Copernicus Programme 2014-2020

2013/0164(COD) - 12/03/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 640 to 32 votes with 7 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council establishing the Copernicus Programme and repealing Regulation (EU) No 911/2010.

Parliament adopted its position at first reading following the ordinary legislative procedure. The amendments adopted in plenary are the result of an agreement negotiated between the European Parliament and the Council. They modify the proposal as follows:

Scope: Copernicus is a **civil**, user driven **programme** under civil control, building on the existing national and European capacities, as well as ensuring continuity with the activities achieved under the Global Monitoring for Environment and Security.

It consists of the following components:

- a service component ensuring access to information in the following areas: i) atmosphere monitoring, ii) marine monitoring, iii) land monitoring, iv) climate change monitoring, v) emergency management, vi) security;
- a space component ensuring sustainable space-borne observations for the service areas referred to above;
- an *in-situ* component ensuring coordinated access to observations through airborne, seaborne and ground-based installations for the service areas referred to above.

Appropriate links and interfaces between the components referred to shall be established.

Objectives: the objectives of Copernicus are redefined as follows:

1. monitoring the Earth to support the protection of the environment and the efforts of civil protection and civil security;

2. maximising socio-economic benefits, thereby supporting the Europe 2020 strategy and its objectives of smart, sustainable and inclusive growth by promoting the use of Earth observation in applications and services;

3. fostering the development of a **competitive European space and services industry** and maximising opportunities for European enterprises to develop and provide innovative Earth observation systems and services;

4. ensuring **autonomous access to environmental knowledge** and key technologies for Earth observation and geoinformation services, thereby enabling Europe to achieve **independent decision-making** and action;

5. supporting and contributing to European policies and fostering global initiatives, such as GEOSS.

These objectives were detailed as part of the specific objectives focusing on the needs of **end-users of Copernicus**. The achievement of the objectives would be measured by indicators of the results specified in the proposal in particular progress observed in terms of increased users and data.

Components: the different components of Copernicus were detailed as follows:

1)component 'services': among other things, Copernicus should focus on monitoring the atmosphere and the marine and terrestial environment. Regarding monitoring of the marine environment, the focus would be on oceans and marine ecosystems, and the monitoring of waste flows, marine environmental, coastal and polar regions, and of marine resources as well as **meteorological forecasting** and climate monitoring. The land monitoring service would include information on **land use**, cryosphere, climate change and biogeophysical variables, including their dynamics.

The provision of the services referred should in any case take account of the **principles of subsidiarity and proportionality** and should be carried out, where appropriate, decentralised, integrated at the European level data and **space capabilities**, *in-situ* and reference, **existing in the Member States**, so as to avoid any duplication.

Measures have also been introduced to allow the **evolution of the services** referred to and their adoption by the public sector.

2) Copernicus space component: on space matters, the component of Copernicus consists mainly of:

- the provision of spaceborne observations, including operation of **dedicated missions**;
- activities in response to evolving needs of the users, including identification of observation gaps and specification of new dedicated missions on the basis of user requirements, developments aiming at modernising and complementing the dedicated missions, including design and procurement of new elements of the related space infrastructure;
- **protectionof satellites against the risk of collision** and tracking objects in orbit;
- safe decommissioning of the satellites at the end of life.

3)Copernicus *in situ* component: the *in situ* component shall also cover the coordination and harmonisation of the collection and provision of in situ data or identification of gaps in the *in situ* observations that cannot be filled by existing infrastructure and networks, including at global level, and adressing those gaps, while respecting the principle of subsidiarity

N.B. the Commission may entrust, in part or in full, the activities of the *in situ* component to the service operators referred to or, when overall coordination is required, to the European Environment Agency.

Financial envelope: the financial envelope for the implementation of the activities of Copernicus is set at **EUR 4 291,48 million** for the period from 2014 to 2020 allocated as follows:

- **EUR 897 415 millions** for Copernicus *in situ* services;
- **EUR 3 394 065** millions for the Copenicus space component including a maximum amount of EUR 26.5 million for the protection of satellites against the risk of collision.

The Commission may re-allocate funds from one category of expenditure to another, up to a ceiling of 10% of the total amount. A specific procedure is foreseen to this effect.

Governance of Copernicus: a new chapter on governance specified the roles and tasks attributed to the Commission as well as ESA and other partners involved in the project.

