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Att., P.J., mit: ESA/C-M/CLXXXV/Res. 1 (Final)

ESA/C-M/CLXXXV/Res. 2 (Final)

ESA/C-M/CLXXXV/Res. 3 (Final)

ESA/C-M/CLXXXV/Res. 4 (Final)

ESA/C-M/CLXXXV/Res. 5 (Final)

ESA/C-M/CLXXXV/Res. 6 (Final)

Paris, 9 December 2005

Paris, le 9 décembre 2005

Paris, 9 . Dezember 2005

EUROPEAN SPACE AGENCY
AGENCE SPATIALE EUROPEENNE
EUROPÄISCHE WELTRAUMORGANISATION

COUNCIL MEETING AT MINISTERIAL LEVEL
SESSION DU CONSEIL AU NIVEAU MINISTERIEL
RATSTAGUNG AUF MINISTEREBENE

Information document
Document d'information
Informationsvorlage

Resolutions adopted at the 185th Council meeting, held at ministerial level
Résolutions adoptées à la 185^{ème} session du Conseil,
tenue au niveau ministériel
Entschließungen des Rates auf Ministerebene auf der 185. Tagung

Delegations will find attached the six Resolutions adopted during the Council meeting at ministerial level held in Berlin on 5 and 6 December 2005:

- Resolution on the Agency's Long Term Plan for discovery and competitiveness (ESA/C-M/CLXXXV/Res. 1 (Final)),
- Resolution on the level of resources for the Agency's mandatory activities 2006 – 2010 (ESA/C-M/CLXXXV/Res. 2 (Final)),
- Resolution on the evolution of the European Launcher sector (ESA/C-M/CLXXXV/Res. 3 (Final)),
- Resolution on the CSG - Extension until end 2008 (ESA/C-M/CLXXXV/Res. 4 (Final)),
- Resolution on the evolution of the Agency (ESA/C-M/CLXXXV/Res. 5 (Final)), and
- Resolution on the International Space Station programme (ESA/C-M/CLXXXV/Res. 6 (Final)).

Les délégations trouveront ci-joint les six Résolutions adoptées lors du Conseil qui s'est tenu à Berlin au niveau ministériel les 5 et 6 décembre 2005 :

- Résolution relative au Plan à long terme de l'Agence "Découvertes et compétitivité" (ESA/C-M/CLXXXV/Rés. 1 (Final)),
- Résolution relative au niveau de ressources des activités obligatoires de l'Agence sur la période 2006-2010 (ESA/C-M/CLXXXV/Rés. 2 (Final)),
- Résolution relative à l'évolution du secteur européen des lanceurs, (ESA/C-M/CLXXXV/Rés. 3 (Final)),
- Résolution relative au CSG – prolongation jusqu'à fin 2008, (ESA/C-M/CLXXXV/Rés. 4 (Final)),
- Résolution relative à l'évolution de l'Agence (ESA/C-M/CLXXXV/Rés. 5 (Final)), et
- Résolution relative au programme de Station spatiale internationale (ESA/C-M/CLXXXV/Rés. 6 (Final)).

Die Delegationen erhalten anbei die sechs Entschlüsse, die der Rat auf Ministerebene auf der Tagung in Berlin am 5. und 6. Dezember 2005 angenommen hat:

- Entschluß über den Langfristigen Plan der Organisation: „Exploration und Wettbewerbsfähigkeit“ (ESA/C-M/CLXXXV/Res.1 (Final)),
- Entschluß über das Mittelvolumen der obligatorischen Tätigkeiten der Organisation im Zeitraum 2006–2010 (ESA/C-M/CLXXXV/Res.2 (Final)),
- Entschluß über die Weiterentwicklung des europäischen Trägersektors (ESA/C-M/CLXXXV/Res.3 (Final)),
- Entschluß zur Verlängerung der Entschluß über das CSG bis Ende 2008 (ESA/C-M/CLXXXV/Res.4 (Final)),
- Entschluß über die weitere Entwicklung der Organisation (ESA/C-M/CLXXXV/Res.5 (Final)) und
- Entschluß über das Programm für die Internationale Raumstation (ESA/C-M/CLXXXV/Res.6 (Final)).

**RESOLUTION ON THE AGENCY'S LONG TERM PLAN FOR DISCOVERY
AND COMPETITIVENESS**

(adopted on 6 December 2005)

Council, meeting at ministerial level,

RECALLING the purpose of the Agency as outlined in Article II of the Convention,

HAVING REGARD to the Resolution on directions for the Agency's evolution and policy: "Space serving European citizens" (ESA/C-M/CLIV/Res. 1 (Final)) adopted at ministerial level in Edinburgh on 15 November 2001,

HAVING REGARD to the Framework Agreement between the European Space Agency and the European Community, which came into force on 28 May 2004,

HAVING REGARD to the Orientations endorsed by the Councils at ministerial level on the occasion of the Space Councils held on 26 November 2004 (ESA/C-M(2004)1, rev.1), 7 June 2005 (ESA/C-M(2005)1) and 28 November 2005 (ESA/C-M(2005)22),

HAVING REGARD to the Resolution on the evolution of the Agency's financial, budgetary and industrial policies (ESA/C/CLXXI/Res. 2 (Final)), adopted by Council on 17 June 2004, and the Resolution on the Financial Regulations (ESA/C/CLXXIX/Res. 7 (Final)), adopted on 21 June 2005,

HAVING REGARD to the Director General's proposal for the 2005 Council meeting at ministerial level (ESA/C-M(2005)6),

