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The Development of the European Space Policy and the Role of the European Parliament

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Abstract

The paper studies the role of the European Parliament in the development of European space policy (ESP), an important EU policy area that has been neglected in the political science and EU studies literature. ESP started as a purely intergovernmental affair, but it gradually acquired a supranational dimension. Although the EP did little to initiate this process, it was always a supporter of the ESP, and it used both its formal and informal powers to affect and promote its development. Under the consultation procedure the EP managed to become a conditional agenda-setter, and under co-decision an influential legislation-maker. The changes it introduced in the European global navigation satellite and Earth observation programmes relate not only to the inter-institutional balance and its controlling powers, but to a series of substantive issues also. Consequently, the activism of the EP played an important part in the development of the ESP, even if it was not the main force behind its inception.

Introduction

If everything goes as planned, in a few years time the European Union (EU) will boast a valuable possession: a set of 18 high-tech satellites in orbit around Earth, worth more than 3 billion Euros and fully owned by the EU. This constellation of satellites is the product of the European space policy (ESP) which in addition to the Galileo programme presently features two more: the European Geostationary Navigation Overlay Service (EGNOS) and the Global Monitoring for Environment and Security (GMES). Galileo and EGNOS are part of the European Global Navigation Satellite Systems (GNSS), while GMES is a European Earth observation programme. In short, Galileo, which is the backbone of the ESP and by far the most expensive of the EU space programmes, is the European answer to the US General Positioning System (GPS). EGNOS aims to improve the accuracy and reliability of the GPS information (EP 2011), and GMES combines space and ground-based (*in situ*) observation systems to monitor the environment and climate of Earth (EP 2010).

The EU's involvement in space matters acquired treaty status as late as 2009 and consequently is one of the latest additions in the growing EU competences list. The Treaty on the Functioning of the EU (TFEU) states that on space the EU has the 'competence to carry out activities, in particular to define and implement programmes' without, however, preventing the member states to exercise their own competence (TFEU, art. 4). The TFEU is also explicit as to who will decide on space policy matters (TFEU, art.189). Instead of reserving it to the exclusive jurisdiction of the intergovernmental EU institutions (the European Council and the Council of Ministers), the ESP decisions will be reached according to the 'ordinary legislative procedure', that means, the Council of Ministers (henceforth the Council) and the European Parliament (EP) will decide together, with the latter having the final say.

The supranationalisation of space policy may come as a surprise. How is it possible that space, a policy area with serious security implications, will not be the prerogative of sovereign national governments but, instead, come under the jurisdiction of supranational institutions? Different explanations are possible. A neo-functionalist or historical institutionalist interpretation of European unification would emphasise the pivotal role of the supranational actors in influencing the integration process (Pollack 1998, Tsebelis and Garret 2001, Haas 2004). According to these supranationalist schools of thought, the Commission, the EP and the European Court of Justice are ingenuous actors with a pro-integrationist agenda who take advantage of their increased autonomy and asymmetry of information to expand EU competences. In contrast, liberal intergovernmentalism would downplay the influence of the supranational institutions and insist that the national governments remain the ultimate gate-keepers of European integration (Moravcsik 1998 and 1999, Moravcsik and Schimmelfennig 2009).¹

Scholars have repeatedly tried to assess the importance of the supranational institutions in the European integration process yielding mixed results (cf. Moravcsik 1998, Pollack 1998, Stone Sweet and Caporaso 1998, Pollack 1999, Tallberg 2000, Greer 2006, Thomson and Hosli 2006, Nowak 2010, Conceição-Heldt 2011). Since the involvement of the EU in space matters is a new development, there are still no studies estimating the influence of the supranational institutions. The present paper aspires to make a contribution to this end by examining the role of the EP in the ESP. In particular, I seek to answer the following questions: What are the formal and informal powers of the EP in relation to the ESP? How has the EP used them thus far to determine or influence the development of the ESP? And last but not least, to what extent do the GNSS and GMES EU Regulations bear the stamp of the EP?

¹ For more on the European integration theories see, for example, Wiener and Diez (2009).

The empirical analysis of the paper draws on a combination of sources. The EU treaties and the EU regulations on the GNSS and the GMES are the main source of information for describing the formal powers of the EP in the ESP. A series of personal interviews with ESP insiders (MEPs, EP officials and a European Space Agency representative) help filling in the gaps and highlight the informal powers of the EP. The legislative impact of the EP in the development of the ESP is assessed primarily on the basis of the adopted EP amendments. The focus is not just on the number of the successful amendments but also on their substantive content examining both the magnitude and the nature of the EP influence.

