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**REPORT**

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CODEC 996  
Subject: Proposal for a Decision of the European Parliament and of the Council on the detailed rules for access to the public regulated service offered by the global navigation satellite system established under the Galileo programme  
– General approach

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***Introduction***

1. On 8 October 2010, the Commission transmitted to the Council and the European Parliament the above mentioned proposal. The purpose of this proposal is to give a legal framework to one of the five services that will be offered by the Galileo system. In fact, the annex to Regulation No 683/2008 on the further implementation of the European satellite navigation programmes (EGNOS and Galileo) contains as specific objective of the European satellite navigation programmes "to offer a public regulated service (PRS) restricted to government-authorised users, for sensitive applications which require a high level of service continuity".

2. The main objective of the above proposal is to define the modalities according to which Member States and other participants will have access to the PRS provided by Galileo. The legal basis of the Commission's proposal is Article 172 of the Treaty on the Functioning of the European Union.

### ***Work within the Council bodies***

3. The examination of the proposal by the Council preparatory bodies started under the Belgian Presidency on 20 October 2010. A progress report was presented to the TTE Council on 2 December 2010.
4. The discussion of the above proposal has been pursued under the Hungarian Presidency. Following the in-depth discussions held at various meetings of the Working Party on Transport Intermodal Questions and Networks, the Presidency has amended several provisions of the Commission proposal to take account of delegations' requests. Member States could reach an agreement on a final compromise text.

DK, FR and UK have a parliamentary scrutiny reservation on this proposal.

5. On 22 March 2011, the Permanent Representatives Committee was able to endorse the agreement reached at Working Party level, as reflected in the draft Decision which appears in the Annex.

However, the Commission could not support the Council's general approach and maintained its reservation, already expressed at Working Party level. The Commission has a different position on the following issues:

- a) The way to deal with the protection of classified information concerning the PRS: the Commission, in its proposal, suggests specific provisions applicable to classified information related to the PRS and to remedy the consequences of improper disclosure of data relating to the PRS; while the Council considers that all necessary rules and measures for such protection are already included in Regulation (EC) No 683/2008.
- b) The procedure to be followed for the establishment of common minimum standards (CMS) to enable the secure and efficient use of PRS: the Council and the Commission have different views on the extent to which the Commission should be empowered through delegated acts / implementing acts to establish CMS and the necessary technical requirements, guidelines and other measures in order to give effect to them. The Council considers that implementing acts are the most appropriate tool when it comes to security matters, while the Commission favours the delegation of powers for the handling of CMS.

Furthermore, in this context, Member States expect the Commission to make a statement ensuring the full involvement of the security experts of the "GNSS Security Board" set up by Commission Decision 2009/334/EC, in the framework of Regulation (EC) No 683/2008, while the Commission holds the opinion that the relevant Commission communication on the use of expert advice should apply.

- c) The steps to be taken to ensure compliance with CMS and other measures which give effect to them: the Commission would like a specific provision to be added in order to be empowered to carry out audits and inspections; while The Council considers that the current security and accreditation rules already contain the necessary provisions.

d) Other issues:

- Article 11 "Joint Action": for the sake of clarity, Commission would prefer the same text as in Regulation No (EC) 683/2008 and Regulation (EU) No 912/2010 instead of the current text;
- length of the period of the delegation of power to the Commission: the Council prefers a delegation for a 3 year-period, while the Commission would prefer a delegation of power for an indeterminate period;
- date of application of some provisions of the decision: the Council agrees that some provisions shall start to apply only three years after the entry into force of the Decision, in order to grant an additional period for the establishment of all necessary provisions and measures implementing this Decision, while the Commission suggests six months.

All these issues will be further discussed in the negotiations to be carried out with the European Parliament in view of an agreement, if possible, at first reading.

***Conclusions***

6. The Council is invited to agree on a general approach on the text of the annexed draft Decision.

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Proposal for a  
**DECISION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**  
**on the rules for access to the public regulated service provided by the global navigation**  
**satellite system established under the Galileo programme**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 172 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

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<sup>1</sup> OJ C 54, 19.2.2011, p. 35.