CHAPTER I

EUROPEAN VISION FOR SPACE EXPLORATION AND EXPLOITATION

1. WELCOMES the progress made in recent years to ensure that space activities are addressed at the highest political level in Europe, in response to the requirement already expressed during the Agency's ministerial meeting of Council held in Edinburgh in 2001 and still confirmed, in the international context, by the increasing attention and resources dedicated to space activities both in the established, such as the United States and Russia, and in the new space powers, such as China and India;
2. WELCOMES the steps made to heighten European citizens' awareness of space activities and their benefits; in particular, the success of the recent European scientific missions, such as Envisat, Huygens and Mars Express, which has confirmed, that combined European skills and efforts allow Europe to succeed in the most challenging enterprises and to reach a level of excellence for discovery and innovation in the global context;
3. WELCOMES Greece and Luxembourg as new Member States acceding to the ESA Convention, thus enhancing the resources and capabilities of the European space sector for the benefit of European citizens;
4. WELCOMES the improvements made in fostering the European dimension of space related activities in Europe in particular through the cooperation between the Agency and the European Community established by the Framework Agreement referred to in the preamble;
5. RECOGNISES the steps made towards the development of an overall European Space Policy as reflected in the orientations elaborated by the Space Councils, as mentioned in the preamble, which provide the guidelines for Europe's strategy and priorities in space and outline the roles and responsibilities of the European

Union, the Agency and their Member States and Co-operating States, and INVITES the Director General and the Member States to pursue their efforts to elaborate such overall European Space Policy;

6. WELCOMES the progress made in the implementation of the GNSS initiative, including the EGNOS and Galileo programmes and RECOGNISES that this initiative represents the largest recent European effort in the space field, combining the interests of the different actors in the public sector together with those in the manufacturing and operating industries; and EMPHASISES that the Galileo initiative is a further opportunity for Europe to affirm its prominence in space activities in the international context;
7. WELCOMES the second generation of operational meteorological satellites developed by the Agency for Eumetsat, NOTES the increased use of space infrastructures, to mitigate disasters also in the frame of the cooperation established via the International Charter on Space and Major Disasters and WELCOMES the substantial progress achieved by the EU and the Agency in developing forerunner services for the GMES initiative which provides the ground for a key European contribution to the ten year plans set within the Global Earth Observation System of Systems initiative;
8. NOTES, with appreciation the concrete implementation of the Plans for European Cooperating States (PECS) and the increase in the volume and quality of the relationships between the Agency and international partners, the enhanced cooperation with the Russian Federation, in particular in the launchers field, with the People's Republic of China and with India within the scientific programme and EMPHASISES that the Agency has extended the technological cooperation with third countries while preserving the strategic nature of its programmes and the role of the European industry;
9. TAKES NOTE of the progress achieved in the Agency's managerial and technical capabilities and of the efforts made in improving its capacity to respond to the broader role requested in the frame of the abovementioned overall

European Space Policy and international cooperation; and therefore INVITES the Director General to pursue such efforts;

10. NOTES the steps made in combining space-related capabilities and skills within the space sector in Europe for the implementation of ESA and national programmes; ACKNOWLEDGES the need to pursue the related efforts, also through the systematic research of the optimal utilization of the Agency's and Member States' capabilities, thus avoiding useless duplications of efforts, and RECALLS the role of the Agency as technological and scientific pole for those States relying primarily on its expertise;
11. RECOGNISES that the global scenario in the space field is rapidly evolving, with the increase of resources dedicated to homeland security and defence and of the number of major actors, which are mastering major space technologies for civil and dual-use applications at competitive conditions;
12. NOTES with concern the difficulties encountered in the recent years by the European industries, resulting from a significant downturn in the commercial market on which they are dependent as well as from the competition with industries working at lower production costs, while the industries of the some other space-faring nations benefit from a strong institutional captive market; TAKES NOTE of the measures taken by the European industry to improve its position, through difficult reorganisation and concentration processes which have led to a reduction of the volume and of the distribution of European capabilities;
13. NOTES that the urgency to face the above difficulties has made necessary the increase of efforts for production activities, thus reducing the availability of the resources for the funding of research and development activities which are one of the key factors for acquiring new technologies and maintaining a competitive stance; NOTES the expectations, as expressed in the Space Councils' orientations mentioned above, that the European Union will use its full potential

to lead in identifying and bringing together user needs and will identify and allocate resources for ensuring the availability and continuity of space-based operational services supporting its policies, in particular for the joint ESA-EU initiatives GNSS and GMES;

14. REAFFIRMS the strategic importance for Europe of continuously improving its scientific, technological and industrial capabilities in the space field, in order to increase Europe's capability to respond to the expectations of its citizens in the fields of environment, quality of life and security, supported by a European scientific community being at the leading edge of the progress of knowledge and a European industrial sector being successful on the commercial market, thus contributing to growth and employment and UNDERLINES that the current context requires urgent actions to improve the scientific and technological capabilities of Europe in order to consolidate its excellence and reinforce its ability to reap the benefits of the commercial market;
15. CONSIDERS that the above urgent actions require the continuous fostering of European cooperation in the space field, including all space value chain segments, by the further development of an overall European Space Policy encompassing ESA, EU, national and industrial programmes and by the allocation of the available resources and capabilities to common European initiatives, so as to reach the critical mass to face the worldwide competition and DECIDES, by taking account of the orientations of the Space Councils on the respective roles and responsibilities of the Agency and the European Union, that the Agency's Long Term Plan be focused on discovery and competitiveness;
16. CONSIDERS, taking into account the extent of the resources expected for the financing of ESA programmes and activities, that it is necessary to streamline the allocation of such resources by directing the investments to fields in which:
 - a. within the overall European Space Policy, the Agency will play a leading role;
 - b. Europe has demonstrated its ability to excel;

