

COUNCIL JOINT ACTION
of 20 July 2001
on the establishment of a European Union Satellite Centre

(2001/555/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 14 thereof,

Whereas:

- (1) On 10 November 2000 the Council recorded its agreement in principle on the setting up of a Satellite Centre within the European Union, incorporating the relevant features of the existing Western European Union (WEU) structures.
- (2) The establishment of a European Union Satellite Centre is essential for strengthening early warning and crisis monitoring functions within the context of the Common Foreign and Security Policy (CFSP), and in particular of the European Security and Defence Policy (ESDP).
- (3) The statute and structure of the Centre should enable it to respond to the requirements of the European Union and its Member States and to fulfil its functions in close collaboration with Community, in particular the Commission's Joint Research Centre, national and international institutions. It should be coherent with the European Strategy for Space endorsed by the Council on 16 November 2000.
- (4) The European Union Satellite Centre should have legal personality, while maintaining close links with the Council and having due regard for the general political responsibilities of the European Union and its institutions.
- (5) In conformity with Article 6 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community, Denmark does not participate in the elaboration and implementation of decisions and actions of the European Union which have defence implications. This provision, however, does not exclude the participation of Denmark in the civilian activities of the Centre on the basis of a declared willingness of Denmark to contribute to covering the expenses of the Centre not having defence implications,

HAS ADOPTED THIS JOINT ACTION:

Article 1

Establishment

1. A European Union Satellite Centre (EUSC), hereinafter referred to as 'the Centre', is hereby established. It shall be operational as from 1 January 2002.

2. The Centre shall have its headquarters at Torrejón de Ardoz, Spain.

3. The initial infrastructure of the Centre will be provided by the WEU.

Article 2

Mission

1. The Centre shall support the decision-making of the Union in the context of the CFSP, in particular of the ESDP, by providing material resulting from the analysis of satellite imagery and collateral data, including aerial imagery as appropriate, in accordance with Articles 3 and 4.

2. A Member State or the Commission may address requests to the Secretary-General/High Representative, who, if the capacity of the Centre allows, will direct the Centre accordingly, in conformity with Article 4.

3. Third States having agreed to the Provisions set out in the Annex on the association with the Centre's activities may also address requests to the Secretary-General/High Representative, who, if the capacity of the Centre allows, will direct the Centre accordingly, in conformity with Article 4.

4. International organisations such as the United Nations (UN), Organisation for Security and Cooperation in Europe (OSCE) and North Atlantic Treaty Organisation (NATO), may also address requests to the Secretary-General/High Representative, who, if the capacity of the Centre allows, may direct the Centre accordingly, in conformity with Article 4.

Article 3

Political supervision

The Political and Security Committee (PSC) will, in accordance with its responsibilities for CFSP and in particular for the ESDP, exercise political supervision over the activities of the Centre and issue guidance to the Secretary-General/High Representative on the Centre's priorities.

Article 4

Operational direction

1. The Secretary-General/High Representative shall give operational direction to the Centre, without prejudice to the responsibilities of the Board and of the Director of the Centre, respectively, as set out in this Joint Action.

2. In the execution of his tasks as set out in this Article, the Secretary-General/High Representative shall report as appropriate and at least once every six months to the Political and Security Committee.

Article 5

Products of the Centre

1. The products of the Centre in response to requests made in accordance with Articles 2(1), 2(3) and 2(4) shall be made available at the General Secretariat of the Council to Member States, the Commission, and the requesting party, in accordance with applicable security Provisions. They shall be made available to Third States having agreed to the Provisions set out in the Annex and in accordance with those Provisions.

2. In the interest of transparency, the Secretary-General/High Representative shall make available all tasking requests made in accordance with Article 2 to the Member States and the Commission, and to Third States having agreed to the Provisions set out in the Annex in accordance with the detailed rules specified in those Provisions.

3. The products of the Centre resulting from requests made in accordance with Article 2(2) shall be made available to the Member States, the Commission and/or Third States having agreed to the Provisions set out in the Annex, upon decision of the requesting Party.

Article 6

Legal personality

The Centre shall have the legal personality necessary to perform its functions and attain its objectives. Each of the Member States shall take steps to accord it the legal capacity accorded to legal persons under its laws. The Centre may, in particular, acquire or dispose of movable and immovable property and be a party to legal proceedings. The Centre shall be non profit-making.

Article 7

Board

1. The Centre shall have a Board that approves its annual and long-term programme of work and the appropriate budget. The Board shall be a forum for discussing issues related to the Centre's functioning, staff and equipment.