(1) Regulation (EC) No 683/2008 of the European Parliament and of the Council of 9 July 2008 on the further implementation of the European satellite navigation programmes (EGNOS and Galileo)<sup>2</sup> makes provision in its Annex that the specific objectives of the Galileo programme are to ensure that the signals emitted by the system can be used in particular to offer a public regulated service (hereinafter "PRS") restricted to government-authorised users, for sensitive applications which require a high level of service continuity.

(1a) The relevant provisions of Regulation (EC) No 683/2008 apply also to the services, including the PRS service, listed in the Annex thereto, considering the inter-linkage between the system and the service from a legal, technical, operational, financial and ownership perspective. This is for example the case in respect of the rules on the governance of security matters and the application of Commission's rules on security set out in the Annex to Decision 2001/844/EC, ECSC, EURATOM<sup>3</sup> and by the security regulations of the Council set out in the Annex to Decision 2001/264/CE of the Council<sup>4</sup>, as referred to in Articles 13 and 14 of Regulation (EC) No 683/2008. Thus, the development of further rules, in particular regarding handling of COMSEC/INFOSEC information and material, classification of PRS user segment information and material as well as follow-up and action in cases of unauthorised disclosure of classified information concerning the PRS are to be dealt with under the aforementioned Articles.

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<sup>2</sup> OJ L 196, 24.7.2008, p. 1.

<sup>3</sup> Commission Decision 2001/844/EC, Euratom of 29 November 2001 amending its internal Rules of Procedure (OJ L 317, 3.12.2001, p.1), last amended by Commission Decision 2006/548/EC of 2 August 2006 (OJ L 215, 5.8.2006, p. 38).

<sup>4</sup> Council Decision 2000/1/264/EC of 19 March 2001 adopting the Council's security regulations, last amended by Council Decision 2007/438/EC of 18 June 2007 (OJ L 164, 26.6.2007, p. 24).

(1b) There is however a need to provide for additional provisions in respect of PRS specific features as provided for in this Decision.

(2) [...]

(3) The Council has recalled on several occasions that the system resulting from the Galileo programme is a civilian system under civilian control, that is, it was created in accordance with civilian standards based on civilian requirements and under the control of the European Union institutions.

(4) Of the various services offered by European satellite navigation systems, the PRS is both the most secure and the most sensitive. It must ensure service continuity for its participants, even in the most serious crisis situations. The consequences of infringing the security rules when using this service are not restricted to the user concerned, but could potentially extend to other users. Use and management of the PRS is therefore the joint responsibility of Member States in order to protect the security of the European Union and their own security. Consequently, access to the PRS must be strictly limited to certain categories of user which are subject to continuous monitoring.

(5) It is therefore necessary to define the rules for access to the PRS and the rules for managing it, in particular specifying the general principles relating to access, the functions of the various management and supervisory bodies, the conditions relating to manufacturing and security, and the export monitoring system.

(6) With regard to the general principles of access to the PRS, given the actual purpose of the service and its characteristics, its use must be strictly limited, with Member States, the Council, the Commission and the European External Action Service granted discretionary, unlimited and uninterrupted access worldwide. Furthermore, each Member State must be in a position to take its own sovereign decision on which PRS users to authorise and what uses may be made of the PRS, including uses relating to security, in accordance with minimum standards.

(7) In order to promote the use of European technology worldwide, certain non-member countries and international organisations could become PRS participants through separate agreements to be concluded with them. For secure government satellite radio navigation applications, the terms and conditions under which non-member countries and international organisations may use the PRS should be laid down in international agreements, it being understood that compliance with security requirements being in all cases essential. In the context of such agreements, manufacturing of PRS receivers could be allowed, under specific conditions and requirements, being of a level at least equivalent to the conditions and requirements applying to EU Member States. However, such agreements should not include particularly security sensitive matters such as the manufacturing of security modules.

(8) Generally speaking, the European Union and the Member States must do their utmost to ensure that both the system derived from the Galileo programme and PRS technology and equipment are safe and secure, to prevent signals emitted for the PRS from being used by non-authorised natural or legal persons, and to prevent any hostile use of the PRS against them.