- c. significant user demand can be consolidated;
- d. the technological value is high;

and thereby allowing unrestricted availability to Europe of critical technologies;

17. EMPHASISES therefore that priority in the short term must be given to the Agency's programmes providing the necessary scientific progress and technological steps to enhance the European competitiveness, and better serving the citizens;
18. ACKNOWLEDGES that given the present uncertainties related to:
- the assembly and exploitation of the International Space Station;
 - the level and timing of the EU funding for the EU led programmes, in particular GMES;
 - the evolution of the institutional and commercial launch services demand;

part of the ESA activities relevant to the above context should be implemented within a stepped approach, and AGREES upon the Director General's proposal to plan for them a second decision step at a next Council at ministerial level to be organized early 2008, as outlined in Chapter IV below;

19. WELCOMES the Director General's proposal referred to in the preamble, which provides the basis for the decisions taken on this day for implementing the first step of the Long Term Plan provided for in Chapter II below;

CHAPTER II

THE AGENCY'S LONG TERM PLAN 2006-2015

20. WELCOMES the Director General's proposal of a Long Term Plan 2006-2015 consistent with the orientations provided by the Space Councils and providing a strategic framework for implementing Member States priorities, objectives and

correlated financial resources for a period of ten years, thereby favouring coordination with EU and national initiatives and providing the financial frames per programme domain for approved and not yet approved programmes and initiatives; RECALLS that the Long Term Plan does not imply by itself any financial commitment by the Member States;

21. AGREES that such Long Term Plan 2006-2015 is being developed along the following strategic guidelines and be subject to regular revisions and assessments to take into account the factors which may have an impact on its evolution:

- Focus on science and discovery, foster innovation and transfer the relevant progress and knowledge to enhance existing and open new operational applications;
- Consolidate European competitiveness and technological excellence in co-operation with industry and operators;
- Promote and extend the utilisation of space-based infrastructures and services in current and new application domains;
- Ensure the availability and maintenance of European sources and in particular the unrestricted availability to Europe of critical capabilities, components and technologies;
- Enhance coherence in the development and growth of all European space capacities;
- Maintain a balance in international relations, where Member States derive benefits from their investments, be it through cooperation or competition;

22. INVITES the Director General to implement the above mentioned guidelines through the inclusion in the Long Term Plan of consistent overall and sectorial long-term roadmaps illustrating:

- the link among demand requirements, the space solution offered through ESA programmes and missions, the expected benefit for Member States and citizens,
- the link between research and technology developments and their planned utilisation in ESA programmes and missions,
- the overall coherence in the optimal utilisation in ESA programmes and missions of all ESA developed products, so implementing in particular the relevant principles included in the Resolution on Launchers (ESA/C-M/CLXXXV/Res. 3 (Final)) adopted today,

and outlining how ESA programmes and missions can on the one hand enhance European competitiveness, on the other hand lead to the availability, reliability and upgrading of space-based services and applications required to achieve Europe's overall objectives, be they strategic, economic, social, cultural, scientific, or technological, and improve the daily life of European citizens;

23. AGREES that for the implementation of such Long Term Plan, the Agency shall provide the necessary technical and managerial skills, both through its own resources and expertise and by availing itself of the competences and expertise existing in Europe, both in the public and in the private sector;

24. INVITES the Director General to further elaborate, on the basis of the above strategic guidelines, such a Long Term Plan 2006-2015, to issue a report to Council by March 2006 giving his evaluation on the progress achieved and submit the Long Term Plan to Council for endorsement on a yearly basis starting from 2006, in accordance with the Financial Regulations. Thereafter, a report will be issued by the Director General on an annual basis giving the progress of the implementation of the endorsed Long Term Plan;

CHAPTER III
DECISIONS ON PROGRAMMES AND ACTIVITIES

25. WELCOMES the decisions taken this day in respect of the Agency's mandatory activities and optional programmes, implementing the first step of the 2006-2015 Long-Term Plan and pursuing its strategic guidelines, as follows:

- a) the decisions including:
- the Resolution on the Level of Resources for the Agency Mandatory activities 2006-2010¹ adopted by Council on the same date hereof;
 - the subscription to the European Space Exploration Programme Aurora², comprising its first Exploration mission ExoMars and a Core Programme to prepare for future exploration missions;
 - the subscription to the Earth Observation Envelope Programme³;
 - the subscription to the ELIPS programme-Period 2⁴;

which confirm the engagement by ESA Member States to boost the progress in science, and to be at the leading edge of discovery thus supporting the development of competitive services and future applications for European citizens;

- b) the decisions including:
- the subscription to the ARTES programme⁵, focused on the telecommunication technologies, applications and mission demonstrations, including in particular the preparation of the Alphasat programme;
 - the subscription to the GSTP programme⁶, aimed at developing and demonstrating in-orbit advanced technologies as well as stimulating new

¹ See ESA/C-M/CLXXXV/Res. 2 (Final)

² See ESA/C-M/CLIV/Dec. 1, rev. 4 (Final)

³ See ESA/PB-EO/LXXIV/Dec.1, rev. 9 (Final)

⁴ See ESA/PB-MG/LXX/Dec. 1, rev. 5 (Final)

⁵ See ESA/JCB/C/Dec. 1, rev. 26 (Final)

⁶ See ESA/IPC/CXXIX/Dec. 1, rev. 14 (Final) and ESA/IPC(2005)76, rev. 1

services, and in particular at preparing and demonstrating new concepts such as formation flying satellites which may achieve breakthroughs in future space systems and enable missions of strategic and economic value for space science, earth observation and new domains, in particular related to security;

which both contribute to consolidate European competitiveness and technological excellence in cooperation with industry and operators;

c) the decisions including:

