States, the EUSC and the recipients of SST services in this Decision. Furthermore, the European Commission and the European External Action Service should define the coordination mechanisms needed to address matters related to the security of the SST support programme.

Amendment

(12) Precise information on the nature, specifications and location of certain space objects may affect the security of the European Union or its Member States ***or third countries***. Adequate security considerations should therefore be taken into account in the establishment and operation of the network of SST sensors, the capacity to process and analyse SST data and the provision of SST services. It is therefore necessary to lay down general provisions on the use and secure exchange of SST data and information between the Member States, the EUSC and the recipients of SST services in this Decision. ***In this respect, existing infrastructure and expertise should be employed to avoid duplication, and create savings and synergies.*** Furthermore, the European Commission and the European External Action Service should define the

coordination mechanisms needed to address matters related to the security of the SST support programme.

Amendment 13

Proposal for a decision Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) The potential sensitivity of SST data makes it necessary for the SST support programme to foster cooperation based on efficiency and mutual trust, including in the way in which SST data are processed and analysed. The use of open source software allowing the secure access of authorised SST data contributors to the source code for operational modifications and improvements should contribute to that objective.

Amendment 14

Proposal for a decision Recital 15

Text proposed by the Commission

Amendment

(15) The SST support programme should be financed by the Union in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union¹⁸. Union funding for the SST support programme should be drawn from ***relevant programmes provided for in the multiannual financial framework for 2014-2020.***

(15) The SST support programme should be financed by the Union in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union¹⁸. ***The amount of Union funding for the SST support programme should be set at EUR 70 million in current prices and should be drawn from the Copernicus programme established by Regulation (EU) No .../2014 of the European Parliament and the Council^{18a}, the Galileo and EGNOS programmes established by Regulation***

(EU) No .../2013 of the European Parliament and the Council^{18b}, the Horizon 2020 programme, implemented by Council Decision No [...] ^{18c} and the Instrument for financial support for police cooperation, preventing and combating crime, and crisis management, established as part of the Internal Security Fund by Regulation (EU) No .../2014 of the European Parliament and the Council^{18d}, whilst ensuring that the objectives of those programmes are not jeopardised.

¹⁸ OJ L 298, 26.10.2012, p. 1.

¹⁸ OJ L 298, 26.10.2012, p. 1.

^{18a} Regulation (EU) No .../2013 of the European Parliament and of the Council of ... 2013 establishing the Copernicus Programme and repealing Regulation (EU) No 911/2010 (OJ L ...).

^{18b} Regulation (EU) No 1285/2013 of the European Parliament and of the Council of 11 December 2013 on the implementation and exploitation of European satellite navigation systems and repealing Council Regulation (EC) No 876/2002 and Regulation (EC) No 683/2008 of the European Parliament and of the Council (OJ L 347, 20.12.2013, p. 1).

^{18c} Council Decision No [...]

^{18d} Regulation (EU) No .../2013 of the European Parliament and of the Council of ... 2014 establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management (OJ L ...).

Amendment 15

Proposal for a decision Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) For the sake of clarity and accountability, that maximum amount should be broken down into various categories according to the objectives set out in this Regulation. The Commission should be able to reallocate funds from one objective to another and should do so through a delegated act when the deviation exceeds five percentage points. The Commission should also adopt delegated acts detailing the funding arrangements and priorities to be reflected in the work programme.

Amendment 16

Proposal for a decision Recital 17

Text proposed by the Commission

Amendment

(17) In order to ensure uniform conditions for the implementation of this Decision as regards the ***adoption of a multiannual work programme and the*** compliance by Member States with the criteria for their participation in the SST support programme, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers¹⁹.

(17) In order to ensure uniform conditions for the implementation of this Decision as regards the compliance by Member States with the criteria for their participation in the SST support programme, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers¹⁹.

Amendment 17

Proposal for a decision

Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) In order to ensure proper planning of the programme, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the adoption of a multiannual work programme. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.

Amendment 18

Proposal for a decision

Article 1

Text proposed by the Commission

Amendment

A space surveillance and tracking (***hereinafter referred to as 'SST'***) support programme is established for the period from 1 January 2014 to 31 December 2020.

The ***Cassini*** space surveillance and tracking support programme (***hereinafter referred to as 'the Cassini Programme'***) is established for the period from 1 January 2014 to 31 December 2020

(This amendment applies to the entire proposal for a decision; the necessary changes must be made throughout.)

Justification

Along the lines of the Galileo and Copernicus programmes, a name should be used instead of an obscure abbreviation. The name is that of the Italian-French Cassini family of astronomers. The change applies wherever reference is made in the proposal for a decision to the 'SST programme'.

Amendment 19

Proposal for a decision Article 1 a (new)

Text proposed by the Commission

Amendment

Article 1a

Overall objective

The SST support programme shall contribute to ensuring the long-term availability of European and national space infrastructure facilities and services essential for the safety and security of the economies, societies and citizens in Europe, by equipping the European Union with an autonomous space surveillance and tracking system.

Amendment 20

Proposal for a decision Article 2 – point 1

Text proposed by the Commission

Amendment

(1) 'Space object' means any man-made ***or natural*** object in outer space.

(1) 'Space object' means any man-made object in outer space.

Amendment 21

Proposal for a decision Article 2 – point 3

Text proposed by the Commission

(3) 'Space debris' means spacecraft *or parts* thereof *that* no longer serve any specific purpose including parts of rockets or artificial satellites, or inactive artificial satellites;

Amendment

(3) 'Space debris' means ***all man-made objects including*** spacecraft *or fragments and elements* thereof, ***in Earth orbit or re-entering the atmosphere, that are non-functional or*** no longer serve any specific purpose including parts of rockets or artificial satellites, or inactive artificial satellites;

Amendment 22

**Proposal for a decision
Article 2 – point 5**

Text proposed by the Commission

(5) 'SST data' means physical parameters of space objects acquired by SST sensors.

Amendment

(5) 'SST data' means physical parameters of space objects acquired by SST sensors ***or space objects' orbital parameters derived from observations by those sensors.***

Amendment 23

**Proposal for a decision
Article 2 – point 6 a (new)**

Text proposed by the Commission

Amendment

(6a) 'Participating Member State' means a Member State that participates in the SST support programme upon a decision by the Commission and upon the conclusion of a cooperation agreement with the Satellite Centre of the European Union.

Amendment 24

Proposal for a decision Article 2 a (new)

Text proposed by the Commission

Amendment

Article 2a

Specific objectives

The SST support programme shall contribute to the following specific objectives:

(a) assessing and reducing the risks to in-orbit operations of European spacecraft in terms of collisions, enabling spacecraft operators to more efficiently plan and carry out mitigation measures;

(b) reducing the risks relating to the launch of European spacecraft;

(c) surveying uncontrolled re-entries of spacecraft or space debris into the Earth's atmosphere and providing more accurate and efficient early warnings with the aim of reducing the potential risks to the safety of Union citizens and mitigating potential damage to critical terrestrial infrastructure.

