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THE EUROPEAN UNION**

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Subject:	Proposal for a Decision of the European Parliament and the Council, Establishing a Space Surveillance and Tracking Support Programme

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Delegations will find attached a comparative table setting out the Commission's proposal, the amendments to the proposal as adopted by the European Parliament's ITRE Committee on 16 December 2013, and the COREPER position as agreed on 17 January 2014.

Explanation of changes to the documents in the Annex :

The second column includes the position of the ITRE Committee compared to the Commission proposal: the changes are indicated in ***bold italics*** for additions and in ~~strikeout~~ for deletions.

The third column includes the COREPER position as agreed on 17 January 2014 compared to the Commission proposal: the changes are indicated in **bold underlined** for additions and in ~~strikeout~~ for deletions.

When the original text was already in bold (titles and headings of specific objectives), the changes in relation to the Commission proposal are indicated in underlined for additions.

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**Proposal for a DECISION OF THE EUROPEAN PARLIAMENT AND THE COUNCIL  
Establishing a Space Surveillance and Tracking Support Programme**

<b>TITLE</b>				
<b>COMMISSION PROPOSAL (Doc. 6952/13)</b>	<b>EP ITRE VOTE (16.12.13)</b>	<b>COREPER POSITION (on 17.01.2014)</b>	<b>POSSIBLE COMPROMISE PROPOSALS</b>	<b>Line N°</b>
<b>Decision of the European Parliament and the Council Establishing a Space Surveillance and Tracking Support Programme</b>	<i>[no change]</i>	<b>Decision of the European Parliament and the Council Establishing a Space Surveillance and Tracking Support Programme <u>Framework</u></b>		1

**RECITALS**

<b>COMMISSION PROPOSAL (Doc. 6952/13)</b>	<b>EP ITRE VOTE (16.12.13)</b>	<b>COREPER POSITION (on 17.01.2014)</b>	<b>POSSIBLE COMPROMISE PROPOSALS</b>	<b>Line No</b>
THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	<i>[no change]</i>	<i>[no change]</i>		2
Having regard to the Treaty on the Functioning of the European Union, and in particular Article 189(2) thereof,	<i>[no change]</i>	<i>[no change]</i>		3
Having regard to the proposal from the European Commission,	<i>[no change]</i>	<i>[no change]</i>		4
After transmission of the draft legislative act to the national Parliaments,	<i>[no change]</i>	<i>[no change]</i>		5
Having regard to the opinion of the European Economic and Social Committee <sup>1</sup>  <sup>1</sup> OJ C , , p . .	<i>[no change]</i>	<i>[no change]</i>		6
Having regard to the opinion of the Committee of the Regions <sup>2</sup>  <sup>2</sup> OJ C , , p . .	<i>[no change]</i>	<i>[no change]</i>		7
Acting in accordance with the ordinary legislative procedure,	<i>[no change]</i>	<i>[no change]</i>		8

Whereas:	<i>[no change]</i>	<i>[no change]</i>		9
(1) In its Communication entitled "Towards a space strategy for the European Union that benefits its citizens" <sup>3</sup> the Commission underlined that the shared competence in the field of space conferred upon the Union by the Treaty on the Functioning of the European Union (TFEU) goes hand in hand with a reinforced partnership with the Member States. The Commission also emphasised that all new actions must be based on existing resources and on identifying jointly where new resources are needed.	<i>[no change]</i>	<i>[no change]</i>		10
<sup>3</sup> COM (2011) 152 of 4 April 2011.				

