



*European Economic and Social Committee*

**TEN/267**  
**European GNSS**  
**Supervisory Authority –**  
**new management**

Brussels, 26 October 2006

**OPINION**

of the European Economic and Social Committee  
on the

**Proposal for a Council Regulation amending Regulation (EC) No 1321/2004 on the  
establishment of structures for the management of the European satellite radio-navigation  
programmes**

COM(2006) 261 final – 2006/0090 (CNS)

---

On 29 September 2006 the Council decided to consult the European Economic and Social Committee, under Article 171 of the Treaty establishing the European Community, on the

*Proposal for a Council Regulation amending Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio-navigation programmes*

COM(2006) 261 final – 2006/0090 (CNS).

On 25 October 2006 the Committee Bureau instructed the Section for Transport, Energy, Infrastructure and the Information Society to prepare the Committee's work on the subject.

In view of the urgent nature of the work, the European Economic and Social Committee appointed Mr Buffetaut as rapporteur-general at its 430th plenary session, held on 26 October 2006, and adopted the following opinion by 111 votes to one with two abstentions.

\*

\* \*

## 1. **Conclusions and recommendations**

- 1.1 As it has stated on a number of occasions, the European Economic and Social Committee attaches the utmost importance to the success of the GALILEO programme.
- 1.2 In its own-initiative opinion *The Galileo programme: the successful establishment of the European Supervisory Authority*, the Committee also emphasised that the hand-over from the GALILEO Joint Undertaking to the Galileo Supervisory Authority must be effected smoothly and with legal certainty.
- 1.3 The Committee thus approves of the Council's legal approach, which aims to amend *Regulation (EC) No 1321/2004 on the establishment of structures for the management of the European satellite radio-navigation programmes* in order to ensure the continuity of the GALILEO programme and the successful transfer of activities from the GALILEO Joint Undertaking to the Supervisory Authority.
- 1.4 The Committee considers that the proposed amendment to Article 2(1) of Regulation (EC) No 1321/2004, which sets out the tasks of the Supervisory Authority, effectively meets the need to enable the Supervisory Authority (a) to ensure the completion of the development phase and (b) to carry out research activities that are useful and necessary to the European GNSS programmes.

- 1.5 The Committee also considers that the new wording proposed for Article 3(1) of Council Regulation (EC) No 1321/2004 adequately meets the need to ensure the necessary legal certainty as regards the ownership of the system - before the end of the development phase – and of tangible and intangible assets created or developed before the Joint Undertaking is wound up and during the ensuing development phase.
- 1.6 Like the Council, the Committee also stresses that it would be advisable to avoid pointless and costly organisational overlap as far as possible and that constructive cooperation between the organisations during the transitional period must be ensured.
- 1.7 Finally the EESC welcomes the fact that the proposed text includes the recommendations that it made in its own-initiative opinion (TEN/246).

## 2. **Council proposal**

- 2.1 The proposed Council Regulation aims to regulate the legal and ownership-related problems that might arise, on the basis of the wording of current texts, as a consequence of the winding-up of the Joint Undertaking before the end of the development phase and before its activities are taken over by the European Supervisory Authority.
- 2.2 In order to prevent these difficulties arising, the draft Regulation proposes to add text to the current wording of Article 2(1) of Regulation (EC) No 1321/2004 and to replace Article 3(1) of that Regulation with a new text.

## 3. **General comments**

- 3.1 When the GALILEO programme started up, the tasks allocated to the Joint Undertaking and to the European Supervisory Authority were different, both in their nature and in their timetable for implementation. Today, due to the approximately two-year delay in starting the development phase and in actually establishing the European Supervisory Authority, it has been necessary for economic, legal and technical reasons to enable the Supervisory Authority to intervene in the development phase and to wind up the Joint Undertaking. This, of course, has required changes to existing law, specifically to Regulation (EC) No 1321/2004.
- 3.2 During this inevitable transitional period, these two bodies must work in close cooperation in order to ensure a smooth transfer of activities.
- 3.3 The transfer of activity and of know-how can only be successful if the legal framework is clearly defined and legal certainty is ensured.
- 3.4 The aim of the proposal is precisely to establish this legal framework and to ensure this legal security on the essential issues, which are:

- the taking-over of the Joint Undertaking's activities for the development phase, which does not currently fall within the European Supervisory Authority's remit;
  - the possibility that the European Supervisory Authority might be able to carry out research activities;
  - to find a legal solution to the issue of the ownership of the system and of the intangible and tangible assets, which must be transferred to the European Supervisory Authority.
- 3.5 The proposed Regulation meets these requirements and the Council's clear willingness to avoid any organisational overlap, which would be both pointless and costly, must be welcomed.
- 3.6 With regard to another legal aspect, which is not directly related to the Regulation in question, the Council should consider the issue of the launching States' international liability for the satellites in the GALILEO constellation.

Brussels, 26 October 2006.

The President of the  
European Economic and Social Committee

The Secretary-General  
of the  
European Economic and Social Committee

Dimitris Dimitriadis

Patrick Venturini

---