

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2013/0022(COD) Procedure completed
European GNSS Agency: tasks, bodies and powers Amending Regulation (EU) No 912/2010	2009/0047(COD)
Subject 3.30.03.06 Communications by satellite 8.40.08 Agencies and bodies of the EU	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ITRE Industry, Research and Energy		20/02/2013
		PPE SARTORI Amalia	
		Shadow rapporteur S&D GLANTE Norbert ALDE HALL Fiona Verts/ALE TURMES Claude ECR TOŠENOVSKÝ Evžen	
Council of the European Union	Committee for opinion	Rapporteur for opinion	Appointed
	BUDG Budgets		20/02/2013
		S&D HAUG Jutta	
	CONT Budgetary Control		17/04/2013
European Commission		S&D AYALA SENDER Inés	
	TRAN Transport and Tourism	The committee decided not to give an opinion.	
European Economic and Social Committee European Committee of the Regions	Council configuration	Meeting	Date
	Agriculture and Fisheries Transport, Telecommunications and Energy	3308 3261	14/04/2014 10/10/2013
European Commission	Commission DG Internal Market, Industry, Entrepreneurship and SMEs	Commissioner TAJANI Antonio	

Key events			

06/02/2013	Legislative proposal published	COM(2013)0040	Summary
12/03/2013	Committee referral announced in Parliament, 1st reading		
10/10/2013	Debate in Council	3261	Summary
14/10/2013	Vote in committee, 1st reading		
05/11/2013	Committee report tabled for plenary, 1st reading	A7-0364/2013	Summary
12/03/2014	Results of vote in Parliament		
12/03/2014	Decision by Parliament, 1st reading	T7-0228/2014	Summary
14/04/2014	Act adopted by Council after Parliament's 1st reading		
16/04/2014	Final act signed		
16/04/2014	End of procedure in Parliament		
20/05/2014	Final act published in Official Journal		

Technical information

Procedure reference	2013/0022(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EU) No 912/2010 2009/0047(COD)
Legal basis	Treaty on the Functioning of the EU TFEU 172
Other legal basis	Rules of Procedure EP 159
Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/7/11892

Documentation gateway

Legislative proposal		COM(2013)0040	06/02/2013	EC	Summary
Economic and Social Committee: opinion, report		CES1582/2013	17/04/2013	ESC	
Committee draft report		PE510.725	26/08/2013	EP	
Committee opinion	BUDG	PE516.794	19/09/2013	EP	
Committee opinion	CONT	PE514.800	03/10/2013	EP	
Committee report tabled for plenary, 1st reading/single reading		A7-0364/2013	05/11/2013	EP	Summary
Amendments tabled in committee		PE519.568	07/11/2013	EP	
Text adopted by Parliament, 1st reading/single reading		T7-0228/2014	12/03/2014	EP	Summary

Draft final act	00133/2013/LEX	16/04/2014	CSL
Commission response to text adopted in plenary	SP(2014)455	10/06/2014	EC

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Regulation 2014/512](#)
[OJ L 150 20.05.2014, p. 0072](#) Summary

European GNSS Agency: tasks, bodies and powers

PURPOSE: in view of the increased involvement of the European GNSS Agency in the implementation phase of programmes, to ensure the independence of the exercise of system security accreditation.

PROPOSED ACT: Regulation of the European Parliament and of the Council amending Regulation (EU) No 912/2010 setting up the European GNSS Agency.

PARLIAMENTS ROLE: Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: security requirements play an essential role in the design, implementation and operation of the infrastructures emerging from the Galileo and EGNOS programmes.

The provisions of [Regulation \(EU\) No 912/2010](#) expressly lay down the terms under which the Agency must perform its task concerning security accreditation of the systems. In order to ensure that the security accreditation activities are performed in an independent manner, including, to a large extent, the Regulation provides the Agency with an independent body, the Security Accreditation Board, which constitutes one of the three separate roles of the Agency along with the Executive Director and the Administrative Board.