<p>(2) In its Resolution of 26 September 2008, 'Taking forward the European space policy'<sup>4</sup>, the Council recalls that space assets have become indispensable for our economy and that their security must be ensured. It underlined the 'need for Europe [...] to develop a capability for the monitoring and surveillance of its space infrastructure and space debris, initially based on existing national and European assets, taking benefit of relationships which may be established with other partner nations and their capabilities'.</p> <p><sup>4</sup> CS 13569/08, 29.09.2008.</p>	<p><i>[no change]</i></p>	<p><i>[no change]</i></p>		<p>11</p>
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<p>(3) In its Resolution 'Global challenges: taking full benefit of European space systems'<sup>5</sup> of 25 November 2010, the Council recognises the need for a future space situational awareness (hereinafter referred to as 'SSA') capability as an activity at European level to develop and exploit existing national and European civil and military assets, and invites the European Commission and the Council to propose a governance scheme and data policy that will allow Member States to contribute with their relevant national capabilities in accordance with applicable security requirements and regulations. It further invites 'all European institutional actors to explore appropriate measures' which would build on defined civil and military user requirements, make use of relevant assets in accordance with applicable security requirements, and take into account the early developments from the SSA preparatory programme of the European Space Agency (ESA).</p> <p><sup>5</sup> CS 16864/10, 26.11.2010.</p>	<p><i>[no change]</i></p>	<p>(3) In its Resolution 'Global challenges: taking full benefit of European space systems'<sup>5</sup> of 25 November 2010, the Council recognises the need for a future space situational awareness (hereinafter referred to as 'SSA') capability as an activity at European level to develop and exploit existing national and European civil and military assets, and invites the European Commission and the Council to propose a governance scheme and data policy that will allow Member States to contribute with their relevant national capabilities in accordance with applicable security requirements and regulations. It further invites 'all European institutional actors to explore appropriate measures' which would build on defined civil and military user requirements, make use of relevant assets in accordance with applicable security requirements, and <del>take into account</del> <b>exploit</b> the <del>early</del> developments from the SSA preparatory programme of the European Space Agency (ESA).</p> <p><sup>5</sup> CS 16864/10, 26.11.2010.</p>		<p>12</p>
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<p>(4) The Council conclusions of 31 May 2011 on the Communication of the Commission 'Towards a space strategy for the European Union that benefits its citizens'<sup>6</sup> and the Council resolution of 6 December 2011 'Orientations concerning added value and benefits of space for the security of European citizens'<sup>7</sup> reiterated the 'need for an effective SSA capability at European level', and called on the Union to make 'the widest possible use of assets, competences and skills that are already existing or being developed in Member States, at European level and as appropriate, international level'. Recognising the dual use nature of such a system and taking account its particular security dimension, the Council called on the Commission 'in close cooperation with the High Representative [of the Union for Foreign Affairs and Security Policy], in close cooperation with ESA and Member States, which own such assets and have capacities, and in consultation with all actors involved, to come forward with proposals to fully exploit and build on these assets and capacities in order to develop a SSA capability as an activity at European level, and in that context, to define an appropriate governance and data policy taking care of the high sensitivity of SSA data'. _____</p> <p><sup>6</sup> CS 10901/11, 31.05.2011.  <sup>7</sup> OJ C 377, 23.12.2011, p. 1.</p>	<p><i>[no change]</i></p>	<p><i>[no change]</i></p>		<p>13</p>
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		<p><b><u>(4bis) SSA is generally understood as covering three main areas, which aim at protecting infrastructures both in space and from space: Space Surveillance and Tracking (SST), Space Weather Monitoring and Forecasting (SWE); and Near-Earth Objects (NEO). This decision, which covers SST, should foster synergies across these areas.</u></b></p>		14
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<p>(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 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.</p>	<p><i>[AM 1]</i>  (5) Space debris has become <del>the most</del> <i>a</i> serious threat to the sustainability of space activities, <i>the availability of prime orbital slots and frequency spectrums, and windows of opportunity for the launch of spacecraft.</i> 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 consisting of monitoring and surveying space objects with a view to preventing damage to spacecraft resulting from collisions, <del>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.</del> <i>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.</i></p>	<p>(5) Space debris has become <del>the most</del> <i>a very</i> serious threat to the <u>security, safety and</u> sustainability of space activities. A space surveillance and tracking (hereinafter referred to as 'SST') support <del>programme</del> <u>framework</u> 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, as well as to <del>prevent damage to ground infrastructure or human population as a result</del> <u>predict trajectories and re-entry paths in order to provide the best information to governmental and civil protection services in case</u> of uncontrolled re-entries of entire spacecraft or space debris thereof into the Earth's atmosphere.</p>		15
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<p>(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)<sup>8</sup> 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)<sup>9</sup>. Re-entry warnings will also benefit national public authorities concerned with civil protection.</p> <p><sup>8</sup>OJ L 196, 27.4.2008, p.1. <sup>9</sup>OJ L 276, 20.10.2010, p. 1.</p>	<p>[AM 2]</p> <p>(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)<sup>8</sup> 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)<sup>9</sup>. Warnings <i>about uncontrolled re-entry and estimated earthfall zones and times</i> will also benefit national public authorities concerned with civil protection. <i>Moreover these services may aid private insurers to estimate potential liabilities resulting from collision during the life of a satellite.</i></p> <p><sup>8</sup>OJ L 196, 27.4.2008, p.1. <sup>9</sup>OJ L 276, 20.10.2010, p. 1.</p>	<p>(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 –<del>European Geostationary Navigation Overlay Service (EGNOS) and Galileo being implemented,</del> <b><u>in particular those established by the Regulation (EU) (EC)-No [...]</u></b><sup>8</sup> <del>683/2008 of the European Parliament and of the Council of 9 July 2008 on the further implementation</del> <b><u>and exploitation of the European satellite navigation programmes (EGNOS and Galileo) and systems as well as the Copernicus/GMES Programme</u></b> established by Regulation (EU) No <del>[...]</del><sup>9</sup> <del>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).</del> <b><u>Uncontrolled R</u></b><del>re-entry warnings</del> <b><u>and estimation of area of impact</u></b> will also benefit national public authorities concerned with civil protection.</p> <p><sup>8</sup> References to basic act <sup>9</sup> References to basic act</p>		16
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<p>(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 <i>[reference to Horizon 2020 Regulation to be added once adopted]</i>, as well as to the European Space Agency's activities in this domain.</p>	<p><i>[AM 3]</i></p> <p>(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 <i>[reference to Horizon 2020 Regulation to be added once adopted]</i> <b><i>such as the development of optic laser technologies for tracking</i></b>, as well as to the European Space Agency's <b><i>or other international, existing and future research</i></b> activities in this domain. <b><i>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 realisation of the information society.</i></b></p> <hr/> <p><sup>10</sup>Reference to the basic act</p>	<p>(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 <b><u>Regulation (EU) No 1291/2013</u></b><sup>10</sup> <del><i>[reference to Horizon 2020 Regulation to be added once adopted]</i></del>, as well as to the European Space Agency's activities in this domain.</p> <hr/> <p><sup>10</sup>Regulation (EU) No 1291/2013 of the European Parliament and of the Council of 11 December 2013 establishing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020) and repealing Decision No 1982/2006/EC. OJ L 347, 20.12.2013, p. 104</p>		<p>17</p>
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	<i>[AM 4] (7a) The SST support programme should contribute to ensuring the peaceful use and exploration of outer space.</i>			18
(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.	<i>[AM 5] (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 <b>international</b> initiatives <b>to ensure space sustainability, sound space governance structures, and be consistent with</b> the Union proposal for an international Code of Conduct on outer space activities.</i>	(8) The SST support programme framework should <b>have regard to cooperation with international partners, particularly the USA, and</b> 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.		19
	<i>[AM 6] (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.</i>			20

	<p><i>[AM 7] (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.</i></p>			21
	<p><i>[AM 8] (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 atmosphere.</i></p>			22