2. The Board shall be chaired by the Secretary-General/High Representative or, in the event of that person's absence, by his or her representative. The Secretary-General/High Representative shall report to the Council on the work of the Board.

3. The Board shall be composed of one representative appointed by each Member State and one appointed by the Commission. Each member of the Board may be represented or accompanied by an alternate. Letters of appointment, duly

authorised by the Member State or the Commission, as appropriate, shall be directed to the Secretary-General/High Representative.

4. The Director of the Centre or its representative shall, as a rule, attend Board meetings. The Director-General of the Military Staff and the Chairman of the Military Committee, or their representatives, may also attend Board meetings.

5. Decisions of the Board shall be taken on a vote by the representatives of the Member States by qualified majority, the votes being weighted in accordance with Article 23(2), third subparagraph, of the Treaty on European Union, without prejudice to Article 13(2) of this Joint Action. The Board shall adopt its rules of procedure.

6. The Board shall be convened by the Chairman at least twice a year and at the request of at least one third of its members.

7. The Board may decide to create ad-hoc working groups or standing committees with the same format as the Board dealing with specific subjects or issues within its overall responsibility and acting under its supervision. The decision to create such a group or committee shall set out its mandate, composition and duration.

Article 8

Director

1. The Board shall appoint the Director of the Centre, from among Member States' nationals. Member States shall submit candidatures to the Secretary-General/High Representative who shall forward them to the Board. The Director shall be appointed for three years, with the possible extension of one two year term.

2. The Director shall appoint the Deputy Director of the Centre for a period of three years after approval by the Board. The Director shall be responsible for recruiting all other staff of the Centre.

3. The Director shall ensure the execution of the mission of the Centre in accordance with Article 2. The Director shall furthermore uphold a high level of expertise and professionalism at the Centre, as well as efficiency and effectiveness in the pursuit of its mission. The Director shall take all necessary measures to this end, including the training of personnel and the conduct of research and development projects in support of its mission.

4. The Director shall also be responsible for:

- preparing the work of the Board, in particular the draft annual work programme of the Centre;
- the day-to-day administration of the Centre;
- preparing the statement of income and expenditure and implementing the Centre's budget;
- security aspects;

- all personnel matters;
- informing the Political and Security Committee on the annual work programme;
- ensuring close cooperation and information exchange with Community space-related services, in particular with the Commission's Joint Research Centre;
- establishing contacts with other national and international institutions in the field of space.

5. Within the work programme and budget of the Centre, the Director shall be empowered to enter into contracts, to recruit staff approved in the budget and to incur any expenditure necessary for the operation of the Centre.

6. The Director shall prepare an annual report on the Centre's activities by 31 March the following year. The report shall be forwarded to the Board and to the Council, which shall forward the report to the European Parliament, the Commission and the Member States.

7. The Director shall be accountable to the Board.

8. The Director shall be the legal representative of the Centre.

Article 9

Staff

1. The staff of the Centre, including the Director, shall consist of contract staff members recruited on the broadest possible basis from among nationals of the Member States. The initial staff will be recruited as needed from among the staff of the WEU Satellite Centre.

2. The staff shall be appointed by the Director on the basis of merit and through fair and transparent competition procedures.

3. The provisions relating to the staff of the Centre shall be adopted by the Council acting on a recommendation from the Director.

Article 10

Security

1. The Centre shall apply the Council's security regulations set out in Decision 2001/264/EC⁽¹⁾.

2. The Centre shall ensure appropriate security and speed in its communications with the General Secretariat of the Council, including the EU Military Staff.

Article 11

Work programme

No later than 30 November each year, the Board shall, on the basis of a draft submitted by the Director of the Centre, adopt the Centre's annual work programme for the following year.

The measures to be carried out under the annual programme shall be accompanied by an estimate of necessary expenditure.

Article 12

Budget

1. All items of income and expenditure of the Centre shall be included in estimates to be drawn up for each financial year, which shall correspond to the calendar year, and shall be shown in the budget of the Centre, which shall include a list of the staff.

2. The income and expenditure shown in the budget of the Centre shall be in balance.

3. The income of the Centre shall consist in contributions from the Member States except Denmark according to the GNP scale and payments made in remuneration for services rendered.

4. Tasking requests from a Member State, the Commission, international organisations or from Third States having agreed to the Provisions set out in the Annex shall be subject to cost recovery charges in accordance with Guidelines set out in the Financial Rules referred to in Article 15.