The empirical findings suggest that the ESP did not emerge as a result of policy entrepreneurship on behalf of the EP. The early powers and influence of the EP were limited, but over time it became an ardent supporter of it and used all the means at its disposal to put space under the EU competences and on the policy agenda. The EP did not hesitate express its own views on the two flagship space programmes (GNSS and GMES) and succeeded in having them incorporated in the respective EU regulations. However, the EP does not emerge as a power-hungry institution that wishes to have a say on the ESP just for the sake of it. Instead, it seems to be genuinely concerned about the success of Galileo and the other space programmes. As a result, the development of the ESP and the role of the EP in this respect can be best understood if the main premises of the intergovernmentalist and supranationalist theories are combined.

The supranationalisation of space policy

In order to understand the contribution of the EP in the ESP, it is imperative to address first a simple yet crucial question. Why is it that the EU's space policy is called *European* instead of *EU*, although all the space assets and services created by Galileo, EGNOS and GMES are funded and owned by the EU? To some extent this is a misnomer, but in principle the reason is that the EU is but one actor in a policy area that thus far rested primarily on individual state efforts and on bilateral and multilateral agreements.² By the time the Commission issued its first communication on space in 1988 (Commission 1988), a number of European states had already a relatively developed space policy of their own (mostly France, the UK, Germany and Italy) and the European Space Agency (ESA) numbered 13 years of life.³ The latter is an intergovernmental organisation with a history on space programmes and actions going back to the 1960s through its predecessor organisations the European Space Research Organisation and the European Launcher Development Organisation (Suzuki 2003).

For practical reasons, if nothing more, there was never a doubt that any EU programmes on space could only be materialised with the help of the ESA and the national space agencies that had already accumulated valuable experience and expertise. Hence, in 1998 the Council approved the agreement between the European Community (EC), ESA and the European Organisation for the Safety of Air Navigation (EOSAN) on the development of GNSS (Council 1998), and in 2004 it ratified the Framework Agreement between the EC and the ESA further consolidating the cooperation between the two (Council 2004b). The purpose of this institutionalised cooperation was to pool resources and expertise in order to develop a coherent ESP and thus make an effort to deal with the inefficiency resulting from the fragmented approach on space. The 2004 Framework Agreement makes clear that the pursuit of the ESP is to 'link demand for services and applications using space systems in support of the Community policies with the supply of space systems and infrastructure necessary to meet this demand' (Council 2004b: 64). According to this division of roles, the EU works on the demand side

² It is a misnomer, because space became automatically an EU policy the moment the Lisbon Treaty acknowledged that the EU has competences in this area, even if the latter shares them with the ESA and individual states.

³ For a history of European collaboration on space see Suzuki (2003).

for space-related services and applications and the ESA on the supply side. Hence, the EU is the latest and perhaps most sophisticated level where European space-related decisions are taken. As the official representative of the ESA in the EU, Mr. Giulio Barbolani di Montauto, put it,

in principle, what cannot be done at national level should come to ESA for research and development. And now the third actor is the Commission coming on top of that, with all the problems coming with it, of course. The Commission is not an organisation that is made for this kind of programme [Galileo]' (interview with G. B. di Montauto, 31.5.2011).

If the Commission was not designed to be the executive on space policy matters, and if European states were already cooperating, more or less, successfully within the institutional framework of ESA (Smith and Hörl 2008), then why was the EU brought in? According to Smith and Hörl (2008), the intergovernmental method and the *ad hoc* planning had reached its limits. Space-related programmes are by definition expensive and any European country would find it next to impossible to compete on its own with the leaders in space, USA and Russia, but also with the emerging powers of China and India. Consequently, if the European states wanted to play a bigger role in space they had to make a step forward and learn to work even closer with each other.

ESA too was aware of its own limits and realised the need to make a step forward (Interview with Giulio Barbolani di Montauto, 31.5.2011). The ESA representative explained that

we could have done Galileo by ourselves very quickly and less expensive. But without political support on standards, on radio frequencies, on applications and many other things, it would not be the same thing at all. We think it is essential to develop applications for citizens [and] to have the Commission, the European Union involved'. (*ibid.*)

The EU provided the political, administrative and, of course, the financial apparatus that makes a coherent and promising ESP seem plausible. Instead of signing a number of international treaties to regulate all the space-related matters, a lengthy and complex process, the EU member states could rely on the institutional infrastructure and procedures they already built at the supranational level. Furthermore, because of the political and economic weight of the EU, its member states would be in a better condition to liaise and negotiate with the USA and the other dominant countries on space matters. Thus, from the angle of the benefits to be gained, the supranationalisation of their cooperation appeared as the logical next step for the states that were both members of ESA and the EU.

