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**A7-0027/2014**

14.1.2014

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# **REPORT**

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  
(COM(2013)0312 – C7-0195/2013 – 2013/0164(COD))

Committee on Industry, Research and Energy

Rapporteur: Vittorio Prodi

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

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## **DRAFT EUROPEAN PARLIAMENT 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 (COM(2013)0312 – C7-0195/2013 – 2013/0164(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0312),
  - having regard to Article 294(2) and Article 189(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0195/2013),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Industry, Research and Energy and the opinions of the Committee on Budgets and the Committee on the Environment, Public Health and Food Safety (A7-0027/2014),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

### **Amendment 1**

#### **Proposal for a regulation**

##### **Recital 1**

*Text proposed by the Commission*

(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 origin of GMES date back to

*Amendment*

(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 origin 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 an independent European Earth observation capacity to deliver services in the environmental and security fields<sup>8</sup>, which resulted ultimately in Regulation (EU) No 911/2010 of the European Parliament and of the Council of 22 September 2010 on the European Earth monitoring programme (GMES) and its initial operations (2011 to 2013)<sup>9</sup>.

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<sup>8</sup> COM(2005) 565 final of 10 November 2005.

<sup>9</sup> OJ L 276, 20.10.2010, p. 1.

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<sup>8</sup>, which resulted ultimately in Regulation (EU) No 911/2010 of the European Parliament and of the Council of 22 September 2010 on the European Earth monitoring programme (GMES) and its initial operations (2011 to 2013)<sup>9</sup>.

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<sup>8</sup> COM(2005) 565 final of 10 November 2005.

<sup>9</sup> OJ L 276, 20.10.2010, p. 1.

### *Justification*

*Since its inception, GMES was a joint EU-ESA programme led by EU. Some 60% of the investment in the space segment to date has been funded through ESA.*

## **Amendment 2**

### **Proposal for a regulation**

#### **Recital 9**

#### *Text proposed by the Commission*

(9) 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

#### *Amendment*

(9) 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. ***To the greatest extent possible, the programme should make use of capacities for space-***

Copernicus space component. The increasing risk of collision with other satellites and space debris is the most serious threat to the Copernicus space component. Therefore, the Copernicus programme should support actions aimed at reducing such risks, in particular by **contributing** to the programme established by Decision [XXX] of the European Parliament and the Council establishing a Space Surveillance and Tracking Support Programme.

***borne observations and services of Member States. The programme 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, the availability of the European Data Relay Satellite system for Copernicus Sentinels will accelerate the transmission of data and therefore further enhance capabilities in response to growing user demand for near real-time data.*** The provision of operational services depends on the well-functioning, ***permanent availability*** and safety of the Copernicus space component. The increasing risk of collision with other satellites and space debris is the most serious threat to the Copernicus space component. Therefore, the Copernicus programme should support actions aimed at reducing such risks, in particular by ***providing, together with EGNOS/Galileo, without jeopardising their full functionality, the largest possible contribution*** to the programme established by Decision [XXX] of the European Parliament and the Council establishing a Space Surveillance and Tracking Support Programme. ***With a view to fostering the maximum development of the European space and services industry and obtaining the best value for money and best performance in the development of Copernicus, principles of public procurement should be applied, contracts should be of an appropriate size and there should be recourse to subcontracting.***

### Amendment 3

#### Proposal for a regulation

#### Recital 10

*Text proposed by the Commission*

(10) The maximum financial envelope needed for the Copernicus actions (2014-

*Amendment*

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2020) is EUR 3 786 million in 2011 prices, allotted in a separate budget chapter under Title 2 of Heading 1a of the Union's General Budget. Staff and administrative expenditures incurred by the Commission in the coordination of the Copernicus programme should be funded from the budget of the Union.

2020) is EUR 3 786 million in 2011 prices, allotted in a separate budget chapter under Title 2 of Heading 1a of the Union's General Budget. Staff and administrative expenditures incurred by the Commission in the coordination of the Copernicus programme should be funded from the budget of the Union. ***In the event of additional unforeseen financial obligations, any increase in the Union contribution should not be at the expense of other programmes and should therefore be covered by the margin available between the MFF ceilings and the own resources ceiling. In order to maximise the results and capitalise on the knowledge and expertise acquired through the implementation phases of the programme, new organisation models should be explored for future planning, such as a space joint technology initiative and a financial multiannual plan set up with the help of the European Investment Bank ensuring long-term economic commitment from all Member States.***

#### **Amendment 4**

##### **Proposal for a regulation Recital 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***(10a) For the sake of clarity and in order to facilitate cost control, the Copernicus envelope should be broken down into various categories according to the specific objectives set out in this Regulation. The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of reallocating funds from one specific objective to another, where the deviation exceeds five percentage points, and specifying the***



*funding priorities to be reflected in the work programmes.*

## Amendment 5

### Proposal for a regulation

#### Recital 13

##### *Text proposed by the Commission*

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

##### *Amendment*

(13) The international dimension of Copernicus is of particular relevance in the exchange of data and information, as well as in access to observation infra-structure. Such an exchange system is more cost-efficient than data-buy schemes and strengthens the global dimension of the programme, ***and it should be ensured that the information and data thus exchanged is properly protected.***

##### *Justification*

*What the rapporteur is calling for here is reciprocity. However, while that concept carries a powerful political message, it could be problematic in terms of differences of interpretation. Our aim is therefore to replace it, in the body of the text, by terminology that is more legally robust.*

## Amendment 6

### Proposal for a regulation

#### Recital 16

##### *Text proposed by the Commission*

(16) The Commission should have the overall responsibility for the Copernicus programme. It should define its priorities and objectives and ensure the overall coordination and supervision of the programme.

##### *Amendment*

(16) The Commission should have the overall responsibility for the Copernicus programme. It should define its priorities and objectives ***clearly in advance*** and ensure the overall coordination and supervision of the programme. ***This should also include special efforts leading to***

*raising public awareness about the importance and omnipresence of space programmes in our everyday lives. It should provide the European Parliament and the Council with all relevant information pertaining to the programme in a timely manner.*

#### *Justification*

*Correct public understanding and support is crucial for the budget justification as well as for the promotion of space programme products.*

### **Amendment 7**

#### **Proposal for a regulation**

##### **Recital 17**

###### *Text proposed by the Commission*

(17) 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.

###### *Amendment*

(17) 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, *such as the European GNSS Agency (GSA), which could take an active role in close collaboration with the Centres of excellence for Earth observation in implementing the Copernicus programme in the future.*

### **Amendment 8**

#### **Proposal for a regulation**

##### **Recital 18**

###### *Text proposed by the Commission*

(18) In the implementation of the Copernicus programme, the Commission may rely, where duly justified by the special nature of the action and specific expertise of the Union body, on competent Union agencies, such as the European

###### *Amendment*

(18) In the implementation of the Copernicus programme, the Commission may rely, where duly justified by the special nature of the action and specific expertise of the Union body, on competent 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) and the European Union Satellite Centre (EUSC) or any relevant body potentially eligible for a delegation according to Article 58 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the ***Council of 25 October 2012 on the financial rules applicable to the annual budget of the Union***<sup>12</sup>. The choice of the Union body shall take due account of the cost efficiency of entrusting those tasks and the impact on the body's governance structure and on its financial and human resources

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<sup>12</sup> OJ L 298, 26.10.2012, p. 1.

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 GNSS Agency (GSA)*** and the European Union Satellite Centre (EUSC) or any relevant body potentially eligible for a delegation according to Article 58 of Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council<sup>12</sup>. The choice of the Union body shall take due account of the cost efficiency of entrusting those tasks and the impact on the body's governance structure and on its financial and human resources

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<sup>12</sup> Regulation (EU, Euratom) No 966/2012 of the European Parliament and of the Council of 25 October 2012 on the financial rules applicable to the annual budget of the Union and repealing Council Regulation (EC, Euratom) No 1605/2002 (OJ L 298, 26.10.2012, p. 1).

## Amendment 9

### Proposal for a regulation Recital 19

#### *Text proposed by the Commission*

(19) In order to achieve the objective of Copernicus on a sustainable basis, it is necessary to coordinate the activities of the various partners involved in Copernicus, and to develop, establish and operate a service and observation capacity meeting the demands of users. In this context, a committee should assist the Commission in ensuring the coordination of contributions to Copernicus by the Union, the Member

#### *Amendment*

(19) In order to achieve the objective of Copernicus on a sustainable basis, it is necessary to coordinate the activities of the various partners involved in Copernicus, and to develop, establish and operate a service and observation capacity meeting the demands of users. In this context, a committee should assist the Commission in ensuring the coordination of contributions to Copernicus by the Union, the Member

States and inter-governmental agencies, making the best use of existing capacities and identifying gaps to be addressed at Union level. It should also assist the Commission in monitoring the coherent implementation of Copernicus.