5. By way of derogation from paragraph 4, until 31 December 2003, products resulting from tasking requests made in accordance with Article 2(2) shall be free of charge. By way of derogation from Article 5(3), products resulting from these requests shall be made available to all Member States, to the Commission and, upon decision of the requesting party, to Third States having agreed to the Provisions set out in the Annex and in accordance with those Provisions.

Article 13

Budgetary procedure

1. The Director shall establish by 30 June each year a draft budget for the Centre covering administrative expenditure, operational expenditure and expected income for the following financial year and shall submit it to the Board. The Director shall send the draft budget to the Council for information.

2. The Board shall adopt the budget of the Centre by unanimity of the representatives of Member States by 15 December of each year.

3. If, while monitoring a crisis, resources available to the Centre are not adequate to meet the demand for products, the Director may propose a supplementary budget to the Board.

Article 14

Control of the budget

1. Control of the commitment and payment of all expenditure and the recording and collection of all income shall be carried out by an independent financial controller appointed by the Board.

⁽¹⁾ OJ L 101, 11.4.2001, p. 1.

2. By 31 March each year at the latest, the Director shall submit to the Council for information, and to the Board the detailed accounts of all income and expenditure from the previous financial year and the report on the Centre's activities.

3. The Board shall give discharge to the Director in respect of the implementation of the budget.

Article 15

Financial rules

The Board, with the assent of the Council, shall draw up, on a proposal from the Director, detailed financial rules specifying in particular the procedure to be followed for establishing and implementing the budget of the Centre.

Article 16

Privileges and immunities

Privileges and immunities necessary for the performance of the duties of the Centre, the Director of the Centre and its staff, shall be provided for in an agreement between the Member States.

Article 17

Seconded personnel

1. In agreement with the Director, experts from Member States and the Commission may be seconded to the Centre, for periods not exceeding one year, with a view to familiarising themselves with its functions. The candidates shall be experienced image analysts possessing professional qualifications allowing them to work on digital imagery and to be integrated in the operational activities of the Centre. The detailed rules for secondment shall be laid down by the Director of the Centre.

2. In the event of a crisis, the Centre may be reinforced by specialist staff, seconded by the Member States, the Commission or the General Secretariat of the Council. The need for and the length of such secondments shall be determined by the Secretary-General/High Representative in consultation with the Director of the Centre.

Article 18

Legal liability

1. The contractual liability of the Centre shall be governed by the law applicable to the contract concerned.

2. The personal liability of staff towards the Centre shall be governed by the relevant Provisions applying to staff of the Centre.

Article 19

Access to documents

Upon a proposal by the Director, the Board shall adopt, by 30 June 2002, rules on public access to the documents of the Centre, taking into account the principles and limits laid down in the Regulation No 1049/2001 of the European Parliament

and of the Council of 30 May 2001 regarding public access to European Parliament, Council and Commission documents ⁽¹⁾.

Article 20

The position of Denmark

The Danish member of the Board shall take part in the work of the Board in full respect of Article 6 of the Protocol on the position of Denmark annexed to the Treaty on European Union and to the Treaty establishing the European Community.

Denmark may address requests not having defence implications to the Secretary-General/High Representative in accordance with Article 2(2).

Products arising from the missions under Article 2 shall be made available to Denmark under the same conditions as to the other Member States except requests having defence implications under Article 2(2), (3) and (4) and the resulting products.

Denmark has the right to second staff to the Centre in accordance with Article 17.

Article 21

Association of Third States

Non-EU European NATO members and other States which are candidates for accession to the EU shall be entitled to be involved in the Centre's activities in accordance with the Provisions set out in the Annex.

Article 22

Review

The Secretary-General/High Representative shall present no later than five years from its entry into force, a report to the Council on the implementation of this Joint Action with a view to its possible review.

Article 23

Transitional provisions

1. The first Board of the Centre shall be appointed, and the Director shall be designated, by 31 July 2001. The Director shall be entrusted with the management of the transition from the WEU subsidiary body to the new entity.

2. The designated Director shall present a draft budget for the year 2002 by 15 September 2001. The Board shall adopt the budget by 15 November 2001.

⁽¹⁾ OJ L 145, 31.5.2001, p. 43.

3. The Centre shall be substituted for the WEU as the employer of the staff serving on 31 December 2001. Obligations arising from existing staff contracts, as defined in the applicable acts, shall be honoured by the new employer.

4. Contracts not relating to staff, signed by the WEU on behalf of the WEU Satellite Centre, shall also be taken over by the Centre.

