



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 19 May 2004
(OR. en)**

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"I/A" ITEM NOTE

From : Secretariat
To : COREPER/Council
Subject : Draft Council Joint Action on aspects of the operation of the European satellite radionavigation system affecting the security of the European Union

1. In August 2003, the Commission submitted a proposal for a Regulation establishing the structures for the management of the European satellite radionavigation programme (Galileo) in order to entrust to a public authority the supervision of the deployment of the system and its operation by a private consortium. In situations where the operation of the system may affect the security of the European Union or its Member States, the Council should decide on the necessary measures to be taken.
2. On 25 May 2004 the Foreign Relations Counsellors Working Party agreed on the text of a draft Council Joint Action on aspects of the operation of the European satellite radionavigation system affecting the security of the European Union.

3. Against this background, the Committee is invited to
- confirm the agreement reached on the draft Council Joint Action, as set out in the Annex;
 - recommend that the Transport Council mark its political agreement on the text with a view to its formal adoption by the Council as an "A" item at one of its next sessions, together with the adoption of the draft Council Regulation on the establishment of structures for the management of the European satellite radionavigation programme and as soon as the texts, as revised by the Jurist/Linguistic experts, are available in the EU languages.
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DRAFT JOINT ACTION

of

on aspects of the operation of the European satellite radionavigation system
affecting the security of the European Union
(2004/...../CFSP)

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

- (1) Council Regulation XXXXX on the establishment of structures for the management of the European satellite radio navigation system has set up a Community agency, called the European GNSS Supervisory Authority (SA).
- (2) This Regulation provides that the SA will, *inter alia*, manage all aspects relating to the system's safety and security, without prejudice to aspects relating to the security of the European Union and its Member States.
- (3) It also provides that the SA will be the licensing authority vis-à-vis the private concession holder, who will be responsible for implementing and managing the operation of the system, and will, through the concession agreement with the SA, be obliged to carry out any instructions from the Council pursuant to this Joint Action.
- (4) In situations where the operation of the system may affect the security of the European Union or its Member States, the Council should decide on the necessary measures to be taken.
- (4) The Secretary-General of the Council, High Representative for the Common Foreign and Security Policy (SG/HR), should, for the purposes of this Joint Action, be empowered to take the necessary measures in cases of urgency, and should be in a position to ensure permanent surveillance of the operation of the system.

HAS ADOPTED THIS JOINT ACTION:

Article 1

Without prejudice to Council Regulation XXXXXX on the establishment of structures for the management of the European satellite radionavigation programmes, this Joint Action sets out the responsibilities to be exercised by the Council in cases where the security of the European Union or its Member States may be affected by the operation of the European satellite radionavigation system (hereafter "the system").

Article 2

1. In the event of a threat to the security of the European Union or of a Member State arising from the operation or use of the system, or in the event of a threat to the operation of the system, in particular as a result of an international crisis, the Council shall decide on the necessary instructions to the European GNSS Supervisory Authority (SA) and the concession holder of the system. Any Member of the Council, the SG/HR or the Commission may request a Council discussion to agree such instructions.
2. The Council shall, if practicable, invite advice from the SA on the likely wider impact on the Galileo system of any instructions it intends to decide on.
3. The Political and Security Committee shall provide an opinion to the Council as appropriate.

Article 3

1. In exceptional cases, where the urgency of the situation is such that it requires immediate action, the SG/HR is authorized to issue the necessary instructions referred to under Article 2(1). The SG/HR shall immediately inform the Council and the Commission of any instruction issued pursuant to this article.
2. The Council may decide to modify the instructions as necessary.

Article 4

The Council, acting unanimously, will as necessary review and refine the rules and procedures set out in articles 2 and 3 of this Joint Action in light of the development of the European satellite radionavigation system. In that context, the Council will, in particular, specify the measures to be taken in the event of a threat to the security of the European Union or a Member State, notably where PRS receivers are lost, misused or compromised; it will also specify how it can provide the Supervisory Authority with the necessary instructions for all matters that could have an impact on the security of the European Union or its Member States.

Article 5

This Joint Action shall enter into force on the day of its adoption.

Article 6

This Joint Action shall be published in the Official Journal.

Done at Brussels,

For the Council
The President