States, *the private sector* and inter-governmental agencies, making the best use of existing capacities and identifying gaps to be addressed at Union level. It should also assist the Commission in monitoring the coherent implementation of Copernicus.

## **Amendment 10**

### **Proposal for a regulation Recital 19 a (new)**

*Text proposed by the Commission*

*Amendment*

***(19a) The Copernicus programme should comply with Union rules on public contracts and should aim, first and foremost, to attain value for money, control costs, mitigate risks, improve efficiency and decrease reliance on single suppliers. Open access and fair competition throughout the industrial supply chain and the balanced offering of participation opportunities to industry at all levels, including, in particular, to small and medium-sized enterprises (SMEs) and Non Large System Integrators, should be pursued across Member States. Possible abuse of dominance or long-term reliance on single suppliers should be avoided, as it would make the services provided more expensive and the Copernicus programme unsustainable in the long run.***

## **Amendment 11**

### **Proposal for a regulation Article 1 – title**

*Text proposed by the Commission*

*Amendment*

Subject-matter

Subject-matter *and scope*

## Amendment 12

### Proposal for a regulation Article 1

#### *Text proposed by the Commission*

This Regulation establishes the Union Earth observation programme called Copernicus and lays down the rules for its *execution*.

#### *Amendment*

This Regulation establishes the Union Earth observation ***and monitoring*** programme called Copernicus and lays down the rules for its ***deployment, operation and exploitation***.

***The Copernicus programme shall ensure continuity with the activities achieved under the GMES programme and shall comprise the following:***

***(a) a service component ensuring access to information in the following areas: atmosphere monitoring, climate change monitoring, emergency management, land monitoring, marine monitoring and security;***

***(b) a space component ensuring sustainable space-borne observations for the service areas referred to in point (a);***

***(c) an in-situ component ensuring coordinated access to observations through airborne, seaborne and ground-based installations, including unmanned ones, for the service areas referred to in point (a) and calibration and validation activities for space-borne observations.***

## Amendment 13

### Proposal for a regulation Article 2

#### *Text proposed by the Commission*

#### ***General*** objectives

1. ***The*** Copernicus ***programme*** shall contribute to the following general objectives:

#### *Amendment*

#### Objectives

1. Copernicus shall contribute to the following general objectives:

(a) protection of the environment and provision of support to civil protection and security efforts;

(b) support of the Europe 2020 growth strategy by contributing to the objectives of smart, sustainable and inclusive growth; in particular, it shall contribute to economic stability and growth by boosting commercial applications.

**2. The original data and information produced from space-borne observations, as well as from available in-situ data ('Copernicus data and information') shall be accurate and reliable, supplied on a long term and sustainable basis and respond to the requirements of Copernicus user communities. The access to those data shall be full, open and free of charge, subject to the conditions defined in or on the basis of this Regulation.**

**3. For the purpose of paragraph 2, the Copernicus user communities are defined as those comprising the European national, regional or local bodies entrusted with the definition, implementation, enforcement or monitoring of a public service or policy in areas referred to in point (1) of Article 4.**

(a) **monitoring and** protection of the environment and provision of support to civil protection and **civil** security efforts;

(b) support of the Europe 2020 growth strategy by contributing to the objectives of smart, sustainable and inclusive growth; in particular, it shall contribute to economic stability and growth by boosting **free exchange of data and** commercial applications. **It shall also foster the development of a strong and balanced space industry across the Union while maintaining its competitiveness at international level, by maximising opportunities for European enterprises to develop and provide innovative key technologies and services and ensuring the Union has independent access to environmental knowledge.**

**2. In order to attain the general objectives laid down in paragraph 1, Copernicus shall have the following specific objectives:**

(a) **delivering** accurate and reliable **data and information, supplied** on a long term, continuous and sustainable **basis which responds** to the requirements of Copernicus user communities, defined as those comprising European, national, regional or local **entities** entrusted with the definition, implementation, enforcement or monitoring of a public service or policy **area** referred to in Article 4, **government agencies, universities, research institutions and commercial and private users.**

(b) **providing sustainable and reliable access to space-borne data and information from an autonomous Union**

4. The achievement of the objectives referred to in paragraph 1 shall be measured by the following result indicators:

(a) data and information made available in accordance with the respective service level delivery requirements for environment, civil protection and security;

(b) market penetration and competitiveness *of the European downstream operators.*

*Earth observation capacity with consistent technical specifications and building on existing European and national assets and capabilities, complementing them whenever necessary;*

3. The achievement of the objectives *laid down in paragraphs 1 and 2* shall be measured by the following result indicators:

(a) data and information made available in accordance with the respective service-level delivery requirements for environment, civil protection and security;

(b) *completion of the dedicated space infrastructure in terms of satellites deployed and data produced, taking into account the available budget;*

(c) *demand for Copernicus data and information measured by number of users, volume of accessed data and information and by the widening of distribution across Union institutions, national, regional or local authorities and bodies;*

(d) *use of Copernicus data and information by Union institutions and bodies, national, regional and local authorities, research organisations, international organisations and private entities, level of user uptake and satisfaction and benefits provided to Union citizens;*

(e) market penetration, *creation of new markets* and competitiveness.

*(Technical note: Article 3 falls)*

## **Amendment 14**

### **Proposal for a regulation Article 4**

**Scope of the Copernicus services**

**Copernicus operation**

**Section I - Services**

***The Copernicus services, as referred to in point (1) of Article 3 shall include:***

**1. Operational services:**

(a) The atmosphere monitoring service shall provide information on 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 at the local to national scales, and should contribute to the monitoring of atmospheric chemistry climate variables;

(b) The marine monitoring service shall provide information on the state and dynamics of physical ocean and marine ecosystems for the global ocean and the European regional areas;

(c) The land monitoring service shall provide information in support of the global-to-local environmental monitoring of biodiversity, soil, water, forests and natural resources, as well as in general implementation of environment, agriculture, development, energy, urban planning, infrastructure and transport policies;

(d) The climate change monitoring service shall provide information to increase the knowledge base to support adaptation and mitigation policies. It shall in particular contribute to the provision of Essential Climate Variables (ECVs), climate analyses and projections at temporal and spatial scales relevant to adaptation and mitigation strategies for the various

**1. The Copernicus services shall include:**

(a) The atmosphere monitoring service shall provide information on air quality on a European scale and of the chemical composition of the atmosphere on a global scale, ***with particular attention to the observation of forest canopies***. It shall in particular provide information for air quality monitoring systems at the local to national scales, ***in particular as regards temperature patterns***, and should contribute to the monitoring of atmospheric chemistry climate variables;

(b) The marine monitoring service shall provide information on the state and dynamics of physical ocean and marine ecosystems for the global ocean, ***polar areas*** and the European regional areas, ***with special attention to waste flows***;

(c) The land monitoring service shall provide information in support of the global-to-local environmental monitoring of biodiversity, soil, water, ***cryosphere***, forests, ***agricultural practices*** and natural resources, as well as in general implementation of environment, agriculture, development, energy, urban planning, infrastructure and transport policies;

(d) The climate change monitoring service shall provide information to increase the knowledge base to support adaptation and mitigation policies. It shall in particular contribute to the 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;

(e) The 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 and other humanitarian disasters, as well as the prevention, preparedness, response and recovery activities;

(f) The security service shall provide information in support of the security challenges of Europe improving crisis prevention, preparedness and response capacities, in particular for border and maritime surveillance, but also support for the Union's external action, through detection and monitoring of trans-regional security threats, risk assessment and early warning systems, mapping and monitoring of border areas;

2. Development activities *consisting in* improving the quality and performance of operational services, including their evolution and adaptation, and *in* avoiding or mitigating the operational risks

3. Support activities consisting in measures to promote the use of operational services

Union's sectorial and societal benefit areas;

(e) The 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 and other humanitarian disasters, as well as the prevention, preparedness, response and recovery activities;

(f) The security service shall provide information in support of the security challenges of Europe improving crisis prevention, preparedness and response capacities, in particular for border and maritime surveillance, but also support for the Union's external action, through detection and monitoring of trans-regional security threats, risk assessment and early warning systems, mapping and monitoring of border areas.

