Copernicus Programme 2014-2020

2013/0164(COD) - 29/05/2013 - Legislative proposal

PURPOSE: to establish the Copernicus Programme and repealing Regulation (EU) No 911/2010.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: **Copernicus is the new name of the European Earth Observation Programme, GMES** (Global Monitoring for Environment and Security) which was established as an EU programme by the GMES Regulation (EU) No 911/2010. It covers all the activities for ensuring an uninterrupted provision of accurate and reliable data and information on environmental issues and security matters to users in charge of policy making, implementation and monitoring, in the EU and its Member States.

Copernicus aims at providing Europe with a **continuous, independent and reliable access to observation data and information**.

Responsibility for funding the exploitation and the renewal of space infrastructure developed with EU and intergovernmental funds cannot be optimally achieved by individual Member States because of the costs incurred.

For the services with a pan-European or global coverage, Member States cannot sufficiently achieve the objectives of the proposed action, as the inputs from different Member States have to be aggregated at European level.

The provision of other services (e.g. emergency maps or thematic land monitoring maps of a more limited geographical scope) can be better achieved at EU level for two reasons.

1. A more coherent and centralised management of input data, from space based or in situ sensors will allow for economies of scale;

2. An uncoordinated provision of Earth observation services at Member State level would lead to duplications and would render the monitoring of the implementation of EU environmental legislation on the basis of transparent and objective criteria difficult or even impossible.

Action at EU level thus leads to a clear added value.

IMPACT ASSESSMENT: the Commission has carried out a consultation process since 2006 and the progressive implementation of the GMEs since 2010. Various consultations have confirmed the interest and the need for the Copernicus programme.

An impact assessment was undertaken in 2011 and the main conclusions were published in SEC(2011)867 final of 28 June 2011, which accompanies the Commission proposal on the Multiannual Financial Framework.

The impact assessment has now been adapted to take account of the **financial issues and the ownership transfer**. In view of an ownership transfer, options will need to be assessed, taking account relevant factors including the operation of the satellites; legal ownership of the data; data access conditions; and the value of the assets.

These options will only be considered if disadvantages of EU ownership seem to outweigh its advantages.

The option of a **data purchase scheme** could also be considered.

LEGAL BASIS: Article 189 of the Treaty on the Functioning of the European Union.

CONTENT: the proposal focuses on the following main aspects:

1. Change of name into Copernicus;

2. Governance of GMES in its operational phase, with a view to allowing the Commission to delegate activities to a number of operators;

3. Funding over 2014-2020.

Change of name: the acronym 'GMES' should be changed to 'Copernicus' in order to facilitate the communication with the public at large. The Commission has registered the trademark so that it can be used by the Union institutions and licensed to other interested users, in particular the providers of core services.

Objectives: the objectives of the Copernicus programme are to provide accurate and reliable information in the field of the **environment and security**, tailored to the needs of users and supporting other Union's policies, in particular relating to :

- the internal market,
- transport,
- environment,
- energy,
- civil protection,
- cooperation with third countries,
- humanitarian aid.

Capacity and infrastructure: in order to attain its objectives, the Copernicus programme should rely on an autonomous Union's capacity for space-borne observations and provide operational services in the field of environment, civil protection and security. It should also make use of the available in-situ data provided, namely, by the Member States. The provision of operational services depends on the well-functioning and safety of the Copernicus space component.

Scope of the Copernicus services: the Copernicus services shall include:

1. Operational services:

- air quality monitoring systems;
- marine monitoring service which shall provide information on the state and dynamics of physical ocean and marine ecosystems for the global ocean and the European regional areas;
- land monitoring service (soil, water, forests as well as in general implementation of environment, agriculture, development, energy, urban planning, infrastructure and transport policies;

- climate change monitoring service (provision of Essential Climate Variables (ECVs), climate analyses and projections at temporal and spatial scales relevant to adaptation and mitigation strategies for the various Union's sectorial and societal benefit areas);
- emergency response service shall provide information for emergency response in relation to different types of disasters, including meteorological hazards, geophysical hazards, deliberate and accidental man-made disasters;
- security service shall provide information in particular for border and maritime surveillance,risk assessment and early warning systems.

