Regulation (EU) No 377/2014 of the European Parliament and of the Council of 3 April 2014 establishing the Copernicus Programme and repealing Regulation (EU) No 911/2010 (Text with EEA relevance)

REGULATION (EU) No 377/2014 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

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(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 189(2) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[(1)],

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure[(2)],

Whereas:

(1) Global Monitoring for Environment and Security (GMES) was an Earth monitoring initiative led by the Union and carried out in partnership with the Member States and the European Space Agency (ESA). The origins of GMES date back to May 1998, when institutions involved in the development of space activities in Europe made a joint declaration known as the ‘Baveno Manifesto’. The Manifesto called for a long-term commitment to the development of space-based environmental monitoring services, making use of, and further developing, European skills and technologies. In 2005, the Union made the strategic choice of developing jointly with ESA an independent European Earth observation capacity to deliver services in the environmental and security fields.

(2) Building on that initiative, Regulation (EU) No 911/2010 of the European Parliament and of the Council[(3)] established the European Earth monitoring programme (GMES) and the rules for the implementation of its initial operations.

(3) While the programme set up under Regulation (EU) No 911/2010 should continue under the multiannual financial framework 2014-2020, established by Council Regulation (EU, Euratom) No 1311/2013[(4)], the acronym ‘GMES’ should be replaced by the name of ‘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.

(4) The Copernicus programme (Copernicus) is based on a partnership between the Union, ESA and the Member States. Hence, it should build on existing European and national capacities and should complement them by new assets developed in common. In order to implement this approach, the Commission should endeavour to maintain a dialogue with ESA and Member States owning relevant space and in situ assets.

(5) In order to attain its objectives, Copernicus should ensure an autonomous Union capacity for spaceborne observations and provide operational services in the field of the environment, civil protection and civil security, fully respecting national mandates on official warnings. It should also make use of the available contributing missions and in situ data provided mainly by the Member States. To the greatest extent possible, Copernicus should make use of capacities for spaceborne observations and services of Member States. Copernicus should also make use of the capacities of commercial initiatives in Europe, thereby also contributing to the development of a viable commercial space sector in Europe. In addition, systems to optimise the transmission of data should be promoted to further enhance capabilities in response to growing user demand for near real-time data.

(6) To promote and facilitate the use of Earth observation technologies both by local authorities and by small and medium-sized enterprises (SMEs), dedicated networks for Copernicus data distribution, including national and regional bodies, should be promoted.

(7) The objective of Copernicus should be to provide accurate and reliable information in the field of the environment and security, tailored to the needs of users and supporting other Union policies, in particular relating to the internal market, transport, environment, energy, civil protection and civil security, cooperation with third countries and humanitarian aid.

(8) Copernicus should be considered as a European contribution to building the Global Earth Observation System of Systems (GEOSS) developed within the framework of the Group on Earth Observations (GEO).

(9) Copernicus should be implemented consistently with other relevant Union instruments and actions, in particular with environmental and climate change actions, and instruments in the field of security, protection of personal data, competitiveness and innovation, cohesion, research, transport, competition and international cooperation, and with the European satellite navigation systems (Galileo and EGNOS). Copernicus data should be compliant with Member States' spatial reference data as well as with implementing rules and technical guidelines of the infrastructure for spatial information in the Union established by Directive 2007/2/EC of the European Parliament and of the Council[(5)]. Copernicus should also complement the Shared Environmental Information System (SEIS), as referred to in the Commission Communication of 1 February 2008 entitled: Towards a Shared Environmental Information System (SEIS), and Union activities in the field of emergency response. Copernicus should be implemented in accordance with the objectives of Directive 2003/98/EC of the European Parliament and

of the Council[6] on the re-use of public sector information, in particular transparency, the creation of conditions conducive to the development of services, and contributing to economic growth and job creation. Copernicus data and Copernicus information should be available freely and openly to support the Digital Agenda for Europe, as referred to in the Commission Communication of 26 August 2010 entitled: A Digital Agenda for Europe.

(10) Copernicus is a programme to be delivered under the Europe 2020 strategy for smart, sustainable and inclusive growth (the 'Europe 2020 strategy'). It should benefit a wide range of Union policies and contribute to reaching the objectives of the Europe 2020 strategy, in particular by developing an effective space policy to provide the tools to address some of the key global challenges and meet the targets on climate change and energy sustainability. Copernicus should also support the implementation of the European space policy and support the growth of European markets for space-based data and services.

(11) Copernicus should also benefit from the results provided by Horizon 2020, established by Regulation (EU) No 1291/2013 of the European Parliament and of the Council[7], in particular through its activities in research and innovation for future Earth Observation technologies and applications using remote sensing, airborne and in situ technologies and data to respond to the major societal challenges. The Commission should ensure appropriate synergy, transparency and clarity regarding the different aspects of Copernicus.

(12) The evolution of the Copernicus space component should be based on an analysis of options to meet evolving user needs, including procurement from national/public missions and commercial providers in Europe, specification of new dedicated missions, international agreements ensuring access to non-European missions, and the European Earth observation market.

(13) For the sake of clarity and in order to facilitate cost control, the maximum amount allocated by the Union to implement the Copernicus activities should be broken down into various categories. Nonetheless, in the interest of flexibility and to ensure the smooth running of Copernicus, the Commission should be able to re-allocate funds from one category to another.