Amendment 25

Proposal for a decision Article 3

Text proposed by the Commission

Amendment

Objectives of the SST support programme

The objectives of the SST Support Programme shall be to support actions aimed at establishing a SST capability and, in particular:

(a) the establishment and operation of a sensor function consisting of a network of ground-based or space-based ***existing*** national sensors to survey and track space

Main actions of the SST support programme

In order to attain the general and specific objectives laid down in Articles 1a and 2a respectively, the main actions of the SST Support Programme shall consist in:

(a) the establishment and operation of a sensor function consisting of a ***secure*** network of ground-based or space-based national ***SST*** sensors ***developed at***

objects;

(b) the establishment and operation of a processing function to process and analyse the SST data captured by the sensors, including the capacity to detect and identify space objects and to build and maintain a catalogue thereof;

(c) the setting up and operation of a service function to provide SST services *to spacecraft operators and public authorities*.

European level, including through the ESA, to survey and track space objects;

(b) the establishment and operation of a processing function to process and analyse the SST data captured by the sensors *in order to produce SST information*, including the capacity to detect and identify space objects and to build and maintain a catalogue thereof;

(c) the setting up and operation of a service function to provide *the* SST services *defined in Article 4 (1) to the entities referred to in Article 4(2)*.

Amendment 26

Proposal for a decision

Article 4 – paragraph 1 – points a to c

Text proposed by the Commission

(a) the risk assessment of a collision between spacecraft or between spacecraft and space debris and the generation of collision avoidance alerts during the launch and in-orbit operation of spacecrafts;

(b) the detection and *risk assessment* of on-orbit *explosions* or break-ups or collisions;

(c) *the* risk assessment of *and alerts related* to the re-entry of space objects and space debris into the Earth's atmosphere and *the* prediction of *the time and location of impact*.

Amendment

(a) the risk assessment of a collision between spacecraft, or between spacecraft and space debris, *or between spacecraft and space objects* and the generation of collision avoidance alerts during the launch and in-orbit operation of spacecrafts;

(b) the detection and *characterisation* of on-orbit *fragmentations* or break-ups or collisions;

(c) risk assessment *relating* to the *uncontrolled* re-entry of space objects and space debris into the Earth's atmosphere, and prediction of *earthfall zones and times*;

(ca) a freely available and re-usable public information service on orbital elements of space objects orbiting the Earth;

(cb) any other appropriate SST information.

Amendment 27

Proposal for a decision Article 4 – paragraph 2

Text proposed by the Commission

2. SST services shall be provided to Member States, the Council, the Commission, the EEAS, public and private spacecraft operators, and public authorities concerned with civil protection. ***The SST services shall be provided in compliance with the provisions on the use and exchange of SST data and information set out in Article 9.***

Amendment

2. SST services shall be provided to Member States, the Council, the Commission, the EEAS, public and private spacecraft ***owners and/or*** operators, and public authorities concerned with civil protection.

Amendment 28

Proposal for a decision Article 5 – paragraph 1

Text proposed by the Commission

1. The SST support programme shall provide support for the ***actions aimed at achieving the objectives*** set out in Article 3, provided for in the work programme referred to in Article 6(2) and under the specific conditions referred to in Article 7.

Amendment

1. The SST support programme shall provide support for the ***main actions*** set out in Article 3 ***and any of their specific actions*** provided for in the work programme referred to in Article 6(2) and under the specific conditions referred to in Article 7.

Amendment 29

Proposal for a decision Article 6 – paragraph 1 – point a

Text proposed by the Commission

(a) ***manage the funds to be drawn to*** the SST support programme ***and ensure the implementation of the SST support programme;***

Amendment

(a) ***be responsible for*** the SST support programme, ***manage the funds allocated thereto and ensure implementation thereof, while providing transparency and clarity regarding the different sources of funding;***

Amendment 30

Proposal for a decision

Article 6 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) define the governance and the data policy for the European SST service, playing an active role in the setting up of the consortium and closely monitoring the activities of the programme.

Amendment 31

Proposal for a decision

Article 6 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) ensure, in addition, the necessary dialogue and coordination bringing together relevant actors such as EDA and ESA in view of ensuring coherence between military and civilian space programmes and initiatives and to pursue, in particular, synergies in the security area;

Amendment 32

Proposal for a decision

Article 6 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(cc) promote the participation of Member States in the SST support programme.

Amendment 33

Proposal for a decision

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall ensure the complementarity between the SST support programme and research activities related to the protection of space-based infrastructure carried out under the Horizon 2020 programme established by [reference to Horizon 2020 Regulation to be added once adopted]. It shall also facilitate its complementarity with the other European and international activities in this domain.

Justification

This amendment would include in the legal text what is currently only mentioned in the recitals.

Amendment 34

Proposal for a decision

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. The Commission shall adopt ***implementing*** acts establishing a multiannual work programme for the SST support programme ***complementing***, as appropriate, the work programmes ***foreseen*** under the programmes referred to article 11(1). The work programme shall specify the objectives pursued, the expected results, the actions to be financed, the timetable for the implementation of these actions, the method of implementation, the maximum rate of Union co-financing, and the specific conditions applicable to Union grants under the SST support programme. ***Those***

2. The Commission shall adopt ***delegated*** acts ***in accordance with Article 14a*** establishing a multiannual work programme for the SST support programme ***taking account of***, as appropriate, the work programmes ***provided for*** under the programmes referred to article 11(1). The work programme shall specify the objectives pursued, the expected results, the actions to be financed, the timetable for the implementation of these actions, the method of implementation, the maximum rate of Union co-financing, and the specific conditions applicable to Union grants

implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2).

under the SST support programme.

Amendment 35

Proposal for a decision Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States wishing to participate in the implementation of the objectives set out in Article 3 shall submit an application to the Commission **demonstrating** compliance with the following criteria:

Amendment

1. Member States wishing to participate in the implementation of the objectives set out in Article 3 shall submit an application to the Commission directly, **or via a national or multinational consortium or public entity, which demonstrates** compliance with the following criteria:

Amendment 36

Proposal for a decision Article 7 – paragraph 1 – point a

Text proposed by the Commission

(a) **ownership of** SST sensors and adequate technical and human resources to operate them **or** data processing capacities;

Amendment

(a) **a capacity to provide to the SST system any of the following:**

- SST sensors and adequate technical and human resources to operate them, **or**
- **analysis and** data processing capacities **specifically designed for SST;**

Amendment 37

Proposal for a decision Article 7 – paragraph 4

Text proposed by the Commission

4. The Member States which comply with the criteria set out in paragraph 1 and which are parties to the agreement referred to in Article 10 shall be eligible for financial contribution from the SST support programme. The Commission shall publish and update on its website the list of Member States.

