European Earth monitoring programme (GMES) and its initial operations 2011–2013

2009/0070(COD) - 16/06/2010 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 624 votes to 33, with 12 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on the European Earth observation programme (GMES) and its initial operations (2011–2013).

The European adopted its position at first reading under the ordinary legislative procedure (formerly known as the codecision procedure). The amendments adopted in plenary are the result of a compromise reached between the European Parliament and the Council.

They amend the Commission proposal as follows:

Funding: the operative clauses are not amended. However, new recitals in the text state that the financial envelope is compatible with the ceiling for subheading 1a financial framework 2007-2013, but the margin remaining in Heading 1a for 2011-2013 is very small. The annual amount will be determined during the annual budgetary procedure.

The **fund should if possible be further increased** so that commitment appropriations can be allocated for the space component during the current Multiannual Financial Framework (MFF). In specific terms, this concerns the operation of the A series of Sentinel satellites and the launch of the B series and the procurement of crucial components for the C series. To that end, the Commission should, in the context of the mid-term review of the current MFF, and before the end of 2010, **examine the possibility of additional funding for GMES, within the overall EU budget during the MFF 2007-2013** .

The allocation of any additional funding to this Regulation on top of the EUR 107 million already allocated should be considered in the context of the discussion on the future of European space policy, notably on procurement and governance. The Commission should also submit a long-term financing strategy for the future MFF during the first semester of 2011, without prejudice to the outcome of the negotiations on the MFF 2014-2020. In its financial planning, the Commission should ensure that data continuity is ensured both during and after the end of the period of the initial GMES operations (2011-2013), and that the **services can be used uninterruptedly and without restrictions**.

Parliament adds that the European Parliament's resolution of 20 November 2008 on the European space policy underlined the need to find adequate EU instruments and funding schemes to allow long-term Union investment in space-related research.

Subject-matter: the wording is amended to state that the Regulation establishes the European Earth monitoring programme (Global Monitoring for the Environment and Security ("GMES programme"), and the implementation of its initial operations during the 2011-2013 period.

GMES programme: Parliament states thatthe service component of the GMES programme should comprise access to information in support of the following areas (not in order of priority): atmosphere monitoring; climate change monitoring in support of adaptation and mitigation policies; emergency management; land monitoring; marine environment monitoring; security. GMES initial operations may cover these areas, as well as support for in-situ data collection.

Organisational arrangements: the amended text stipulates that the Commission must ensure coordination of the GMES programme with activities at national, European Union and international level, notably the Global Earth Observation System of Systems (GEOSS). The implementation and operation of GMES shall be based on **partnerships between the EU and Member States**. The coordination of the voluntary contributions of Member States, and the potential synergies with relevant national, EU and international initiatives, shall be implemented in accordance with the advisory procedure.

The Commission should ensure that, the GMES programme being a user-driven initiative, service specifications match user needs. To that end, it shall establish a **transparent mechanism for regular user involvement and consultation**, enabling identification of user requirements at European and national level. The Commission shall ensure coordination with relevant public sector users in Member States, third countries and international organisations. Service data requirements shall be established independently by the Commission after consultation of the User Forum.

Technical coordination and implementation of the GMES space component shall be **delegated to the European Space Agency**, relying on the European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT) where necessary. The Commission shall entrust the coordination of the technical implementation of the GMES services, where appropriate, to competent European or intergovernmental institutions.

Service Delivery: a new article provides that the Commission must take adequate measures to ensure effective competition in the provision of GMES services and to promote the participation of SMEs. The Commission shall facilitate the use of the GMES services output to develop the downstream sector. The provision of GMES services shall be decentralised, where appropriate, to integrate at European level existing space, in-situ and reference data inventories and capacities in Member States, thus avoiding duplication. Procurement of new data that duplicate existing sources shall be avoided unless the use of existing or upgradable data sets is not technically feasible or cost-effective.

