

Transposition note for Decision No 1104/2011/EU of the European Parliament and of the Council of 25 October 2011 on the rules for access to the public regulated service provided by the global navigation satellite system established under the Galileo programme (“the Decision”)

Article of the Decision requiring implementation	Objectives	Implementation in the Regulations
Article 3(3)	Each Member State which uses the Public Regulated Service (PRS) shall decide independently which categories of natural persons residing on its territory or performing official duties abroad on behalf of that Member State and legal persons established on its territory are authorised to be PRS users, as well as the uses to which the PRS may be put.	<p>The Regulations establish a licensing regime. Regulation 4 sets out the activities which are prohibited without a licence granted under the Regulations or the written consent of the compliance authority.</p> <p>Regulation 5 enables the compliance authority to grant a licence if satisfied that the requirements of the PRS Decision are met.</p>
Article 4(1)	Each Member State shall ensure that its national security regulations offer a degree of protection of classified information at least equivalent to that provided by the rules on security as set out in the Annex to Decision 2001/844/EC, ECSC, Euratom and by Decision 2011/292/EU and that those national security regulations apply to its PRS users and to all natural persons resident on its territory and all legal persons established on its territory which handle EU classified information relating to the PRS.	<p>Under regulation 5, the compliance authority may issue a licence only if satisfied that it is appropriate to do so having regard to the requirements of Article 4 of the Decision, amongst other provisions.</p> <p>Regulation 6(2) provides for conditions to be imposed on licensees to ensure protection of classified information.</p>

Article 5(1)	Member State to designate competent PRS authority (CPA)	Regulation 3 (1) designates the Secretary of State as compliance authority to manage and supervise the use and operation of PRS and to monitor compliance.
Article 5(4)	Requires the CPA to ensure that the use of PRS is compliant with Article 8 of the Decision and point 1 of the Annex to the Decision.	Under regulation 5, the compliance authority may issue a licence only if satisfied that it is appropriate to do so having regard to the requirements of Articles 5 and 8 of, and the Annex, to the Decision, amongst other provisions. Regulations 3 (2) – (3) and 6 (2) (a) and the provisions in Parts 3 and 4 of the Regulations enable the compliance authority to monitor compliance with the relevant common minimum standards (CMS).
Article 5(5)	Requires the CPA to ensure that a body established in its territory can only develop or manufacture PRS receivers or security modules if it has been authorised by the Security Accreditation Board (SAB) and if it complies with SAB decisions and also with Article 8 and point 2 of the Annex to the Decision.	Regulation 4 (b) prohibits the development or manufacturing of any PRS product unless the activity is authorised by a licence granted under regulations 5 and 6 or with the written consent of the compliance authority. Regulation 6 (2) (e-g) and (i) specifies the licence conditions that may be applied when a body wishes to develop or manufacture a PRS product. Parts 3 and 4 of the Regulations enable enforcement.
Article 5 (6)	For the use, development of or manufacturing of PRS receivers or security modules or export outside the Union, the CPA shall act as an interface applying Article 9 of the Decision.	Regulation 4 (a-e) and regulation 6 (1)-(2), prohibit the use, development, manufacturing and distribution of any PRS product, including the transfer or export from the United Kingdom unless the activity is authorised by a licence granted under regulations 5 and 6 or with the written consent of the compliance authority. Parts 3 and 4 of the Regulations enable enforcement.
Article 9	Exports outside the EU of PRS equipment, software and technology regarding the use, development and manufacture of	Regulation 4 (a-b) and (d) prohibits the use, development, manufacturing of PRS products and export from the United Kingdom unless the activity is authorised by a licence granted under regulations 5 and 6 or with the written consent of the

	<p>PRS will not be authorised unless they are in accordance with Article 8 and point 3 of the Annex to the Decision.</p>	<p>compliance authority.</p> <p>Regulation 6 (1)-(2) contains conditions that a licence granted may include conditions to ensure compliance with relevant CMS.</p>
<p>Article 15</p>	<p>Requires that participating member States determine what penalties should be included in the implementing legislation. The penalties must be effective, proportionate and dissuasive.</p>	<p>Regulation 7 provides civil enforcement measures that can be applied by the compliance authority where there is either a breach of regulation 4 or a licence condition. The measures include a compliance notice, directions, court order, forfeiture order or revoking, suspending or varying any licence.</p> <p>Part 4 of the Regulations sets out the investigatory and enforcement powers the compliance authority and its officers have to investigate and establish if there is a breach of the regulations. This includes powers to produce information and documents, enter premises, inspect any PRS product or document on the premises and to seize and detain PRS products and documents.</p>