



Brussels, 12.9.2014
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COMMISSION IMPLEMENTING DECISION

of 12.9.2014

**on the procedure for participation of the Member States in the Space Surveillance and
Tracking Support Framework**

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THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to the Decision No 541/2014/EU of the European Parliament and the Council of 16 April 2014 establishing a Framework for Space Surveillance and Tracking Support¹ and in particular Article 6(2) and Article 7(2) thereof,

Whereas:

- (1) Pursuant to Article 6(1)(e) of Decision No 541/2014/EU, the Commission and the Member States should promote the broadest possible participation in the Space Surveillance and Tracking (SST) support framework, while having due regard to the criteria set out for participation therein. In order to encourage Member State participation, the steps of the procedure, including the conditions for its termination, should be as clear and simple as possible.
- (2) Participation of Member States being voluntary and subject to the assessment of the compliance criteria, a clearly defined and streamlined selection procedure should be established and the rights of non-participating Member States should be guaranteed.
- (3) The principle of broadest possible participation should be implemented in conjunction with the need for cooperation among participating Member States based on efficiency and confidence, as required by Decision No 541/2014/EU. Such cooperation and mutual confidence should be founded on the security aspects of the SST Framework, and the principle of responsibility and national control over the assets. Therefore, a series of technical measures should be established as part of the compliance criteria.
- (4) Technical measures should also be established to ensure that the specific operational requirements for the use and exchange of SST information are fulfilled in the agreement to be concluded by the designated national entities for the coordination of operational activities.
- (5) In order to facilitate participation by all Member States, it is appropriate to lay down the specific technical details and indicate the legal implications relating to the assessment of compliance with the criteria set out in Decision No 541/2014/EU.
- (6) The measures provided for in this Decision are in accordance with the opinion of the Space Surveillance and Tracking Committee,

¹ OJ L [...], [...], p. [...].

HAS ADOPTED THIS DECISION:

CHAPTER I

General Provisions

Article 1

Subject matter

This Decision sets out the procedure for submission of applications and compliance assessment for the participation of Member States in the Space Surveillance and Tracking (SST) Support Framework (the “SST procedure”).

It also establishes the basic technical measures for the SST Support Framework activities necessary for the conclusion of the initial SST agreement referred to in Article 10 of Decision No 541/2014/EU.

Article 2

Steps of the SST procedure

The SST Procedure shall be divided into three steps:

- (1) the application step, where Member States wishing to participate in the SST support framework (the “applicant Member States”), submit an application to the Commission, as set out in Chapter II;
- (2) the compliance and security assessment step, where compliance of applicant Member States with the criteria set out in Decision No 541/2014/EU and security aspects is assessed and a list of compliant Member States is established, as set out in Chapter III;
- (3) the conclusion of the agreement step as set out in Chapter IV, where compliant Member States designate a national entity which:
 - (a) forms a consortium;
 - (b) signs the agreement referred to in Article 10 Decision No 541/2014/EU (the “SST agreement”).

CHAPTER II

Application step

Article 3

Applicants

Any Member State may apply to participate in the SST Support Framework by submitting an individual application in accordance with Articles 4 to 6.

Article 4
Content of the application

A Member State shall submit in its application information on ownership of or access to SST Sensors, analysis and data processing capacities and the action plan referred to in Article 7(1) of Decision No 541/2014/EU in accordance with Annex I to this Decision.

Article 5
Classified information

Where an application contains classified information, the Agreement between the Member States of the European Union, meeting within the Council, regarding the protection of classified information exchanged in the interests of the European Union² shall be taken into account.

The level of classification of that information shall not exceed EU Restreint.

All applications shall contain an executive summary which shall not include any classified information.

Article 6
Submission of applications

1. Applications shall be submitted in electronic format by 17:00, Brussels time, 30 January 2015 via post mail at the following address:
SST – Policy and Space Research Secretariat
European Commission
DG Enterprise and Industry
BREY 09/060
Avenue d'Auderghem 45
B-1049 Brussels/Belgium.
2. Where an application is submitted in an official language of the Union other than English, a translation in English of the executive summary, of the description of assets, and of the action plan referred to in Article 7(1)b of Decision No 541/2014/EU for which the details are set out in Part 2 of Annex I shall be provided.

CHAPTER III

Compliance and security assessment step

Article 7
Compliance criteria

The Commission shall consider an applicant Member State to be compliant where:

- (a) an initial risk assessment of each SST asset has been performed and validated by that Member State as described in Article 12;

² OJ C 202, 8.7.2011, p. 13

- (b) that Member State has demonstrated compliance with the criteria set out in Article 7(1) and (5) of Decision No 541/2014/EU.