To the non-ESA members of the EU a supranational element in the European space policy did not seem as a bad idea either. Whereas the EU member states participating in ESA would benefit from the additional space-related funding stemming from the EU budget, those that did not have a national space policy and were not ESA members had little to lose and a lot to gain (interview with N. Glante, 31.5.2011). They had little to lose, because the costs for a European GNSS (Galileo) would be met largely by the EU contributions of the larger states, who were anyway ESA members, and by the private sector which would co-fund Galileo through a public-private partnership. In contrast, the non-ESA EU member states had a lot to gain, because the services of Galileo would benefit the economies of all the EU countries and not just those of the ESA members.

Nevertheless, until the 1990s the supranationalisation of space policy was seen as a risky move. Space programmes are closely linked to military, defence and security applications and priorities (see, for instance, Kolovos 2009 and 2002). They touch directly upon questions of national sovereignty and security, and this naturally makes states hesitant to pool resources, technology and intelligence, and to delegate powers to semi-independent supranational institutions. The turning moment in the history of

the ESP was the war in Yugoslavia in the early 1990s and the subsequent NATO bombardments. During their military operations the US authorities decided to severely downgrade the GPS signal quality to secure their missions. This affected a number of European countries in the area, and it soon became apparent that the GPS services were too important to be left to the discretion of a non-European military authority which could turn GPS on and off at will (interview with G. B. di Montauto, 31.5.2011, Suzuki 2003). The need for independence in GNSS, in combination with the expectation that an advanced, space-related technology can build the foundations of a new industrial policy for Europe and thus create economic growth and jobs led to the incremental building of a ESP where the EU has a central role to play (interviews with N. Glante and G. Caravelis, 31.5.2011).

A facilitating factor in the supranationalisation process of the ESP was the Eastern enlargement of the EU in 2004. The accession of 10 countries in the EU, mostly from Eastern Europe, provided the Commission and the EP with an additional argument why a space policy beyond the more narrow limits of the ESA was a good idea (interview with Gai Oren, 19.5.2011). The argument ran roughly as follows. First of all, the ESA and EU membership did not overlap. Until 2008 when the Czech Republic joined ESA the latter had no members from Eastern Europe. The principle of *juste retour* pertaining ESA would act as a counterincentive for the newer EU states, which did not have a space industry, to join ESA and co-fund any European space programmes. Therefore, the pursuit of a space policy through the EU would make it a truly European space policy and help bridge the gap between western and eastern Europe and between member and non-members of ESA.

The cost-benefit rationale presented here helps explain why the EU member states eventually consented to an ESP with an EU dimension, which culminated in granting explicit space competences to the EU in the Lisbon Treaty. At the same time, however, it gives the illusion that the gradual development of the ESP depended only on the wishes of the EU member states, as if the supranational EU institutions were merely passive observers in the whole process. In reality, both the European Commission and the European Parliament had an important role to play. Here, I focus on the role of the EP. As the following section shows, the EP's powers and influence grew over time reaching the point of having an equal say with the intergovernmental Council of EU Ministers. This increase of the EP's powers left an imprint on the ESP suggesting that its role in the development of the European space affairs should be taken seriously.

The influence of the EP in the development of the ESP

The EU's involvement in space started with the funding of space-related research through the 4th Framework Programme for research and development (Suzuki 2003). Thus, in the early years the EP could exercise an influence on the ESP only by using its budgetary powers and by making its opinion known to the Council under the consultation procedure. Whilst after the Single European Act of 1986 and the inter-institutional agreement of 1988 the EP had important powers in determining the non-compulsory expenditures of the annual EU budget (Judge and Earnshaw 2008), its influence during the first steps of the ESP was restricted. First of all, despite the increased budgetary powers of the EP, the annual budget of the EU had to remain within the limits of the longer-term Financial Perspective, which until the Lisbon Treaty ratification in 2009 was the prerogative of the national governments. Secondly, when the Commission issued its first communication on a European space policy in 1988, 'the EP was still asleep' (interview with George Caravelis, 31.5.2011). According to the former member of the secretariat of the ITRE committee of the EP,

it was ESA that woke us [the EP] up. [...] The EP gets into space policy with a number of Commission reports, communications, staff notes and staff

research that are sent to the EP [...] this is how the conversation [in the EP] starts. (*ibid.*).⁴

The increasing number of reports from the Commission prompted the EP to respond by issuing in the early years a handful of own-initiative reports (interview with Gai Oren, 19.5.2011). Although these instruments are not legally binding and cannot force either the Commission or the Council to change their positions, its resolutions are a means to show that the EP has a certain and possibly strong view on a given topic (Maurer 2003). Mr. Norbert Glante, a Socialist and Democrat member of the EP (MEP) and the rapporteur of the GMES (EP 2010) and the Galileo Joint Undertaking (EP 2002) reports, confirmed that non-legislative reports are a means for expressing opinions and they do not necessarily play a great role (interview with N. Glante, 31.5.2011). However, Mr. Gai Oren, current member of the secretariat of the ITRE committee, argued that the EP, in addition to the Commission, ESA and others,

pushed quite a bit to give space this specific competence that it has now in the Lisbon Treaty. [It pushed] indirectly, of course. But I remember that in several resolutions we said beforehand that the EU, the Commission should do more on space, it should have its own competence in space. And also that in the intergovernmental conference before the Treaty negotiations there was EP contribution [...] and one of our contributions is that we wanted a specific competence for the EU. (interview with Gai Oren, 19.5.2011).