5. Tasks already requested under the WEU regime up to 31 December 2001 will be completed, free of charge for the requesting party.

6. The budget for expenditure borne by the Member States for the financial year 2002 shall be EUR 9,3 million, which will include a voluntary contribution from Denmark.

Article 24

This Joint Action shall enter into force on the day of its adoption.

Article 25

This Joint Action shall be published in the Official Journal.

Done at Brussels, 20 July 2001.

For the Council

The President

J. VANDE LANOTTE

ANNEX

PROVISIONS ON THE ASSOCIATION OF THIRD STATES WITH THE EUROPEAN UNION SATELLITE CENTRE'S ACTIVITIES*Article 1***Purpose**

These Provisions set up the scope of and detailed rules for the involvement of Third States in the activities of the Centre.

*Article 2***Scope**

Third States mentioned in Article 21 of the Joint Action shall be entitled:

- to submit national requests for imagery analysis to be implemented by the Centre;
- to submit candidates for secondment as image analysts to the Centre for a limited time;
- to have access to products of the Centre in accordance with Article 5 of these Provisions.

*Article 3***Task requests**

1. Any requests for imagery analysis tasks to be implemented by the Centre may be submitted by Third States to the Secretary-General/High Representative in accordance with Article 2(3) of the Joint Action.
2. If the capacity of the Centre allows, the Secretary-General/High Representative, will direct the Centre accordingly, in conformity with Article 4 of the Joint Action.
3. Third States shall accompany each request by collateral data as appropriate, and shall reimburse the Centre in accordance with Article 12(4) of the Joint Action and the rules for cost recovery charges specified in the Centre's Financial Rules. Third States shall indicate whether tasking requests and/or products should be made available to other third States and international organisations.

*Article 4***Secondment of image analysts**

1. Third States shall be entitled to submit to the Centre candidates for secondment as image analysts for a limited time with a view to familiarising themselves with its functioning.
2. Candidatures shall be taken into consideration subject to the availability of positions.
3. The duration of the stay shall start with a six month period, subject to review based on a proposal by the Director of the Centre and depending on the Centre's available capabilities for a prolongation for a maximum of six months. The broadest possible rotation among candidates from interested Third States shall be taken into consideration.
4. Candidates shall be experienced image analysts possessing professional qualifications allowing them to work on digital imagery. Experts on secondment shall normally take part in those operational activities of the Centre that use commercial imagery.
5. Image analysts from Third States shall comply with the relevant Centre security regulations and enter into a confidentiality commitment with the Centre.
6. Third States shall cover the salary of its seconded image analyst, all related costs such as allowances, social charges, installation and travel costs, as well as any additional costs to the budget of the Centre as determined in the detailed rules referred to in paragraph 8.

7. Mission expenses inherent to the activities of the seconded image analyst from Third States in the Centre shall be met by the Centre's budget.
8. The detailed rules for the secondment shall be established by the Director of the Centre.

Article 5

Availability of the Centre's products

1. The Secretary-General/High Representative shall inform Third States when products requested in accordance with Article 2 of the Joint Action are available at the General Secretariat of the Council.
2. Tasking requests and products made in accordance with Article 2(1) of the Joint Action shall be made available to Third States when the Secretary-General/High Representative judges it relevant for the dialogue, consultation and cooperation with the European Union on ESDP.
3. Tasking requests and products of the Centre resulting from requests made in accordance with Article 2(2), (3) and (4) of the Joint Action shall be made available to Third States upon decision of the requesting Party.

Article 6

Security

In their relations with the Centre and with respect to its products, the Third States shall, in an Exchange of Letters with the Centre, confirm that they apply the security standards defined in Council Decision 2001/264/EC, as well as those set out by possible providers of classified data.

Article 7

Consultative Committee

1. A Consultative Committee shall be set up, chaired by the Director of the Centre, or his or her representative, and composed of representatives of the members of the Board and representatives of Third States having accepted the present Provisions. The Consultative Committee may meet in different compositions.
2. The Committee shall address matters of common interests falling within the scope of these Provisions.
3. The Committee shall be convened at the Centre by the Chairman at his or her initiative or at the request of at least one third of its members and in any case not less than twice a year.

Article 8

Entry into force

1. These Provisions shall become effective with regard to each Third State on the first day of the month following a notification to the Secretary-General/High Representative by the competent authority of the Third State on acceptance of the terms set out in these Provisions.
 2. The Third State shall notify the Secretary-General/High Representative at the latest one month before its decision not to avail itself any longer of these Provisions.
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