(9) It is important in this connection that the Member States determine the system of penalties applicable in the event of non-compliance with the obligations stemming from this Decision, and that they ensure that those penalties are applied. The penalties must be effective, proportionate and dissuasive.

(10) In the case of management and supervisory bodies, the arrangement whereby PRS participants would designate a "Competent PRS Authority" responsible for managing and supervising users would appear to be the best way of effectively managing PRS use, by facilitating relations between the various stakeholders responsible for security and ensuring permanent supervision of users (in particular national users) in compliance with the common minimum standards. However, certain flexibilities should be ensured in order to allow Member States to organise the responsibilities efficiently.

(11) Furthermore, one of the tasks of the Galileo Security Monitoring Centre referred to in Article 16(a)(ii) of Regulation (EC) No 683/2008 should be to provide an operational interface between the various stakeholders responsible for the security of the PRS.

(12) The Council and the High Representative are also called upon to play a role in managing the PRS, through the application of Council Joint Action 2004/552/CFSP of 12 July 2004 on aspects of the operation of the European satellite radio-navigation system affecting the security of the European Union<sup>5</sup>. The Council is also called upon to approve international agreements authorising a non-member country or an international organisation to use the PRS.

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<sup>5</sup> OJ L 246, 20.7.2004, p. 30.

(13) With regard to receiver manufacturing and security, security requirements make it necessary for this task to be entrusted only to a Member State which has designated a Competent PRS Authority or to undertakings established on the territory of a Member State which has designated a Competent PRS Authority. Furthermore, the receiver manufacturer must have been duly accredited in advance by the Security Accreditation Board in compliance with Regulation (EU) No 912/2010<sup>6</sup> and must comply with the decisions of the Security Accreditation Board. It is the responsibility of the Competent PRS Authorities to continuously monitor compliance both with this accreditation requirement and those decisions and with specific technical requirements stemming from the common minimum standards.

(13a) A Member States which has not designated a Competent PRS Authority should in any case designate a point of contact for the management of any detected harmful electromagnetic interference affecting PRS. This point of contact is a body or individual or an address that has the role of reporting point, which the Commission can contact in case of potentially harmful electromagnetic interference in order to remedy such interference.

(14) With regard to export restrictions, exports outside the European Union of equipment or technology and software relating to PRS use and relating to the development of and manufacturing for PRS, regardless of whether that equipment, that software or that technology are listed in Annex I to Council Regulation (EC) No 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items<sup>7</sup>, must be restricted to those non-member countries which are duly authorised to access the PRS under an international agreement with the European Union. A non-member country on whose territory a reference station housing PRS equipment and forming part of the system derived from the Galileo programme is installed shall not be considered merely by virtue of that fact to be a PRS participant.

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<sup>6</sup> OJ L 276, 20.10.2010, p. 11.

<sup>7</sup> OJ L 134, 29/05/2009, p. 1.

(15) In order to be able to adopt non essential amendments to update the common minimum standards, as set out in the Annex, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the necessary amendments of the Annex to take account of developments in the programme. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level.

The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.

(15a) Because of their potential impact on the security of the system, of the European Union and of its Member States, both individually and collectively, it is essential that common rules concerning access to PRS and manufacturing PRS receivers and security modules are applied uniformly in each Member State. It is therefore necessary that the Commission should be empowered to adopt detailed requirements, guidelines and other measures in order to give effect to the common minimum standards. In order to ensure uniform conditions for the implementation of this Decision, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers<sup>8</sup>.

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<sup>8</sup> OJ L 55, 28.2.2011, p. 13.

(15b) In order to ensure an efficient introduction of the rules in this Decision, provisions permitting the updating of the Annex and the adoption of implementing acts should begin to apply some time before the start of the application of the other provisions, thereby permitting the Commission to adopt the necessary measures in time for the further application.

(16) Since the purpose of this Decision – namely, to lay down the rules under which the Member States, the Council, the Commission, the European External Action Service, the European Union agencies, non-member countries and international organisations can access the PRS – cannot be sufficiently achieved by the Member States and can, by reason of the scale of the proposed action, be better achieved at European Union level, the EU may adopt measures in accordance with the subsidiarity principle enshrined in Article 5 of the Treaty on European Union. Furthermore, in accordance with the proportionality principle set out in that Article, this Decision does not go beyond what is necessary in order to achieve that purpose.

