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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: COUNCIL DECISION authorising the opening of negotiations for an agreement between the European Union and Ukraine laying down the rules for the participation of Ukraine in the GOVSATCOM component of the Union Space Programme and in the Union Secure Connectivity Programme, and for access to GOVSATCOM services and to the governmental services of the Union Secure Connectivity Programme

COUNCIL DECISION (EU) .../...

of ...

**authorising the opening of negotiations for an agreement
between the European Union and Ukraine
laying down the rules for the participation of Ukraine
in the GOVSATCOM component of the Union Space Programme
and in the Union Secure Connectivity Programme,
and for access to GOVSATCOM services
and to the governmental services of the Union Secure Connectivity Programme**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty of the Functioning of the European Union, and in particular Article 189(2), in conjunction with Article 218(3) and (4) thereof,

Having regard to the recommendation of the European Commission,

Whereas:

- (1) Article 7(2), first subparagraph, point (b), of Regulation (EU) 2021/696 of the European Parliament and of the Council¹ (the ‘Space Regulation’) provides for the participation in the GOVSATCOM component of the Union Space Programme of candidate countries, subject to an agreement to be concluded in accordance with Article 218 of the Treaty on the Functioning of the European Union (TFEU). Article 8(1) of the Space Regulation provides that third countries can be allowed to have access to GOVSATCOM services provided that they conclude an agreement in accordance with Article 218 TFEU and comply with Article 43 of that Regulation.
- (2) Article 11(3) and Article 39(1) of Regulation (EU) 2023/588 of the European Parliament and of the Council² (the ‘Secure Connectivity Regulation’) provide for the participation in the Union Secure Connectivity Programme of candidate countries, subject to an agreement to be concluded in accordance with Article 218 TFEU. Article 40 of the Secure Connectivity Regulation provides that third countries are able to have access to governmental services provided that they conclude an agreement, in accordance with Article 218 TFEU, laying down the terms and conditions for access to governmental services, and comply with Article 43(1) of the Space Regulation.

¹ Regulation (EU) 2021/696 of the European Parliament and of the Council of 28 April 2021 establishing the Union Space Programme and the European Union Agency for the Space Programme and repealing Regulations (EU) No 912/2010, (EU) No 1285/2013 and (EU) No 377/2014 and Decision No 541/2014/EU (OJ L 170, 12.5.2021, p. 69, ELI: <http://data.europa.eu/eli/reg/2021/696/oj>).

² Regulation (EU) 2023/588 of the European Parliament and of the Council of 15 March 2023 establishing the Union Secure Connectivity Programme for the period 2023-2027 (OJ L 79, 17.3.2023, p. 1, (ELI: <http://data.europa.eu/eli/reg/2023/588/oj>).

- (3) The Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and Ukraine, of the other part³ entered into force on 1 September 2017.
- (4) The Agreement between Ukraine and the European Union on the security procedures for the exchange of classified information⁴ entered into force on 1 February 2007.
- (5) Council Decision (CFSP) 2021/698⁵ sets out the responsibilities to be exercised by the Council and the High Representative of the Union for Foreign Affairs and Security Policy (the ‘High Representative’) to avert a threat to the security of the Union or of one or more of its Member States or to mitigate serious harm to the essential interests of the Union or of one or more of its Member States arising from the deployment, operation or use of the systems set up and services provided under GOVSATCOM, as a component of the Union space programme, or the Union Secure Connectivity Programme, or in the event of a threat to the operation of any of those systems or the provision of those services.

³ OJ L 161, 29.5.2014, p. 3, ELI: http://data.europa.eu/eli/agree_internation/2014/295/oj.

⁴ OJ L 172, 5.7.2005, p. 84, ELI: http://data.europa.eu/eli/agree_internation/2005/481/oj.

⁵ Council Decision (CFSP) 2021/698 of 30 April 2021 on the security of systems and services deployed, operated and used under the Union Space Programme and the Union Secure Connectivity Programme which may affect the security of the Union, and repealing Decision 2014/496/CFSP (OJ L 170, 12.5.2021, p. 178, ELI: <http://data.europa.eu/eli/dec/2021/698/oj>).

- (6) The participation of Ukraine in the GOVSATCOM component of the Union space programme and in the Union Secure Connectivity Programme, and the access of Ukraine to the GOVSATCOM services and to the governmental services of the Union Secure Connectivity Programme, will contribute to strengthening Europe's role as a global actor and promoting international cooperation, in line with the Space Strategy for Europe. An agreement with Ukraine will strengthen the Union's strategic position, in line with the European Union space strategy for security and defence.
- (7) Negotiations should be opened with a view to concluding an agreement with Ukraine laying down the rules for the participation of Ukraine in the GOVSATCOM component of the Union Space Programme and in the Union Secure Connectivity Programme, and for access to GOVSATCOM services and to the governmental services of the Union Secure Connectivity Programme,

HAS ADOPTED THIS DECISION:

Article 1

The opening of negotiations for an international agreement between the Union and Ukraine laying down the rules for the participation of Ukraine in the GOVSATCOM component of the Union space programme and in the Union Secure Connectivity Programme, and for access to the GOVSATCOM services and to the governmental services of the Union Secure Connectivity Programme is hereby authorised.

Article 2

The Commission is hereby nominated as the Union negotiator.

Article 3

The negotiating directives set out in the addendum to this Decision are hereby addressed to the Commission.

Article 4

The negotiations shall be conducted in consultation with the Council Working Party on Space, which is hereby designated as the special committee provided for in Article 218(4) TFEU.

Article 5

This Decision is addressed to the Commission.

Done at ..., ...

For the Council

The President