Amendment

4. The Member States which comply with the criteria set out in paragraph 1 and which are parties to the agreement referred to in Article 10 shall be eligible for financial contribution from the SST support programme. The Commission shall publish and update on its website the list of ***participating*** Member States ***and their respective financial contributions***.

Amendment 38

Proposal for a decision
Article 8

Text proposed by the Commission

The European Union Satellite Centre (EUSC) shall participate in the implementation of the ***objective*** set out in ***point (c) of*** Article 3 and shall be eligible for financial contribution from the SST support programme subject to the conclusion of the agreement referred to in Article 10.

Amendment

The European Union Satellite Centre (EUSC) shall participate in the implementation of the ***main actions*** set out in Article 3 and shall be eligible for financial contribution from the SST support programme subject to the conclusion of the agreement referred to in Article 10. ***The EUSC shall be tasked with interfacing with end users. It shall establish and set up facilities for the retrieval of SST data and distribution of services to the entities specified in Article 4(2).***

Justification

The welcomed Code of Conduct from the EU should "direct" its space programmes. It states the principles to use outer space for peaceful purposes, the responsibility of subscribing States to take all appropriate measures and cooperate in good faith to prevent harmful interference in outer space activities, as well as their responsibility to conduct scientific, civil, commercial and military activities to promote the peaceful exploration and use of outer space and to take all appropriate measures to prevent outer space from becoming an arena of conflict.

Amendment 39

Proposal for a decision

Article 9 – introductory part

Text proposed by the Commission

The use and exchange of SST data and information for the purposes of the implementation of the **objectives** referred to in Article 3 shall be subject to the following rules:

Amendment

The use and exchange of SST data and **SST** information for the purposes of the implementation of the **main actions** referred to in Article 3 shall be subject to the following rules:

Amendment 40

Proposal for a decision

Article 9 – point d

Text proposed by the Commission

(d) Unauthorised disclosure of data and information shall be prevented while allowing efficient operations and maximising the use of the generated information;

Amendment

(a) efficient operations shall be ensured and the use of the generated SST information shall be maximised while preventing the unauthorised disclosure of SST data and information;

Justification

Wording simply reminding the priority of providing information that reduce the risks of collision, as being the target, and avoiding the unwanted disclosure of information, as a necessary mean among others, to reach this target.

Amendment 41

Proposal for a decision

Article 9 – point b a (new)

Text proposed by the Commission

Amendment

(ba) SST data and information generated in the framework of the SST support programme shall be made available, including to third countries, international organisations and other third parties, on a

need-to-know basis, in accordance with the instructions and security rules of the originator of the SST information and of the owner of the space object concerned, and in compliance with the 'Space Situational Awareness data policy – recommendations on security aspects' endorsed by the Security Committee of the Council^{19a}.

^{19a} CS 14698/12, 09.10.2012

Amendment 42

Proposal for a decision Article 9 – point f

Text proposed by the Commission

Amendment

(f) Information generated in the framework of the SST support programme shall be made available on a need-to-know basis, in accordance with the instructions and security rules of the originator of the information and of the owner of the space object concerned.

deleted

Amendment 43

Proposal for a decision Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall adopt the necessary implementing decisions regarding the use and exchange of SST data and information, including the conclusion of international cooperation agreements regarding the exchange and use of SST data and information. Those

implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2).

Amendment 44

Proposal for a decision

Article 10 – subparagraph 1 – introductory part

Text proposed by the Commission

The Member States *which comply with the criteria set out in Article 7(1)* and the EUSC shall conclude an agreement laying down the rules and mechanisms for their cooperation in the implementation of the *objectives* set out in Article 3. In particular, that agreement shall include provisions on the following:

Amendment

The *participating* Member States and the EUSC shall conclude an agreement laying down the rules and mechanisms for their cooperation in the implementation of the *main actions* set out in Article 3. In particular, that agreement shall include provisions on the following:

Amendment 45

Proposal for a decision

Article 10 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The Member States which conclude the agreement set out in paragraph 1 may enter into an agreement with the ESA concerning the provision of assets or expertise by the ESA or the use of ESA data for the protection of spacecraft or the monitoring of space debris.

Amendment 46

Proposal for a decision

Article 10 – subparagraph 1 b (new)

Text proposed by the Commission

Amendment

Those agreements, and any changes thereto, shall be notified to the European

Amendment 47

**Proposal for a decision
Article 11 – paragraph 1**

Text proposed by the Commission

1. Union funding *for* the SST support programme shall be drawn from *other* programmes *provided for in the multiannual financial framework for 2014-2020* in full compatibility with their legal base.

The relevant programmes from which funding could be drawn include the programmes established by the following acts:

- (a) Regulation (EU) No [...] of the European Parliament and the Council on the implementation and exploitation of European satellite navigation systems, Articles 1, 3 (c) and (d) and 4;
- b) Council Decision No [...] establishing the Specific Programme implementing Horizon 2020, Article 2(2)(b) and (c), annex part II, point 1.6.2 (d) and annex part III, point 6.3.4
- c) Regulation (EU) No [...] of the European Parliament and the Council establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management, Article 3(2)(b) and (3)(e).

Amendment

1. ***The amount of*** Union funding ***allocated to*** the SST support programme ***for the period 2014-2020*** shall be ***EUR 70 million, to be*** drawn from ***the*** programmes ***established by the following acts***, in full compatibility with their legal base:

(-a) Regulation (EU) No [...] of the European Parliament and of the Council establishing the Copernicus Programme and repealing Regulation (EU) No 911/2010, Article 5, point (c), up to an amount of 26.5 million euros;

- (a) Regulation (EU) No [...] of the European Parliament and the Council on the implementation and exploitation of European satellite navigation systems, Articles 1, 3 (c) and (d) and 4;
- b) Council Decision No [...] establishing the Specific Programme implementing Horizon 2020, Article 2(2)(b) and (c), annex part II, point 1.6.2 (d) and annex part III, point 6.3.4,
- c) Regulation (EU) No [...] of the European Parliament and the Council establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management, Article 3(2)(b) and (3)(e).

Amendment 48

Proposal for a decision

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Appropriations shall cover the objectives as defined in Article 3 as follows:

- (a) sensor function [X]%;***
- (b) processing function [X%];***
- (c) service function [X%].***

Amendment 49

Proposal for a decision

Article 11 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Where it proves necessary to deviate from the allocation for a specific objective by more than 5 percentage points, the Commission shall be empowered to adopt delegated acts in accordance with Article 14a to amend this distribution.