***There shall be no priority among these services. Services shall be operated in accordance with the subsidiarity and proportionality principles, fully respecting existing national mandates. Therefore, they shall enable the development of decentralised and cost-effective downstream services which shall integrate, where appropriate, at European level, existing space, in-situ and reference data and capacities in Member States to avoid duplication.***

***2. In order to ensure the evolution of the services referred to in point 1 of this Section and their public-sector uptake, the following activities shall also be undertaken:***

***(a)*** development activities ***aimed at*** improving the quality and performance of operational services, including their evolution and adaptation, and avoiding or mitigating the operational risks;

***(b)*** support activities consisting in measures to promote the use of ***Copernicus***

*by users and downstream applications, as well as* communication and dissemination activities.

operational services, *including* communication and dissemination activities, *development of standard procedures and tools to integrate Copernicus data and information into users' workflow:*

*(i) by public authorities entrusted with the definition, implementation, enforcement or monitoring of a public service or policy areas referred to in point 1 of this Section;*

*(ii) by other users and downstream applications;*

*(iii) by the GNSS Agency (GSA) in collaboration with centres of excellence for earth observation.*

## *Section II - Space component*

*The Copernicus space component shall provide space-borne observations to meet the objectives referred to in Article 2, serving primarily the operational services referred to in point (1) of Section I of this Article. The Copernicus space component shall include the following activities:*

*(a) Provision of space-borne observations, including:*

*i) completion, maintenance and operation of the Copernicus dedicated missions, including tasking of the satellites, monitoring and control of the satellites, reception and processing, archiving and dissemination of data, and permanent calibration and validation;*

*ii) provision of in-situ data for calibration and validation of space-borne observations;*

*iii) provision, archiving and dissemination of contributing mission data complementing the Copernicus dedicated mission data;*

*iv) maintenance of the Copernicus space infrastructure;*

*(b) Activities in response to evolving needs*

*of the users, including:*

*i) identification of observation gaps and the specification of new space missions on the basis of validated user requirements and existing or planned space infrastructure;*

*ii) developments aiming at modernising and complementing the Copernicus space component, including design and procurement of new enhanced elements of the space infrastructure, including infrastructure due to enter into service after 2025;*

*(c) Contribution to the protection of satellites against the risk of collision through the implementation of the Decision (XXX) of the European Parliament and the Council establishing a Space Surveillance and Tracking Support Programme.*

### ***Section III - In-situ component***

*The in-situ component of the Copernicus programme shall include the following activities:*

*(a) coordination and harmonisation of the collection and provision of in-situ data, provision of in-situ data to the operational services, including third party in-situ data at international level;*

*(b) technical assistance to the Commission on the service requirements for in-situ observation data;*

*(c) cooperation with in-situ operators to promote the consistency of development activities related to the in-situ observation infrastructure and networks;*

*(d) the identification and addressing of gaps in the in-situ observations that cannot be filled by existing infrastructure and networks.*

*(Technical note: Articles 5 and 6 fall)*

## Amendment 15

### Proposal for a regulation Article 7 – paragraph 1

*Text proposed by the Commission*

1. The financial envelope *allocated to the Copernicus programme for the period 2014 – 2020 has a maximum amount of* EUR 3 786 million in 2011 prices.

*Amendment*

1. The *maximum amount for the implementation of the Copernicus programme and to cover the risks associated with its activities for the period 2014 – 2020 is set at* EUR 3 786 million in 2011 prices, *in line with [Article 14] of Council Regulation No [...]<sup>13a</sup>. Within this amount, operational appropriations shall be distributed to the specific objectives as defined in Article 2(2), as follows:*

*(a) delivering the operational services referred to in point 1 of Section I of Article 4 in accordance to users' needs, [X]%;*

*(b) providing a sustainable and reliable access to space-borne observations, [X%].*

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<sup>13a</sup> *Council Regulation No [...] laying down the multiannual financial framework for the years 2014-2020 (OJ L...).*

## Amendment 16

### Proposal for a regulation Article 7 – paragraph 1 a (new)

*Text proposed by the Commission*

*Amendment*

*1a. Where it proves necessary to deviate from the allocation for a specific objective by more than 5 percentage points, the Commission shall be empowered to adopt delegated acts in accordance with Article*

*21 to amend that allocation.*

## **Amendment 17**

### **Proposal for a regulation**

#### **Article 7 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. The Commission shall be empowered to adopt delegated acts in accordance with Article 21 specifying the funding priorities to be reflected in the work programmes. The first delegated act shall be adopted before ...\*.***

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***\*OJ: please insert the date one year after the entry into force of this Regulation.***

## **Amendment 18**

### **Proposal for a regulation**

#### **Article 7 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. The financial allocation for the Copernicus programme may also cover expenses relating to preparatory, monitoring, control, audit and evaluation activities which are required directly for the management of the Copernicus programme and the achievement of its objectives, and in particular studies, meetings, information and communication actions, as well as expenses linked to IT networks focusing on information processing and exchange of data. ***The resources allocated to communication actions under this Regulation may also contribute proportionally to covering the institutional communication of the***

3. The financial allocation for the Copernicus programme may also cover expenses relating to preparatory, monitoring, control, audit and evaluation activities which are required directly for the management of the Copernicus programme and the achievement of its objectives, and in particular studies, meetings, information and communication actions, as well as expenses linked to IT networks focusing on information processing and exchange of data.

*political priorities of the Union.*

## **Amendment 19**

### **Proposal for a regulation Article 7 a (new)**

*Text proposed by the Commission*

*Amendment*

#### **Article 7a**

##### **Forms of Union funding**

**1. Union funding may take the following legal forms:**

**(a) delegation agreements;**

**(b) grants;**

**(c) public procurement contracts.**

**2. Genuine competition, transparency and equal treatment shall be ensured in the provision of funding by the Union, in accordance with Regulation (EU, Euratom) No 966/2012.**

**3. The Commission shall report to the European Parliament and to the Council on the allocation of Union funds, 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.**

#### *Justification*

*For reasons of clarity and transparency, this amendment takes over provisions from the previous GMES Regulation 911/2010.*

## **Amendment 20**

### **Proposal for a regulation Article 8**

**Work programme** of the Commission

**1.** The Commission shall adopt a work programme pursuant to Article 84 of the Regulation (EU, Euratom) No 966/2012. That implementing act shall be adopted in accordance with the examination procedure referred to in **point (3) of** Article 20 of this Regulation..

**Role** of the Commission

**1. The Commission shall have overall responsibility for the Copernicus programme. It shall define the priorities and objectives of the programme and oversee its implementation, in particular with respect to cost, schedule and performance and security interests in accordance with Article 16 and shall provide to the Member States and the European Parliament all relevant information pertaining to the programme through a yearly report on the implementation results. That report shall include information on risk management, overall costs, annual operating costs of each significant item of Copernicus infrastructure, schedule, performance and procurement related information. That report shall also be made available to the Copernicus committee**

**2. The Commission shall adopt, define and update as necessary a long-term plan, including technical portfolios for the services under point 1 of Section I of Article 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 20(3). When deciding on the allocations under the annual work programme, the Commission shall, where appropriate, take the long-term plan into account.**

**3. The Commission shall co-operate with Member States in order to improve the exchange of data and information between them and increase the volume of the data and information made available to the Copernicus programme.**

**4. The Commission may adopt measures to promote the convergence of Member States in the use of Copernicus data and information and their access to the**

*technology and developments in Earth Observation. Such measures shall not distort competition. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 20(2).*

*5. The Commission shall manage, on behalf of the Union and in its field of competence, relationships with third countries and international organisations, ensuring the coordination of the Copernicus programme with activities at national, Union and international levels.*

*6. The Commission shall coordinate the contributions of Member States aiming at the operational delivery of services and the long-term availability of the data from both public and private observation infrastructures needed to operate existing and future services.*

*7. The Commission shall ensure the complementarity and consistency of the Copernicus programme by creating the appropriate links with relevant Union policies, instruments, programmes and actions to ensure that they benefit from Copernicus services.*

*8. The Commission shall maintain a transparent and regular user involvement and consultation with all stakeholders, enabling identification of user requirements and monitoring of their satisfaction at Union and national levels. To that end, the Copernicus committee referred to in Article 20(1) shall supervise a dedicated Copernicus Data Distribution Infrastructure based on a network of national/regional nodes, committed to guaranteeing and coordinating the distribution of data.*

*9. The Commission shall adopt delegated acts in accordance with Article 21 concerning the establishment of the data requirements necessary for the operational services, making provision for*



*their evolution.*

*10. The Commission shall make the financial resources available for the funding of the Copernicus programme.*

*11. The Commission shall take adequate measures to ensure the full participation of private resources in support of the Copernicus programme and its overall objectives, thus enabling the growth of mid and downstream sectors.*

*12. The Commission shall promote a long-term stable investment environment and consult stakeholders when deciding to change products of both the data and information services covered by the Copernicus regulation.*

*13. The Commission shall support a wide-ranging information campaign for local authorities of Copernicus data and services, stressing, for instance, their importance for purposes of territorial management and public policies. Within that framework, a complete overview of existing Union environmental legislation should be drawn up, in particular of directives such as INSPIRE or Air Quality, for the implementation of which local authorities need Copernicus data.*

*14. The Commission shall adopt a work programme pursuant to Article 84 of the Regulation (EU, Euratom) No 966/2012. That implementing act shall be adopted in accordance with the examination procedure referred to in Article 20(3) of this Regulation.*

