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►B DECISION No 541/2014/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 16 April 2014 establishing a Framework for Space Surveillance and Tracking Support

(OJ L 158, 27.5.2014, p. 227)

Amended by:

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►M1	Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council of 18 July 2018	L 193	1	30.7.2018

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DECISION No 541/2014/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 16 April 2014

establishing a Framework for Space Surveillance and Tracking Support

Article 1

Establishment of the framework

This Decision establishes a space surveillance and tracking (SST) support framework.

Article 2

Definitions

For the purpose of this Decision, the following definitions apply:

(1) ‘Space object’ means any man-made object in outer space;

(2) ‘Spacecraft’ means any space object serving a specific purpose, including active artificial satellites and launcher upper stages;

(3) ‘Space debris’ means any space object including spacecraft or fragments and elements thereof in Earth's orbit or re-entering Earth's atmosphere, that are non-functional or no longer serve any specific purpose, including parts of rockets or artificial satellites, or inactive artificial satellites;

(4) ‘SST sensor’ means a device or a combination of devices, such as ground-based or space-based radars and telescopes, that is able to measure physical parameters related to space objects, such as size, location and speed;

(5) ‘SST data’ means physical parameters of space objects acquired by SST sensors or orbital parameters of space objects derived from SST sensors' observations;

(6) ‘SST information’ means processed SST data which is readily meaningful to the recipient.

Article 3

Objectives of the SST support framework

1. The general objective of the SST support framework is to contribute to ensuring the long-term availability of European and national space infrastructure, facilities and services which are essential for the safety and security of the economies, societies and citizens in Europe.

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2. The specific objectives of the SST support framework are:

(a) assessing and reducing the risks to in-orbit operations of European spacecraft relating to collisions and enabling spacecraft operators to plan and carry out mitigation measures more efficiently;

(b) reducing the risks relating to the launch of European spacecraft;

(c) surveying uncontrolled re-entries of spacecraft or space debris into the Earth's atmosphere and providing more accurate and efficient early warnings with the aim of reducing the potential risks to the safety of Union citizens and mitigating potential damage to terrestrial infrastructure;

(d) seeking to prevent the proliferation of space debris.

Article 4

Actions supported by the SST support framework

1. To attain the objectives laid down in Article 3, the SST support framework shall support the following actions which aim to establish a SST capability at European level and with an appropriate level of European autonomy:

(a) the establishment and operation of a sensor function consisting of a network of Member State ground-based and/or space-based sensors, including national sensors developed through ESA, to survey and track space objects and to produce a database thereof;

(b) the establishment and operation of a processing function to process and analyse the SST data at national level to produce SST information and services for transmission to the SST service provision function;

(c) the setting up of a function to provide SST services as defined in Article 5(1) to the entities referred to in Article 5(2).

2. The SST support framework shall not cover the development of new SST sensors.

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3. Funding programmes established by Regulations (EU) No 377/2014 and (EU) No 1285/2013 and by Decision 2013/743/EU may contribute to the financing of the actions referred to in paragraph 1 of this Article, within the scope of those programmes and in conformity with their aims and objectives. Such contributions shall be spent in compliance with Regulation (EU) No 377/2014. The Commission shall before the end of the Multiannual Financial Framework 2014-2020 assess the new simplified financial rules pursuant to this paragraph and their contribution to the objectives of the SST support framework.

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Article 5

SST services

1. The SST services referred to in Article 4 shall be of a civilian nature. They shall comprise the following services:

(a) the risk assessment of collision between spacecraft or between spacecraft and space debris and the generation of collision avoidance alerts during the launch, early orbit, in-orbit operation and disposal phases of spacecraft missions;

(b) the detection and characterisation of in-orbit fragmentations, break-ups or collisions;

(c) the risk assessment of the uncontrolled re-entry of space objects and space debris into the Earth's atmosphere and the generation of related information, including the estimation of the timeframe and likely location of possible impact.

2. SST services shall be provided to:

(a) all Member States;

(b) the Council;

(c) the Commission;

(d) the EEAS;

(e) public and private spacecraft owners and operators;

(f) public authorities concerned with civil protection.

SST services shall be provided in compliance with the provisions on the use and exchange of SST data and information set out in Article 9.