Amendment 50

Proposal for a decision

Article 11 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. The Commission shall be empowered to adopt delegated acts in accordance with Article 14a detailing the funding arrangements and priorities to be reflected in the work programmes

according to Article 6. The Commission shall adopt a delegated act within the first year of the entry into force of this Decision.

Amendment 51

Proposal for a decision Article 13 – title

Text proposed by the Commission

Amendment

Monitoring and evaluation

Monitoring, **reporting** and evaluation

Amendment 52

Proposal for a decision Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. At the beginning of each year, the Commission shall send a report to the European Parliament and to the Council. The report shall include information on the participation to the SST support programme and the actions supported by the programme, the evolution of the SST network and service provision, the exchange and use of SST data and information, and the conclusion of international cooperation agreements during the previous year, and the work programme for the current year.

Amendment 53

Proposal for a decision Article 13 – paragraph 2 – introductory part

Text proposed by the Commission

2. **By 1 July 2018**, the Commission shall submit an evaluation report on the implementation of the SST Support Programme to the European Parliament and the Council. That report shall include recommendations on the renewal, modification or suspension of the actions supported by the SST Support Programme taking into account the following:

Amendment

2. **Each year** the Commission shall submit an evaluation report on the implementation of the SST Support Programme to the European Parliament and the Council. That report shall include recommendations on the renewal, modification or suspension of the actions supported by the SST Support Programme taking into account the following:

Amendment 54

Proposal for a decision

Article 13 – paragraph 2 – point b

Text proposed by the Commission

(b) effectiveness of the use of resources.

Amendment

(b) effectiveness of the use of resources, ***in particular taking into account the provision of funds for the EUSC.***

Amendment 55

Proposal for a decision

Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14a

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in Articles 6(2) and 11 shall be conferred on the Commission for an indeterminate period of time from 1 January 2014.

3. The delegation of power referred to in

Articles 6(2) and 11 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. Delegated acts adopted pursuant to Articles 6(2) and 11 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

EXPLANATORY STATEMENT

The proposed programme seeks to contribute to building up an independent European capability of space surveillance and tracking (SST) aimed at preventing and monitoring the growing risk of collision between space infrastructures and other spacecraft or space debris. The need for SST is shared at International and national levels, both from public authorities and the industry as a whole depending on space infrastructures. This is also of particular relevance for ensuring the long-term availability of European space assets, like the satellites from Galileo and Copernicus. It is the first attempt at EU level of that kind and the Commission proposes to start by bringing together available assets and skills among the Member States and provide services to users.

The Rapporteur proposes the possibility for ESA know-how to be taken on board via an agreement between ESA and the contributing Member States. ESA is the only skilled body at European level on SST and more globally SSA. Whereas ESA cannot manage or control the programme, it should be able to contribute to it.

The scope of services should include the setting up of a publically available catalogue of orbital elements of space objects to increase general awareness and enable any possible business application from it, as well as be open to any relevant additional services that the EC would propose on a later stage, in order to leave the door open for any future improvement. The Rapporteur proposes to define a step further the legislative frame of the programme by reminding the general scope and specific objectives at the beginning of the core text (new Articles 1a and 2a). She also proposes to define the establishment of the networking of sensors, of the processing of data and of the SST services in Article 3 as main actions rather than objectives, from which specific actions will be developed by the Commission in its multiannual work programme (Article 5).

The Rapporteur wishes the European Parliament to consider the multiannual work programme prior it comes into effect via a Delegated Act procedure in article 6. The budget of EUR 70 million is included in the core text (article 11) and would be drawn from the Internal Security Fund, Galileo, Copernicus and H2020.

3.12.2013

OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS

for the Committee on Industry, Research and Energy

on the proposal for a decision of the European Parliament and of the Council Establishing a space surveillance and tracking support programme
(COM2013/0107 – C7-0061/2013 – 2013/0064(COD))

Rapporteur: Michael Gahler

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 decision Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) In its Communication "Towards a space strategy for the European Union that benefits its citizens", the Commission developed its concept, highlighting that space infrastructure can serve the EU's security and defence interests.

Amendment 2

Proposal for a decision

Recital 6

Text proposed by the Commission

(6) The provision of SST services will benefit all public and private operators of space-based infrastructures, including the Union in view of its responsibilities for its EU space programmes – European Geostationary Navigation Overlay Service (EGNOS) and Galileo being implemented by Regulation (EC) No 683/2008 of the European Parliament and of the Council of 9 July 2008 on the further implementation of the European satellite navigation programmes (EGNOS and Galileo)¹² and Copernicus/GMES established by Regulation (EU) No 911/2010 Of the European Parliament and of the Council of 22 September 2010 on the European Earth monitoring programme (GMES) and its initial operations (2011 to 2013)¹³. Re-entry warnings will also benefit national public authorities concerned with civil protection.

¹² OJ L 196, 27.4.2008, p.1

¹³ OJ L 276, 20.10.2010, p. 1.

Amendment

(6) The provision of SST services will benefit all public and private operators of space-based infrastructures, including the Union in view of its responsibilities for its EU space programmes – European Geostationary Navigation Overlay Service (EGNOS) and Galileo being implemented by Regulation (EC) No 683/2008 of the European Parliament and of the Council of 9 July 2008 on the further implementation of the European satellite navigation programmes (EGNOS and Galileo)¹² and Copernicus/GMES established by Regulation (EU) No 911/2010 Of the European Parliament and of the Council of 22 September 2010 on the European Earth monitoring programme (GMES) and its initial operations (2011 to 2013)¹³. Re-entry warnings will also benefit national public authorities concerned with civil protection. ***The EU by building gradually own systems, such Galileo and Copernicus, provides services with relevance for civilian and military capabilities.***

¹² OJ L 196, 27.4.2008, p.1

¹³ OJ L 276, 20.10.2010, p. 1.

Amendment 3

Proposal for a decision

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) The SST support programme should contribute to ensuring the peaceful use

and exploration of outer space.

Amendment 4

Proposal for a decision

Recital 8

Text proposed by the Commission

(8) The SST support programme should also be complementary to existing mitigation measures such as the United Nations (UN) guidelines for space debris mitigation or other initiatives, ***such as*** the Union proposal for an international Code of Conduct on outer space activities.

Amendment

(8) The SST support programme should also be complementary to existing mitigation measures such as the United Nations (UN) guidelines for space debris mitigation or other initiatives, ***and be consistent with*** the Union proposal for an international Code of Conduct on outer space activities.

Amendment 5

Proposal for a decision

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) The Commission in close cooperation with the European Space Agency and other stakeholders, shall continue to lead on space dialogues with its strategic partners; Close cooperation with the US should be maintained and strengthened in relation with European SST services.