Article 8

Ownership of or access to SST assets

1. For the purposes of Article 7(1)(a) of Decision No 541/2014/EU, a Member State shall be considered to have ownership of an SST asset when it has the adequate legal title and possession, according to its domestic law, in relation to the asset and the data it produces.
2. For the purposes of Article 7(1)(a) of Decision No 541/2014/EU, a Member State shall be considered to have access to an SST asset if the data produced by that asset cannot be denied by a third party and in the case of a tracking sensor the Member State can participate in the tasking.

Article 9

Adequate SST Sensor

1. For the purposes of Article 7(1)(a) of Decision No 541/2014/EU, an SST Sensor shall be considered to be adequate if its performances meet the requirements in terms of number of objects detectable and precision in the estimation of the location of the objects as set out in Annex II to this Decision.
2. For the SST sensor systems which directly provide detection and orbital parameters of space objects, a Member State may provide in its application direct evidence of such performances either through live measurements or test campaigns.
3. For SST sensor systems which require additional processing in order to derive from the physical parameters the estimate of the location of the object, an application must include information to demonstrate the relationship between the performances and their impact on the number of objects detectable and the precision of the estimation of the location of the object.

Article 10

SST Sensor available or under development

For the purposes of Article 7(1)(a) of Decision No 541/2014/EU:

- (1) an SST sensor shall be considered available when that sensor is functional and at least one of the following conditions is met:
 - (a) the sensor is fully dedicated to SST;
 - (b) the SST related task of the sensor has priority over any other missions of that sensor;
 - (c) the applicant Member State can demonstrate that the sensor will be available to survey or track more than 100 space objects per year.
- (2) an SST sensor shall be considered under development when the following conditions are met:
 - (a) the date of entry of the sensor in operation is known and is prior to the end of 2017;
 - (b) the Member State can prove that the technology risks are mastered.

Article 11

Adequate SST operational analysis and data processing capacities

1. Data processing capacity shall be considered adequate if it includes the necessary hardware and software solutions to process SST data and extract the relevant alerts and information to deliver one or several of the SST services. It shall include the necessary features to operate at any time.
2. Analytical capacity shall be considered adequate if it comprises both the hardware and software solutions and trained analysts in order to react to SST alerts in a timely manner and to generate SST information.

Article 12

Security aspects

1. An applicant Member State shall be responsible for the security aspects of the proposed SST asset.
2. An applicant Member State shall perform and validate the initial risk assessment of the proposed SST asset taking into account the recommendations "Space Situational Awareness data policy – recommendations on security aspects" endorsed by the Security Committee of the Council³.
3. If, following the initial risk assessment of the asset, mitigation measures must be envisaged to reach an acceptable level of security, the necessary upgrade shall be described in the action plan referred to in Article 7(1)(b) of Decision No 541/2014/EU.

Article 13

Outcome of the compliance and security assessment step

The Commission shall notify each applicant Member State of the outcome of the compliance and security assessment step.

CHAPTER IV

Conclusion of the SST agreement step

Article 14

Designation of national entities

Each compliant Member State shall inform the Commission of the designated national entity referred to in Article 7(3) of Decision No 541/2014/EU and provide the corresponding contact details within 5 days after the notification as set out in Article 13 of this Decision has taken place.

³ CS 14698/12, 09.10.2012.

Article 15

Constitution of the SST consortium and preparation of the SST Agreement

Within 30 days from the notification referred to in Article 13 of this Decision, the designated national entities constituting the SST consortium referred to in Article 7(3) of Decision No 541/2014/EU shall submit the draft SST Agreement to the Commission.

Article 16

Assessment of provisions of the draft SST agreement

The Commission shall assess whether the draft SST Agreement includes the provisions referred to in Article 10 of Decision No 541/2014/EU. The Commission may contact the consortium representatives to request further information on or modifications to the draft SST agreement.

If following the Commission assessment, the draft SST Agreement is deemed in conformity with the requirements of Decision No 541/2014/EU, the Commission shall notify it to the SST Consortium.

Article 17

Signature of the SST agreement

Within 20 days from the notification referred to in Article 16, the SST Consortium shall submit to the Commission a copy of the SST Agreement duly signed by the designated national entities in accordance to Article 2(3)(b).

On receipt of the signed copy, the Commission shall publish on its website the list of participating Member States.

CHAPTER V

Final Provisions

Article 18

Termination of the SST procedure

The SST Procedure shall cease to apply in any of the following cases:

- (1) during the application step, if the number of submitted applications is smaller than three;
- (2) during the compliance and security assessment step, if the number of compliant Member States is smaller than three;
- (3) during the conclusion of the SST agreement step, if the Commission assesses that the proposed SST agreement does not contain the provisions referred to in Article 10 of Decision No 541/2014/EU.

Article 19

Application

This Decision shall apply until 31 December 2017.

Article 20
Addressees

This Decision is addressed to the Member States.

Done at Brussels, 12.9.2014

For the Commission
Ferdinando NELLI FEROCI
Member of the Commission