On 30 November 2011 the Commission adopted a [proposal for a Regulation on the implementation and exploitation of European satellite navigation systems](#). This future GNSS Regulation will replace [Regulation \(EC\) No 683/2008](#) as of 1 January 2012 and determine the governance framework during the 2014-2020 period. In particular, it stipulates that most of the tasks associated with the operation of both the Galileo and EGNOS systems will be entrusted to the European GNSS Agency. The commitment expressed by the Commission in its proposal to delegating these tasks to the Agency is shared by the European Parliament and the Council.

In this new context, it is essential to ensure that the Security Accreditation Board is able to carry out the task entrusted to it with complete independence, in particular vis-à-vis the other bodies and activities of the Agency.

IMPACT ASSESSMENT: the Commission's proposal was not subject to an impact assessment; nor did it follow formal consultation of the parties concerned.

LEGAL BASIS: Article 172 of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the proposal seeks to amend Regulation (EU) No 912/2010 with a view ensuring the independence of the exercise of activities relating to security systems accreditation as well as the separation between these activities and other activities of the European GNSS Agency.

To do so, the proposal provides mainly for an increase in the powers of the Security Accreditation Board and those of the Chairperson of the Security Accreditation Board, by partly aligning them with those of the Administrative Board and the Executive Director respectively, while providing for a cooperation requirement between the various bodies of the Agency.

Security Accreditation Board: it is proposed that this Board, and not the Administrative Board prepares and approves the part of the Agency work programmes describing the operational activities associated with security accreditation of the systems as well as the part of the annual report concerning the activities and prospects of the Agency with regard to the systems' security accreditation activities and submits them in good time to the Administrative Board so that they can be incorporated in the Agency's work programme and annual report. It must also exercise disciplinary authority over its Chairperson.

Chairperson of the Security Accreditation Board: it would be desirable to assign a role in relation to security accreditation activities to the Chairperson of the Security Accreditation Board comparable to that of the Executive Director in other Agency activities. Therefore, in addition to the function of representing the Agency, already provided for under Regulation (EU) No 912/2010, the Chairperson of the Security Accreditation Board should:

- manage the security accreditation activities under the direction of the Security Accreditation Board and ensure the implementation of the part of the Agency work programmes associated with accreditation;
- at the request of the Parliament or the Council, submit a report on the performance of its tasks and make a declaration before these institutions.

Furthermore, given the involvement of a number of third countries in the European GNSS programmes, including in security matters, express provision should be made for representatives of third countries to be able to participate under conditions to be specified in the work of the

Lastly, Regulation (EU) No 912/2010 must be made consistent with the principles contained in the shared approach of the Parliament, Council and Commission to the decentralised agencies, adopted by the three institutions on 5 July, 26 June and 12 June 2012 respectively.

BUDGETARY IMPLICATIONS: the legislative financial statement associated with Regulation (EU) No 912/2010, which accompanies the proposal and incorporates the new staff requirements of the Agency relating to the new tasks which may be entrusted to it, such as the exploitation of the European GNSS systems, translates these requirements in financial terms. In budgetary terms, the amounts required are already included in the Commission's proposal for the next financial framework 2014-2020. They will be financed by redeployment within the budget headings of the GNSS programmes in the same way as the additional requirements for 2013. It should be noted that the expenditure associated with the new staff requirements of the Agency will be partially offset by a reduction of 30 posts in the Commission's establishment plan during the same period, i.e. from 2014 to 2020.

The total estimated impact on the Agency's budget (operational and administrative expenditure) amounts to EUR 204.318 million for the period 2013-2020. This estimate is provisional because it is dependent on the adoption of the next multiannual financial framework 2014-2020 by the budgetary authority.

European GNSS Agency: tasks, bodies and powers

The Council agreed on a general approach on this proposal which is aimed at ensuring that security accreditation of the European satellite navigation systems is carried out independently and without any conflict of interest once the agency becomes the operational manager of the European navigation programmes EGNOS and Galileo.