Amendment 6

Proposal for a decision

Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Parallel to the need for a long term and comprehensive SSA capacity, the European Union should prioritise,

support and benefit from initiatives of active removal and passivation measures of space debris, such as the one developed by ESA, as being the best effective way to reduce risks of collision and risks linked to their uncontrolled re-entry into the Earth atmosphere.

Amendment 7

Proposal for a decision Recital 9

Text proposed by the Commission

(9) Civil-military SSA user requirements were defined in the Commission staff working paper ‘European space situational awareness high-level civil-military user requirements’¹⁴ endorsed by the Member States in the Political and Security Committee of the Council on 18 November 2011¹⁵. The provision of SST services should serve *only* civilian purposes. *Purely* military *requirements should not be addressed by this Decision*.

¹⁴ SEC(2011) 1247 final, 12.10.2011.

¹⁵ Council document 15715/11, 24.10.2011.

Amendment

(9) Civil-military SSA user requirements were defined in the Commission staff working paper ‘European space situational awareness high-level civil-military user requirements’¹⁴ endorsed by the Member States in the Political and Security Committee of the Council on 18 November 2011¹⁵. The provision of SST services should serve *both* civilian *and* military purposes. *A thorough analysis should be conducted on how EU Member States' military capabilities will benefit from SST services as well as on SST services contribution to safeguard the implementation of the Outer Space Treaty*.

¹⁴ SEC(2011) 1247 final, 12.10.2011.

¹⁵ Council document 15715/11, 24.10.2011.

Amendment 8

Proposal for a decision Recital 11

Text proposed by the Commission

(11) The European Union Satellite Centre (EUSC), an agency of the Union established by Council Joint Action of 20 July 2001 on the establishment of a European Union Satellite Centre (2001/555/CFSP)¹⁶ which provides geospatial imagery information services and products with various levels of classification to civil and military users, could be responsible for the operation and provision of SST services. Its expertise in handling **confidential** information in a secure environment and its tight institutional links with the Member States is an asset facilitating the provision of SST services. A pre-condition for the EUSC participation in the SST support programme is the amendment of the Council Joint Action which does currently not provide for EUSC action in the field of SST.

¹⁶ OJ L 200, 25.7.2001, p.5.

Amendment

(11) The European Union Satellite Centre (EUSC), an agency of the Union established by Council Joint Action of 20 July 2001 on the establishment of a European Union Satellite Centre (2001/555/CFSP)¹⁶ which provides geospatial imagery information services and products with various levels of classification to civil and military users, could be responsible for the operation and provision of SST services. Its expertise in handling **classified** information in a secure environment and its tight institutional links with the Member States is an asset facilitating the provision of SST services. A pre-condition for the EUSC participation in the SST support programme is the amendment of the Council Joint Action which does currently not provide for EUSC action in the field of SST.

¹⁶ OJ L 200, 25.7.2001, p.5.

Amendment 9

Proposal for a decision Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Measures adopted pursuant to this Regulation should take into account provisions of Title V Treaty on the European Union.

Amendment 10

Proposal for a decision Article 2 – point 6 a (new)

Text proposed by the Commission

Amendment

(6a) 'Participating Member State' designates an EU Member State which participates in the SST support programme upon a decision by the Commission and upon the conclusion of a cooperation agreement with the Satellite Centre of the European Union.

Amendment 11

Proposal for a decision Article 2 – point 6 b (new)

Text proposed by the Commission

Amendment

(6b) 'National sensor' means sensors under the sole control of one or more Member States.

Amendment 12

Proposal for a decision Article 3 – introductory part

Text proposed by the Commission

Amendment

The objectives of the SST Support Programme shall be to support actions aimed at establishing a SST capability and, in particular:

The objectives of the SST Support Programme shall be to support actions aimed at establishing ***and maintaining*** a SST capability and, in particular:

Amendment 13

Proposal for a decision Article 3 – point a

Text proposed by the Commission

(a) the establishment **and** operation of a sensor function consisting of a network of ground-based or space-based existing national sensors to survey and track space objects;

Amendment

(a) the establishment, operation **and enhancement** of a sensor function consisting of a network of ground-based or space-based existing national sensors to survey and track space objects;

Amendment 14

Proposal for a decision Article 3 – point b

Text proposed by the Commission

(b) the establishment **and** operation of a processing function to process and analyse the SST data captured by the sensors, including the capacity to detect and identify space objects and to build and maintain a catalogue thereof;

Amendment

(b) the establishment, operation **and enhancement** of a processing function to process and analyse the SST data captured by the sensors, including the capacity to detect and identify space objects and to build and maintain a catalogue thereof;

Amendment 15

Proposal for a decision Article 3 – point c

Text proposed by the Commission

(c) the setting up **and** operation of a service function to provide SST services to spacecraft operators and public authorities.

Amendment

(c) the setting up, operation **and enhancement** of a service function to provide SST services to spacecraft operators and public authorities.

Amendment 16

Proposal for a decision Article 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the enhancement of the network referred to in paragraph (a) through the integration of new national sensors or the improvement of existing national sensors.

Amendment 17

Proposal for a decision Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. SST services shall be provided to Member States, the Council, the Commission, the EEAS, public and private spacecraft operators, and public authorities concerned with civil protection. The SST services shall be provided in compliance with the provisions on the use and exchange of SST data and information set out in Article 9.

2. SST services shall be provided to Member States, the Council, the Commission, the EEAS, ***ESA***, public and private spacecraft operators, and public authorities concerned with civil protection ***and security. They may also be provided to States which do not belong to the Union, provided that Parliament consents to an agreement to this effect. The SST services shall be available also to military satellite operators.*** The SST services shall be provided in compliance with the provisions on the use and exchange of SST data and information set out in Article 9.

Amendment 18

Proposal for a decision Article 4 – paragraph 3

Text proposed by the Commission

Amendment

3. Participating Member States, the EUSC, and the Commission shall not be held liable for any damage resulting from the

3. Participating Member States, the EUSC, and the Commission, ***as well as organisations which they contract to***

lack or interruption of the provision of SST services, a delay in the provision thereof or the inaccuracy of the information provided through the SST services.

provide SST services, shall not be held liable for any damage resulting from the lack or interruption of the provision of SST services, a delay in the provision thereof or the inaccuracy of the information provided through the SST services.

Amendment 19

Proposal for a decision

Article 6 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) ensure, in addition, the necessary dialogue and coordination bringing together relevant actors such as EDA and ESA in view of ensuring coherence between military and civilian space programmes and initiatives and to pursue, in particular, synergies in the security area;

Amendment 20

Proposal for a decision

Article 6 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) promote the participation of Member States in the SST support programme.