Thus, non-legislative reports might have exerted some influence, although it is difficult to ascertain how much. It is likely that in the early days of the EP's involvement its non-legislative input was of limited impact. However, as the EU's stance toward space matured and the EP's powers grew, the latter's own-initiative reports may have been more likely to find sympathetic ears. In any case, the EP's resolution served to back the Commission's proposal for a European space policy and a greater EU involvement in it.

With the legislative reports there is far less doubt that the EP had a greater say in the ESP, even when its formal legislative powers were limited. Until 2005, when space was moved under the heading of the Trans-European Networks (TEN) and the EP acquired co-decision powers, decisions on space were taken according to the consultation procedure. Hence, the Council had only the obligation to consult the EP when it approved the agreement between EC, ESA and EOSAN in 1998 (Council 1998), when it set up the Galileo Joint Undertaking in 2002 (Council 2002), or when it established the structures for the management of EGNOS and Galileo in 2004 (Council 2004a). In other words, the Council as the final decision-maker and the Commission as the legislation initiator could have ignored the EP if they wished so, but there would be a cost to pay. Under the consultation procedure the EP had the power to delay EU decisions by withholding its opinion.⁵ This could have a serious detrimental effect if the Council had reasons to wish the legislative act to be adopted as soon as possible. Therefore, as we know from the political science literature, the EP was influential not only under the co-decision procedure but under the consultation procedure too (Roederer-Rynning 2003, Kardasheva 2009, Varela 2009).⁶

⁴ ITRE stands for Industry, Transport and Research but the committee has also space under its competences.

⁵ Before 1997 there was no deadline within which the EP had to give its opinion. The Amsterdam Treaty set a limit of three months; after the expiry of the deadline the Council could proceed unilaterally. The Lisbon Treaty abolished this limitation; the consultation procedure was renamed 'special legislative procedure' and confined to a few policy areas (Judge and Earnshaw 2008).

⁶ The EP was rather influential also under the now defunct cooperation procedure. See Tsebelis and Kalandrakis (1999), Tsebelis and Garrett (2001), and Tsebelis *et al.* (2001).

Despite the absence of a clear-cut competence on space and despite the fact that its formal powers in the early years were only advisory, the EP had an important political role to play.

[A]lways in the long history of Galileo, it was very difficult for the Council to take a position against the EP on Galileo. So the EP was really important because all the fights between member states on Galileo at the Council level were effectively reduced by the position of the EP saying ‘we must do Galileo for this and this reasons. So find an industrial political solution and don’t fight for stupid industrial interests’. But even more political: At the beginning we had the UK and Holland strongly against Galileo because of the American influence on them. The EP had a lot to overcome [...] by approving in plenary session an opinion very clearly saying ‘no, Europe must have a system as described by the Commission’. (interview with G. B. di Montauto).

Furthermore, the EP could play its democratic legitimacy card to demand from the Commission to take its views into account in the legislative proposals.

In principle, it is a question of whether one is united, of whether there is a large majority in the [European] Parliament. Then one has the possibility, even in the absence of a clear-cut competence, to regulate, to decline without the right of initiative, which we as a Parliament do not have. But when a large majority demands something and says: ‘We, as the European Parliament, the only representative of the European citizens elected directly, we would like that this or that takes place for our citizens’. Then, the Commission will step in also for this initiative. (interview with Norbert Glante, 31.5.2011).

Thus, Tsebelis and Garret (2001) rightly characterised the EP as a conditional agenda-setter when it does not have the same formal powers as the Commission or the Council. Mr. Glante confirmed that the EP used its agenda-setting powers to influence the development of the ESP by deploying large majorities (interview with Norbert Glante, 31.5.2011). Since both the Commission and the Council have an interest to avoid conflicts with the EP if they can, the EP exercised some influence by presenting the other two EU institutions with a united front.⁷ When I asked Mr. Glante how the EP played a great role in the development of the ESP, as the Commission claimed in its latest communication (Commission 2011), he replied that in legislative EP reports,

if one says clearly to the Commission ‘if you do something here, then consider that we demand this or that’, then this should be in. And here is where one has to ensure that there is large [EP] majority. For a two thirds [EP] majority the Commission responds and makes it [the inclusion]. Maybe not one to one, but she will not oppose it, because in the end she needs the Parliament again and again. There is a kind of automatism: if there is a large majority on a legislative initiative report, then one can make demands, and demand that in the future this or that takes place. Then one has also influence over the Green paper, the White paper; in such a way one can drive with the initiative reports, this is possible. (*ibid.*).