*(Technical note: Articles 9 and 11 fall)*

## **Amendment 21**

### **Proposal for a regulation Article 11 a (new)**

***Article 11a***

***Role of the European Space Agency***

***1. In accordance with point (c) of Article 58(1) of Regulation (EU, Euratom) No 966/2012, the Commission shall conclude a delegation agreement with ESA laying down the general conditions for tasks to be entrusted by the Commission to ESA, as regards:***

***(a) the design, development and procurement of the Copernicus system space component;***

***(b) the definition of the system architecture of the space component on the basis of user requirements;***

***(c) the management of the funds entrusted;***

***(d) the monitoring and control procedures.***

***(e) organisation of a procurement process for entrusting the operation of the dedicated missions to a suitable entity, with the exception of missions operated by EUMETSAT.***

***In accordance with Article 60 of Regulation (EU, Euratom) No 966/2012, when it concerns development of the Copernicus space component, the Commission may bestow ESA with the power to act as a contracting authority with the capacity to take decisions regarding the implementation and coordination of the procurement tasks delegated to the agency.***

***2. Such delegation agreement shall be referred to the Copernicus Committee for consultation and communicated to the European Parliament.***

***ESA shall provide the Commission with systematic information on plans, costs and schedules, indicating corrective***

*action to be taken in the event of a discrepancy between planned budgets, performance and timetable.*

## Amendment 22

### Proposal for a regulation Article 12

#### *Text proposed by the Commission*

1. 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 described in Article 4 to competent Union bodies. **Among such agencies are:**

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

2. The choice of the Union body shall take due account of the cost efficiency of entrusting those tasks and the impact on the body's governance structure and on its financial and human resources.

#### *Amendment*

1. The Commission may entrust, **by means of delegation agreements** in part or in full, where duly justified by the special nature of the action and specific expertise **mandate, operation and management capacity** of the Union body the implementation tasks described in Article 4 to **the following** competent Union bodies, **European agencies and organisations:**

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

**(da) the European Centre for Medium-Range Weather Forecasts (ECMWF)**

**(d b) the European GNSS Agency (GSA)**

2. The choice of the Union body shall take due account of the **market situation and the** cost efficiency of entrusting those tasks and the impact on the body's governance structure and on its financial and human resources. **Those Union bodies and organisations may open to competition the activities delegated to them in accordance with the principles of public procurement**

3. Budget implementation tasks entrusted exceptionally to competent Union bodies under this Article shall be included in the work programme of such Union body for information purposes.

***4. The Commission may entrust, in part or in full, to the European Space Agency (ESA) the development tasks of the space component described in point (b) of Article 5.***

5. The Commission may entrust, in part or in full, the operational tasks of the space component described in point (a) of Article 5 to ESA and the European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT).

6. The Commission may entrust, in part or in full, the activities of the in-situ component described in **Article 6** to the operators of the services described in Article 4.

3. Budget implementation tasks entrusted exceptionally to competent Union bodies under this Article shall be included in the work programme of such Union body for information purposes.

5. The Commission may entrust, in part or in full, the operational tasks of the space component described in point (a) ***of Section II of Article 4*** to ESA and the European Organisation for the Exploitation of Meteorological Satellites (EUMETSAT) ***according to their respective expertise.***

6. The Commission may entrust, in part or in full, the activities of the in-situ component described in ***Section III of Article 4*** to the operators of the services described in ***point 1 of Section I of that Article.***

## **Amendment 23**

### **Proposal for a regulation Article 13 – title**

*Text proposed by the Commission*

***Supervision of operators***

*Amendment*

***Public procurement***

## **Amendment 24**

### **Proposal for a regulation Article 13**

*Text proposed by the Commission*

***Complaints on the award of contracts and grants by operators in the execution of the delegation agreement or the work programme may be submitted to the***

*Amendment*

***General provisions applicable to public procurement***

***Commission. Nonetheless, such complaints may concern only deliberate wrongdoing, gross negligence or fraud and be submitted only after all means of recourse before the operator have been exhausted.***

#### ***General principles***

***1. Without prejudice to measures required to protect the essential interests of the security of the Union or public security or to comply with Union export control requirements, Regulation (EU, Euratom) No 966/2012, and in particular the general principles of open access and fair competition throughout the industrial supply chain, tendering on the basis of the provision of transparent and timely information, clear communication of the applicable procurement rules, selection and award criteria and any other relevant information allowing a level-playing field for all potential bidders, shall apply to the Copernicus programme.***

***2. During the procurement procedure, the following objectives shall be pursued by the contracting authorities in their calls for tender:***

***(a) to promote the widest and most open participation possible throughout the Union by all economic operators, in particular by new entrants and SMEs, including through encouraging recourse to sub-contracting by the tenderers;***

***(b) to avoid possible abuse of dominance and reliance on a single supplier;***

***(c) to take advantage of prior public sector investments and lessons learned as well as industrial experience and competences, including that acquired in the initial phase of the programme, while ensuring that competitive tendering rules are complied with;***

***(d) to pursue multiple sourcing wherever appropriate in order to ensure better overall control of the programme, its costs***

*and time-schedule;*

*(e) to take into account wherever appropriate the total cost over the useful life-cycle of the product, service or work being tendered but not subjecting the value only to cost considerations.*

#### *Specific provisions*

##### *1. Establishing fair competition conditions*

*The contracting authority shall take the appropriate measures to ensure fair competition conditions when previous involvement of a company in activities associated with the subject of the call for tender:*

*(a) may confer significant advantages on that company in terms of privileged information and therefore may give rise to concerns as to compliance with equal treatment; or*

*(b) affect normal competition conditions or the impartiality and objectivity of the award or performance of the contracts.*

*Those measures shall not distort competition, or jeopardise equal treatment or the confidentiality of data collected about undertakings, their business relations and cost structure. In that context, those measures shall take into account the nature and particulars of the intended contract.*

##### *2. Security of information*

*When contracts involve, require and/or contain classified information, the contracting authority shall specify in the tender documents the measures and requirements necessary to ensure the security of such information at the requisite level.*

##### *3. Reliability of supply*

*The contracting authority shall specify in the tender documents its requirements in relation to reliability of supplies or of the*

*provision of services for the performance of the contract.*

#### ***4. Conditional stage-payment contracts***

***(a) The contracting authority may award a contract in the form of a conditional stage-payment contract.***

***(b) A conditional stage-payment contract shall include a fixed stage which is accompanied by a budgetary commitment which results in a firm commitment to provide the works, supplies or services contracted for that stage and one or more stages which are conditional in terms of both budget and execution. The tender documents shall refer to the specific features of conditional stage-payment contracts. In particular, they shall specify the subject-matter of the contract, the price or the arrangements for determining the price and the arrangements for the provision of works, supplies and services at each stage.***

***(c) The fixed stage obligations shall be part of a consistent whole, as shall the obligations under each conditional stage, taking into account the obligations under the previous stages.***

***(d) The performance of each conditional stage shall be subject to a decision by the contracting authority, notified to the contractor in accordance with the contract. When a conditional stage is confirmed late or is not confirmed, the contractor may benefit, if the contract so provides and under the conditions laid down therein, from a tideover allowance or a non-execution allowance.***

***(e) Where, with regard to a particular stage, the contracting authority finds that works, supplies or services agreed for that stage have not been completed, it may claim damages and terminate the contract, if the contract so provides and under the conditions laid down therein.***

## **5. Cost-reimbursement contracts**

***(a) The contracting authority may opt for a full or partial cost-reimbursement contract up to a ceiling price, under the conditions laid down in point (b).***

***The price to be paid for such contracts shall consist of reimbursement of all direct costs incurred by the contractor in performing the contract, such as expenditure on labour, materials, consumables, use of equipment and infrastructures necessary to perform the contract. Those costs shall be increased by a fixed fee covering indirect costs and profit, or a sum covering indirect costs and incentive fee compensation based on achieving objectives in respect of performance and delivery schedules.***

***(b) The contracting authority may opt for a full or partial cost-reimbursement contract when it is objectively impossible to specify an accurate fixed price and if it can be reasonably shown that such a fixed price would be abnormally high due to the uncertainties inherent in performance of the contract because:***

***(i) the contract has very complex features or features which require the use of a new technology and therefore includes a significant number of technical risks; or***

***(ii) the activities subject to the contract must, for operational reasons, start immediately even though it is not yet possible to determine a firm fixed price in full due to significant risks or because performance of the contract depends in part on the performance of other contracts.***

***(c) The ceiling price for a full or partial cost-reimbursement contract shall be the maximum price payable. It may be exceeded only in duly justified exceptional circumstances subject to the prior agreement of the contracting authority.***



***(d) The tender documents of a procurement procedure for a full or partial cost-reimbursement contract shall specify:***

***(i) the type of contract, namely whether it is a full or partial cost-reimbursement contract up to a ceiling price;***