<p>(9) Civil-military SSA user requirements were defined in the Commission staff working paper 'European space situational awareness high-level civil-military user requirements'<sup>11</sup> endorsed by the Member States in the Political and Security Committee of the Council on 18 November 2011<sup>12</sup>. The provision of SST services should serve only civilian purposes. Purely military requirements should not be addressed by this Decision.</p> <p><sup>11</sup> SEC(2011) 1247 final, 12.10.2011.  <sup>12</sup> Council document 15715/11, 24.10.2011.</p>	<p>[AM 9]</p> <p>(9) Civil-military SSA user requirements were defined in the Commission staff working paper 'European space situational awareness high-level civil-military user requirements'<sup>11</sup> endorsed by the Member States in the Political and Security Committee of the Council on 18 November 2011<sup>12</sup>. The provision of SST services should serve <del>only</del> <b>both civilian and military purposes and this should not restrict the European Defence Agency (EDA) from contributing to the programme. Purely A thorough analysis should be conducted on how Member States' military requirements should not be addressed by this Decision capabilities will benefit from SST services as well as on SST services contribution to safeguard the implementation of the Outer Space Treaty.</b></p> <p><sup>11</sup> SEC(2011) 1247 final, 12.10.2011.  <sup>12</sup> Council document 15715/11, 24.10.2011.</p>	<p>(9) Civil-military SSA user requirements were defined in the Commission staff working paper 'European space situational awareness high-level civil-military user requirements'<sup>11</sup> endorsed by the Member States in the Political and Security Committee of the Council on 18 November 2011<sup>12</sup>. The provision of SST services should <del>serve only</del> <b>be driven by civilian purposes requirements.</b> Purely military requirements <del>purposes</del> <b>should not be addressed by this Decision. The Commission should ensure a mechanism for the regular review and update of user requirements as appropriate, involving representatives of the user community.</b></p> <p><sup>11</sup> SEC(2011) 1247 final, 12.10.2011.  <sup>12</sup> Council document 15715/11, 24.10.2011.</p>		23
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<p>(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.</p>	<p>[AM 10]  (10) The operation of SST services should be based on a partnership between the Union and the Member States, <b><i>with the relevant contribution of ESA, Union and national agencies</i></b>, and use existing as well as future national <b><i>and European</i></b> expertise and assets, such as mathematical analysis and modelling know-how, ground-based radars or telescopes made available by participating Member States <b><i>and ESA</i></b>. The Member States <b><i>and ESA</i></b> retain ownership and control over their assets and remain responsible for their operations, maintenance and renewal.</p>	<p>(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, <del>such as mathematical analysis and modelling know-how, ground-based radars or telescopes made available by participating Member States.</del> The Member States <b>would</b> retain ownership and control over their assets and remain responsible for their operations, maintenance and renewal. <b><u>The SST support framework would not provide financial support for the development of new SST sensors. If a need for new sensors arises in order to meet the user requirements, this could be addressed either nationally or through a European R&amp;D programme, where appropriate. The Commission and Member States should promote and facilitate participation by the greatest number of Member States during the support framework, subject to compliance with eligibility criteria.</u></b></p>		<p>24</p>
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<p>(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)<sup>13</sup> 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.</p> <p><sup>13</sup> OJ L 200, 25.7.2001, p.5.</p>	<p>[AM 11]</p> <p>(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)<sup>13</sup> 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 <del>confidential</del> <b>classified</b> 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.</p> <p><sup>13</sup> OJ L 200, 25.7.2001, p.5.</p>	<p>(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)<sup>13</sup> which provides geospatial imagery information services and products with various levels of classification to civil and military users, could <del>be responsible for</del> <b>contribute to the operations and</b> provision of SST s<b>Services</b>. Its expertise in handling confidential information in a secure environment and its tight institutional links with the Member States is an asset facilitating the <del>provision</del> <b>handling and delivery</b> of SST services. [A pre-condition for the EUSC <del>participation</del> <b>role</b> in the SST support <del>programme</del> <b>framework</b> is the amendment of the Council Joint Action which does currently not provide for EUSC action in the field of SST.] <b><u>The Commission should cooperate, where appropriate, with the EEAS given its supporting role to the High Representative's operational direction of the EUSC.</u></b></p> <p><sup>13</sup> OJ L 200, 25.7.2001, p.5.</p>		25
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<p>(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.</p>	<p>[AM 12]  (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 <i>or third countries</i> . 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. <i>In this respect, existing infrastructure and expertise should be employed to avoid duplication, and create savings and synergies.</i> 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.</p>	<p>(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 <b><u>and third countries.</u></b> Adequate security considerations should therefore be taken into account <b><u>by the Member States and, where appropriate, through the Security Committee of the Council</u></b> in the establishment and operation of the network of <b><u>relevant capabilities, including</u></b> 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 <del>data and</del> information between the Member States, <del>the EUSC and</del> the recipients of SST services <b><u>and, where relevant, the EUSC</u></b> in this Decision. Furthermore, the European Commission <del>and</del>, the European External Action Service <b><u>and the Member States</u></b> should define the coordination mechanisms needed to address matters related to the security of the SST support programme <b><u>framework.</u></b></p>		26
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<p>(13) Participating Member States and the EUSC should be responsible for the negotiation and implementation of the provisions on the use and secure exchange of SST data and information. The provisions on the use and exchange of SST data and information set out in this Decision and in the agreement between the participating Member States and the EUSC should take into account the recommendations on SST data security endorsed by the Security Committee of the Council. <sup>14</sup></p> <p>_____</p> <p><sup>14</sup> Council document 14698/12, 09.10.2012</p>	<p><i>[no change]</i></p>	<p>(13) Participating Member States <del>and the EUSC</del> should be responsible for the negotiation and implementation of the provisions on the use and secure exchange of SST data and information. The provisions on the use and exchange of SST <del>data and</del> information set out in this Decision and in the agreement between the participating Member States and, <b>where appropriate,</b> the EUSC should take into account the recommendations on SST data security endorsed by the Security Committee of the Council. <sup>14</sup></p> <p>_____</p> <p><sup>14</sup> Council document 14698/12, 09.10.2012</p>		<p>27</p>
	<p><i>[AM 13]</i>  <i>(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.</i></p>			<p>28</p>

<p>(14) The Security Committee of the Council recommended the creation of a risk management structure to ensure that data security issues are duly taken into account in the implementation of the SST support programme. For that purpose, the appropriate risk management structures and procedures should be established by the participating Member States and the EUSC.</p>	<p><i>[no change]</i></p>	<p>(14) The Security Committee of the Council recommended the creation of a risk management structure to ensure that data security issues are duly taken into account in the implementation of the SST support <del>programme</del> <b><u>framework</u></b>. For that purpose, the appropriate risk management structures and procedures should be established by the participating Member States and, <b><u>where relevant</u></b>, the EUSC <b><u>having regard to the recommendations of the Security Committee of the Council</u></b>.</p>		<p>29</p>
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<p>(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 Union<sup>15</sup>. Union funding for the SST support programme should be drawn from relevant programmes provided for in the multiannual financial framework for 2014-2020.</p> <p><sup>15</sup> OJ L 298, 26.10.2012, p. 1.</p>	<p><i>[AM 14]</i>  (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 Union<sup>15</sup>. <b>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 relevant programmes provided for in the multiannual financial framework for 2014-2020 the Copernicus programme established by Regulation (EC) No .../2014 of the European Parliament and the Council, the Galileo and EGNOS programmes established by Regulation (EU) No .../2013 of the European Parliament and the Council, the Horizon 2020 programme, implemented by Council Decision No [...] 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 .../2013 of the European Parliament and the Council, whilst ensuring that the objectives of those programmes are not jeopardised.</b></p> <p><sup>15</sup> OJ L 298, 26.10.2012, p. 1.  References to basic acts to be added</p>	<p><i>Deleted</i></p>		<p>30</p>
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	<i>[AM 15] (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.</i>			31
(16) The financial interests of the Union should be protected through proportionate measures throughout the expenditure cycle, including the prevention, detection and investigation of irregularities, the recovery of funds lost, wrongly paid or incorrectly used and, where appropriate, penalties.	<i>[no change]</i>	<i>Deleted</i>		32