The EP influenced the space policy agenda of the EU also via the hearings of the incoming Commission. Its powers of approving the new College of Commissioners and the Commission President have been used to extract concessions from the incoming Commission before (Judge and Earnshaw 2008). Similarly, when the Commission President, José Manuel Barroso, sought to renew

⁷ The EP plenary votes on two important ESP reports are indicative of the EP’s unity on space policy. The 2008 E. Barsi-Pataky report on the further implementation of Galileo and EGNOS (EP 2008) received 608 positive votes out of 654 MEPs present. The 2010 GMES report by N. Glante (EP 2010) received 624 favourable votes out of 669 present MEPs.

its term of office in 2009 the EP used the hearing as an opportunity to demand from him to put forward policy proposals on space.

We told him: ‘Barroso, a great Commission you have not, a great Commission president you are neither’, to put it crudely, ‘but if were to support you, you have to offer us something’. (interview with Norbert Glante, 31.5.2011).

As long as the ESP came under research and development and the consultation procedure, the EP had to rely primarily on its ingenuity and determination to be able to play a role in its development. When it was clear that the next phases of Galileo (deployment and commercial operation) required substantial additional funding, and for the first time in its history the EU would have to engage in a public-private partnership, it became evident that the EP would have to be entrusted with more powers over the ESP. As the Commission (2004: 5) argued in its Regulation proposal for the implementation of the deployment and commercial operating phases of the European GNSS,

[t]he programme has now reached maturity and taken a dimension which goes well beyond the sectoral policies pursued by the Commission notably as regards research and innovation, transport, telecommunications etc [...] The size of the actions covered imposes requirements of transparency and budgetary rigor as well as scrupulous oversight of the programme. It is necessary for the institutional and budgetary framework to be clear, coherent and without ambiguity vis-à-vis the concessionaire on whom the Community is imposing comparable requirements of transparency and solidity.

Consequently, Galileo would acquire its own EU budget line instead of drawing from a multitude of different EU policies, and through the proposed Regulation it would be founded ‘on an [*sic*] specific legal tool’ (*ibid.*, p. 6). Since Galileo was no longer a ‘simple research project’ and it was foreseen that as much as one billion Euros would have to come out of the EU budget (*ibid.*, pp. 5-6), it was necessary to allow a greater formal role for the EP. The EP could, firstly, provide the financial clearance and backing (interview with George Caravelis, 31.5.2011) and, secondly the democratic legitimacy needed for such a large scale and ambitious project (interview with G. B. di Montauto, 31.5.2011). Given the lack of clear EU competence in the treaties, the solution was to classify Galileo as a Trans-European Networks programme –an option already available since the Community guidelines for the development of the TEN (EP and Council 1996). Automatically, this meant that the EP would henceforth be formally a co-legislator on all Galileo matters. The irony is that what consolidated EP’s legislative power over Galileo was not the ratification of the proposed Regulation but its abandonment.

In 2007 the public-private partnership scheme, through which the subsequent phases of Galileo were to be funded, collapsed marking the second turning point in the history of the ESP and of the EP’s involvement in it. The two consortia of companies that had agreed to participate in the bid merged into one and the prospect of economic competition and the benefits thereof disappeared (interview with N. Glante, 31.5.2011). The

failure of the initial public-private partnership for funding the GNSS programmes led in 2007 to the decision to pursue their implementation with financing drawn exclusively from the Union budget (EUR 3.4 billion for the definition, validation and deployment phases up to 2013), and consequently with full ownership by the European Union, leading Galileo and EGNOS being the first major EU-owned projects of this type. (EP 2011: 4).

The full funding and ownership of the European GNSS by the EU entrenched the role of the EP in the ESP. The amended Regulation for the further implementation of EGNOS and Galileo (EP and Council

2008) was co-decided by the EP and the Council. Naturally, both programmes remained under the heading of TEN, because even though the Lisbon Treaty, which recognised the EU's competence in ESP, was signed in 2007, it only came into force a year after the Regulation had been adopted.

The 2008 EGNOS and Galileo Regulation and the 2010 GMES Regulation are currently the two most important EU legal documents on ESP. Therefore, they deem a closer inspection, in particular with regard to the influence of the EP in shaping them and the official powers of the EP in the three different ESP programmes. This is the subject of the following section.

