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TELECOM 466
MI 835
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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
No. Cion doc.:	6318/22 + ADD1
Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing the Union Secure Connectivity programme for the period 2023-2027 - Analysis of the final compromise text with a view to agreement

I. INTRODUCTION

1. On 15 February 2022 the Commission presented the above-mentioned proposal for a Regulation to the European Parliament and the Council. This proposal is stand-alone and does not amend the EU Space Programme adopted in 2021.

2. The programme aims to establish a secure and autonomous space connectivity system to ensure the provision of satellite communication ('satcom') services. The programme intends to provide governmental services for the protection of critical infrastructure, situational awareness, support to external actions or crisis management and to contribute to improving the resilience of the Union. In addition, it enables the provision of commercial services by the private sector and thereby contributes to the competitiveness of European industry.
3. The European Parliament adopted the ITRE Committee report (voted in Committee on 13 October 2022) during the Plenary on 19 October 2022. The Rapporteur Mr Christophe GRUDLER (Renew, FR) was then granted a mandate to start negotiations with the Council on this basis.
4. The Working Party on Space has examined this proposal during ten meetings under the French Presidency. The Presidency was granted a negotiating mandate by this Committee on 29 June 2022 on the basis of the Annex to doc. 10568/22.
5. Two trilogues were organised under the Czech Presidency on 27 October and 17 November 2022 in Brussels. This Committee was debriefed on 28 October and 18 November 2022.
6. At the last trilogue meeting, the co-legislators reached a provisional political agreement on an overall compromise text, as set out in the Addendum to this Note.
7. The main elements of this compromise text are set out in Section II below. The Presidency considers that the overall compromise reached with the European Parliament is balanced and respects the mandate it has received.

II. COMPROMISE

8. Budget (Article 11):

The details on earmarked budgets were reinstated as provided in the Commission proposal, including the contributions from the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI). In addition, the sources of funding were adjusted to include unallocated margins beyond the Commission proposal. The extra margins translated into a decrease of the earmarking of Horizon Europe, so that the overall budgetary envelope was preserved.

9. Other points:

Concerning Article 5(5) on launching requirements, the reference to small and micro launchers is kept, while the launches from outside the Union territory are authorised only in justified exceptional circumstances.

Concerning Article 25, the Commission has the obligation ('shall') to entrust tasks to the European Space Agency, as provided in the Council mandate, while keeping the reference to "within the field of its expertise", as requested by the Parliament.

III. CONCLUSION

10. The Permanent Representatives Committee is invited to:

- confirm its agreement on the compromise text set out in Addendum to this Note; and
- mandate the Presidency to send a letter to the Chair of the ITRE Committee of the European Parliament confirming that, should the Parliament adopt its position at first reading in accordance with Article 294(3) TFEU and in the exact form set out in document 11081/22 – subject to legal-linguistic revision – the Council would, in accordance with Article 294(4) TFEU, approve the European Parliament's position and the act would be adopted in the wording which corresponds to the European Parliament's position.