The text agreed by the ministers includes the following elements:

- a clear structural separation has been established between security accreditation and other activities;
- the tasks of the Agency's Security Accreditation Board have been further detailed and clarified;
- the security rules applying to the various parties involved in the EU GNSS have been specified;
- provisions related to conflicts of interest have been reinforced;
- provisions stating that the participation of third countries and international organisations in the Agency and the Security Accreditation Board will be established in international agreements, in accordance with Article 218 of the Treaty.

This new governance framework will enter into force on 1 January 2014.

The new regulation will also bring the current text into line with the principles contained in the common approach on the decentralised agencies agreed between the European Parliament, Council and Commission in June 2012.

European GNSS Agency: tasks, bodies and powers

The Committee on Industry, Research and Energy adopted the report by Amalia SARTORI (PPE, IT) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 912/2010 setting up the European GNSS Agency.

The committee emphasised that any decision of the legislative authority in favour of multiannual funding for the European GNSS Agency ("the Agency") shall be without prejudice to the decisions of the budgetary authority in the context of the annual budgetary procedure. It requests that the Commission:

- present a financial statement which fully takes into account the result of the legislative agreement between the European Parliament and the Council to meet the budgetary and staff requirements of the Agency and possibly of the Commission services;
- find a feasible solution to the problems the Agency might be facing with regard to the funding for Type II European Schools, as this has a direct effect on the Agency's ability to attract qualified personnel;
- not consider the Czech average when determining the correction coefficient for staff remuneration for the Agency but adjust to the cost of living in the metropolitan area of Prague.

The committee recommended that the Parliament's position adopted in first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Administrative Board: Members of the Administrative Board shall be appointed in the light of their knowledge of the Agency's tasks, taking into account relevant managerial, administrative and budgetary skills. The European Parliament, the Commission and the Member States shall: (i) aim to achieve a balanced representation between men and women on the Administrative Board; (ii) endeavour to limit turnover of their representatives on the Administrative Board.

The Chairperson may be invited to make a statement before the relevant committee(s) of the European Parliament and answer Members' questions.

Furthermore, the Administrative Board shall have the power to dismiss the Chairperson and the Deputy Chairperson.

Tasks of the Administrative Board: the latter must, amongst other things:

- approve, on a proposal from the Executive Director, the working arrangements between the Agency and the European Space Agency;
- adopt, on the basis of a proposal from the Executive Director, an anti-fraud strategy;

- on the basis of proposals from the Executive Director, take decisions on the Agency's organisational structures.

Parliament should be consulted on the multiannual work programme.

The Administrative Board shall adopt rules for the prevention and management of conflicts of interest. Those rules shall apply to the whole Agency and shall be made public.

Executive Director: the Executive Director shall be independent in the performance of his or her duties and shall neither seek nor take instructions from any government or from any other body. He shall be in charge of its day-to-day administration and will have the following tasks, inter alia:

- implementing the decisions of the Administrative Board;
- preparing the multiannual and annual work programmes of the Agency and submitting them to the Administrative Board, with the exception of the parts prepared and adopted by the Security Accreditation Board;
- preparing the annual report on the activities and prospects of the Agency,
- circulating all relevant information among the Agency's constituent bodies, including on security issues regarding the day-to-day administration of the Agency;
- drawing up an anti-fraud strategy and a strategy for preventing and managing conflicts of interests for the Agency.

The Executive Director shall be appointed by the Administrative Board, after confirmation by the European Parliament. Before appointment, the candidates shall be invited to make a statement before the relevant committee of the European Parliament and to answer Members' questions.

The European Parliament or the Council may call upon the Executive Director to submit a report on the performance of his tasks, and to make a statement before those institutions.

Work programmes: the multiannual work programme of the Agency shall set out the overall strategic programming. The annual work programme shall be based on the multiannual work programme and shall comprise detailed objectives and expected results, including performance indicators that allow the results achieved to be evaluated effectively.