<p>(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 powers<sup>16</sup>.</p> <p><sup>16</sup> OJ L 55, 28.2.2011, p. 13.</p>	<p><i>[AM 16]</i></p> <p>(17) In order to ensure uniform conditions for the implementation of this Decision as regards the <del>adoption of a multiannual work programme</del> 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 powers<sup>16</sup>.</p> <p><sup>16</sup> OJ L 55, 28.2.2011, p. 13.</p>	<p><del>(17)</del> <b>(16)</b> In order to ensure uniform conditions for the implementation of this Decision as regards the <del>adoption of a multiannual work programme and the compliance by Member States with the criteria for their participation in the SST support programme</del>, 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 powers<sup>16</sup>.</p> <p><sup>16</sup> OJ L 55, 28.2.2011, p. 13.</p>		33
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	<p><i>[AM 17]  (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.</i></p>			34
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<p>(18) Since the objectives of this Decision, namely to support actions aimed at the establishment and operation of the network of sensors, the establishment of the capacity to process and analyse SST data, and the establishment and operation of SST services, cannot be sufficiently achieved by the Member States because they exceed the financial and technical capacities of Member States acting alone, and therefore, by reason of the scale of the Decision, be better achieved at the level of the Union, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty of the European Union.</p>	<p><i>[no change]</i></p>	<p>(18) <del>(17)</del> Since <del>T</del>the objectives of this Decision, namely to support actions aimed at the establishment and operation of the network of sensors, the establishment of the capacity to process and analyse SST data, and the establishment and operation of SST services, cannot be sufficiently <u>best</u> achieved by <del>the</del> <b><u>a consortium of participating Member States</u></b>, because <del>they exceed the financial and technical capacities of Member States acting alone, and therefore, by</del> <b><u>The provision of such services will benefit the European Union as major owner of space assets. By its objectives can</u></b> be better achieved at the level of the Union, <del>;</del> <b><u>Therefore</u></b> the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty of the European Union.</p>		<p>35</p>
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		<p><b><u>(18) The objectives of this Decision are similar to the objectives foreseen by the programmes established by the Regulation (EU) No [...] <sup>16</sup> of the European Parliament and the Council on the implementation and exploitation of European satellite navigation systems , in [Articles 1, 3 (c) and (d) and 4];by the Council Decision of 3 December 2013 establishing the specific programme implementing Horizon 2020<sup>17</sup> and by the Regulation (EU) No [...] <sup>18</sup> of the European Parliament and of the Council establishing the Copernicus Programme, in Article [5(2)(c)]. Taking into account the similarity of the objectives of this Decision and the above-mentioned programmes, the actions established by this Decision might be financed by these programmes, in full compatibility with their basic act.</u></b></p> <p><sup>16</sup> Reference to basic act to be added  <sup>17</sup> Council Decision of 3 December 2013 establishing the specific programme implementing Horizon 2020 - the Framework Programme for Research and Innovation (2014-2020)</p>		36
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		and repealing Decisions 2006/971/EC, 2006/972/EC, 2006/973/EC, 2006/974/EC and 2006/975/EC. OJ L 347, 20.12.2013, p. 965 <sup>18</sup> Reference to basic act to be added		
		<b><u>(18bis) Securing an acceptable level of European autonomy in SST could require a dedicated basic act in accordance with Article 54 of the Regulation No. 966/2012<sup>19</sup>. Such possibility might be examined in the context of the mid-term review of the current Multiannual Financial Framework.</u></b>  <sup>19</sup> Reference to be added		37
		<b><u>(19) Recognising the sensitive nature of space situational awareness, the operation of sensors and the processing of data leading to the provision of SST services should remain with the participating Member States. The national SST assets will remain under the authority of the Member States responsible for their control/operation.</u></b>		38
HAVE ADOPTED THIS DECISION:				39

COMMISSION PROPOSAL (Doc. 6952/13)	EP ITRE VOTE (16.12.13)	COREPER POSITION (on 17.01.2014)	POSSIBLE COMPROMISE PROPOSALS	Line No
<i>Article 1</i> <i>Establishment of the programme</i>	[no change]	<i>Article 1</i> <i>Establishment of the programme</i> <b><u>Subject-matter</u></b>		40
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.	[AM 18] <del>A</del> <b>The Cassini</b> space surveillance and tracking ( <del>hereinafter referred to as 'SST'</del> )-support programme ( <b>hereinafter referred to as 'the Cassini Programme'</b> ) is established for the period from 1 January 2014 to 31 December 2020	A space surveillance and tracking (hereinafter referred to as 'SST') support programme <b>framework</b> is established for the period from 1 January 2014 to 31 December 2020. <b><u>The SST support framework shall cover the actions aimed at achieving the objectives referred to in Article 3 aiming at preventing the proliferation of space debris, mitigating the risks of in-orbit collision, and surveying uncontrolled re-entries. The SST support framework shall not cover the development of new SST sensors.</u></b>		41

<sup>1</sup> The reference is to the number of Articles in the COM proposal

	[AM 19] <i>Article 1a</i> <i>Overall objective</i>			42
	<i>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.</i>			43