Amendment 21

Proposal for a decision

Article 7 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) ownership of SST sensors and adequate technical and human resources to operate them *or data processing capacities*;

(a) ownership of SST sensors *or SST data processing capacities* and adequate technical and human resources to operate them;

Amendment 22

Proposal for a decision Article 7 – paragraph 4

Text proposed by the Commission

4. The Member States which comply with the criteria set out in paragraph 1 and which are parties to the agreement referred to in Article 10 shall be eligible for financial contribution from the SST support programme. The Commission shall publish and update on its website the list of Member States.

Amendment

4. The Member States which comply with the criteria set out in paragraph 1 and which are parties to the agreement referred to in Article 10 shall be eligible for financial contribution from the SST support programme. The Commission shall publish and update on its website the list of *participating* Member States.

Amendment 23

Proposal for a decision Article 9 – introductory part

Text proposed by the Commission

The use and exchange of SST data and information for the purposes of the implementation of the objectives referred to in Article 3 shall be subject to the following rules:

Amendment

1. The use and exchange of SST data and information for the purposes of the implementation of the objectives referred to in Article 3 shall be subject to the following rules:

Amendment 24

Proposal for a decision Article 9 – point d

Text proposed by the Commission

(d) Unauthorised disclosure of data and information shall be prevented while allowing efficient operations and maximising the use of the generated information;

Amendment

(a) Unauthorised disclosure of **SST** data and information shall be prevented while allowing efficient operations and maximising the use of the generated **SST** information;

Amendment 25

Proposal for a decision Article 9 – point e

Text proposed by the Commission

(e) SST data security shall be ensured;

Amendment

(b) SST data security shall be ensured;

Amendment 26

Proposal for a decision Article 9 – point b a (new)

Text proposed by the Commission

Amendment

(ba) SST data and information generated in the framework of the SST support programme shall be made available, including to third countries, international organisations and other third parties, on a need-to-know basis, in accordance with the instructions and security rules of the originator of the SST information and of the owner of the space object concerned, and in compliance with the 'Space Situational Awareness data policy – recommendations on security aspects' endorsed by the Security Committee of the Council^{19a}.

^{19a} CS 14698/12, 09.10.2012

Amendment 27

Proposal for a decision Article 9 – point f

Text proposed by the Commission

(f) Information generated in the framework of the SST support programme shall be made available on a need-to-know basis, in accordance with the instructions and security rules of the

Amendment

deleted

originator of the information and of the owner of the space object concerned.

Amendment 28

Proposal for a decision

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall adopt the necessary implementing decisions regarding the use and exchange of SST data and information, including the conclusion of international cooperation agreements regarding the exchange and use of SST data and information. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2).

Amendment 29

Proposal for a decision

Article 10 – introductory part

Text proposed by the Commission

Amendment

The Member States *which comply with the criteria set out in Article 7(1)* and the EUSC shall conclude an agreement laying down the rules and mechanisms for their cooperation in the implementation of the objectives set out in Article 3. In particular, that agreement shall include provisions on the following:

The *participating* Member States and the EUSC shall conclude an agreement laying down the rules and mechanisms for their cooperation in the implementation of the objectives set out in Article 3. In particular, that agreement shall include provisions on the following:

Amendment 30

Proposal for a decision Article 13 – title

Text proposed by the Commission

Monitoring and evaluation

Amendment

Monitoring, reporting and evaluation

Amendment 31

Proposal for a decision Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. At the beginning of each year the Commission shall send a report to the European Parliament and to the Council. The report shall include information on the participation to the SST support programme and the actions supported by the programme, the evolution of the SST network and service provision, the exchange and use of SST data and information, and the conclusion of international cooperation agreements during the previous year, and the work programme for the current year.

Amendment 32

Proposal for a decision Article 13 – paragraph 2 – introductory part

Text proposed by the Commission

2. By 1 July 2018, the Commission shall submit an evaluation report on the implementation of the SST Support Programme to the European Parliament and the Council. That report shall include recommendations on the renewal, modification or suspension of the actions supported by the SST Support Programme

Amendment

2. Each year the Commission shall submit an evaluation report on the implementation of the SST Support Programme to the European Parliament and the Council. That report shall include recommendations on the renewal, modification or suspension of the actions supported by the SST Support Programme taking into account the

taking into account the following:

following:

ROCEDURE

Title	Space surveillance and tracking support programme
References	COM(2013)0107 – C7-0061/2013 – 2013/0064(COD)
Committee responsible Date announced in plenary	ITRE 14.3.2013
Opinion by Date announced in plenary	AFET 14.3.2013
Rapporteur Date appointed	Michael Gahler 21.3.2013
Discussed in committee	14.10.2013
Date adopted	21.11.2013
Result of final vote	+: 48 –: 5 0: 4
Members present for the final vote	Bastiaan Belder, Elmar Brok, Jerzy Buzek, Tarja Cronberg, Arnaud Danjean, Mário David, Susy De Martini, Michael Gahler, Marietta Giannakou, Ana Gomes, Andrzej Grzyb, Richard Howitt, Anna Ibrisagic, Tunne Kelam, Nicole Kiil-Nielsen, Andrey Kovatchev, Paweł Robert Kowal, Eduard Kukan, Vytautas Landsbergis, Krzysztof Lisek, Sabine Lösing, Marusya Lyubcheva, Willy Meyer, Francisco José Millán Mon, Alexander Mirsky, María Muñoz De Urquiza, Annemie Neyts-Uyttebroeck, Norica Nicolai, Raimon Obiols, Pier Antonio Panzeri, Ioan Mircea Pașcu, Bernd Posselt, Hans-Gert Pöttering, Cristian Dan Preda, Libor Rouček, Tokia Saïfi, Nikolaos Salavrakos, György Schöpflin, Werner Schulz, Marek Siwiec, Laurence J.A.J. Stassen, Davor Ivo Stier, Charles Tannock, Inese Vaidere, Nikola Vuljanić, Boris Zala, Karim Zéribi
Substitute(s) present for the final vote	Reinhard Bütikofer, Véronique De Keyser, Kinga Gál, Elisabeth Jeggle, Barbara Lochbihler, Jean Roatta
Substitute(s) under Rule 187(2) present for the final vote	Claudette Abela Baldacchino, Hiltrud Breyer, Chrysoula Paliadeli, Marie-Christine Vergiat

15.11.2013

OPINION OF THE COMMITTEE ON BUDGETS

for the Committee on Industry, Research and Energy

on the proposal for a decision of the European Parliament and of the Council establishing a space surveillance and tracking support programme
(COM(2013)0107 – C7-0061/2013 – 2013/0064(COD))

Rapporteur: Maria Da Graça Carvalho

SHORT JUSTIFICATION

The proposed programme seeks to contribute to building up an independent European capability of space surveillance and tracking ('SST') aimed at preventing and monitoring the growing risk of collision between space infrastructures and other spacecraft or space debris. Member States would contribute with their own sensor assets while the Union would provide a framework and a financial contribution, thereby ensuring three main functions: networking of sensors; data processing; service to the users. Mostly due to the security dimension of the SST system, the programme would be led by the EU rather than by the European Space Agency.