The Executive Director shall, following their adoption by the Administrative Board, forward the multiannual and annual work programmes to the European Parliament, the Council, the Commission and the Member States and shall make them public.

The Security Accreditation Board: members shall be appointed in the light of their knowledge of security accreditation activities, taking into account relevant managerial, administrative and budgetary skills. The Chairperson may be invited to make a statement before the relevant committee(s) of the European Parliament and answer Members questions.

The report provided for a conflict resolution procedure to deal with problems that might arise between both areas of competence (accreditation of security and deployment and commercialisation activities). Members proposed an amendment setting a two layer way of redress: firstly, an in-house procedure to identify and try to address problems and secondly, an obligation to inform the legislator if the Security Board understands that no remedy has been taken to put an end to circumstances that put into question its autonomy.

They adopted several amendments aiming to deal with conflicts of interests. The report lays down a requirement for members of the Administrative Board and the Security Accreditation Board, the Executive Director, Agency staff, seconded national experts and observers to make a declaration of commitments and a declaration of any interest which might be considered prejudicial to their independence.

European GNSS Agency: tasks, bodies and powers

The European Parliament adopted by 638 votes to 34 with 12 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) No 912/2010 setting up the European GNSS Agency.

Parliament adopted its position in first reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of a compromise between Parliament and Council.

In the resolution, Parliament emphasised that any decision of the legislative authority in favour of multiannual funding for the European GNSS Agency shall be without prejudice to the decisions of the budgetary authority in the context of the annual budgetary procedure. It requests that the Commission:

- present a financial statement which fully takes into account the result of the legislative agreement between the European Parliament and the Council to meet the budgetary and staff requirements of the Agency and possibly of the Commission services;
- find a feasible solution to the problems the Agency might be facing with regard to the funding for Type II European Schools, as this has a direct effect on the Agency's ability to attract qualified personnel;
- not consider the Czech average when determining the correction coefficient for staff remuneration for the Agency but adjust to the cost of living in the metropolitan area of Prague.

Tasks: the new texts states that the tasks of the Agency shall be as set out in Article 14 of [Regulation \(EU\) No 1285/2013](#) of the European Parliament and of the Council. The Agency shall be a body of the Union. It shall have legal personality.

The choice of the location of those offices shall be made on the basis of objective criteria defined to ensure the Agency's smooth operation.

Administrative Board: this will be composed of (i) one representative appointed by each Member State; (ii) four representatives appointed by the Commission; (iii) one non-voting representative appointed by the European Parliament.

The term of office of the members of the Administrative Board shall be four years renewable once.

Each representative of the Member States and of the Commission shall have one vote. The Executive Director shall not vote.

Parliament proposed that Members of the Administrative Board and of the Security Accreditation Board should be appointed on the basis of their degree of relevant experience and expertise.

The European Parliament, the Commission and the Member States shall endeavour to limit the turnover of their representatives on the Administrative Board.

The Administrative Board may invite any person whose opinion may be of interest to attend its meetings as an observer. It shall have the power to dismiss the Chairperson, the Deputy Chairperson or both of them.

Tasks of the Administrative Board: the latter must, amongst other things:

- make practical arrangements for the participation of third countries or international organisations in the work of the Agency, after consulting the Security Accreditation Board on those provisions of those arrangements concerning security accreditation;
- adopt technical procedures necessary to perform its tasks;
- approve, on the basis of a proposal from the Executive Director, the working arrangements between the Agency and ESA;
- approve, on the basis of a proposal from the Executive Director, an anti-fraud strategy;
- approve, where necessary and on the basis of proposals from the Executive Director, the Agency's organisational structures.

The European Parliament shall be consulted on this multiannual work programme.