***(ii) for a partial cost-reimbursement contract, the elements of the contract subject to cost reimbursement;***

***(iii) the total ceiling price;***

***(iv) the award criteria, which must enable an evaluation of the plausibility of the estimated overall budget, of the reimbursable costs, of the mechanisms for determining those costs, and the profit referred to in the tender to be evaluated;***

***(v) the mechanics of the increase referred to in point (a) to be applied to direct costs;***

***(vi) the rules and procedures which determine the eligibility of the costs planned by the tenderer for the performance of the contract, in accordance with the principles set out in point (e);***

***(vii) the accounting rules with which tenderers must comply;***

***(viii) in the case of a partial cost-reimbursement contract to be converted into a firm fixed price contract, the parameters for such conversion.***

***(e) The costs declared by the contractor during performance of a full or partial cost reimbursement contract shall only be eligible if they:***

***(i) are actually incurred during the duration of the contract, with the exception of the costs for the equipment, infrastructures and intangible fixed assets necessary for performance of the contract which may be deemed eligible up to the whole of their purchase value;***

***(ii) are referred to in the estimated overall***

*budget which may be revised by amendments to the initial contract;*

*(iii) are necessary for performance of the contract;*

*(iv) result from the performance of the contract and are attributable to it;*

*(v) are identifiable, verifiable, recorded in the contractor's accounting records and determined in accordance with the accounting standards referred to in the specifications and in the contract;*

*(vi) comply with the requirements of applicable tax and social legislation;*

*(vii) do not derogate from the terms of the contract;*

*(viii) are reasonable, justified, and comply with the requirements of sound financial management, in particular regarding economy and efficiency.*

*The contractor shall be responsible for its own cost accounting, keeping sound accounting records or any other document required to show that the costs for which reimbursement is requested have been incurred and comply with the principles set out in this Article. Costs which cannot be substantiated by the contractor shall be deemed ineligible and their reimbursement shall be refused.*

*(f) The contracting authority shall be responsible for the following tasks in order to ensure correct performance of cost-reimbursement contracts:*

*(i) determining the most realistic possible ceiling price, while providing the necessary flexibility to account for technical difficulties;*

*(ii) converting a partial cost-reimbursement contract into a full firm fixed-price contract as soon as it is possible to determine such a firm fixed-price during performance of the contract. For this reason, it shall determine the*

*conversion parameters to convert a contract concluded on a cost-reimbursement basis to a firm fixed-price contract;*

*(iii) implementing monitoring and inspection measures which provide, in particular, an estimated cost forecast system;*

*(iv) determining suitable principles, tools and procedures for the performance of the contract, in particular for identifying and checking the eligibility of costs declared by the contractor or its subcontractors during performance of the contract, and for introducing amendments to the contract;*

*(v) checking that the contractor and its subcontractors comply with the accounting standards stipulated in the contract and with the obligation to provide their accounting documents, which should present a true and fair view of the accounts;*

*(vi) throughout performance of the contract, ensuring continuously the effectiveness of the principles, tools and procedures referred to in point (iv).*

## **6. Amendments**

*The contracting authority and the contractors may change the contract by an amendment on condition that the amendment fulfils all of the following conditions:*

*(a) it does not alter the subject-matter of the contract;*

*(b) it does not disturb the economic balance of the contract;*

*(c) it does not introduce conditions which, if they had appeared initially in the contract documents, would have allowed for the admission of tenderers other than those initially admitted or would have allowed for the acceptance of a tender*

*other than the one initially accepted.*

#### **7. Subcontracting**

*(a) The contracting authority shall request the tenderer to subcontract a share of the contract by competitive tendering at the appropriate levels of subcontracting to companies other than those that belong to the tenderer's group, in particular to new entrants and SMEs.*

*(b) The contracting authority shall express the requisite share of the contract to be subcontracted in the form of a range from a minimum to a maximum percentage. In defining such percentages the contracting authority shall take into account that such percentages are in proportionate to the objective and value of the contract, taking into account the nature of the sector of activity concerned, and in particular, the competitive conditions and industrial potential observed.*

*(c) If the tenderer indicates in its tender that it intends not to sub-contract any share of the contract or to subcontract a share smaller than the minimum of the range referred to in point (b), it shall provide the reasons therefor to the contracting authority. The contracting authority shall submit that information to the Commission.*

*(d) The contracting authority may reject subcontractors selected by the candidate at the stage of the main contract award procedure or by the tenderer selected for the performance of the contract. It shall justify its rejection in writing, which may be based only on the criteria used for selection of tenderers for the main contract.*

Amendment 25

**Proposal for a regulation  
Article 14**

*Text proposed by the Commission*

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

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

*Amendment*

Copernicus data and information shall be made available on a full, open and free-of-charge basis, ***particularly for emergency situations and for development aid purposes***, subject to ***full compliance with Union data protection policy*** and the following limitations:

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

***No later than 1 January 2017 the Commission shall, in consultation with all relevant stakeholders, conduct a review of the impact of this data policy on the European data and service market. If appropriate, the review may lead to a revision of the data policy.***

***The existing access rights to Copernicus Sentinel data held by the participating states to ESA's GMES Space Component Programme shall be respected.***

**Amendment 26**

**Proposal for a regulation  
Article 17 – paragraph 4**

*Text proposed by the Commission*

4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and with international organisations, contracts, grant agreements and grant decisions, resulting from the

*Amendment*

4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and with international organisations, contracts, grant agreements and grant decisions, resulting from the

implementation of this Programme shall contain provisions expressly empowering the Commission, the Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.

implementation of this Programme shall contain provisions expressly empowering the Commission, the Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences. ***The European Parliament shall be informed about the results of these audits and investigations.***

## Amendment 27

### Proposal for a regulation Article 18 – paragraph 1

*Text proposed by the Commission*

1. 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.

*Amendment*

1. The Union or a specifically designated body 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.

## Amendment 28

### Proposal for a regulation Article 19

*Text proposed by the Commission*

1. The Commission may be assisted by representatives of end users, independent experts, in particular on security issues, and by representatives of the relevant national agencies, in particular national space agencies, to provide it with the necessary technical and scientific expertise and user feedback.

*Amendment*

1. The Commission may be assisted by ***a dedicated body, the "User Forum", bringing together*** representatives of ***mid and*** end users, independent experts, in particular on security issues, and by representatives of the relevant national agencies, in particular national/***regional*** space agencies ***or their associations***, to provide it with the necessary technical and scientific expertise and user feedback, ***in particular on the identification; definition and validation of user requirements. Other stakeholders may be invited as***

*observers. The Commission shall chair the User Forum and provide its secretariat. The User Forum shall adopt its rules of procedure. The European Parliament, the Council and the Copernicus Committee shall be fully informed about its proceedings.*

## **Amendment 29**

### **Proposal for a regulation**

#### **Article 20 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

*3a. To promote and facilitate the use of Earth observation technologies both by local authorities and by SMEs, the Commission shall be assisted by a dedicated network for Copernicus data distribution, including national and regional bodies, supervised by the Copernicus Committee.*

*Representatives of the ESA and of the operators to whom tasks of the programme are entrusted shall be involved as observers in the work of the Copernicus Committee under the conditions laid down in its rules of procedure.*

*International agreements concluded by the Union may provide for the involvement, as appropriate, of representatives of third countries or international organisations in the work of Copernicus Committee under the conditions laid down in its rules of procedure.*

## **Amendment 30**

### **Proposal for a regulation**

#### **Article 21 – paragraph 2**

*Text proposed by the Commission*

2. The power to adopt delegated acts referred to in *point (1) of* Article 15 and *point (3) of* Article 18 shall be conferred on the Commission for *an indeterminate period from 1 January 2014*.

*Amendment*

2. The power to adopt delegated acts referred to *in Article 8(8)*, in Article 15(1) and Article 18 (3) shall be conferred on the Commission for *the duration of the programme*.

**Amendment 31**

**Proposal for a regulation  
Article 22 - paragraph 1**

*Text proposed by the Commission*

1. 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, their European added value *and on* the efficiency of the use of resources. In particular, the evaluation shall address the continued relevance of all objectives, *as well* as the contribution of the measures to the objectives described in *Articles 2 and 3*.

*Amendment*

1. By **1 January 2017** 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, their European added value, the efficiency of the use of resources *and potential cost overruns*. In particular, the evaluation shall address the continued relevance of all objectives, the contribution of the measures to the objectives described in *Article 2, as well as the performance of the organisational structure and the scope of services deployed. The evaluation shall include an analysis of the impact of Article 14 on the European data and services market, and if appropriate be accompanied by proposals to amend this Regulation. The results of the evaluation report shall form the basis for a Commission proposal for a revision of this Regulation, to be submitted no later than 1 January 2020*.