1)Role de la Commission: the Commission shall have **overall responsibility for Copernicus** and for the coordination among its different components. It shall manage the funds allocated under this Regulation and oversee the implementation of Copernicus. It shall also be responsible for:

- managing, on behalf of the Union, relationships with third countries and international organisations;
- facilitating coordinated contributions of Member States;
- supporting the development of Copernicus services and ensuring the complementarity, consistency and links between Copernicus and other relevant Union policies, instruments, programmes and actions;
- promoting a long-term stable investment environment;
- ensuring decision-making in its areas of competence by the most appropraite procedure; providing to the Member States and the European Parliament, in a timely manner, all relevant information pertaining to Copernicus, in particular in terms of risk management, overall cost, annual operating costs of each significant item of Copernicus infrastructure.

2) Role of the ESA: the Commission shall conclude a **delegation agreement** with ESA entrusting it with a series of tasks including the **overall system architecture for the Copernicus space component**, the management of allocated funds and the development of new dedicated missions, except those operated by EUMETSAT, as well as a scheme for access to contributing mission data by Copernicus services and the conditions of use of commercial satellite data.

The Commission shall also conclude a delegation agreement with EUMETSAT entrusting it with a certain number of tasks.

3) Service operators: the Commission may also entrust the service component implementation tasks, by means of delegation agreements or contractual arrangements, to certain Union agencies such as 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) or other relevant agencies.

Work programme for Copernicus: the Commission may adopt an annual work programme, including an implementation plan which shall detail actions pertaining to the Copernicus, and be forward-looking, taking into account evolving user needs and technological developments.

Public procurement: a new chapter has been added on public procurement. This chapter details in particular the principles guiding public procurement or recourse to subcontracting in the framework of Copernicus. Among other things, the principles of fair and open competition shall be appied throughout the industrial supply chain, as well as in tender calls, clear communication of the applicable procurement rules, selection and award criteria and any other relevant information allowing a level-playing field for all potential Copernicus bidders.

Specific objectives have also been introduced into procurment procedures to avoid possible abuse of dominant position and reliance on a single supplier.

Likewise, a series of specific provisions relating to public procurement have been fixed to guarantee:

- the establishment of fair conditions of competition;

- the security of information;
- the reliability of supply;
- the rules applicable to conditional stage-payment contracts;
- the cost-reimbursement contracts;
- amendments;
- subcontracting.

Principles and conditions of access to data: the chapter dealing with Copernicus data has also been revised to establish the general framework of Copernicus information policy. The underlying principles shall be the following:

- promoting the use and sharing of Copernicus data and Copernicus information;
- strengthening European Earth observation markets, in particular the downstream sector, with a view to enabling growth and job creation;
- contributing to the sustainability and continuity of the provision of Copernicus data and Copernicus information;
- supporting the European research, technology and innovation communities.

Dedicated mission data and Copernicus information shall be made available through Copernicus dissemination platforms, under technical conditions pre-defined in the regulation.

The proposal also fixes the conditions and limitations of Copernicus data and Copernicus information access and use, in particular the principle of the setting by the Commisson of a series of technical measures for the transmission and use of dedicated mission data, the archiving of data and the licensing conditions.

Sensitive data: as some Copernicus data and Copernicus information, including high-resolution images, may have an impact on the security of the Union or its Member States, in duly justified cases, the Council should be empowered to adopt the measures in order to deal with risks and threats to the security of the Union or its Member States.

Intellectual property: the Union should be the owner of all tangible and intangible assets created or developed under Copernicus. In order to comply fully with any fundamental rights relating to ownership, the necessary arrangements should be made with existing owners. Such ownership by the Union should be without prejudice to the possibility for the Union to make those assets available to third parties or to dispose of them. In particular, the Union should be able to transfer the ownership of, or license the intellectual property rights arising from, work under Copernicus in the interest of a strong uptake of Copernicus services by downstream users.

International cooperation: the international coordination of observation systems and related exchanges of data may be addressed by Copernicus, in order to strengthen its global dimension and complementarity taking account of existing international agreements and coordination processes.

User Forum: it is foreseen that the Copernicus Committee shall set up the 'User Forum', as a working group to advise it on user requirements aspects.

Evaluation report: by **31 December 2017**, an evaluation report shall be established by the Commission on the achievement of the objectives of all the tasks financed by Copernicus. The evaluation shall address the continued relevance of all objectives, as well as the contribution of the measures to the objectives described in Article 4, the performance of the organisational structure and the scope of services deployed. The evaluation shall focus in particular on maintaining the relevance of all objectives and include an assessment of possible involvement of relevant European agencies (including the European GNSS Agency) and if appropriate be accompanied by relevant legislative proposals. The report shall assess the impacts of the Copernicus data and Copernicus information policy, on stakeholders, downstream users, the influence on business as well as on national and private investments in Earth observation infrastructures.