Executive Director: the Agency shall be represented its Executive Director, who shall perform the following tasks:

- prepare the working arrangements between the Agency and ESA;
- implement the decisions of the Administrative Board;
- preparing the multiannual and the annual work programmes of the Agency and submitting them to the Administrative Board for approval, with the exception of the parts prepared and adopted by the Security Accreditation Board;
- preparing a progress report on the implementation of the annual work programme;
- ensuring the circulation of all relevant information, in particular as regards security, between the bodies of the Agency
- communicating to the Commission the view of the Agency on the technical and operational specifications necessary to implement systems evolutions referred to in Regulation (EU) No 1285/2013;
- drawing up an anti-fraud strategy for the Agency that is proportionate to the risk of fraud.

Work programmes: the multiannual work programme of the Agency, shall lay down the actions to be performed by the Agency during the period covered by the multiannual financial framework. That programme shall set out overall strategic programming, including objectives, milestones, expected results and performance indicators, and resource programming, including the human and financial resources assigned to each activity.

The annual work programme shall be based on the multiannual work programme and shall comprise detailed objectives and expected results, including performance indicators.

The security accreditation activities for European GNSS systems: Parliament stated that these activities should be carried out in accordance with the following principles: (i) undertaken in a context of collective responsibility for the security of the Union and of the Member States; (ii) efforts shall be made for decisions to be reached by consensus; (iii) they will be carried out using a risk assessment and management approach; (iv) decisions shall be prepared and taken by professionals who are duly qualified; (v) execution by all relevant stakeholders according to a security accreditation strategy; (vi) a permanent, transparent and fully understandable monitoring process shall ensure that the security risks for European GNSS systems are known; (vii) decisions to be taken in a strictly independent manner; (viii) EU classified information shall be handled and protected by all stakeholders involved in the implementation of the programmes.

Security Accreditation Board: this will be responsible for:

- defining and approving a security accreditation strategy setting out:
- taking security accreditation decisions, in particular on the approval of satellite launches, the authorisation to operate the systems in their different configurations and for the various services up to and including the signal in space, and the authorisation to operate the ground stations
- checking the implementation of security measures in relation to the security accreditation of the European GNSS systems by undertaking or sponsoring security assessments, inspections or reviews,
- endorsing the selection of approved products and measures which protect against electronic eavesdropping (TEMPEST) and of approved cryptographic products used to provide security for the European GNSS systems;
- approving the interconnection of the European GNSS systems with other systems;
- agreeing with the relevant Member State the template for access control;
- on the basis of the risk reports, informing the Commission of its risk assessment and providing advice to the Commission on residual risk treatment options for a given security accreditation decision.

The decisions of the Security Accreditation Board shall be addressed to the Commission.

Independence: the Security Accreditation Board shall immediately inform the Executive Director, the Administrative Board and the Commission of any circumstances that could hamper its autonomy or independence. In the event that no remedy is found within the Agency, the Commission shall examine the situation, in consultation with the relevant parties. On the basis of the outcome of that examination, the Commission shall take appropriate mitigation measures to be implemented by the Agency, and shall inform the European Parliament and the Council thereof.

The Security Accreditation Board shall set up special subordinate bodies, acting on its instructions, to deal with specific issues. In particular, while ensuring necessary continuity of work, it shall set up a panel to conduct security analysis reviews and tests to produce the relevant risk reports in order to assist it in preparing its decisions.

The Commission shall keep the European Parliament and the Council informed, without undue delay, of the impact of the adoption of the security accreditation decisions on the proper conduct of the programmes.

Conflicts of interest: the text emphasised that it is essential that the Agency establish and maintain a reputation for impartiality, integrity and high professional standards. The Administrative Board and the Security Accreditation Board should therefore adopt comprehensive rules on conflicts of interest that cover the entire Agency.

Classified information: the Agency should apply the Commissions rules as regards the security of EU classified information. It should also be able to establish rules for the handling of non-classified but sensitive information. Those rules should apply only to the handling of such information by the Agency.

European GNSS Agency: tasks, bodies and powers

PURPOSE: to ensure independence of the exercise of activities linked to the security accreditation of the European satellite navigation systems.