The GNSS and GMES Regulations and the EP

The co-decision procedure, or ordinary, as it is known since the Lisbon Treaty, allows the EP to propose specific and detailed amendments to the Commission's proposal. If the Council rejects these amendments, but the EP insists on them in its second reading, then a conciliation committee between the Council and the EP forms to which the Commission offers its services. Should the conciliation committee fail to reach an agreement or should this agreement be unacceptable to either the Council or EP plenary, then the proposed act collapses. In short, under co-decision the EP can drastically revise a legislative proposal mobilising the threat that it will reject it otherwise.⁸

Although the legislative power of the EP in policy areas falling under co-decision seems self-evident and substantial, it is possible that it may have been overestimated. Just because the EP has the power to reject a proposal it does not necessarily mean that it will always introduce or insist on its amendments, or that it will make substantive or extensive changes. For instance, Burns (2005) finds that the EP's influence is greater in regulatory rather than distributive policy fields. Since both GNSS and GMES are programmes with distributive implications, the EP's influence in the formulation of the respective Regulations may have been limited. Similarly, Thomson and Hosli (2006) argued that the powers of the EP may be lower than what legalistic analyses suggest. Some of their interviewees (EU affairs practitioners)

indicated that the Parliament's position is weakened by the lack of technical policy expertise among MEPs compared with the Council, whose Member State representatives are supported by large national bureaucracies. (Thomson and Hosli 2006: 415).

Therefore, the fact that ESP decisions at the EU level are taken according to the co-decision procedure does not automatically guarantee an increased degree of EP involvement and influence over the relevant EU legislation.

A method that has been used in the literature to assess empirically the legislative influence of the EP, and which I use here in combination with the interview data, is the success rate of the EP amendments (Kreppel and Tsebelis 1999, Tsebelis and Kalandrakis 1999, Tsebelis and Garrett 2001, Tsebelis *et al.* 2001, and Judge and Earnshaw 2008). If all or most of the proposed EP amendments can be found in the adopted EU text, then it is safe to conclude that the EP played its legislative role successfully. However, since quality can be more important than quantity, I am examining also what kind of amendments the EP introduced. Obviously, the mere rewording of a sentence does not carry the same weight as more substantive changes.

⁸ A detailed description of the ordinary legislative procedure can be found in Judge and Earnshaw (2008).

Of the two EU Regulations and their respective EP reports examined here, the 2010 report on the initial operations of the European Earth observation programme (GMES) was the least controversial. As the EP official Gair Oren remarked,

the negotiations on GNSS were more difficult than the one on GMES for sure [...] In GMES I don't remember that there were so many amendments, or at least that they were very controversial or that there was such a strong feeling from the EP. (interview with Gai Oren, 31.5.2011).

Mr Oren's memory did not prove him wrong. With the Glante report on GMES (EP 2010) the EP proposed about 80 amendments, compared to more than 120 in the GNSS Barsi-Pataky report (EP 2008). Nearly all the GMES report amendments were accepted which resulted in 59 new paragraphs including 6 new articles in the Regulation (EP and Council 2010). The few EP points that are not found in the adopted EU text do not merit our attention here. In contrast, some of the accepted EP amendments are noteworthy because of their political and economic implications. The most important one, which took both the Commission and the Council by surprise, was the EP's suggestion to increase the GMES funding. Whereas the original Commission proposal granted 107 million Euros for the GMES operational activities and, on top of that, only 43 million from the space theme of the Framework Programme, the EP maintained that the latter sum should be 209 million. According to Mr. Montauto of the ESA, the Commission did not want commit so much money to GMES, in order to leave some manoeuvring space for bargaining in other policy areas (interview with G. Barbolani di Montauto, 31.5.2011). At the end, however, both the Commission and the Council gave in and the additional 7th Framework Programme funding to GMES was made available.

The main EP amendments with political consequences are those that give the Commission the power, under specific conditions, to delegate acts to external bodies (Articles 9-12 in EP and Council 2010).⁹ To tighten the grip upon the Commission, the EP asked that both the Council and the EP have the power to revoke a delegated act at any time (Articles 11 and 12) –an amendment that found both institutions in agreement but not the Commission (interview with N. Glante, 31.5.2011). The Commission wanted to use the delegated acts in several cases, but neither the EP nor the Council wanted have so much discretion to the Commission (*ibid.*). Given that the two decision-making bodies were of the same opinion on this, the Commission had little chances against the particular EP amendment.