HAVE ADOPTED THIS DECISION:

**Article 1**

**Subject**

This Decision lays down the rules under which the Member States, the Council, the Commission, the EEAS, the European Union agencies, non-member countries and international organisations may access the PRS offered by the GNSS established under the Galileo programme.

## Article 1a

### **Definitions**

For the purposes of this Decision, the following definitions shall apply:

- (a) "PRS" means Public Regulated Service.
- (b) "PRS participants" means the Member States, the Council, the Commission, the EEAS as well as European Union agencies, non-member countries and international organisations, insofar as such agencies, non-member countries and organisations have been duly authorised.
- (c) "PRS users" means natural or legal persons duly authorised by a PRS participant to own or use a PRS receiver.
- (d) "GSMC" means the Galileo Security Monitoring Centre which is the Galileo security centre referred to in Article 16(a)(ii) of Regulation (EC) No 683/2008 and Article 6(d) of Regulation (EU) No 912/2010.
- (e) "Security Accreditation Board" means the Security Accreditation Board for European GNSS systems established by Article 11 of Regulation (EU) No 912/2010.
- (f) "GNSS" means Global Navigation Satellite Systems.
- (g) "EEAS" means European External Action Service.
- (h) "European GNSS Agency" means the Agency established by Regulation (EU) No 912/2010.

Article 2

**General principles concerning access to the PRS**

1. [...]
2. The Member States, the Council, the Commission and the EEAS shall have unlimited and uninterrupted access to the PRS worldwide.
3. It shall be for each individual Member State, the Council, the Commission and the EEAS to decide whether to use the PRS within their respective competences.
4. [...]
5. Each Member State which uses the PRS shall decide independently which categories of natural persons residing on their territory or performing official duties abroad on behalf of that Member State and legal persons established on their territory are authorised to be PRS users, as well as the uses to which it may be put, in accordance with Article 8a and point 1 (i) and (ii) of the Annex. Such uses may include security-related uses.  
The Council, the Commission and the EEAS shall decide which categories of their agents are authorised to be PRS users, in accordance with Article 8a and point 1 (i) and (ii) of the Annex.
6. European Union agencies may become PRS participants only insofar as necessary to fulfil their tasks and according to the detailed rules laid down in an administrative agreement concluded between the Commission and the agency.

7. Non-member countries or international organisations may become PRS participants only where, in accordance with the procedure provided for in Article 218 of the Treaty on the Functioning of the European Union:

- a) a security of information agreement defining the framework for exchanging and protecting classified information has been concluded between the European Union and the non-member country or international organisation, providing a degree of protection at least equivalent to that of the Member States, and
- b) an agreement laying down the terms and conditions of the detailed rules for access to the PRS by the non-member country or international organisation has been concluded between the European Union and the non-member country or international organisation. Such an agreement could include the manufacturing, under specific conditions, of PRS receivers, at the exclusion of security modules.

### Article 3

[...]

### Article 4

[...]

### Article 5

[...]

Article 6

**Competent PRS Authority**

1. A Competent PRS Authority shall be designated by:
  - (i) each Member State, which uses the PRS and each Member State on whose territory any of the bodies referred to in Article 8(1) are established. In such cases, the Competent PRS Authority shall be established on the territory of the Member State concerned, which shall notify the designation to the Commission without delay.
  - (ii) the Council, the Commission and the EEAS, if they use the PRS. In such a case, the European GNSS Agency may be designated as a Competent PRS Authority, in accordance with appropriate arrangements.
  - (iii) European Union agencies and international organisations, in accordance with the provision of the agreements referred to in Article 2(6) and (7). In such a case, the European GNSS Agency may be designated as a Competent PRS Authority.
  - (iv) non-member countries, in accordance with the provision of the agreements referred to in Article 2(7).
- 1a. The costs for the functioning of a Competent PRS Authority shall be borne by the PRS participants who have designated it.
- 1aa. A Member State which has not designated a Competent PRS Authority in accordance with paragraph 1(i), shall in any case designate a point of contact for assisting as necessary in the reporting of detected potentially harmful electromagnetic interference affecting the PRS. The Member State concerned shall notify such a designation to the Commission without delay.