## EXPLANATORY STATEMENT

At a time when the command and appropriate use of information has important geo-strategic implications, Europe needs to have the capacity to independently evaluate its policy responses in a reliable and timely manner. The Copernicus programme (the new name of the GMES) is that infrastructure, the European comprehensive Earth observation system. The Commission's proposal signals the arrival of the satellite array's operational phase. The primary objective is to benefit European citizens in a variety of fields, specifically for environment and climate change purposes, while keeping its scope in the civil dimension, yet some of the more controversial elements, like governance and data policy, will need refinement to ensure a smooth evolution. In fact, if Copernicus is considered a priority for both industrial and environmental policy, a flagship programme as claimed by the Commission, one can wonder why the initial budget proposal has been reduced by almost 35%. After all, the space sector entails a significant number of jobs, a relevant research activity and Copernicus alone promises a return of 3.2 Euros for each one spent: is now not the time to aim at an expansion of European economy? Is now not the time for big economic projects, able to lead Europe out of the mire? In the amendments the Rapporteur suggests to look at alternative organisational, management and funding models for the future, in order to account for long term commitment and balanced governance. Considering that the regulation already includes provisions for a funding line for the Space Surveillance and Tracking project – essential for the future security of European space-based infrastructures and independent operations, the Rapporteur finds that research activities related to Copernicus will better be financed by the space funds of Horizon 2020, in this new phase of the programme.

The majority of the amendments tend to align the structure of the document with the previous regulations and to draw from the experience matured within the Galileo programme adoption process: this is specifically the case for public procurement measures and the description of ESA's role, the big "partner" of the European Commission in this endeavour. In general, the Rapporteur has attempted to take on board different stakeholder positions and balance the text towards a more representative model for industry and local authorities, while also ensuring that the infrastructure will be deployed as planned, and that the programme's strategic, industrial, economic and societal objectives are pursued. To that end steps have been taken to promote European convergence, greater transparency and democratic accountability into the programme. The Commission is empowered to adopt implementing measures to promote the convergence of Member States in the use of programme data and information, and guarantee access to the technology and development of Earth Observation services. While the Commission will be accountable for the overall responsibility and coordination of the programme, a delegation of tasks is foreseen to facilitate 3rd party involvement. An enhanced role of some stakeholders in the decision making architecture, would jeopardize the ethical balance between who decides the rules of participation and who participates.

Nevertheless it is important that the Commission promotes a widespread engagement by European public and private stakeholders, enables the growth of medium and downstream sectors and facilitates the creation of new markets. In this framework the Rapporteur suggests the establishment of a dedicated Copernicus Data Distribution Network composed of National and Regional bodies to support the use of earth observation technologies by local authorities and SMEs.

Finally with the adequate data policy Copernicus has the potential to stimulate the European EO services industry and user services industries, helping them to develop into global leaders. The full, open and free of charge data policy is an important component of Copernicus regulation, considering that, as a principle, Europeans should not pay twice for the same data. However what would be considered an appropriate data policy needs to take into account strategic and economic considerations, and should not hinder the competitiveness of European industries too. Reciprocity of data access with third, non contributing countries provides an important means of ensuring fair competition. Exceptions to this principle should be established for emergency and civil security situations or where added value to other European policies is seen, specifically in development aid activities. Negotiation of agreements by the Commission with third parties for other matters is already foreseen in the regulation allowing for this principle to be easily inserted.

15.11.2013

## **OPINION OF THE COMMITTEE ON BUDGETS**

for the Committee on Industry, Research and Energy

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 (COM(2013)0312/2 – C7-0195/2013 – 2013/0164(COD))

Rapporteur: Maria Da Graça Carvalho

### **SHORT JUSTIFICATION**

Copernicus is proposed to be the successor of the European Earth Observation Programme GMES (Global Monitoring for Environment and Security) which was first developed as part of the Framework Programme for Research and Technological Development and then established as of 2010 as an operational programme in the field of space policy.

Its main purpose is to provide data and information stemming from space-borne and in-situ observations which contribute to the protection of the environment, to civil protection and to security - and ultimately to economic growth.

Unlike the other financial programmes for the 2014-2020 period, the present proposal for a Regulation establishing the Copernicus programme has been tabled by the Commission only after the conclusion of the negotiations on the new Multiannual Financial Framework. Once the MFF is approved by the institutions, the Copernicus programme will have a dedicated budget line under Heading 1a with an amount of EUR 3,786 million in 2011 prices (EUR 4,291 million in current prices) for seven years.

The MFF agreement would also provide guarantees as regards the 'ring-fencing' of this amount in the EU budget. First, the article dedicated to large-scale projects in the draft Regulation laying down the MFF for the years 2014-2020 includes EUR 3,786 million (in 2011 prices) as a maximum amount for Copernicus - as does the draft Copernicus Regulation tabled by the Commission. Secondly, the draft Interinstitutional Agreement specifies that the 10% legislative flexibility (within which an annual budget may depart from a programme's reference amount) does not apply to large scale projects.

Your Rapporteur seeks to provide further guarantees for the budgetary authority without hindering the swift take-off of the programme. The proposed amendments aim at providing more transparency in the funding model of Copernicus and more information and involvement of the European Parliament, notably as regards the breakdown of the Copernicus envelope, the evolution of its costs, and the use of delegation agreements, grants and public procurement as forms of Union funding.

Your Rapporteur also proposes to formalise the involvement of users and stakeholders by building on the 'User Forum' established under the GMES Regulation.

Last but not least, given the particular exposure of Copernicus satellites to the risk of collision, your Rapporteur insists on the financial contribution which Copernicus should provide to the Space Surveillance and Tracking Support Programme.

## AMENDMENTS

The Committee on Budgets calls on the Committee on Industry, Research and Energy, as the committee responsible, to incorporate the following amendments in its report:

### Amendment 1

#### Proposal for a regulation

##### Recital 9

#### *Text proposed by the Commission*

(9) 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. The increasing risk of collision with other satellites and space debris is the most

#### *Amendment*

(9) 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. The increasing risk of collision with other satellites and space debris is the most

serious threat to the Copernicus space component. Therefore, the Copernicus programme should support actions aimed at reducing such risks, in particular by **contributing** to the programme established by Decision [XXX] of the European Parliament and the Council establishing a Space Surveillance and Tracking Support Programme<sup>11</sup>.

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<sup>11</sup> OJ L, , p..

serious threat to the Copernicus space component. Therefore, the Copernicus programme should support actions aimed at reducing such risks, in particular by **providing, together with EGNOS/Galileo, the largest contribution** to the programme established by Decision [XXX] of the European Parliament and the Council establishing a Space Surveillance and Tracking Support Programme<sup>11</sup>.

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<sup>11</sup> OJ L, , p..

## Amendment 2

### Proposal for a regulation Recital 10

#### *Text proposed by the Commission*

(10) The maximum financial **envelope needed** for the Copernicus actions (2014-2020) is EUR 3 786 million in 2011 prices, allotted in a separate budget chapter under Title 2 of Heading 1a of the Union's General Budget. Staff and administrative expenditures incurred by the Commission in the coordination of the Copernicus programme should be funded from the budget of the Union.

#### *Amendment*

(10) **As a large scale project in the meaning of [Article 14] of the Council Regulation (EU) No .../2013 laying down the multiannual financial framework for the years 2014-2020**, the maximum financial **amount available** for the Copernicus actions (2014-2020) **and for any possible risk associated with its activities** is EUR 3 786 million in 2011 prices, allotted in a separate budget chapter under Title 2 of Heading 1a of the Union's General Budget. Staff and administrative expenditures incurred by the Commission in the coordination of the Copernicus programme should be funded from the budget of the Union. **In the event of additional unforeseen financial obligations, any increase in the Union contribution should not be at the expense of other programmes and should therefore be covered by the margin available between the MFF ceilings and the own resources ceiling.**

### Amendment 3

#### Proposal for a regulation Recital 10 a (new)

*Text proposed by the Commission*

*Amendment*

***(10a) For the sake of clarity and in order to facilitate cost control, the Copernicus envelope should be broken down into various categories according to the specific objectives set out in this Regulation. The power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of reallocating funds from one specific objective to another, where the deviation exceeds five percentage points, and specifying the funding priorities to be reflected in the work programmes.***

### Amendment 4

#### Proposal for a regulation Recital 16

*Text proposed by the Commission*

*Amendment*

(16) The Commission should have the overall responsibility for the Copernicus programme. It should define its priorities and objectives and ensure the overall coordination and supervision of the programme.

(16) The Commission should have the overall responsibility for the Copernicus programme. It should define its priorities and objectives ***clearly in advance*** and ensure the overall coordination and supervision of the programme. ***This should also include special efforts leading to raising public awareness about the importance and omnipresence of space programmes in our everyday lives It should provide the European Parliament and the Council with all relevant information pertaining to the programme in a timely manner.***

### *Justification*

*Correct public understanding and support is crucial for the budget justification as well as for the promotion of space programme products.*

## **Amendment 5**

### **Proposal for a regulation Recital 25**

#### *Text proposed by the Commission*

(25) In order to increase the value of Copernicus to users, the Commission should be assisted by representatives of mid and end-users, experts from Member States including from relevant national agencies **or** by independent experts.