- the subscription to the GMES Space Component programme⁷, representing also a key European contribution to the GEOSS initiative;
- the subscription to the GSTP programme⁸ for the preparation of a new dedicated technology programme, focused on the development of technologies in particular for non-dependence and security;

which, together with those relevant to the development and exploitation of the European launchers⁹, are focused on the non-dependence and availability of European sources;

d) the decision regarding the subscription to the programme conducted in the frame of international cooperation, i.e. the International Space Station Exploitation Programme¹⁰ Period 2;

which, together with science and the other exploration programmes mentioned in point a) above, consolidate the cooperation with space faring countries, while the programmes related to competitiveness, non-dependence and availability of European sources mentioned in points b) and c) above provide the necessary balance in the domain of relations with international actors;

⁷ See ESA/PB-EO/CXI/Dec. (Final)

⁸ See ESA/IPC/CXXIX/Dec. 1, rev. 14 (Final) and ESA/IPC(2005)75, rev. 1

⁹ See ESA/C-M/CLXXXV/Res. 3 (Final) and the programme Declarations mentioned therein

¹⁰ See the Resolution ESA/C-M/CLXXXV/Res. 6 (Final) and the programme Declarations mentioned therein

26. WELCOMES, for the implementation of the above activities and programmes, the entry into force on this day of the Declarations, amended Declarations, and amended additional Declarations or their subscriptions by the Participating States concerned, the corresponding financial envelopes being indicated at 2006 economic conditions, or at other economic conditions when specified;
27. INVITES the Director General to elaborate, in close coordination with the European Community, an organisational scheme and implementation plan for the GMES initiative to ensure its long-term operational sustainability and enable timely responses to policy and user requirements and to propose relevant decisions to Council for approval;
28. WELCOMES the Enabling Resolution on the European GNSS Evolution programme adopted by the Council on 3 November 2005 (ESA/C/CLXXXI/Res. 1 (Final)) and invites Member States to finalize the relevant Declaration and subscriptions so as to allow the start of the programme activities during 2006;

CHAPTER IV

DECISIONS TO BE PREPARED FOR THE COUNCIL AT MINISTERIAL LEVEL PLANNED FOR 2008

29. INVITES the Director General to prepare, in close coordination with Member States, and based on the decisions taken on the same date hereof, the elements contributing to the progressive development of an overall European Space Policy and Programme to be endorsed by the Space Councils before 2008, following consultations with the high-level representatives of the Member States of the Agency and of the European Community as foreseen in art. 8.4 of the Framework Agreement mentioned in the preamble;
30. INVITES the Director General to enhance cooperation with the EU, including in the frame of the cooperation established with the European Community under

the Framework Agreement mentioned in the preamble, for developing multipurpose and security related technologies, in addition to those in support of already identified EU policies;

31. INVITES the Director General to prepare decisions to be proposed at the next ministerial Council planned for early 2008, concerning among others:
- the launchers sector, consistent with the Resolution on the evolution of the European Launcher Sector (ESA/C-M/CLXXXV/Res. 3 (Final)) adopted on the same date hereof;
 - the ISS programmes, consistent with the Resolution on the International Space Station (ESA/C-M/CLXXXV/Res. 6 (Final)) adopted on the same date hereof;
 - the further Agency's contribution to the GMES initiative, on the basis of the arrangements to be concluded with the European Community;
 - the development of further meteorology programmes responding to Eumetsat requirements;
 - the development and in-orbit demonstration of a system of satellites flying in formation, on the basis of preparatory activities decided today;
 - the next steps for exploration, on the basis of preparatory activities decided today for the Core programme and of discussions with international partners engaged in exploration activities;
 - the start of a dedicated technology programme for the development of critical technologies for European non-dependence, of enabling technologies for civil security applications and of applications of multipurpose technologies to the space sector.

**RESOLUTION ON THE LEVEL OF RESOURCES
FOR THE AGENCY'S MANDATORY ACTIVITIES 2006-2010**

(adopted on 6 December 2005)

Council, meeting at ministerial level,

HAVING REGARD to Articles V.1 (a) and XI.5 (a) (ii) and (iii) of the Convention,

HAVING REGARD to the Director General's proposal for the level of resources for the Agency's mandatory activities 2006-2010 (ESA/C-M(2005)21),

1. DECIDES by a unanimous vote of all Member States to determine the level of resources to be made available to the Agency for the period 2006-2010 which is broken down as follows:

(a) for the Scientific programme, an amount of 2080.0 Meuros,

2006	2007	2008	2009	2010	TOTAL
395.7	405.6	415.8	426.1	436.8	2080.0

(b) for the Agency's basic activities an amount of 998.0 Meuros,

2006	2007	2008	2009	2010	TOTAL
199.6	199.6	199.6	199.6	199.6	998.0

to be financed by:

- 188.6 Meuros of contributions by Member States and Canada per year, amounting to 943.0 Meuros;
- 11.0 Meuros of other income per year, amounting to 55.0 Meuros.

The amounts mentioned in sections (a) and (b) are in Meuros at current economic conditions and are not subject to any form of adjustment for price variations.