The Rapporteur proposes to support this strategic project which is instrumental in the independence and security of major European assets, not least under the two large scale EU projects EGNOS/Galileo and Copernicus.

However, the main issue identified by the Rapporteur is the financing of the SST support programme. Indeed, the draft Regulation sets out that its funding shall be drawn from other relevant programmes in full compatibility with their legal base. But although Galileo, Horizon 2020, the Internal Security Fund and Copernicus have been flagged for contribution, the draft legal act itself does not yet include Copernicus and does not clarify the extent of these respective contributions. The draft legal act does not even contain the amount mentioned in the Commission's explanatory memorandum, i.e. EUR 70 million over seven years. Finally, it does not lay down precisely the breakdown of the EU funding across the main expected tasks.

The Rapporteur attempts to remedy these shortcomings by inserting a maximum amount and

by making sure that both EGNOS/Galileo and Copernicus, who will be among the main beneficiaries of the SST capability, are also its primary contributors - while other programmes should only be subsidiary. The use of the Horizon 2020 envelope, in particular, should be strictly limited to its own remit - space and security research. The Rapporteur also proposes to insert a breakdown of the envelope into the three main functions to be assured by the SST programme. Finally, the Commission should be empowered to adopt delegated acts in order to clarify the funding arrangements and priorities, as well as to deviate significantly from the set breakdown if necessary.

AMENDMENTS

The Committee on Budgets 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 decision

Recital 12

Text proposed by the Commission

(12) Precise information on the nature, specifications and location of certain space objects may affect the security of the European Union or its Member States. Adequate security considerations should therefore be taken into account in the establishment and operation of the network of SST sensors, the capacity to process and analyse SST data and the provision of SST services. It is therefore necessary to lay down general provisions on the use and secure exchange of SST data and information between the Member States, the EUSC and the recipients of SST services in this Decision. Furthermore, the European Commission and the European External Action Service should define the coordination mechanisms needed to address matters related to the security of the SST support programme.

Amendment

(12) Precise information on the nature, specifications and location of certain space objects may affect the security of the European Union or its Member States. Adequate security considerations should therefore be taken into account in the establishment and operation of the network of SST sensors, the capacity to process and analyse SST data and the provision of SST services. It is therefore necessary to lay down general provisions on the use and secure exchange of SST data and information between the Member States, the EUSC and the recipients of SST services in this Decision. ***In this respect, the existing infrastructure and expertise should be employed to avoid duplication, and create savings and synergies.*** Furthermore, the European Commission and the European External Action Service should define the coordination mechanisms needed to address matters related to the

security of the SST support programme.

Amendment 2

Proposal for a decision

Recital 15

Text proposed by the Commission

(15) The SST support programme should be financed by the Union in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union¹⁸. Union funding for the SST support programme should be drawn from *relevant* programmes *provided for* in the multiannual financial framework for 2014-2020.

¹⁸ OJ L 298, 26.10.2012, p.1.

Amendment

(15) The SST support programme should be financed by the Union in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the general budget of the Union¹⁸. ***The amount of*** Union funding for the SST support programme ***should be EUR 70 million in current prices. It*** should ***primarily*** be drawn from ***the*** programmes ***dedicated to space policy*** in the multiannual financial framework for 2014-2020, *i.e.* ***EGNOS/Galileo and Copernicus, preferably through specific budget lines under these programmes, while ensuring that their own objectives are not jeopardised. In certain cases, contributions from the Internal Security Fund and the Horizon 2020 programme should also be possible but should be strictly limited to actions provided for in their basic acts, related to the protection of critical infrastructure and to space and security research respectively. Any increase in the Union contribution should be sought for among Galileo and Copernicus programmes.***

¹⁸ OJ L 298, 26.10.2012, p.1.

Amendment 3

Proposal for a decision Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) For the sake of clarity and accountability, that maximum amount should be broken down into various categories according to the objectives set out in this Regulation. The Commission should be able to reallocate funds from one objective to another and should do so through a delegated act when the deviation exceeds five percentage points. The Commission should also adopt delegated acts detailing the funding arrangements and priorities to be reflected in the work programme.

Amendment 4

Proposal for a decision Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. The Commission shall:

(a) manage the funds to be drawn to the SST support programme and ensure the implementation of the SST support programme;

(b) take the measures necessary to identify, control, mitigate and monitor risks associated with the programme;

(c) establish, in cooperation with the European External Action Service, the necessary coordination mechanisms to ensure the security of the programme.

1. The Commission shall:

(a) manage the funds to be drawn to the SST support programme and ensure the implementation of the SST support programme ***while providing transparency and clarity regarding the different sources of funding;***

(b) take the measures necessary to identify, control, mitigate and monitor risks associated with the programme;

(c) establish, in cooperation with the European External Action Service, the necessary coordination mechanisms to ensure the security of the programme.

Amendment 5

Proposal for a decision

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall ensure the complementarity between the SST support programme and research activities related to the protection of space-based infrastructure carried out under the Horizon 2020 programme established by [reference to Horizon 2020 Regulation to be added once adopted]. It shall also facilitate its complementarity with the other European and international activities in this domain.

Justification

This amendment would include in the legal text what is currently only mentioned in the recitals.

Amendment 6

Proposal for a decision

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. **The** European Union Satellite Centre (EUSC) shall participate in the implementation of the objective set out in point (c) of Article 3 and shall be eligible for financial contribution from the SST support programme subject to the conclusion of the agreement referred to in Article 10.

1. **Subject to a change of its basic act, the** European Union Satellite Centre (EUSC) shall participate in the implementation of the objective set out in point (c) of Article 3 and shall be eligible for financial contribution from the SST support programme subject to the conclusion of the agreement referred to in Article 10.