#### *Amendment*

(25) In order to increase the value of Copernicus to users, the Commission should be assisted by **a dedicated body (the 'User Forum') bringing together** representatives of mid and end-users, experts from Member States including from relevant national agencies **and** independent experts. **Other relevant stakeholders could be invited to participate as observers.**

### *Justification*

*The new Regulation should build on the 'User Forum' established by the previous GMES Regulation 911/2010.*

## **Amendment 6**

### **Proposal for a regulation Article 5 – point c**

#### *Text proposed by the Commission*

(c) Contribution to the protection of satellites against the risk of collision.

#### *Amendment*

(c) Contribution to the protection of satellites against the risk of collision **through the implementation of the Decision [XXX] of the European Parliament and the Council establishing a Space Surveillance and Tracking Support Programme.**

## *Justification*

*It should be clarified that the Copernicus programme will contribute to the SST support programme.*

### **Amendment 7**

#### **Proposal for a regulation Article 7 – paragraph 1**

##### *Text proposed by the Commission*

1. The financial envelope *allocated to the Copernicus programme for the period 2014 – 2020 has a maximum amount of* EUR 3 786 million in 2011 prices.

##### *Amendment*

1. The *maximum amount for the implementation of the Copernicus programme and to cover the risks associated with its activities for the period 2014 – 2020 is set at* EUR 3 786 million in 2011 prices, *in line with [Article 14] of the Council Regulation No [...] laying down the multiannual financial framework for the years 2014-2020. Within this amount, operational appropriations shall be distributed to the specific objectives as defined in Article 3, as follows:*

*(a) delivering the operational services referred to in point 1 of Article 4 in accordance to users' needs, [X]%;*

*(b) providing a sustainable and reliable access to space-borne observations, [X%].*

### **Amendment 8**

#### **Proposal for a regulation Article 7 – paragraph 1 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

*1a. Where it proves necessary to deviate from the allocation for a specific objective by more than 5 percentage points, the Commission shall be empowered to adopt delegated acts in accordance with Article 21 to amend this distribution.*



## **Amendment 9**

### **Proposal for a regulation Article 7 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. The Commission shall be empowered to adopt delegated acts in accordance with Article 21 specifying the funding priorities to be reflected in the work programmes. The first delegated act shall be adopted before ...\*.***

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***\*OJ: please enter the date one year after the entry into force of this Regulation.***

## **Amendment 10**

### **Proposal for a regulation Article 7 a (new)**

*Text proposed by the Commission*

*Amendment*

#### ***Article 7a***

##### ***Forms of Union funding***

***1. Union funding may take the following legal forms:***

***(a) delegation agreements;***

***(b) grants;***

***(c) public procurement contracts.***

***2. Genuine competition, transparency and equal treatment shall be ensured in the provision of funding by the Union, in accordance with Regulation (EU, Euratom) No 966/2012.***

***3. The Commission shall report to the European Parliament and to the Council on the allocation of Union funds, 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.*

*Justification*

*For reasons of clarity and transparency, this amendment takes over provisions from the previous GMES Regulation 911/2010.*

**Amendment 11**

**Proposal for a regulation  
Article 11 –paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***7a. The Commission shall provide to the European Parliament and to the Member States, in a timely manner, all relevant information pertaining to the programme, in particular in terms of risk management, costs, schedule and performance.***

**Amendment 12**

**Proposal for a regulation  
Article 12 –paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***6a. Tasks shall be entrusted to other bodies through delegation agreements in accordance with Articles 58 and 60 of Regulation (EU, Euratom) No 966/2012. The Commission shall inform the European Parliament and the Council prior to their conclusion.***

## Amendment 13

### Proposal for a regulation Article 17 – paragraph 4

*Text proposed by the Commission*

4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and with international organisations, contracts, grant agreements and grant decisions, resulting from the implementation of this Programme shall contain provisions expressly empowering the Commission, the Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences.

*Amendment*

4. Without prejudice to paragraphs 1, 2 and 3, cooperation agreements with third countries and with international organisations, contracts, grant agreements and grant decisions, resulting from the implementation of this Programme shall contain provisions expressly empowering the Commission, the Court of Auditors and OLAF to conduct such audits and investigations, according to their respective competences. ***The European Parliament shall be informed about the results of these audits and investigations.***

## Amendment 14

### Proposal for a regulation Article 17 a (new)

*Text proposed by the Commission*

*Amendment*

#### ***Article 17a***

#### ***Information to the European Parliament and to the Council***

***Each year, when it presents the draft budget, the Commission shall present a report to the European Parliament and to the Council on the implementation of the Copernicus programme. That report shall contain all information pertaining to the programmes, in particular as regards:***

***(a) risk management, overall cost, annual operating cost, schedule and performance as referred to in Article 11;***

***(b) the functioning of the delegation agreements concluded pursuant to Article 12;***

*(c) public procurement as referred to in Article 7a.*

## **Amendment 15**

### **Proposal for a regulation Article 19 – title**

*Text proposed by the Commission*

*Amendment*

*Assistance to the Commission*

*User Forum*

*Justification*

*The new Regulation should build on the 'User Forum' established by the previous GMES Regulation 911/2010.*

## **Amendment 16**

### **Proposal for a regulation Article 19 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

1. The Commission may be assisted by representatives of end users, independent experts, in particular on security issues, and *by* representatives of the relevant national agencies, in particular national space agencies, to provide it with the necessary technical and scientific expertise and user feedback.

1. The Commission may be assisted by *a dedicated body, the 'User Forum', bringing together* representatives of *mid-and* end-users, independent experts, in particular on security issues, and representatives of the relevant national agencies, in particular national space agencies, to provide it with the necessary technical and scientific expertise and user feedback. *Other stakeholders may be invited as observers.*

## **Amendment 17**

### **Proposal for a regulation Article 19 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The Commission shall chair the User Forum and provide its secretariat. The User Forum shall adopt its rules of procedure. The European Parliament, the Council and the Copernicus Committee shall be fully informed about its proceedings.***

## **Amendment 18**

### **Proposal for a regulation**

#### **Article 22 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. An interim evaluation report shall be submitted by 30 June 2016 at the latest and should contain an accurate assessment of possible cost overruns.***

## PROCEDURE

<b>Title</b>	Copernicus Programme						
<b>References</b>	COM(2013)0312 – C7-0195/2013 – 2013/0164(COD)						
<b>Committee responsible</b> Date announced in plenary	ITRE 1.7.2013						
<b>Opinion by</b> Date announced in plenary	BUDG 1.7.2013						
<b>Rapporteur</b> Date appointed	Maria Da Graça Carvalho 27.6.2013						
<b>Date adopted</b>	14.11.2013						
<b>Result of final vote</b>	<table> <tr> <td>+:                   </td><td>32</td></tr> <tr> <td>–:                   </td><td>3</td></tr> <tr> <td>0:                   </td><td>0</td></tr> </table>	+:	32	–:	3	0:	0
+:	32						
–:	3						
0:	0						
<b>Members present for the final vote</b>	Marta Andreasen, Jean-Luc Dehaene, José Manuel Fernandes, Eider Gardiazábal Rubial, Salvador Garriga Polledo, Ivars Godmanis, Ingeborg Gräßle, Lucas Hartong, Anne E. Jensen, Ivailo Kalfin, Sergej Kozlík, Jan Kozłowski, Alain Lamassoure, Jan Mulder, Vojtěch Mynář, Juan Andrés Naranjo Escobar, Nadezhda Neynsky, Dominique Riquet, Alda Sousa, Derek Vaughan, Angelika Werthmann, Jacek Włosowicz						
<b>Substitute(s) present for the final vote</b>	François Alfonsi, Maria Da Graça Carvalho, Frédéric Daerden, Edit Herczog, Paul Rübig, Peter Šťastný						
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Pablo Arias Echeverría, Jean-Paul Besset, Arkadiusz Tomasz Bratkowski, Zdravka Bušić, Jolanta Emilia Hibner, Helmut Scholz, Tadeusz Zwiefka						

28.11.2013

## **OPINION OF THE COMMITTEE ON THE ENVIRONMENT, PUBLIC HEALTH AND FOOD SAFETY**

for the Committee on Industry, Research and Energy

on the proposal for a regulation of the European Parliament and of the Council establishing the Copernicus Programme and repealing Regulation (EC) No 911/2010 (COM(2013)0312 – C7-0195/2013 – 2013/0164(COD))

Rapporteur: Elisabetta Gardini

### **SHORT JUSTIFICATION**

Ongoing, timely and reliable access to earth observation data is vital in order to understand the dynamics of our planet's environment and climate and to obtain critical information in the event of emergencies relating to natural disasters or humanitarian crises. This provides a solid basis for taking informed decisions regarding the environment, climate, civil protection and security, both nationally and at EU level. Accordingly, Copernicus, the European Earth Observation Programme that follows on from the GMES programme established by Regulation (EU) No 911/2010, aims to provide comprehensive, open access to such data.