2. A Competent PRS Authority shall ensure that the use of PRS is in compliance with Article 8a and point 1 of the Annex and that:
  - (i) PRS users are grouped for the management of PRS with the GSMC;
  - (ii) the PRS access rights for each group or user are determined and managed;
  - (iii) the PRS keys and other related classified information are obtained from the GSMC;
  - (iv) the PRS keys and other related classified information are distributed to the users;
  - (v) the security of the receivers and associated classified technology and information are managed and the risks assessed;
  - (vi) a point of contact for assisting as necessary in the reporting of detected potentially harmful electromagnetic interference affecting the PRS is established.
3. The Competent PRS Authority of a Member State shall ensure that a body established on the territory of that Member State may only develop or manufacture PRS receivers or security modules if such a body:
  - (i) has been duly accredited by the Security Accreditation Board in accordance with Article 11(2) of Regulation (EU) No 912/2010, and
  - (ii) complies both with the decisions by the Security Accreditation Board, and with Article 8a and point 2 of the Annex regarding the development and manufacture of PRS receivers or security modules, insofar as these relate to its activity.

Any equipment-manufacture accreditation provided for in this paragraph shall be reviewed at least every five years.

3a. [...]

3aa. In case of development or manufacturing referred to in paragraph 3, or in the case of export outside the European Union, the Competent PRS Authority of that Member State shall act as an interface to the entities competent for export restrictions of relevant equipment, technology and software regarding the use, development and manufacturing of PRS, in order to ensure that the provisions of Article 9 are applied.

3b. A Competent PRS Authority shall be connected to the GSNC in accordance with Article 8a and point 4 of the Annex regarding the links between the GSNC and a Competent PRS Authority.

3c. Paragraphs (2) and (3b) shall be without prejudice to the possibility for Member States to delegate certain specific tasks of their respective Competent PRS Authority, by mutual consent, to another Member State, excluding any tasks related to the exercise of the sovereignty over their respective territory. Tasks referred to in paragraphs (2) and (3b) as well as tasks under paragraph (3) may be carried out jointly by Member States. The Member States concerned shall notify such measures to the Commission without delay.

3d. A Competent PRS Authority may request the technical assistance of the European GNSS Agency in order to perform its tasks, subject to specific arrangements. The Member States concerned shall notify such arrangements to the Commission without delay.

4. [...]

5. [...]

6. [...]

7. [...]

8. [...]

## Article 7

### **Role of the Galileo Security Monitoring Centre**

The GSAC shall provide the operational interface between the Competent PRS Authorities, the Council and the High Representative acting under Joint Action 2004/552/CFSP and the control centres. It shall inform the Commission of any event that may affect the smooth running of the PRS.

## Article 8

### **Manufacture and security of receivers and security modules**

1. A Member State may, subject to the requirements set out in Article 6(3), assign the task of manufacturing PRS receivers or the associated security modules to bodies established on its territory or on the territory of another Member State. The Council, the Commission or the EEAS may assign the task of manufacturing PRS receivers or the associated security modules for their own use to bodies established on the territory of a Member State.
2. [...]
3. [...]
4. [...]
5. The Security Accreditation Board may at any time revoke from a body referred to in paragraph 1 the authorisation it has granted to that body to manufacture PRS receivers or the associated security modules if the measures provided for in Article 6(3)(ii) have not been complied with.

Article 8a

**Common minimum standards**

1. The common minimum standards to be complied with by the Competent PRS Authorities referred to in Article 6 shall be as set out in the Annex.
  - 1a. The Commission shall be empowered to adopt delegated acts in accordance with Article 12 concerning non-essential amendments updating the Annex to take account of developments in the programme, in particular with regard to technology and changes in security need.
2. The Commission shall adopt the necessary technical requirements, guidelines and other measures in order to give effect to the common minimum standards set out in the Annex. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 13a(2).
3. The Commission shall ensure that the necessary steps are taken to comply with the measures referred to in paragraphs 1a and 2 and that requirements related to the security of PRS and its users and related technology are met, taking full account of expert advice.
4. In order to assist in compliance with this Article, the Commission shall facilitate a meeting of all competent PRS authorities at least once a year.