Amendment 7

Proposal for a decision Article 11 – paragraph 1

Text proposed by the Commission

1. Union **funding for** the SST support programme shall be drawn from **other programmes provided for in the multiannual financial framework for 2014-2020 in full compatibility with their legal base. The relevant programmes from which funding could be drawn include the programmes established by the following acts:**

(a) Regulation (EU) No [...] of the European Parliament and the Council on the implementation and exploitation of European satellite navigation systems Articles 1, 3 (c) and (d) and 4;

(b) Council Decision No [...] establishing the Specific Programme implementing Horizon 2020, Article 2(2)(b) and (c), annex part II, point 1.6.2 (d) and annex part III, point 6.3.4;

(c) Regulation (EU) No [...] of the European Parliament and the Council establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation,

Amendment

1. **The Union contribution to** the SST support programme shall be **EUR 70 million for 2014-2020 in current prices, to be drawn primarily and in equivalent proportions** from the programmes established by the following acts:

(a) Regulation (EU) No [...] of the European Parliament and the Council on the implementation and exploitation of European satellite navigation systems , Articles 1, 3 (c) and (d) and 4;

(aa) Regulation (EU) No [...] of the European Parliament and the Council establishing the Copernicus Programme, Article 5 (c).

Part of the contribution may also, to a limited extent and in accordance with their basic acts, be drawn from the programmes established by Regulation (EU) No [...] of the European Parliament and the Council establishing, as part of the Internal Security Fund, the instrument for financial support for police cooperation, preventing and combating crime, and crisis management, Article 3(2)(b) and (3)(e) and by Council Decision No [...] establishing the Specific Programme implementing Horizon 2020, Article 2(2)(b) and (c), annex part II, point 1.6.2 (d) and annex part III, point 6.3.4 .

preventing and combating crime, and crisis management, Article 3(2)(b) and (3)(e).

Amendment 8

Proposal for a decision
Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Appropriations shall cover the objectives as defined in Article 3 as follows:

- (a) sensor function [X]%;***
- (b) processing function [X%];***
- (c) service function [X%].***

Amendment 9

Proposal for a decision
Article 11 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Where it proves necessary to deviate from the allocation for a specific objective by more than 5 percentage points, the Commission shall be empowered to adopt delegated acts in accordance with Article 14a to amend this distribution.

Amendment 10

Proposal for a decision
Article 11 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. The Commission shall be empowered

to adopt delegated acts in accordance with Article 14a detailing the funding arrangements and priorities to be reflected in the work programmes according to Article 6. The Commission shall adopt a delegated act within the first year of the entry into force of this Regulation.

Amendment 11

Proposal for a decision Article 11 – paragraph 2

Text proposed by the Commission

2. The annual appropriations shall be authorised by the budgetary authority within the limits foreseen for this activity under the programmes from which funding has been drawn.

Amendment

2. The annual appropriations shall be authorised by the budgetary authority within the limits foreseen for this activity under the programmes from which funding has been drawn. ***Any increase in the Union contribution shall be sought among Galileo and Copernicus programmes.***

Amendment 12

Proposal for a decision Article 13 – paragraph 1

Text proposed by the Commission

1. The Commission shall monitor the implementation of the SST Support Programme.

Amendment

1. The Commission shall monitor the implementation of the SST Support Programme ***and inform annually the European Parliament and the Council.***

Amendment 13

Proposal for a decision Article 14 a (new)

Article 14a

Exercise of the delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
- 2. The power to adopt delegated acts referred to in Article 11 shall be conferred on the Commission from the date of entry into force of this Regulation.***
- 3. The delegation of power referred to in Article 11 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.***
- 4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.***
- 5. A delegated act adopted pursuant to Article 11 shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.***

Justification

Includes relevant provisions on delegated acts.

PROCEDURE

Title	Space surveillance and tracking support programme
References	COM(2013)0107 – C7-0061/2013 – 2013/0064(COD)
Committee responsible Date announced in plenary	ITRE 14.3.2013
Opinion by Date announced in plenary	BUDG 4.7.2013
Rapporteur Date appointed	Maria Da Graça Carvalho 10.6.2013
Date adopted	14.11.2013
Result of final vote	+: 31 –: 1 0: 3
Members present for the final vote	Marta Andreasen, Jean-Luc Dehaene, José Manuel Fernandes, Eider Gardiazábal Rubial, Salvador Garriga Polledo, Ivars Godmanis, Ingeborg Gräßle, Lucas Hartong, Anne E. Jensen, Ivailo Kalfin, Sergej Kozlík, Jan Kozłowski, Alain Lamassoure, Jan Mulder, Vojtěch Mynář, Juan Andrés Naranjo Escobar, Nadezhda Neynsky, Dominique Riquet, Derek Vaughan, Angelika Werthmann, Jacek Włosowicz
Substitute(s) present for the final vote	François Alfonsi, Maria Da Graça Carvalho, Frédéric Daerden, Edit Herczog, Paul Rübig, Alda Sousa, Peter Šťastný
Substitute(s) under Rule 187(2) present for the final vote	Pablo Arias Echeverría, Jean-Paul Basset, Arkadiusz Tomasz Bratkowski, Zdravka Bušić, Jolanta Emilia Hibner, Helmut Scholz, Tadeusz Zwiefka

PROCEDURE

Title	Space surveillance and tracking support programme			
References	COM(2013)0107 – C7-0061/2013 – 2013/0064(COD)			
Date submitted to Parliament	28.2.2013			
Committee responsible Date announced in plenary	ITRE 14.3.2013			
Committee(s) asked for opinion(s) Date announced in plenary	AFET 14.3.2013	BUDG 4.7.2013	ENVI 14.3.2013	TRAN 14.3.2013
	REGI 14.3.2013			
Not delivering opinions Date of decision	ENVI 21.3.2013	TRAN 22.4.2013	REGI 23.3.2013	
Rapporteur(s) Date appointed	Amelia Andersdotter 18.4.2013			
Discussed in committee	2.9.2013		5.11.2013	
Date adopted	16.12.2013			
Result of final vote	+: 41		-: 1	
	0: 0			
Members present for the final vote	Amelia Andersdotter, Josefa Andrés Barea, Bendt Bendtsen, Fabrizio Bertot, Reinhard Bütikofer, Maria Da Graça Carvalho, Giles Chichester, Pilar del Castillo Vera, Christian Ehler, Vicky Ford, Adam Gierek, Norbert Glante, Robert Goebbels, Fiona Hall, Romana Jordan, Philippe Lamberts, Marisa Matias, Judith A. Merkies, Angelika Niebler, Jaroslav Paška, Vittorio Prodi, Miloslav Ransdorf, Herbert Reul, Teresa Riera Madurell, Paul Rübig, Amalia Sartori, Salvador Sedó i Alabart, Evžen Tošenovský, Claude Turmes, Marita Ulvskog, Vladimir Urutchev			
Substitute(s) present for the final vote	Daniel Caspary, Françoise Grossetête, Roger Helmer, Jolanta Emilia Hibner, Seán Kelly, Eija-Riitta Korhola, Holger Kraemer, Zofija Mazej Kukovič, Silvia-Adriana Țicău, Lambert van Nistelrooij			
Substitute(s) under Rule 187(2) present for the final vote	María Auxiliadora Correa Zamora			
Date tabled	16.1.2014			