2. STRESSES its wish to ensure the implementation of planned missions and preparations for the follow-on Cosmic Vision 2015-2025 programme based on a detailed analysis of risk and cost for each mission approved by the Science Programme Committee of the Agency.
3. UNDERLINES the excellence of the Scientific programme, its worldwide reputation resulting from its successful scientific missions, its broad international cooperation and its contribution to the development and qualification of advanced technologies, supporting the general expertise of the Agency, its Member States and industry; and INVITES the Director General to continue to develop international cooperation on scientific projects.
4. INVITES the Director General to take the necessary steps to enhance the synergies of the Scientific programme with:
 - (a) the other programmes of the Agency in the fields of space exploration, Earth observation and ISS utilization; and
 - (b) the Member States' programmes, other European programmes and international cooperative ventures.
5. UNDERLINES the importance of the basic activities as an essential element for the Agency's technological and managerial capabilities; EXPRESSES its support to the Director General in his efforts to optimise the use of the resources of the general budget, with emphasis on providing, within the Technology Research Programme (TRP), qualified technologies, and on supporting, within the General Studies Programme (GSP), the preparation of future activities, with the overall objective of reducing the risks for new space missions; EXPRESSES its support to the objectives and the continuation of the Earthnet programme; and EXPRESSES further its support to the activities undertaken in the Technology Transfer and Education programmes.

6. NOTES that Greece and Luxembourg are participating for the first time in the formal decision on the Agency's level of resources and INVITES the Director General to continue the Agency's dedicated exercise of involving industrial and scientific organisations of these Member States in activities financed through the budgets for the mandatory activities, with a view to achieving the appropriate level of participation of the interested entities at the earliest opportunity.

**RESOLUTION ON THE EVOLUTION OF
THE EUROPEAN LAUNCHER SECTOR**

(adopted on 6 December 2005)

Council, meeting at ministerial level,

HAVING REGARD to the Resolution on the restructuring of the Ariane launcher sector (ESA/C-M/CLXV/Res. 1 (Final)) and to the Resolution on 2010 perspectives for the European launcher sector (ESA/C-M/CLXV/Res. 4 (Final)), both adopted at ministerial level on 27 May 2003,

HAVING REGARD to the Resolution on directions for the Agency's evolution and policy: "Space serving European citizens" (ESA/C-M/CLIV/Res. 1 (Final)), adopted at ministerial level on 15 November 2001, and in particular Chapter VI thereof on the evolution of the European launcher sector,

HAVING REGARD to the Declaration by certain European Governments on the Ariane launcher production phase, which entered into force on 20 December 2001 and is applicable until the end of 2006, (the "Ariane Production Declaration"),

HAVING REGARD to the Resolution on the Agency's mandate for the current Ariane launcher production phase and the evolution towards an overall coherent strategy in the European launcher sector (ESA/C/CLXIX/Res. 4 (Final)) adopted on 4 February 2004,

HAVING REGARD to the Resolution on the renewal of the Ariane launcher production phase (ESA/C/CLII/Res. 1 (Final)), adopted on 11 October 2001, by

which Council has accepted that the Agency should fulfil the mandate entrusted to it by the Governments party to the Ariane Production Declaration,

HAVING REGARD to the Convention between the Agency and Arianespace on the Ariane launcher production phase, signed on 3 April 2004 ("the 2004 ESA/Arianespace Convention") and its riders, and in particular its Rider 5.3 on the exploitation of the Soyuz launcher from the CSG (ESA/C(2005)18),

HAVING REGARD to the general principles of the bilateral framework agreements on the use of the Ariane launcher to be concluded between the Agency and European user institutions (ESA/C(2004)37), approved on 4 February 2004,

HAVING REGARD to the Agreement between the European Space Agency and the Government of the French Republic on the Agency's launch sites and associated facilities at the CSG (hereinafter referred to as "the ELA Agreement") signed on 11 April 2002,

HAVING REGARD to the Declaration on the Small Launcher Development programme (ESA/PB-ARIANE/CLXXI/Dec. 2, rev. 10 (Final)), drawn up on 24 June 1998,

HAVING REGARD to the Additional Declaration to the Small Launcher Development programme on the P80 solid-propulsion stage demonstrator drawn up on 15 December 2000 (ESA/PB-ARIANE/CLXXXIII/Dec. 1, (Final), rev. 1),

HAVING REGARD to the Resolution concerning cooperation between ESA and Russia in the field of launchers (ESA/C/CLIX/Res.3 (Final)), adopted by Council in Montreal (Canada) on 13 June 2002,

HAVING REGARD to the Declaration on the Soyuz at the CSG programme (ESA/PB-ARIANE/CCVI/Dec. 2, rev. 2 (Final)) drawn up on 4 February 2004,

HAVING REGARD to the Agreement between the European Space Agency and the Russian Federal Space Agency on long-term cooperation and partnership in the field of the development, implementation and use of launchers (hereinafter referred to as the "ESA/FSA Launcher Agreement"), signed in Moscow on 19 January 2005,

HAVING REGARD to the Agreement between the European Space Agency and the Government of the French Republic concerning the Soyuz Launch Site (ELS) at the Guiana Space Centre (hereinafter referred to as "the ELS Agreement"), signed on 21 March 2005,

HAVING REGARD to the Resolution on the Agency's legal liability adopted by Council on 13 December 1977 (ESA/C/XXII/Res.3) (hereinafter referred to as "the 1977 Resolution"),

CONSIDERING the provisions of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies, of 27 January 1967, the provisions of the Convention on International Liability for Damage Caused by Space Objects of 1 September 1972 and of other multilateral treaties and agreements on the exploration and peaceful uses of outer space, to which the Member States of the Agency are parties, and which Agency has accepted,

HAVING REGARD to the document entitled "Reference Framework for a coherent implementation, as from 2007, of decisions related to the restructuring of the European launcher sector" (ESA/PB-ARIANE (2005)3, rev 3),