## Article 9

### **Export restrictions**

The export outside the European Union of equipment, technology and software regarding the use, development of and manufacturing for PRS shall not be authorised other than in accordance with Article 8a and point 3 of the Annex and pursuant to the agreements referred to in Article 2(7) or under agreements regarding the detailed rules for hosting and operating reference stations.

## Article 10

[...]

## Article 11

### **Application of Joint Action 2004/552/CFSP**

This Decision shall be applied without prejudice to measures decided pursuant to Joint Action 2004/552/CFSP.

## Article 12

### **Exercise of delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The delegation of power referred to in Article 8a(1a) shall be conferred on the Commission for a period of 3 years from ...<sup>9</sup> The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the 3-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.
3. The delegation of powers referred to in Article 8a(1a) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 8a(1a) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

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<sup>9</sup> Date of entry into force of the basic legislative act or from any other date set by the legislator.

## Article 13

[...]

### Article 13a

#### **Committee procedure**

1. The Commission shall be assisted by the Committee established by Regulation (EC) No 683/2008. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third sub-paragraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

## Article 14

[...]

## Article14a

### **Specific rules for the implementation of the Galileo Programme**

Notwithstanding the other provisions of this Decision, in order to ensure that the system functions smoothly, the access to PRS technology and the ownership or use of PRS receivers shall be authorised, subject to the respect of the principles laid down in Article 8a and the Annex, as regards the following:

- the Commission, when acting as manager of the Galileo programme;
- operators of the system derived from the Galileo programme, strictly for the purposes of complying with their remit, as laid down in a specific arrangement with the Commission;
- the European GNSS Agency, in order to enable it to perform the tasks entrusted to it, as laid down in a specific arrangement with the Commission;
- the European Space Agency, strictly for the purposes of research, development and infrastructure roll-out, as laid down in a specific arrangement with the Commission.

## Article 14b

### **Penalties**

Member States shall determine what penalties are applicable when national provisions enacted pursuant to this Decision are infringed. The penalties shall be effective, proportionate and dissuasive.

**Article 15**  
**Entry into force and application**

1. This Decision shall enter into force on the day following that of its publication in the Official Journal of the European Union.
  
2. Article 8a, paragraphs 1a to 3 and Articles 11, 12, and 13a shall apply with effect from the day following that of the publication, while the other provisions shall start to apply three years after the entry into force of this Decision.

**Article 16**  
**Addressees**

This Decision is addressed to the Member States.

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## **Annex**

### **Common minimum standards**

1. As regards Article 6(2), the common minimum standards for the use of PRS shall cover the following areas:
  - (i) PRS user groups organization;
  - (ii) Definition and management of access rights of the PRS users and user groups of the PRS participants;
  - (iii) Distribution of PRS keys and related classified information between the GSMC and the Competent PRS Authorities;
  - (iv) Distribution of PRS keys and related classified information to the users;
  - (v) Security management, including security incidents, and risk assessment for PRS receivers and associated classified technology and information;
  - (vi) Reporting of detected potentially harmful electromagnetic interference affecting the PRS;
  - (vii) Operational concepts and procedures for PRS receivers.

2. As regards Article 6(3) the CMS for the development and manufacture of PRS receivers or security modules shall cover the following areas:
  - (viii) PRS user segment accreditation;
  - (ix) Security of PRS receiver and PRS technology during research, development, and manufacturing phases;
  - (x) PRS receiver and PRS technology integration;
  - (xi) Protection profile for PRS receivers, security modules, and material using PRS technology.
3. As regards Article 6(3aa) and Article 9 the CMS for export restrictions shall cover the following areas:
  - (xv) Authorised PRS participants;
  - (xvi) Export of PRS related material and technology.
4. As regards Article 6(3b) the CMS for the links between the GSAC and the Competent PRS Authorities shall cover the following area:
  - (xvii) Data and voice links.