<i>Article 2 Definitions</i>	<i>[no change]</i>	<i>[no change]</i>		44
For the purposes of this Decision, the following definitions apply:	<i>[no change]</i>	<i>[no change]</i>		45
(1) 'Space object' means any man-made or natural object in outer space.	<i>[AM 20]</i> (1) 'Space object' means any man-made <del>or natural</del> object in outer space.	(1) 'Space object' means any man-made <del>or natural</del> object in outer space.		46
(2) 'Spacecraft' means any man-made space object serving a specific purpose, including artificial satellites;	<i>[no change]</i>	(2) 'Spacecraft' means any man-made space object serving a specific purpose, including <b>active</b> artificial satellites <b>and launcher upper stages</b> ;		47
(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;	<i>[AM 21]</i> (3) 'Space debris' means <b>all man-made objects including</b> spacecraft or <del>parts</del> <b>fragments and elements</b> thereof, <b>in Earth orbit or re-entering the atmosphere</b> , that <b>are non-functional</b> or no longer serve any specific purpose including parts of rockets or artificial satellites, or inactive artificial satellites;	<i>[no change]</i>		48
(4) 'SST sensor' means a device or a combination of devices, such as ground- or space-based radars and telescopes, that is able to measure physical parameters related to space objects, such as size, location and speed;	<i>[no change]</i>	(4) 'SST sensor' means a device or a combination of devices, such as ground- <b>based</b> or space-based radars and telescopes, that is able to measure physical parameters related to space objects, such as size, location and speed;		49

(5) 'SST data' means physical parameters of space objects acquired by SST sensors.	[AM 22] (5) 'SST data' means physical parameters of space objects acquired by SST sensors <i>or space objects' orbital parameters derived from observations by those sensors.</i>	(5) 'SST data' means physical parameters of space objects acquired by SST sensors <b><u>or orbital parameters of space objects derived from SST sensors observations.</u></b>		50
(6) 'SST information' is processed SST data which is readily meaningful to the recipient.	[no change]	[no change]		51
	[AM 23] (6a) ' <i>Participating Member State</i> ' 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.			52
	[AM 24] Article 2 a (new) <i>Specific objectives</i>			53
	<i>The SST support programme shall contribute to the following specific objectives:</i>			54

	<p><i>(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;</i></p> <p><i>(b) reducing the risks relating to the launch of European spacecraft;</i></p>			55
	<p><i>(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.</i></p>			56



<p><i>Article 3</i> <i>Objectives of the SST support programme</i></p>	<p>[AM 25] <i>Article 3</i> <del>Objectives</del> <i>Main actions of the SST support programme</i></p>	<p><i>Article 3</i> <i>Objectives of the SST support programme</i> <del>framework</del></p>		<p>57</p>
<p>The objectives of the SST Support Programme shall be to support actions aimed at establishing a SST capability and, in particular:</p>	<p><del>The objectives</del> <i>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 be to support actions aimed at establishing a SST capability and, in particular consist in:</i></p>	<p>The objectives of the SST Support Programme <del>shall</del> <b>framework</b> shall be to support actions aimed at establishing a SST capability <b>at European level and with an appropriate level of European autonomy</b> and, in particular:</p>		<p>58</p>
<p>(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;</p>	<p>(a) the establishment and operation of a sensor function consisting of a <i>secure</i> network of ground-based or space-based <del>existing</del> national <i>SST</i> sensors <b>developed at European level, including through the ESA,</b> to survey and track space objects;</p>	<p>(a) the establishment and operation of a sensor function consisting of a network of <b>Member State</b> ground-based <del>and/or</del> space-based <del>existing national</del> sensors to survey and track space objects <b>and to produce a database thereof;</b></p>		<p>59</p>
<p>(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;</p>	<p>(b) the establishment and operation of a processing function to process and analyse the SST data captured by the sensors <b>in order to produce SST information,</b> including the capacity to detect and identify space objects and to build and maintain a catalogue thereof;</p>	<p>(b) the establishment and operation of a processing function to process and analyse the SST data <del>captured by</del> <b>at</b> the sensors, including the capacity to detect and identify space objects and <b>national level in order</b> to build and maintain a catalogue thereof <b>produce SST information and services for transmission to the SST service provision function;</b></p>		<p>60</p>

<p>(c) the setting up and operation of a service function to provide SST services to spacecraft operators and public authorities.</p>	<p>(c) the setting up and operation of a service function to provide <i>the</i> SST services <i>defined in Article 4 (1) to the entities referred to in Article 4(2)</i>.</p>	<p>(c) the setting up <del>and operation</del> of a <u>SST service provision</u> function <del>to provide SST services to spacecraft operators and public authorities as defined in Article 4(1) to the</del> <u>bodies referred to in Article 4(2)</u>.</p>		<p>61</p>
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<p>Article 4 SST services</p>	<p>[no change]</p>	<p>[no change]</p>		<p>62</p>
<p>1. The services referred to in point (c) of Article 3 shall comprise of the following:</p>	<p>[no change]</p>	<p>1. The <b>SST</b> services referred to in point (c) of Article 3 <b>are of a civilian nature and</b> shall comprise of the following:</p>		<p>63</p>
<p>(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;</p>	<p>[AM 26] (a) the risk assessment of a collision between spacecraft, or between spacecraft and space debris, <b>or between spacecraft and space objects</b> and the generation of collision avoidance alerts during the launch and in-orbit operation of spacecrafts;</p>	<p>(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, <b>and early orbit phase,</b> in-orbit operation <b>and disposal phase</b> of spacecrafts missions;</p>		<p>64</p>
<p>(b) the detection and risk assessment of on-orbit explosions or break-ups or collisions;</p>	<p>[AM 26] (b) the detection and <del>risk assessment</del> <b>characterisation</b> of on-orbit explosions <b>fragmentations</b> or break-ups or collisions;</p>	<p>(b) the detection and <del>risk assessment</del> <b>characterisation</b> of <del>on-</del> <b>in-orbit explosions or fragmentations,</b> break-ups or collisions;</p>		<p>65</p>
<p>(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.</p>	<p>[AM 26] (c) <del>the risk assessment of and alerts related</del> <b>relating</b> to the <b>uncontrolled</b> re-entry of space objects and space debris into the Earth's atmosphere, and the prediction of <del>time and location of impact</del> <b>earthfall zones and times;</b></p>	<p>(c) the risk assessment of <del>and alerts related to</del> the <b>uncontrolled</b> re-entry of space objects and space debris into the Earth's atmosphere and the prediction <b>generation of related information, including the estimation of the timeframe</b> and <b>likely</b> location of <b>possible</b> impact.</p>		<p>66</p>