HAVING REGARD to the document entitled "Implementation modalities of the ESA Convention (Article VIII) for launchers" (ESA/C/R(2005)3, rev. 1),

HAVING REGARD to the principles of the intergovernmental Agreement providing a new framework for the launchers exploitation phase beyond 2008, as included in ESA/GOV. REP. ARIANE DEC.(2005)4,

HAVING REGARD to the Convention of the European Space Agency and in particular Articles II, V and VIII, thereof

I. SECURING GUARANTEED ACCESS TO SPACE FOR EUROPE

1. UNDERLINES that the guarantee of an available, reliable, and independent access to space at affordable conditions has been and will remain an essential goal for Europe, enabling the implementation of a European Space policy.
2. ACKNOWLEDGES that operational launch systems together with the European relevant industrial capabilities for research and technology, development and subsequent exploitation, an operational launch range and a launch service provider constitute the main elements of such a guarantee for all European customers, in particular for European institutional missions.
3. RECALLS that taking into account the limited size of the European institutional market and the lack of a launch service procurement policy for European institutional missions, capturing a significant share of the worldwide commercial market has been an important factor in achieving and maintaining such a guaranteed access to space.
4. RECOGNISES that such a guarantee requires striking a proper balance between public and private sectors commitments in order to support the competitiveness of the European launcher sector.

5. NOTES that, following the Council meeting held at ministerial level in 2001, a sharp downturn in the commercial market, not compensated by institutional procurements, and the entry of aggressive new competitors leading to a drastic drop in market prices, endangered the existence of the European launcher sector. These factors, aggravated by the consequences of the failure of the first launch of the Ariane 5 ECA, led in 2003 to the decision to set up the following specific measures in order to secure access to space for Europe in the short term:
 - the Ariane 5 Recovery Plan for a timely return to flight;
 - the European Guaranteed Access to Space (EGAS) Ariane programme;
 - the Soyuz at the CSG programme to enhance the flexibility of launch services offered by Arianespace;
 - the Future Launchers Preparatory Programme (FLPP) to prepare the technologies necessary for new launcher developments.
6. ACKNOWLEDGES the progress achieved through such measures and through the ongoing industrial restructuring which has led to the successful return to flight of Ariane 5 ECA, and to positive Arianespace financial results.
7. ACKNOWLEDGES the progress achieved in the implementation of the small launcher and P80 development programmes referred to in the preamble, and RECOGNISES the need to prepare the Vega exploitation phase in accordance with the principles referred to in Chapter III and taking into account the industrial commitments referred to in the preamble.
8. ACKNOWLEDGES the progress achieved in the implementation of the Soyuz at CSG programme referred to in the preamble, and RECALLS that the exploitation of the Soyuz launcher by Arianespace from the CSG is

expected to provide a significant support to the exploitation of the Ariane launcher.

9. RECOGNISES the need to further consolidate the European launcher sector and WELCOMES the confirmation and renewal of Member States' interest in supporting such consolidation through the launcher development programmes subscribed on this same day, as follows:

- the Ariane-5 ARTA programme (ESA/PB-ARIANE/CLIV/Dec.3, rev. 12 (Final)), covering all activities during the period 2007-2010;
- the Ariane-5 ACEP programme (ESA/PB-ARIANE/CCXX/Dec.2 (Final)) for activities to be undertaken in the period 2006-2010;
- the Vega Research and Technology Accompaniment (VERTA) programme (ESA/PB-ARIANE/CCXXII/Dec. 1 (Final)), for activities to be undertaken in the period 2006-2010;
- the Future Launchers preparatory programme (ESA/PB-ARIANE/CCI/Dec.1, rev. 3 (Final)) for activities to be undertaken in period 2 step 1 (2006-2009).

10. RECOGNISES that beyond the consolidation referred to in paragraph 9, decisions must be taken in 2008, in order to secure the guaranteed access to space for Europe, in accordance with the principles concerning the launchers exploitation phase beyond 2008, including the CSG launch range, referred to in Chapters III and V below, and on the basis of the following criteria:

- sustainability of the European industrial launcher sector;
- adaptation to the core European institutional needs;

- innovative technological and industrial capabilities providing quick reactivity to respond to the evolving launch service demand;
- relevance of the launchers development to user requirements.

II. THE ARIANE LAUNCHER EXPLOITATION UP TO END 2008

11. WELCOMES the extension of the Ariane Production Declaration up to end 2008 and ACCEPTS that the Agency fulfils the mandate entrusted to it by the Governments party to the Ariane Production Declaration, from the date of its entry into force.
12. INVITES the Director General to negotiate the extension of the 2004 ESA/Arianespace Convention referred to in the preamble, which should remain in force for the same duration as the Ariane Production Declaration, hereafter referred to as "the ESA/Arianespace Convention".
13. ACCEPTS, subject to the terms of the ESA/Arianespace Convention, to make available to Arianespace or, with the latter's agreement, to its suppliers, the production master files and facilities owned by the Agency, funded by the Ariane development programmes, necessary for the manufacture, marketing and launch of the operational Ariane launcher, together with its intellectual property rights deriving from the Ariane development programmes.
14. ACCEPTS that the Ariane Launcher Programme Board is entrusted with the role set out in section II.9 of the Ariane Production Declaration.
15. ACCEPTS that the Director General shall exercise the duties of depository of the Ariane Production Declaration and also those set out in section IV.2 thereof.