The Commission, taking into account the opinion of the User Forum, may define or validate appropriate procedures for the certification of the production of data within the framework of the GMES programme. Those procedures shall be transparent, verifiable and auditable to ensure authenticity, traceability and data integrity to the user. In its contractual arrangements with GMES service operators, the Commission shall ensure that those procedures are implemented.

Lastly, it must report annually on the results achieved in the implementation of this Article.

Forms of European Union funding: EU funding may take the form of delegation agreements as well as grants and public procurement contracts. Genuine competition, transparency and equal treatment shall be ensured in the provision of funding by the European Union.

The Commission shall report on the allocation of European Union funds to each of the activities and on the evaluation process and results of the procurement tenders and of the contracts concluded on the basis of this Article, after the award of the contracts.

GMES Data and Information Policy: for the purpose of providing for a framework ensuring the attainment of the GMES information and data policy while providing for the necessary protection of the information produced by the GMES services and of data collected through the GMES dedicated infrastructure, the Commission may adopt, by means of **delegated acts**, the following measures, taking into account the data and information policies of providers of data needed for GMES, and without prejudice to national rules and procedures applicable to space and in situ infrastructures under national control: (a) measures establishing registration and licensing conditions for GMES users; (b) measures defining criteria for restricting access to the information produced by the GMES services and to data collected through the GMES dedicated infrastructure.

Comitology: in order to ensure uniform conditions for implementation of this Regulation and of the delegated acts adopted on the basis of this Regulation, **implementing powers** should be conferred to the Commission to adopt, on the basis of the conditions and criteria established by delegated acts, specific measures on restricting access to the information produced by the GMES services and to data collected through the GMES dedicated infrastructure, including individual measures taking into account the sensitivity of the information and data in question. Implementing powers should also be conferred to the Commission to: (i) coordinate the voluntary contributions of Member States and the potential synergies with relevant national, European Union and international initiatives; (ii) set the maximum rate of co-financing for grants; (ii) adopt measures laying down the technical requirements in order to ensure the control and integrity of the system within the GMES space component dedicated programme and to control the access to, and handling of, technologies that provide security to the GMES space component dedicated programme, and to adopt the annual work programme of GMES.

Monitoring and evaluation: the Commission must submit an interim evaluation report by 31 December 2012 and an ex-post evaluation report by 31 December 2015.

GMES Committee: the GMES Committee may meet in specific configurations to deal with concrete issues, notably those relating to security ("Security Board").

User Forum: a User Forum shall be established to advise the Commission with regard to the definition and validation of user requirements, and to the coordination of the GMES programme with its public users. It shall be chaired by the Commission and consist of GMES public sector users appointed by the Member States. The Secretariat of the User Forum shall be provided by the Commission. The GMES Committee shall be kept fully informed of the advice of the User Forum for the implementation of the GMES programme.

Annex - Objectives of GMES initial operations (2011–2013): in addition to the objectives in the proposal, Members insert the following:

- marine monitoring services shall provide information on the state of physical ocean and marine ecosystems for the global ocean and the European regional areas. The application areas of the GMES marine services include maritime safety, the marine environment and coastal regions, marine resources as well as seasonal meteorological forecasting and climate monitoring;
- atmosphere environmental services shall ensure the monitoring of air quality on a European scale and of the chemical composition of the atmosphere on a global scale. It shall in particular provide information for air quality monitoring systems on the local to national scales, and should contribute to the monitoring of atmospheric chemistry climate variables;
- Security Services shall provide useful information in support of the challenges which Europe is facing in the security field, notably border control, maritime surveillance and support for EU external actions;
- monitoring of climate change shall allow for the adaptation and mitigation of its effects. It should in particular contribute to the provision of ECVs, climate analyses and projections on a scale relevant to adaptation and mitigation and relevant service delivery;
- with regard to data, the in-situ component shall ensure coordination of in-situ data collection and in-situ data access for GMES services.