	<i>[AM 26] (ca) a freely available and re-usable public information service on orbital elements of space objects orbiting the Earth;</i>			67
	<i>[AM 26] (cb) any other appropriate SST information.</i>			68
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.	<i>[AM 27] 2. SST services shall be provided to Member States, the Council, the Commission, the EEAS, public and private spacecraft <b>owners and/or</b> operators, and public authorities concerned with civil protection. <del>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.</del></i>	2. SST services shall be provided to <b>all</b> 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.		69
3. Participating Member States, the EUSC, and the Commission 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.	<i>[no change]</i>	3. Participating Member States, <del>the EUSC, and</del> the Commission <b><u>and, where relevant, the EUSC,</u></b> 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, <b><u>or any actions undertaken in response to the provision of SST services.</u></b>		70

<i>Article 5</i> <i>Actions to be supported by the programme</i>	<i>[no change]</i>	<i>Deleted</i>		71
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.	<i>[AM 28]</i> 1. The SST support programme shall provide support for the <i>main</i> actions aimed at achieving the objectives set out in Article 3; <i>and any of their specific actions</i> provided for in the work programme referred to in Article 6(2) and under the specific conditions referred to in Article 7.	<i>Deleted and covered by Article 1 - second sentence</i>		72
2. The SST Support Programme shall not provide support for the development of new SST sensors.	<i>[no change]</i>	<i>Deleted and covered by Article 1 - third sentence</i>		73
3. The Union shall co-finance the actions referred to in paragraph 1, including by means of grants in accordance with Regulation (EU) No XXX/2012.	<i>[no change]</i>	<i>Deleted</i>		74

<i>Article 6</i> <i>Role of the European Commission</i>	<i>[no change]</i>	<i>Article 6-5</i> <i>Role of the European Commission</i>		75
1. The Commission shall:	<i>[no change]</i>	<i>[no change]</i>		76
(a) manage the funds to be drawn to the SST support programme and ensure the implementation of the SST support programme;	<i>[AM 29]</i> (a) <del>manage the funds to be drawn to</del> <b><i>be responsible for</i></b> the SST support programme <del>and ensure the implementation of the SST support programme,</del> <b><i>manage the funds allocated thereto and ensure implementation thereof, while providing transparency and clarity regarding the different sources of funding;</i></b>	(a) manage the funds to be drawn to the SST support programme <b><u>framework</u></b> and ensure <del>the its</del> implementation of the SST support programme;		77
(b) take the measures necessary to identify, control, mitigate and monitor risks associated with the programme;	<i>[no change]</i>	(b) take the measures necessary to identify, control, mitigate and monitor risks <del>associated with</del> <b><u>related to the support framework</u></b> programme;		78
(c) establish, in cooperation with the European External Action Service, the necessary coordination mechanisms to ensure the security of the programme.	<i>[no change]</i>	(c) <b><u>where appropriate,</u></b> <del>in cooperation with the European External Action Service,</del> the necessary coordination mechanisms to ensure the security <b><u>and risk management</u></b> of the programme <b><u>SST support framework, in accordance with the procedure referred to in Article 11(2);-</u></b>		79
		<b><u>(d) ensure the update of SST user requirements as appropriate;</u></b>		80

	<i>[AM 30] (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.</i>	<b><u>(e) define, in accordance with the procedure referred to in Article 11(2), general principles of governance of the SST support framework;</u></b>		81
	<i>[AM 31] (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;</i>			82
	<i>[AM 32] (cc) promote the participation of Member States in the SST support programme.</i>	<b><u>(f) facilitate a broad participation of Member States, whenever appropriate, in accordance with Article 6.</u></b>		83

	<p><i>[AM 33]</i>  <i>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.</i></p>			84
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<p>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 implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2).</p>	<p>[AM 34] 2. The Commission shall adopt <del>implementing</del> <b>delegated acts in accordance with Article 14a</b> establishing a multiannual work programme for the SST support programme <del>complementing</del> <b>taking account of</b>, as appropriate, the work programmes foreseen <b>provided for</b> 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. <del>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2).</del></p>	<p>2. The Commission shall adopt implementing acts establishing a <del>multiannual work programme</del> <b>coordination plan and relevant technical measures</b> for the SST support programme <b>framework</b> <del>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.</del> Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article <del>14</del><b>11</b>(2).</p>		85
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<p><i>Article 7</i> <i>Participation of Member States</i></p>	<p>[no change]</p>	<p><i>Article 76</i> <i>Participation of Member States</i></p>		<p>86</p>
<p>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:</p>	<p>[AM 35] 1. Member States wishing to participate in the implementation of the objectives set out in Article 3 shall submit an application to the Commission <b>directly, or via a national or multinational consortium or public entity, which demonstrates</b> demonstrating compliance with the following criteria:</p>	<p>1. <u>A</u> Member States wishing to participate in the implementation of the objectives <del>set out</del> <b>referred to</b> in Article 3 shall submit an application to the Commission demonstrating compliance with the following criteria:</p>		
<p>(a) ownership of SST sensors and adequate technical and human resources to operate them or data processing capacities;</p>	<p>[AM 36] (a) <del>ownership of</del> <b>a capacity to provide to the SST system any of the following:</b> - SST sensors and adequate technical and human resources to operate them, or - <b>analysis and</b> data processing capacities <b>specifically designed for SST;</b></p>	<p>(a) ownership of <b>or access to adequate</b> SST sensors <b>available or under development</b> and adequate technical and human resources to operate them <b>and/or operational analysis and</b> data processing capacities <b>specifically designated for SST;</b></p>		<p>87</p>
<p>(b) establishment of an action plan for the implementation of the objectives set out in Article 3.</p>	<p>[no change]</p>	<p>(b) establishment of an action plan for the implementation of the objectives set out in Article 3 <b>including the modalities of cooperation with other Member States.</b></p>		<p>88</p>

<p>2. The Commission shall adopt implementing decisions regarding compliance of the Member States with the criteria set out in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 14(2).</p>	<p>[no change]</p>	<p>2. The Commission shall adopt implementing <del>decisions</del> <b>acts</b> regarding <b>procedures for submission of applications and</b> compliance of the Member States with the criteria set out in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article <del>11</del><b>14</b>(2).</p>		<p>89</p>
<p>3. The Member States which comply with the criteria set out in paragraph 1 shall conclude the agreement referred to in Article 10.</p>	<p>[no change]</p>	<p>3. <del>The</del> <b>All</b> Member States which comply with the criteria set out in paragraph 1 shall <b>designate a national entity to represent it. The designated national entities shall constitute a consortium and shall</b> conclude the agreement referred to in Article <del>9</del><b>10</b>.</p>		<p>90</p>
<p>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.</p>	<p>[AM 37] 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 <b>participating</b> Member States <b>and their respective financial contributions</b>.</p>	<p>4. <del>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.</del> The Commission shall publish and update on its website the list of <b>participating</b> Member States.</p>		<p>91</p>