(14) The provision of operational services depends on the good functioning, continued availability and safety of the Copernicus space component. The increasing risk of collision with other satellites and space debris is a serious threat to the Copernicus space component. Therefore, the Copernicus activities should include the protection of the Copernicus space component and its operations, including during the launch of satellites. In this respect, a proportionate contribution to the costs of services capable of providing such protection could be financed by the budget allocated to Copernicus insofar as possible following rigorous cost management and full compliance with the maximum amount of EUR 26,5 million in current prices established in this Regulation. Such contribution should be used only for the provision of data and services and not for the purchase of infrastructure.

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) No 377/2014 of the European Parliament and of the Council. (See end of Document for details)*

(15) With a view to improving the implementation of Copernicus and its long-term planning, the Commission should adopt an annual work programme, including an implementation plan of the actions required to meet the objectives of Copernicus. That implementation plan should be forward-looking and should describe the actions needed to implement Copernicus taking into account evolving user needs and technological developments.

(16) The implementation of the Copernicus service component should be based on technical specifications given the complexity and resources allocated to Copernicus. This would also facilitate the public uptake of services as users would be able to anticipate the availability and evolution of services as well as cooperation with Member States and other parties. Therefore, the Commission should adopt and update, as necessary, technical specifications for all Copernicus services addressing aspects such as scope, architecture, technical service portfolios, indicative cost break-down and planning, performance levels, space and in situ data access needs, evolution, standards, archiving and dissemination of data.

(17) The implementation of the Copernicus space component should be based on technical specifications given the complexity and resources allocated to Copernicus. Therefore, the Commission should adopt and update, as necessary, technical specifications detailing the activities to be supported under the Copernicus space component and their indicative cost break-down and planning. Since Copernicus should build on investments made by the Union, ESA and Member States in the context of the Global Monitoring for Environment and Security, the activities under the Copernicus space component should take into consideration, where appropriate, elements of the ESA Long-Term Scenario (LTS) which is a document prepared and updated by ESA, establishing an overall framework for the Copernicus space component.

(18) Copernicus should be user-driven, thus requiring the continuous, effective involvement of users, particularly regarding the definition and validation of service requirements.

(19) The international dimension of Copernicus is of particular relevance in the exchange of data and information, as well as in access to observation infrastructure. Such exchange is more cost-efficient than data-buy schemes and strengthens the global dimension of Copernicus.

(20) The European Economic Area (EEA) Agreement and the Framework Agreements with candidate countries and potential candidates provide for participation by those countries in Union programmes. Participation by other third countries and international organisations should be made possible by the conclusion of international agreements to that effect.

(21) Member States, third countries and international organisations should be free to contribute to the programmes on the basis of appropriate agreements.

(22) The Commission should have overall responsibility for Copernicus. It should define the priorities and ensure the overall coordination and supervision of Copernicus. That should also include special efforts leading to raising public awareness about the importance of space programmes for European citizens. It should provide the European

Parliament and the Council with all relevant information pertaining to Copernicus in a timely manner.

(23) In the implementation of Copernicus, the Commission should rely, where appropriate, on European intergovernmental organisations with whom it has already established partnerships, in particular ESA for the technical coordination of the Copernicus space component, the definition of its architecture, the development and procurement of space assets, data access and the operation of dedicated missions. In addition, the Commission should also rely on the European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT) for the operation of dedicated missions in accordance with its expertise and mandate.

(24) Taking into account the partnership dimension of Copernicus and in order to avoid duplication of technical expertise, the implementation of Copernicus should be delegated to entities with the appropriate technical and professional capacity. Such entities should be encouraged to open the execution of those tasks to competition up to an adequate level in accordance with Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council[8] ('the Financial Regulation').

(25) Copernicus should include a service component ensuring delivery of information in atmosphere monitoring, marine environment monitoring, land monitoring, climate change, emergency management and security. In particular, Copernicus should deliver information on the state of the atmosphere including at the local, national, European and global scale; information on the state of the oceans, including through the setting-up of a dedicated European grouping for marine monitoring; information in support of land monitoring supporting the implementation of local, national and European policies; information in support of climate change adaptation and mitigation; geospatial information in support of emergency management, including through prevention activities, and civil security including support for the Union's external action. The Commission should identify appropriate contractual arrangements fostering the sustainability of service provision.

(26) In the implementation of Copernicus service component, the Commission may rely, where duly justified by the special nature of the action and specific expertise, on competent entities, such as the European Environment Agency, 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) and the European Union Satellite Centre (SATCEN), the European Centre for Medium-Range Weather Forecasts (ECMWF), other relevant European agencies, groupings or consortia of national bodies, or any relevant body potentially eligible for a delegation in accordance with the Financial Regulation. The choice of the entity should take due account of the cost efficiency of entrusting those tasks and the impact on the entity's governance structure and on its financial and human resources.

(27) The Joint Research Centre (JRC) of the Commission has been actively involved in the GMES initiative and in the implementation of the GMES initial operations established under Regulation (EU) No 911/2010. The Commission should continue relying on the JRC's scientific and technical support for the implementation of Copernicus.