



**COUNCIL OF
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NOTE

From: Presidency
To: Permanent Representatives Committee/Council

No. Cion prop.:
Subject: *Preparation of the Council ("Competitiveness") of 10-11 December 2012*

Communication from the Commission to the Council and the European Parliament on Establishing appropriate relations between the EU and the European Space Agency (ESA)

- Presentation by the Commission
- Exchange of views

I. INTRODUCTION

1. Over the last decade, the European Union has become a major player in space. EGNOS and Galileo, GMES and Space research under the 7th Framework Programme have become important landmarks in the European space landscape.

The growing role of the EU in space goes hand in hand with an increasingly close relationship with the Member States and European Space Agency (ESA), the other two main actors of the European Space Policy. ESA is an international organisation, based in Paris, created by a Convention for the establishment of a European Space Agency. It is completely independent of the EU. Its main mission is to draw up and implement common programmes in order to develop cooperation between EU Member States in the field of space.

2. The relations of ESA and the European Union are currently defined by the Framework Agreement¹ between ESA and the EU (Framework Agreement), which entered into force in May 2004, has been renewed until 2016 and aims at the progressive development of an overall European Space Policy (ESP) by providing a common basis and appropriate operational arrangements for efficient and mutually beneficial ESA/EU cooperation, as well as the legal basis for programmatic cooperation between the EU and ESA, including ESA's role as implementing agency for the European Union in delivering the European space flagship applications Galileo and GMES.
3. The entry into force of the Lisbon Treaty established the European Union's competence over space matters, without prejudice to the Member States' own competences. Space has become an instrument for the achievement of the EU objectives and an EU policy in its own right.

Article 189 of the Lisbon Treaty specifies the EU's space competence which operates together with that of the EU Member States. It also provides that the EU shall establish any appropriate relations with ESA.

¹ OJ L 261/64 of 6.8.2004

4. On 4 April 2011 and within this framework, the European Commission released the communication "Towards a space strategy for the European Union that benefits its citizens"¹, which reflects the crucial role of space for the economy and society, sets out the main priorities for the EU, and also calls for the development of an industrial space policy in close cooperation with EU Member States and the ESA. The communication was also the basis for the Conclusions adopted by the Competitiveness Council in its meeting on 31 May 2011².
5. On 14 November 2012 the European Commission adopted a Communication to the Council and the Parliament on Establishing appropriate relations between the EU and the European Space Agency (ESA)³. The Communication addresses the need for greater operational efficiency, symmetry in defence and security matters, political coordination and accountability. It suggests that Member States should set a clear target date between 2020 and 2025 for a long term objective of the 'rapprochement' of ESA towards the EU and presents options for exploration.

Moreover, the latest ESA Ministerial Council, which took place in Naples on 20-21 November 2012, adopted a political declaration addressing the further planning on issues related to EU-ESA cooperation. In the political declaration, the Ministers of ESA Member States, emphasize their readiness to start a reflection on the further evolution of ESA and to play their role in ensuring the coherence and coordination between the respective processes on both the ESA and EU sides.

¹ Doc. 8693/11
² Doc. 10901/11
³ Doc. 16374/12

II. QUESTIONS FOR THE POLICY DEBATE

In the light of the overall context described above the Presidency invites the Council ("Competitiveness – Space part") on 11 December 2012 to address the following questions:

- a) **Do you consider the current state of relations between EU and ESA to be effective and adequately address the EU objectives and challenges on space policy?**

- b) **Do you agree with the long term objective of the 'rapprochement' of ESA towards the EU and which option among the three indicated by the European Commission's Communication would you consider the most appropriate?**
