



2023/2702

29.11.2023

COUNCIL DECISION (EU) 2023/2702

of 23 November 2023

authorising the opening of negotiations on behalf of the European Union of an agreement with the United States of America laying down security procedures for the launch of Galileo satellites from United States' territory

THE COUNCIL OF THE EUROPEAN UNION,

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

Having regard to the recommendation from the European Commission,

Whereas:

- (1) Negotiations should be opened with a view to concluding an agreement with the United States of America laying down security procedures for the launch of Galileo satellites from United States' territory.
- (2) Following the unilateral withdrawal of Russian personnel from the Guiana Space Centre and the cancellation of two Soyuz launches in April and September 2022, as well as the announced delay of Ariane-6, the Union had to find alternatives to resume urgently the launches of Galileo satellites in order to ensure the proper operation of the Galileo system, which is part of the Union Space Programme established by Regulation (EU) 2021/696 of the European Parliament and of the Council ⁽¹⁾.
- (3) Regulation (EU) 2021/696 provides that the Commission has overall responsibility for the implementation of the Union Space Programme, including in the field of security, without prejudice to Member States' prerogatives in the area of national security.
- (4) After conducting technical feasibility studies on other available launch vehicles, the Commission concluded that the only launch vehicles compatible with Galileo satellites are provided by manufacturers in the United States.
- (5) In January 2023, the Commission, together with security experts designated by several Member States, conducted a visit of launch sites in the United States. The visit ascertained the feasibility of launching from those sites in the United States with appropriate security measures in respect of security-sensitive material and documentation of the Galileo satellites, including European Union classified information ('EU classified information').
- (6) In view of ensuring the security of information included in Galileo satellites, a legally binding agreement with the United States is necessary to protect the integrity of the Galileo satellites on United States' territory and the confidentiality of EU classified information not releasable to the United States that is contained within the satellites or related to the satellites' launch.
- (7) Any exchange or provision of classified information between the Union and the United States for the purposes of the launches of Galileo satellites must comply with the requirements set out in the Agreement between the European Union and the government of the United States of America on the security of classified information ⁽²⁾ and its security arrangement ⁽³⁾,

⁽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).

⁽²⁾ OJ L 115, 3.5.2007, p. 30.

⁽³⁾ Document ST 12142/07, available in the public register of the Council.

HAS ADOPTED THIS DECISION:

Article 1

1. The Commission is hereby authorised to open negotiations, on behalf of the Union, for an international agreement with the United States of America on the security procedures for the launch of Galileo first generation satellites from United States' territory.
2. The negotiations shall be conducted on the basis of the negotiating directives of the Council set out in the addendum to this Decision.

Article 2

The Commission is hereby nominated as the Union negotiator.

Article 3

1. The negotiations referred to in Article 1 shall be conducted in consultation with the Council Security Committee, which is hereby designated as the special committee within the meaning of Article 218(4) of the Treaty on the Functioning of the European Union and in accordance with the directives contained in the addendum to this Decision, subject to any directives which the Council may subsequently issue to the Commission.
2. The Commission shall provide the Council Security Committee with all information necessary for it to monitor the progress of the negotiations, including reporting on the outcome of the negotiations promptly after each negotiating session.

Article 4

This Decision is addressed to the Commission.

Done at Brussels, 23 November 2023.

For the Council
The President
P. ALEGRÍA CONTINENTE