LEGISLATIVE ACT: Regulation (EU) No 512/2014 of the European Parliament and of the Council amending Regulation (EU) No 912/2010 setting up the European GNSS Agency.

CONTENT: this Regulation amends the [Regulation setting up the European GNSS Agency](#) to align with the new governance framework established by the [Regulation setting up the European Agency for Satellite Navigations Systems](#).

The Regulation aims to establish mechanisms within the Agency to ensure that the security accreditation of the European satellite navigation systems is carried out independently and without conflict of interests once the Agency becomes the operational manager for the European radio-navigation programmes EGNOS and Galileo.

Security Accreditation Board: so as to ensure that the Security Accreditation Board is able to perform the tasks entrusted to it with complete independence, in particular vis-à-vis the other bodies and activities of the Agency, the Regulation increases the powers of the Security Accreditation Board and its chairperson and broadly to align that independence and those powers to the independence and powers of the Administrative Board and of the Executive Director of the Agency respectively, while providing for a cooperation requirement between the various bodies of the Agency.

- The Security Accreditation Board, rather than the Administrative Board, should prepare and approve that part of the Agency's work programmes describing the operational activities associated with the security accreditation of the systems, as well as that part of the annual report concerning the activities and prospects of the Agency with regard to the systems security accreditation activities. It should submit them in good time to the Administrative Board so that they can be incorporated in the Agency's work programme and annual report. It should also exercise disciplinary authority over its Chairperson.

- In addition to the function of representing the Agency, the Chairperson of the Security Accreditation Board should manage the security accreditation activities under the direction of the Security Accreditation Board and ensure the implementation of that part of the Agency's work programmes associated with accreditation. At the request of the European Parliament or the Council, the Chairperson of the Security Accreditation Board should also submit a report on the performance of the tasks of the Security Accreditation Board and make a declaration before them.

Procedures should be established for the eventuality that the Administrative Board does not approve the Agency's work programmes, in order to ensure that the security accreditation process is not affected and can be carried out without discontinuity.

The Commission shall keep the European Parliament and the Council informed, without undue delay, of the impact of the adoption of the security accreditation decisions on the proper conduct of the programmes. If the Commission considers that a decision taken by the Security Accreditation Board may have a significant effect on the proper conduct of the programmes, for example in terms of costs, schedule or performance, it shall immediately inform the European Parliament and the Council.

Work programmes: the amending Directive specifies that the multiannual work programme of the Agency shall lay down the actions to be performed by the Agency during the period covered by the multiannual financial framework, including actions associated with international relations and the communication for which it is responsible. That programme shall set out overall strategic programming, including objectives, milestones, expected results and performance indicators, and resource programming, including the human and financial resources assigned to each activity.

The Executive Director shall, following adoption by the Administrative Board, forward the multiannual and the annual work programmes to the European Parliament, the Council, the Commission and the Member States and shall publish an executive summary thereof.

Security accreditation activities for European GNSS systems: the Directive specifies the principles according to which these activities should be conducted, inter alia:

- in a context of collective responsibility for the security of the Union and of the Member States;
- search for consensus;
- method of management and risk evaluation;
- decisions taken by qualified professionals;
- implementation according to a security accreditation strategy;
- a permanent, transparent and fully understandable monitoring process;
- decisions taken in a strictly independent manner;
- protection for EU classified information for all stakeholders involved in implementing the programmes.

Conflicts of interests: the Directive provides that Members of the Administrative Board and of the Security Accreditation Board, the Executive

Director, as well as seconded national experts and observers, shall make a declaration of commitments and a declaration of interests indicating the absence or existence of any direct or indirect interests which might be considered prejudicial to their independence.

Revision, evaluation and audit: by 31 December 2016, and every five years thereafter, the Commission shall evaluate the Agency concerning, in particular, its impact, effectiveness, smooth running, working methods, requirements and use of the resources entrusted to it.

ENTRY INTO FORCE: 23.05.2014.