The accountability of the Commission to the EP is further strengthened through a series of amendments that force the Commission to report to the EP annually (Article 5), to report on the allocation of funds, the evaluation process and on the results of the procurement tenders (Article 6), to report to the EP as soon as the Commission adopts a delegated act (Article 10), and to submit not only a final but also a mid-term GMES progress report (Article 14).

In addition to the introduction of a GMES 'user forum' (Article 17), the EP succeeded in amending the objectives of the programme. Most importantly, the EP made the security dimension of the GMES more explicit. It added a new recital (number 23 in EP and Council 2010) which states that 'security services are an important part of the GMES initiative', and it added five specific objectives in the annex of the Regulation. One of them specifies that the GMES'

security services shall provide useful information in support of the challenges which Europe is facing in the security filed, notably border control, maritime surveillance and support for EU external actions. (EP and Council 2010: 10).

⁹ After the Lisbon Treaty the comitology procedure was replaced by the delegated acts procedure whereby the Commission has the powers to issue legal acts in order to implement the EU decisions.

The EP was equally successful with its amendments in the relatively more controversial GNSS Regulation (EP and Council 2010). Of the approximately 120 proposed amendments the 117 were accepted leading to 64 new paragraphs in the Regulation, including 9 new articles, and one declaration in the annex. Unsurprisingly, the difficult point was the funding of GNSS after the collapse of the public-private partnership (interview with G. Oren, 19.5.2011). The EP was in constant negotiations with the Commission and the Council, and an agreement was reached before the Commission submitted its proposal.¹⁰ The EU had now to commit an additional 2 billion Euros out of its budget to ensure the continuation of the Galileo programme. Did the EP get a lot?

I think the EP was at least very satisfied with what it got. I think that the EP was mostly very much in favour of both these projects [GNSS and GMES] and also that it would be paid and owned by the EU. I think the EP mostly wanted to retain what the Commission proposed [...] it was mostly trying to preserve those projects being done at the EU level. (*ibid.*).

This may be also the reason why in the explanatory statement of the EP report we find that the ‘rapporteur’s position on the amended proposal is supportive. Yet it introduces a number of amendments intended to be *useful* in the sense of improving the proposal in question’ (EP 2010: 32).¹¹

The most important EP amendment is the declaration in the Regulation annex setting up of the Galileo inter-institutional panel (GIP). Its task is to ‘follow closely’ the progress of the GNSS programmes, the international agreements with third countries, the preparation of satellite navigation markets, the effectiveness of the governance arrangements, and the annual review of the work programme (EP and Council 2010: 11). What makes the GIP so special is that because three of its members’ seats are reserved for the EP (there are three more for the Council representatives and one for the Commission), the EP does not have to rely only on the Commission’s reports to monitor an EU programme but is actively involved in this process. Moreover, according to the former member of the ITRE committee secretariat, the GIP’s significance goes beyond its monitoring role:

It is the first time that the Council, the Commission and the EP participate [together] in the shaping of the [Galileo] implementation. This is the essence. The Commission is accountable to us [the EP] why something happened in this or that way. [...] With this panel [institutional] balance is restored. No one can see the political dimension of the panel. Why? Because it is not found in any other Regulation [...] Several times the Commission tried to avoid the panel. Several times it tried to raise the legal issue that [the panel] does not exist elsewhere’ (interview with George Caravelis, 31.5.2011).

Notwithstanding the importance attributed to the GIP from the EP side, its power should not be exaggerated. The GIP may be without precedent in the history of EU inter-institutional relations, but its role remains advisory. The Commission is obliged to ‘take into account of the views expressed by the GIP (EP and Council 2010: 11), but it is not obliged to act on them. As the ESA representative in the EU put it, ‘that panel doesn’t have real power’ (interview with G. B. di Montauto, 31.5. 2011). Rather, the GIP should be seen as the culmination of the EP’s attempts to ensure that the Commission, as manager of the Galileo and EGNOS programmes, stays accountable to it.

Besides the GIP, the EP introduced amendments that are far too many to present in detail here. However, a synopsis of some of the more important amendments demonstrates that the EP made changes that go beyond accountability concerns and aimed at improving the Commission’s proposal.

¹⁰ The only budget-related amendment was to emphasise that out of the 3,405 million Euros for the GNSS programmes (for the period 2007-13) the 400 million would come from the 7th Framework Programme for research and development.

¹¹ Emphasis in the original.

For example, the newly introduced recital 25 and Article 17 in the GNSS Regulation introduces the procurement principles of the Galileo programme; Article 7 reiterates the need to ensure the interoperability of the GPS and Galileo systems; Article 8 makes explicit that the EU is the owner of all assets, goods and services stemming from the European GNSS programmes; Article 13 prescribes the EU governance of the security-related issues of Galileo and EGNOS; Article 16 outlines the role of the European GNSS supervisory authority; and Article 20 requests from the Commission to ensure that the European satellite navigation systems include safeguards for the protection of personal data.