III. PREPARATION OF A NEW FRAMEWORK FOR THE LAUNCHERS EXPLOITATION PHASE BEYOND 2008

16. CONSIDERING the importance of the guarantee of access to space for Europe as referred to in paragraph 1, RECOGNISES the need to prepare a common framework for the launchers exploitation phase beyond 2008 implementing a coherent European launcher strategy and succeeding to the scheme of the Ariane Production Declaration, based on the following principles:
- a) such guaranteed access to space shall be assured by (i) launchers developed and produced by European industry, primarily designed to respond to European institutional mission needs, (ii) an operational European launch base and (iii) European industrial capabilities.
 - b) the European launch base shall be maintained in operational conditions so as to allow ready access to space for all Member States.
 - c) ESA launcher programmes shall be primarily focused on research, technology and development activities, thus contributing, together with national space programmes, to reinforcing European industrial capabilities.
 - d) when launchers are developed within the framework of the Agency's programmes ("ESA developed launchers"), a launch service provider, reflecting the interests of the European launcher industry, shall be entrusted with the execution of the exploitation phase of such launchers in compliance with the roles and responsibilities defined in ESA/PB-ARIANE(2005)3, rev. 3, referred to in the preamble.

- e) following an ESA Council decision, non-ESA developed launchers may be operated by the launch service provider from the CSG in compliance with the relevant Agreements to be concluded between ESA and France, and under the condition that their exploitation:
- is defined in specific arrangements to be concluded between the launch service provider and ESA;
 - is in support to the exploitation of ESA developed launchers in accordance with the payload allocation policy referred in paragraph 20 below;
 - does not induce any additional costs for Member States.
- f) The utilisation of ESA developed launchers for appropriate payloads of European institutional missions shall be in line with the following principles:
- (i) The launch service procurement for ESA missions shall comply with the provisions of Chapter IV;
 - (ii) Member States are invited to take the ESA-developed launchers and the Soyuz launcher operated from the CSG into account, on the basis of the principles contained in Chapter IV, when defining and executing their national programmes as well as the European and other international programmes in which they are involved, except where such use compared to the use of other launchers or space transport means available at the envisaged time presents an unreasonable disadvantage with regard to cost, reliability or mission suitability.

17. INVITES the Director General, in close consultation with Member States, to pursue discussions with the European Community so as to assess the conditions for setting-up a regulatory framework governing: (i) the procurement of launch services for programmes of the European Community and for other European institutional programmes, (ii) competition so as to ensure a level playing field for Europe on the worldwide market for launch services.
18. NOTES that Member States shall conclude as soon as possible and by end 2006 at the latest, on the basis of the relevant provisions of Chapter III, an intergovernmental Agreement with a view of its entry into force on 1 January 2009 and NOTES the principles of the intergovernmental Agreement referred to in the preamble.
19. NOTES that Member States participating in the relevant Agency's launcher development programmes shall conclude, within the frame of the Agency, as soon as possible and in time for the entry into force of the above intergovernmental Agreement, the relevant exploitation agreement(s) for Ariane and Vega, setting the specific principles for the exploitation phase of each launcher concerned, in compliance with the provisions of the Agreement referred to in paragraph 16.
20. INVITES the Director General to conclude with the launch service provider specific arrangements in order to implement the principles contained in such exploitation agreements. Such arrangements shall in particular contain the commitment of the launch service provider to:
 - implement a payload allocation policy with the objective to secure, for each launcher, the minimum launch rate contributing to maintain the European industrial capabilities necessary to secure the guarantee of

access to space for Europe and taking into account the range of their respective performances;

- a business plan, defined on the basis of committing objectives agreed with the Agency such as cost, reliability, launch rate capability, and schedule and jointly agreed, with respect to ESA developed launchers, with the relevant launcher system prime contractor;
- provide full visibility to ESA Member States.

21. NOTES that, for ESA developed launchers other than Ariane, the regime defined by the 1977 Resolution needs to be adapted according to the following principles:

- this liability shall be shared between France and ESA, in their capacity as launching States; France shall bear one-third of such liability and ESA two-thirds. ESA's liability shall be shared, according to a scale to be agreed, among Member States which are both participating in the relevant launcher development programme(s) and having an industrial return in their exploitation;
- other States may, if appropriate, share such liability, it being understood that, unless otherwise agreed among the parties concerned, the liability share of ESA in its capacity as launching State will be reduced accordingly;
- the launch service provider shall be required to reimburse the parties mentioned above, according to their above mentioned liability shares, the amount of any damage they may be liable to pay for damage caused by the relevant launches, within a ceiling of 60 M€ per launch.

22. INVITES the Director General to take all necessary actions in order for such principles concerning international liability for the Vega launches to be effective as from 1st January 2009, it being understood that the international liability schemes currently applicable to the Ariane and Soyuz launches and defined in the relevant agreements referred to in the preamble, shall remain unchanged.

IV. LAUNCH SERVICE PROCUREMENT POLICY FOR ESA MISSIONS

23. CONSIDERING the importance of ensuring coherence among the different Agency programmes and TAKING ACCOUNT of the requirements of the programmes for which launch services are to be provided, the Director General shall comply with the following principles when implementing Article VIII of the ESA Convention:

- a) any new satellite platform, satellite or mission to be developed by the Agency, shall be conceived so as to be compatible with the use of at least one of the ESA developed launchers or with the Soyuz launcher operated from the CSG, within the range of their respective performances, unless where this is not feasible in respect of reliability and mission suitability;
- b) any new mission to be developed by the Agency shall plan for a launch service back-up solution and the conditions for its use shall be defined at the time of the selection of the launcher envisaged for that mission.
- c) preference shall be granted to launchers, referred to in Article VIII.1 of the ESA Convention, in the following order of priority:

- ESA developed launchers,
- the Soyuz launcher operated from the CSG, when comparing the options to launch ESA missions by non ESA-developed launchers,
- other launchers,

provided that such preference does not present an unreasonable disadvantage in respect of cost, in accordance with paragraph 24, reliability and mission suitability.