2. Development activities consisting in improving the quality and performance of operational services, including their evolution and adaptation;

3. Support activities consisting in measures to promote the use of operational services by users and downstream applications, as well as communication and dissemination activities.

Governance: the Commission shall have the overall responsibility for the programme. It shall define the priorities and objectives of the programme and oversee its implementation, in particular with respect to the cost, schedule and performance. Taking into account the partnership dimension of Copernicus and in order to avoid duplication of technical expertise, the implementation of the programme should be delegated to entities with the appropriate technical and professional capacity.

The Commission may entrust, in part or in full, where duly justified by the special nature of the action and specific expertise of the Union body the implementation tasks to competent Union bodies. Among such agencies are:

- the European Environment Agency (EEA);
- the European Agency for the Management of Operational Cooperation at the
- External Borders of the Member States of the European Union (FRONTEX);
- the European Maritime Safety Agency (EMSA);
- the European Union Satellite Centre (EUSC).

Other Copernicus operators: the selection of entities (the "operators") to whom the Commission may entrust implementation tasks, should follow a transparent procedure based on justified on objective grounds and shall not give rise to a conflict of interests. Given the particular nature of the tasks involved, an ad-hoc procedure based on a **call for expression** of interest was chosen to identify the potential operators best suited to be entrusted with indirect management of the Copernicus programme.

The operators of the Copernicus programme should be subject to **supervision by the Commission**, whilst enjoying the necessary autonomy to implement the tasks they were entrusted with. They should submit an annual work programme to the Commission with an annual implementation report.

Ownership: the question of ownership of the Copernicus space component assets is important and cannot be considered in isolation from the rights and responsibilities that such ownership confers upon the owner. The owner has the fullest possible rights including the right of use, transfer and disposal. **The Union or a specifically designated body or fund shall be the owner of all tangible and intangible assets created or developed under the Copernicus programme** subject to agreements concluded with third parties, wherever appropriate, with regard to existing ownership rights.

The Commission shall adopt delegated acts to establish the terms and conditions of any subsequent transfer of ownership from the Union.

Copernicus Data: Copernicus data and information shall be made available on a full, open and free-of-charge basis, subject to the following limitations:

- licensing conditions attached third party data and information;
- dissemination formats, characteristics and distribution means;
- security interests and external relations of the Union or its Member States;
- risk of disruption, for safety or technical reasons, of the system producing Copernicus data and information.

Limitations and conditions of access and use have also been established.

International cooperation: the Union, represented by the Commission, may enter into agreements with the European Free Trade Association (EFTA) countries which are Contracting

Parties to the EEA Agreement; the candidate countries, as well as potential candidate countries; Switzerland, other third countries and international organisations. Third countries or international organisations may provide financial support or contributions in kind to the programme.

Evaluation: by 30 June 2018 at the latest, an evaluation report shall be established by the Commission on the achievement of the objectives of all the tasks financed by the Copernicus programme at the level of their results and impacts and their European added value.

Repeal: Regulation (EU) No 911/2010 is repealed in order to establish an appropriate framework for governance and funding and to ensure a fully operational Copernicus programme from 2014 onwards.

BUDGETARY IMPLICATION: the financial statement accompanying this proposal for a Regulation sets out indicative budget appropriations, which are compatible with the multiannual financial framework 2014-2020, with a maximum level of commitments of EUR 3,786 million, in 2011 prices, equivalent to **EUR 4,291 million** in current prices.

Until the end of 2013, Copernicus is funded by the FP7 Space theme and the GMES and its Initial Operations programme.

DELEGATED ACTS: the Commission may adopt delegated acts in accordance with Article 290 of the TFEU concerning:

- the establishment of the data requirements necessary for the operational services;
- the conditions and procedures as regards access to, registration and use of Copernicus data and information, including the formats, characteristic and dissemination means;
- the conditions and procedures for the transmission and use of satellite data transmitted to receiving stations not part of the Copernicus programme;
- the conditions and procedures for the archiving of Copernicus data and information;
- the specific technical criteria necessary to prevent the disruption of the Copernicus data and information system, including priority of access;
- the criteria for the restriction of dissemination of Copernicus data and information due to conflicting rights or security interests;
- the criteria for the performance of the security assessment.

The Commission shall carry out appropriate consultations during its preparatory work, including at expert level.When preparing and drawing up delegated acts, it should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and to the Council.