The aforementioned articles, and more, were either completely absent from the Commission proposal or substantially revised by the EP. It is obvious, therefore, that the EP's co-decision powers are real rather than just nominal. As we saw, the EP played an important part in the ESP also under the consultation procedure, when its formal powers were only advisory in nature. In sum, over the years the EP did not hesitate to use all the means at its disposal to influence the legislative outcome and promote the EU's role in space. Does this make the EP a power obsessed institution in pursuit of an intergrationist agenda? The concluding section sums up the argument thus far, and explains why the synthesis of different theoretical accounts regarding the role of the EP in the development of the ESP is a good idea.

Conclusion

It is clear that the EP was virtually absent in the very early years of the development of the ESP. In other words, it was not the EP's idea to supranationalise space policy cooperation, although it added to this end by backing the Commission's effort. Consequently, the EP did not act as policy initiator in the ESP, and it did not contribute to any policy spillover, as the neo-functional theory of European integration would suggest. Then again, space policy acquired an EU dimension through a gradual process where the EP became increasingly involved and influential in the policy making process. Can we say that the intergovernmentalist theory explains the development of the ESP and the role of the EP better than the supranationalist theories, or is it the other way round? The evidence presented here does not favour an either-or answer. Instead, a synthesis of the two theoretical accounts seems more appropriate, as Tsebelis and Garrett (2001) recommend. Moravcsik's liberal intergovernmentalism is better suited to explain the outcome of the EU treaties and historic decision, and neo-functionalism and historical institutionalism do a better job with regard to the progress of day-to-day EU politics.

On the one hand, the promotion and funding of the Galileo programme and the granting of space competences in the Lisbon Treaty would have been inconceivable without the support and consent of the EU member states. Space policy was supranationalised because it was beneficial or at least not detrimental to the national states. The ESA member states realised that a purely intergovernmental cooperation was problematic for highly ambitious (and expensive) space projects such as Galileo, and the non-ESA members of the EU saw the opportunity to benefit from an important policy that would cost them relatively little.

On the other hand, the EP, a supranational institution, developed more power and influence over the ESP than a theory persisting on the omnipotence of the national states and governments would suggest. Even though the EP's formal powers were limited in the early years of EU involvement in space affairs, it could not be neglected because of its say in the EU budget and its political influence under the consultation procedure. Under the co-decision procedure the EP introduced a large number of substantive and important amendments in the crucial GNSS and GMES Regulations. To name but the most important changes, the EP amendments increased the Commission's accountability obligations, they strengthened the EP's monitoring and control powers, they introduced the GNSS

procurement principles, the increased the available funds for the GMES and they emphasised the security dimension of the EU space programmes.

Nevertheless, the EP's interest in the ESP is not driven by an insatiable desire to expand its powers and influence every piece of legislation or by a hidden federalist agenda. As Mr. Oren explained,

for the majority of the people [the MEPs], it just makes sense to make things together. They see space not just as something very appealing to the citizens [...] they see it as something that is very international. France and Italy going on their own facing America, they spend [this way] so much more money on space [...] this just doesn't make sense from their [the MEPs'] perspective. They see it as a really European infrastructure that should be European. So it is not so much about power. They have enough power and they could do less with it [...] The people that are really pushing for it [ESP] really see the benefits, and they really believe that it should be pushed, and pushed together. (interview with G. Oren, 19.5. 2011).

The immediate challenge for the EP, therefore, is not to acquire an even stronger voice in the ESP or to force its preferences upon the Commission and the Council. The EP, like the other EU bodies, is interested first and foremost in the success of the Galileo programme and the ESP in general (interview with G. Caravelis, 31.5.2011). It is well aware that another significant blow to the Galileo programme after the collapse of the public-private partnership will undermine the future of the ESP. Space is a relatively new area for the EU and any future initiatives and programmes are conditional upon the success of the Galileo programme. As a result, the EP is not self-obsessed with its own powers and is not keen to push beyond what the EU member states are ready to commit to. The trialogues between the EP, the Commission and the Council are indicative of this spirit of inter-institutional cooperation characterising ESP decision-making (interview with N. Glante, 31.5.2011).

Thus, the ESP developed thanks to both the rationalist calculations of the EU member states and the numerous and diverse efforts of the EP. To predict the future path of the ESP, one has to take into account both parameters. As I have shown in this paper, it would be wrong to underestimate the importance of either. The EP is an influential actor in the ESP exercising legislative, budgetary, monitoring but also political functions. It does not aim to antagonise the Commission or the Council, but if the interests of a successful ESP demand otherwise, it will not hesitate to do so.

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