24. ENDORSES the implementation modalities of the ESA Convention (Article VIII) for launchers, as included in ESA/C/R(2005)3, rev.1 and AGREES that the launch service costs provided for therein do not constitute, for future ESA missions, an unreasonable disadvantage within the meaning of Article VIII of the ESA Convention. Consequently, subject to the provisions of paragraph 27, the Director General shall assess the cost of ESA missions in the relevant programme proposals on the basis of ESA/C/R(2005)3, rev.1. As a result the scientific programme and the programme Declarations requiring the use of launch services shall include, in compliance with such launch service costs, the relevant financial provisions.
25. ACKNOWLEDGES that Member States which fulfil at least one of the following two conditions: (i) no participation in the relevant ESA launcher development programmes (ii) no industrial return in the relevant launchers' exploitation, have no undertaking to ensure that the launch services making use of ESA developed launchers stay within the costs referred to in paragraphs 24 and 27.
26. TAKES NOTE that the VERTA programme referred to in the preamble provides for the necessary means to ensure that no additional costs with

respect to those currently referred to in programme Declarations in force on the day of the approval of the present Resolution, will be borne by States participating in programmes requiring the use of the Vega launch services covered by the VERTA programme and TAKES NOTE that in case of delays in the Vega qualification which would introduce unreasonable delays for a planned ESA mission on a VERTA flight, Rockot will provide the related launch service unless where this is not feasible with respect to cost, reliability and mission suitability.

27. INVITES the Director General to submit every two years to Council a status report on the evolution of the respective launch services for Ariane, Vega and Soyuz and further INVITES the Director General to perform periodic reviews of launch services for ESA missions, starting with the following reviews:

- (i) for Ariane, in time for a decision in 2009 and consistent with the decision taken under the EGAS Ariane programme;
- (ii) For Soyuz, in 2010, consistent with Rider 5-3 to the ESA/Arianespace Convention referred to in the preamble,
- (iii) For Vega before the start of the production of Vega launchers following the ten initial launchers after qualification.

The Director General shall provide Council with full transparency on the result of such reviews including a market assessment and any variation of the launch service costs, in particular taking into account the learning process during the launchers production phase. The Director General shall conclude the relevant arrangements with the launch service provider so as to enable the Agency, or independent entities mandated by the Agency, to perform the necessary verifications and audits throughout the contractual chain.

On that basis, the Director General shall propose to Council for decision to be taken by a two-thirds majority of all Member States, the new launch service costs for ESA missions.

V. CSG LAUNCH RANGE FUNDING

28. STRESSES that the adoption on this day of the Resolution on the CSG - Extension until end 2008 (ESA/C-M/CLXXXII/Res.4 (Final)) is an essential element of the guarantee of access to space.
29. INVITES the Director General, together with CNES, the launch service provider and industry, to complete the reorganisation of the industrial activities at the CSG, in order to further decrease the costs of the CSG launch range, taking into account its specificities.
30. INVITES the Director General to propose a new funding scheme, applicable as from 2009, to be included in a Resolution to be adopted by Council by a unanimous agreement of all Member States, based on the principles below:
 - i) The scheme adopted on this same day for the funding of the CSG Launch Range fixed costs related to Ariane exploitation (2006-2008) shall be extended to cover the total fixed costs related to the exploitation of Ariane, Vega, and Soyuz as follows:
 - 1/3 funded by France;
 - 2/3 funded by ESA Member States and the launch service provider on the basis of a nominal mission model to be agreed. The ESA Member States' contribution will be calculated according to a scale to be agreed among ESA Member States, reflecting a balance between solidarity and industrial return in

exploitation. The costs corresponding to the exploitation of Ariane and Vega shall be borne by ESA Member States, while the costs corresponding to the exploitation of Soyuz shall be borne by the launch service provider. It is understood that the exploitation of Vega will not introduce additional costs for the States which fulfil at least one of the two following conditions: (i) no participation in the Vega small launcher development programmes and (ii) no benefit from the industrial activities associated with the exploitation of the Vega launcher.

- ii) All CSG Launch Range variable costs actually incurred shall be borne by the launch service provider.

The above-mentioned scheme shall be applied as appropriate to any new launcher operated from the CSG.

- 31. NOTES that the industrial return related to the exploitation phase of Ariane, Vega, and Soyuz shall be calculated in compliance with applicable ESA rules, procedures and practices.

VI. NEXT STEPS TO PREPARE DECISIONS TO BE TAKEN IN 2008

- 32. ACKNOWLEDGES the ESA Launchers Strategic Plan 2006-2015 proposed by the Director General in ESA/PB-ARIANE(2005)22, rev. 4, as an important step for preparing the relevant decisions to be taken in 2008.
- 33. NOTES that the strategy for guaranteeing access to space for Europe may need adaptations to take into account factors, such as the evolution of institutional needs, of the commercial market, and of the competition, impacting in particular the sustainability of the European industrial launcher

sector, and UNDERLINES the importance of the ongoing mitigation measures, such as the additional efforts on industrial restructuring, and of the Future Launchers Preparatory Programme activities.

34. INVITES the Director General, in consultation with the launch service provider and industry, to continuously assess the ability of the European industrial launcher sector to guarantee access to space for Europe and to develop, with the support of Member States, possible scenarios for the evolution of the European launcher sector so as to respond in the short/medium term to the launcher sector needs preparing for decisions in 2008.