3. Participating Member States, the Commission and, where relevant, the SATCEN, shall not be held liable for:

(a) any damage resulting from the lack of or interruption in the provision of SST services;

(b) any delay in the provision of SST services;

(c) any inaccuracy of the information provided through the SST services; or

(d) any action undertaken in response to the provision of SST services.

Article 6

Role of the Commission

1. The Commission shall:

(a) manage the SST support framework and ensure its implementation;

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(b) take the measures necessary to identify, control, mitigate and monitor risks related to the SST support framework;

(c) ensure the update of SST user requirements as appropriate;

(d) define general guidelines for the governance of the SST support framework, particularly to facilitate the establishment and operation of the consortium referred to in Article 7(3);

(e) facilitate the broadest possible participation of Member States, whenever appropriate, in accordance with Article 7.

2. The Commission shall adopt implementing acts establishing a coordination plan and relevant technical measures for the SST support framework activities. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2).

3. The Commission shall provide to the European Parliament and to the Council, in a timely manner, all relevant information on the implementation of the SST support framework, in particular to provide transparency and clarity regarding:

(a) the indicative efforts and the different Union sources of funding;

(b) participation in the SST support framework and the actions supported thereby;

(c) the evolution of the networking of Member State SST assets and of SST service provision;

(d) the exchange and use of SST information.

Article 7

Participation of Member States

1. A Member State wishing to participate in the implementation of the actions referred to in Article 4 shall submit an application to the Commission demonstrating compliance with the following criteria:

(a) ownership of or access to:

(i) adequate SST sensors available or under development and technical and human resources to operate them, or

(ii) adequate operational analysis and data processing capacities specifically designated for SST;

(b) establishment of an action plan for the implementation of the actions set out in Article 4 including the modalities of cooperation with other Member States.

2. The Commission shall adopt implementing acts regarding procedures for submission of applications and compliance of the Member States with the criteria set out in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 12(2).

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3. All Member States which comply with the criteria referred to in paragraph 1 shall designate a national entity to represent them. The designated national entities shall constitute a consortium and shall conclude the agreement referred to in Article 10.

4. The Commission shall publish and update on its website the list of participating Member States.

5. Responsibility for the operation of sensors, the processing of data and the implementation of data policy shall lie with the participating Member States. The assets of participating Member States shall remain fully under national control.

Article 8

Role of the European Union Satellite Centre

The European Union Satellite Centre (SATCEN) may cooperate with the consortium to be established pursuant to Article 7(3). In that case, it shall conclude the necessary implementing arrangements with the participating Member States.

Article 9

SST data and SST information

The use and exchange of SST information released by the consortium and the use of SST data within the context of the SST support framework for the purposes of the implementation of the actions referred to in Article 4 shall be subject to the following rules:

(a) unauthorised disclosure of data and information shall be prevented while allowing efficient operations and maximising the use of the generated information;

(b) the security of SST data shall be ensured;

(c) SST information and services shall be made available on a need-to-know basis to the recipients of the SST services defined in Article 5(2), in accordance with the instructions and security rules of the originator of the information and of the owner of the space object concerned.

Article 10

Coordination of operational activities

The designated national entities that constitute the consortium referred to in Article 7(3) shall conclude an agreement laying down the rules and mechanisms for their cooperation in the implementation of the actions referred to in Article 4. In particular, that agreement shall include provisions for:

(a) the use and exchange of SST information taking into account the endorsed recommendations ‘Space Situational Awareness data policy — recommendations on security aspects’;

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(b) the establishment of a risk management structure to ensure the implementation of the provisions on the use and secure exchange of SST data and SST information;

(c) cooperation with the SATCEN to implement the action referred to in Article 4(1)(c).

Article 11

Monitoring and evaluation

1. The Commission shall monitor the implementation of the SST support framework.

2. By 1 July 2018, the Commission shall forward a report on the implementation of the SST support framework to the European Parliament and the Council concerning the achievement of the objectives of this Decision, from the point of view of both results and impacts, the effectiveness of the use of resources and the European added value.

This report may be accompanied by proposals for amendments, where appropriate, including the possibility for a basic act within the meaning of the Regulation (EU, Euratom) No 966/2012 for SST.

Article 12

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where a reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 13

Entry into force

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 14

This Decision is addressed to the Member States.