		<b><u>5. The responsibility for the operation of sensors, the processing of data and the implementation of data policy shall lie with the participating Member States. The assets of participating Member States shall remain fully under national control.</u></b>		92
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<p><i>Article 8</i> <i>Participation of the European Union Satellite Centre</i></p>	<p>[no change]</p>	<p><i>Article 8 7</i> <i>Participation <b>Role</b> of the European Union Satellite Centre</i></p>		<p>93</p>
<p>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.</p>	<p>[AM 38] The European Union Satellite Centre (EUSC) shall participate in the implementation of the objective <b>main actions</b> set out in <del>point (c)</del> 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. <b><i>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).</i></b></p>	<p>The European Union Satellite Centre (EUSC) <b><u>may cooperate with the consortium to be established pursuant to Article 6(3). In that case, it shall conclude the necessary implementing arrangements with the participating Member States</u></b> 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.</p>		<p>94</p>

<p><i>Article 9</i> <i>Use and exchange of SST data and information</i></p>	<p>[no change]</p>	<p><i>Article 9 8</i> <i>Use and exchange of SST data and information</i></p>	<p>95</p>
<p>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:</p>	<p>[AM 39] I. The use and exchange of SST data and <i>SST</i> information for the purposes of the implementation of the objectives <i>main actions</i> referred to in Article 3 shall be subject to the following rules:</p>	<p>The use and exchange of SST data and information <b>released by the consortium within the context of the SST Support Framework</b> for the purposes of the implementation of the objectives referred to in Article 3 shall be subject to the following rules:</p>	<p>96</p>
<p>(a) Unauthorised disclosure of data and information shall be prevented while allowing efficient operations and maximising the use of the generated information;</p>	<p>[AM 40] (a) <del>Unauthorised disclosure of data and information shall be prevented while allowing efficient operations and maximising the use of the generated</del> <i>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;</i></p>	<p>[no change]</p>	<p>97</p>
<p>(b) SST data security shall be ensured;</p>	<p>[no change]</p>	<p>(b) <b>The security of</b> SST data security shall be ensured;</p>	<p>98</p>

	<p><i>[AM 41]</i>  <i>(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<sup>19a</sup>.</i></p> <p><sup>19a</sup> CS 14698/12, 09.10.2012</p>			99
<p>(c) 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.</p>	<p><i>[AM 42]</i>  <i>deleted</i></p>	<p>(c) <b>SST information and services</b> generated in the framework of the SST support programme shall be made available on a need-to-know basis; <b>to the recipients of the SST services defined in Article 4(2)</b>, in accordance with the instructions and security rules of the originator of the information and of the owner of the space object concerned.</p>		100

	<p><i>[AM 43]</i>  <i>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).</i></p>			101
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<p><i>Article 10</i> <i>Coordination of operational activities</i></p>	<p>[no change]</p>	<p><i>Article <del>10</del><u>9</u></i> <i>Coordination of operational activities</i></p>	<p>102</p>
<p>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:</p>	<p>[AM 44] The <b>participating</b> Member States <del>which comply with the criteria set out in Article 7(1)</del> and the EUSC shall conclude an agreement laying down the rules and mechanisms for their cooperation in the implementation of the <del>objectives</del> <b>main actions</b> set out in Article 3. In particular, that agreement shall include provisions on the following:</p>	<p>The <del>Member States</del> <b>designated national entities that constitute the consortium referred to</b> <del>which comply with the criteria set out in Article 7(1)</del> <b>6(3)</b> <del>and the EUSC</del> shall conclude an agreement laying down the rules and mechanisms for their cooperation in the implementation of the objectives <del>set out</del> <b>referred to</b> in Article 3. In particular, that agreement shall include provisions on the following:</p>	<p>103</p>
<p>(a) the use and exchange of SST data and information taking into account the recommendations 'Space Situational Awareness data policy – recommendations on security aspects' endorsed by the Security Committee of the Council<sup>17</sup>;</p> <p><sup>17</sup> CS 14698/12, 09.10.2012</p>	<p>[no change]</p>	<p>(a) the use and exchange of SST <del>data and</del> information taking into account the recommendations 'Space Situational Awareness data policy – recommendations on security aspects' endorsed by the Security Committee of the Council<sup>20</sup>;</p> <p><sup>20</sup> CS 14698/12, 09.10.2012</p>	<p>104</p>
<p>(b) the establishment of a risk management structure to ensure the implementation of the provisions on the use and secure exchange of SST data and information.</p>	<p>[no change]</p>	<p>(b) the establishment of a risk management structure to ensure the implementation of the provisions on the use and secure exchange of SST data and <b>SST</b> information.;</p>	<p>105</p>

		<b><u>(c) cooperation with the EUSC to fulfill the objective referred to in Article 3 (c).</u></b>		106
	<i>[AM 45] 1a. 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.</i>			107
	<i>[AM 46] 1b. Those agreements, and any changes thereto, shall be notified to the European Parliament.</i>			108

<p><i>Article 11 Financing of the SST support programme</i></p>	<p><i>[no change]</i></p>	<p><i>Deleted</i></p>		<p>109</p>
<p>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.</p>	<p><i>[AM 47]</i> 1. <b>The amount of</b> Union funding <del>for</del> <b>allocated to</b> the SST support programme <b>for the period 2014-2020</b> shall be <b>EUR 70 million, to be</b> drawn from <del>other the</del> <b>programmes provided for in the multiannual financial framework for 2014-2020 established by the following acts</b>, in full compatibility with their legal base:</p>	<p><i>Deleted</i></p>		<p>110</p>
<p>The relevant programmes from which funding could be drawn include the programmes established by the following acts:</p>	<p><i>Deleted</i></p>	<p><i>Deleted</i></p>		<p>111</p>
	<p><i>(-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;</i></p>			<p>112</p>

<p>(a) Regulation (EU) No [...] of the European Parliament and the Council on the implementation and exploitation of European satellite navigation systems<sup>18</sup>, Articles 1, 3 (c) and (d) and 4;</p> <p><sup>18</sup> COM(2011) 814 final, 31.11.2011. Reference to be updated after adoption.</p>	<p>[no change]</p>	<p><i>Deleted</i></p>		<p>113</p>
<p>(b) Council Decision No [...] establishing the Specific Programme implementing Horizon 2020<sup>19</sup>, Article 2(2)(b) and (c), annex part II, point 1.6.2 (d) and annex part III, point 6.3.4;</p> <p><sup>19</sup> COM(2011) 811 final, 30.11.2011. Reference to be updated after adoption.</p>	<p>[no change]</p>	<p><i>Deleted</i></p>		<p>114</p>
<p>(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<sup>20</sup>, Article 3(2)(b) and (3)(e).</p> <p><sup>20</sup> COM(2011) 753 final, 15.11.2011. Reference to be updated after adoption.</p>	<p>[no change]</p>	<p><i>Deleted</i></p>		<p>115</p>

	<p><i>[AM 48]</i>  <b>1a. Appropriations shall cover the objectives as defined in Article 3 as follows:</b>  <b>(a) sensor function [X]%;</b>  <b>(b) processing function [X]%;</b>  <b>(c) service function [X].</b></p>			116
	<p><i>[AM 49]</i>  <b>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.</b></p>			117
	<p><i>[AM 50]</i>  <b>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.</b></p>			118

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.	<i>[no change]</i>	<i>Deleted</i>		119
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<p><i>Article 12</i> <i>Protection of the financial interests of the Union</i></p>	<p><i>[no change]</i></p>	<p><b><i>Deleted</i></b></p>		<p>120</p>
<p>1. The Commission shall take appropriate measures to ensure that, when actions financed under this Decision are implemented, the financial interests of the Union are protected by the application of preventive measures against fraud, corruption and any other illegal activities, by effective checks and, if irregularities are detected, by the recovery of the amounts wrongly paid and, where appropriate, by effective, proportionate and deterrent penalties.</p>	<p><i>[no change]</i></p>	<p><b><i>Deleted</i></b></p>		<p>121</p>
<p>2. The Commission or its representatives and the Court of Auditors shall have the power of audit, on the basis of documents and on-the-spot checks, over all beneficiaries, contractors and subcontractors who have received Union funds under the Programme.</p>	<p><i>[no change]</i></p>	<p><b><i>Deleted</i></b></p>		<p>122</p>

<p>The European Anti-fraud Office (OLAF) may carry out on-the-spot checks and inspections on economic operators concerned directly or indirectly by such funding in accordance with the procedures laid down in Council Regulation (Euratom, EC) No 2185/96<sup>21</sup> with a view to establishing whether there has been fraud, corruption or any other illegal activity affecting the financial interests of the European Union in connection with a grant agreement or grant decision or a contract concerning Union funding.</p> <p><sup>21</sup> OJ L 292, 15.11.1996, p. 2.</p>	<p><i>[no change]</i></p>	<p><i>Deleted</i></p>		<p>123</p>
<p>Without prejudice to the first and second subparagraphs, cooperation agreements with third countries and international organisations and grant agreements, grant decisions and contracts resulting from the implementation of this Decision shall expressly empower the Commission, the Court of Auditors and OLAF to conduct such audits, on-the-spot checks and inspections.</p>	<p><i>[no change]</i></p>	<p><i>Deleted</i></p>		<p>124</p>



<p>3. The beneficiary of financial support for the actions referred to in Article 3 shall keep available to the Commission, for a period of five years following the last payment in respect of any action, all supporting documents regarding the expenditure on that action.</p>	<p><i>[no change]</i></p>	<p><i>Deleted</i></p>		<p>125</p>
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<p><i>Article 13</i> <i>Monitoring and evaluation</i></p>	<p>[AM 51] <i>Article 13</i> <i>Monitoring, <b>reporting</b> and evaluation</i></p>	<p><i>Article <del>13</del><b>10</b></i> <i>Monitoring and evaluation</i></p>		<p>126</p>
<p>1. The Commission shall monitor the implementation of the SST Support Programme.</p>	<p>[no change]</p>	<p>1. The Commission shall monitor the implementation of the SST <del>Support Programme</del><b>framework</b>.</p>		<p>127</p>
	<p>[AM 52] <i>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.</i></p>			<p>128</p>

<p>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:</p>	<p><i>[AM 53]</i>  2. <del>By 1 July 2018,</del> <b>Each year</b> 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:</p>	<p>2. By 1 July 2018, the Commission shall <del>submit an evaluation</del> <b>forward a</b> report on the implementation of the SST <del>Support Programme</del> <b>framework</b> to the European Parliament and the Council <b>concerning</b>. <del>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:</del></p>		129
<p>(a) achievement of the objectives of the SST Support Programme, from the point of view of both results and impacts of the actions supported by the SST Support Programme;</p>	<p><i>[no change]</i></p>	<p>(a) <b>the</b> achievement of the objectives of the <del>SST Support Programme</del>, from the point of view of both results and impacts of the actions supported by the SST Support Programme;</p>		130
<p>(b) effectiveness of the use of resources.</p>	<p><i>[AMD 54]</i>  (b) effectiveness of the use of resources, <b>in particular taking into account the provision of funds for the EUSC.</b></p>	<p>(b) <b>the</b> effectiveness of the use of resources <b>and the European added value.</b></p>		131
		<p><b><u>This report may be accompanied by proposals for amendments, where appropriate.</u></b></p>		132

<i>Article 14 Committee Procedure</i>	<i>[no change]</i>	<i>Article <del>14</del> <u>11</u> Committee Procedure</i>		133
1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.	<i>[no change]</i>	<i>[no change]</i>		134
2. Where a reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.	<i>[no change]</i>	2. Where a reference is made to this <u>Article</u> paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.		135

	<p><i>[AMD 55]</i>  <b>Article 14a</b>  <b>Exercise of the delegation</b>  <b>1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.</b>  <b>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.</b>  <b>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.</b></p>			136
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	<i>4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.</i>			137
	<i>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.</i>			138

<i>Article 15</i> <i>Entry into force</i>	<i>[no change]</i>	<i>Article <del>15</del><u>12</u></i> <i>Entry into force</i>		139
This Decision shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	<i>[no change]</i>	<i>[no change]</i>		140