Copernicus consists of a complex set of systems which collect data from a number of sources: artificial earth observation satellites and airborne, seaborne and ground-based installations. It processes the data and provides users with reliable, up-to-date information through services that are divided into six thematic areas: land, atmosphere, climate change, emergency management and security. The services support a wide range of applications, such as environmental protection, climate change mitigation and adaptation, management of urban areas, regional and local planning, agriculture, forests, health, transport, sustainable development, civil protection and tourism.

Copernicus also allows for public and commercial applications of specific added value and enables trade opportunities and jobs to be created, as well as fostering innovation and growth. The programme is an integral part of the Europe 2020 Strategy for smart, sustainable and inclusive growth.

The Commission's proposal for a regulation, further to the European Parliament resolution which rejected the proposal to exclude the programme funding from the multiannual financial framework, ensures that Copernicus will be funded from 2014-2020, with a maximum level of commitments of EUR 3 786 million. The proposal seeks to improve the definition of the aims

of the programme and its governance, starting with the role of the Commission.

Your rapporteur agrees with and supports the aims and substance of the Commission proposal and believes that this will be an important step in providing Europe, its citizens and its businesses with the advantages stemming from full and open access to earth observation data. The amendments proposed are designed to improve some aspects of the proposal and to clarify and strengthen it, particularly as regards the areas for which Parliament's Committee on the Environment, Public Health and Food Safety is responsible, namely, the environment, climate, civil protection and the role of the European Environment Agency (EEA).

In particular, the definitions of atmosphere monitoring and climate change monitoring services are more clearly specified and the importance of using capacities and data that already exist in the Member States is stressed, in order to avoid unnecessary duplication, wherever that is possible in technical terms and provided that it ensures a timely supply of data. Lastly, it is important that a coordinating role for the in situ component of Copernicus be given to the EEA.



## AMENDMENTS

The Committee on the Environment, Public Health and Food Safety calls on the Committee on Industry, Research and Energy, as the committee responsible, to incorporate the following amendments in its report:

### Amendment 1

#### Proposal for a regulation

##### Recital 5

*Text proposed by the Commission*

(5) 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 and humanitarian aid. It builds on capabilities existing in Europe, complemented by new assets developed in common.

*Amendment*

(5) The objectives of the Copernicus programme are to provide accurate, reliable ***and up-to-date*** information ***in a timely manner*** in the field of the environment, ***climate change, civil protection*** and security, tailored to the needs of users and supporting other Union's policies, in particular relating to the internal market, transport, environment, ***climate***, energy, civil protection, cooperation with third countries, ***risk prevention and management***, and humanitarian aid. It builds on capabilities existing in Europe, complemented by new assets developed in common.

### Amendment 2

#### Proposal for a regulation

##### Recital 7 a (new)

*Text proposed by the Commission*

*Amendment*

***(7a) In order to attain those objectives, it is necessary to involve the competent authorities at regional level as full partners.***

### Amendment 3

#### Proposal for a regulation Recital 9

##### *Text proposed by the Commission*

(9) 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. The increasing risk of collision with other satellites and space debris is the most serious threat to the Copernicus space component. Therefore, the Copernicus programme should support actions aimed at reducing such risks, in particular by contributing to the programme established by Decision [XXX] of the European Parliament and the Council establishing a Space Surveillance and Tracking Support Programme<sup>11</sup>.

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<sup>11</sup> OJ L , , p. .

##### *Amendment*

(9) 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, ***climate***, civil protection and security. It should also make use of the available in-situ ***measurement and remote sensing*** data provided, namely, by the Member States. The provision of operational services depends on the well-functioning and safety of the Copernicus space component. The increasing risk of collision with other satellites and space debris is the most serious threat to the Copernicus space component. Therefore, the Copernicus programme should support actions aimed at reducing such risks, in particular by contributing to the programme established by Decision [XXX] of the European Parliament and the Council establishing a Space Surveillance and Tracking Support Programme<sup>11</sup>.

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<sup>11</sup> OJ L , , p. .

##### *Justification*

*To provide a scientifically exhaustive perspective, in-situ data should be complemented by remote sensing.*

### Amendment 4

#### Proposal for a regulation Recital 12 a (new)

*Text proposed by the Commission*

*Amendment*

***(12a) All policies, and in particular the data policy, relating to the implementation of Copernicus should be communicated in a clear and transparent way to all stakeholders.***

## **Amendment 5**

### **Proposal for a regulation Recital 21**

*Text proposed by the Commission*

*Amendment*

(21) The data and information produced in the framework of the Copernicus programme should be made available to the users on a full, open and free-of-charge basis, in order to promote their use and sharing, and to strengthen Earth observation markets in Europe, in particular the downstream sector, thereby enabling growth and job creation.

(21) The data and information produced in the framework of the Copernicus programme should be made available to the users on a full, ***easy-to-access***, open and free-of-charge basis, in order to promote their use and sharing, and to strengthen Earth observation markets in Europe, in particular the downstream sector, thereby enabling growth and job creation.

## **Amendment 6**

### **Proposal for a regulation Article 2 – paragraph 1 – point a**

*Text proposed by the Commission*

*Amendment*

(a) protection of the environment and provision of support to civil protection and security efforts;

(a) ***monitoring of the environment and climate***, protection of the environment, ***limiting global warming***, and provision of support to civil protection and security efforts;

## Amendment 7

### Proposal for a regulation

#### Article 2 – paragraph 1 – point b

*Text proposed by the Commission*

(b) support of the Europe 2020 growth strategy by contributing to the objectives of smart, sustainable and inclusive growth; in particular, it shall contribute to economic stability and growth by boosting commercial applications.

*Amendment*

(b) support of the Europe 2020 growth strategy by contributing to the objectives of smart, sustainable and inclusive growth; in particular, it shall contribute to economic stability and growth by boosting commercial applications ***relating to Earth observation.***

*Justification*

*It would be helpful better to clarify the type of commercial applications referred to.*

## Amendment 8

### Proposal for a regulation

#### Article 2 – paragraph 1 – point b a (new)

*Text proposed by the Commission*

*Amendment*

***(ba) support for, and coordination with, the activities of the Member States, the Union and international activities, such as the Global Earth Observation System of Systems (GEOSS);***

*Justification*

*It is very important for the activities of Copernicus to be coordinated with similar initiatives worldwide. It is therefore advisable to insert an explicit reference to this, not only in the citations and recitals but also in the enacting terms.*

## Amendment 9

### Proposal for a regulation

#### Article 2 – paragraph 1 – point b b (new)

*Text proposed by the Commission*

*Amendment*

***(bb) support for the development of a competitive European space industry, enabling the Union to maintain its independence and leadership at the global level and contributing to the creation of new business opportunities and innovative services.***

## **Amendment 10**

### **Proposal for a regulation Article 2 – paragraph 2**

*Text proposed by the Commission*

2. The original data and information produced from space-borne observations, as well as from available in-situ data ('Copernicus data and information') shall be accurate and reliable, supplied on a long term and sustainable basis and respond to the requirements of Copernicus user communities. The access to those data shall be full, open and free of charge, subject to the conditions defined in or on the basis of this Regulation.

*Amendment*

2. The original data and information produced from space-borne observations, as well as from available in-situ ***measurement and remote sensing*** data ('Copernicus data and information') shall be accurate and reliable, supplied on a long term and sustainable basis and respond to the requirements of Copernicus user communities. The access to those data shall be full, ***easy-to-access***, open and free of charge, subject to the conditions defined in or on the basis of this Regulation.

## **Amendment 11**

### **Proposal for a regulation Article 2 – paragraph 3**

*Text proposed by the Commission*

3. For the purpose of paragraph 2, the Copernicus user communities are defined as those comprising the European national, regional or local bodies entrusted with the definition, implementation, enforcement or monitoring of a public service or policy in

*Amendment*

3. For the purpose of paragraph 2, the Copernicus user communities are defined as those comprising the European national, regional or local bodies entrusted with the definition, implementation, enforcement, ***delegation*** or monitoring of a public

areas referred to in point (1) of Article 4.

service or policy in areas referred to in point (1) of Article 4.

## Amendment 12

### Proposal for a regulation

#### Article 4 – paragraph 1 – point a

##### *Text proposed by the Commission*

(a) The atmosphere monitoring service shall provide information on 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 at the local to national scales, and should contribute to the monitoring of atmospheric chemistry ***climate variables***;

##### *Amendment*

(a) The atmosphere monitoring service shall provide information on air quality on a European scale and of the chemical composition of the atmosphere, ***including the reduction of stratospheric ozone***, 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 ***and the dynamics of the Earth system***;

##### *Justification*

*The reduction of stratospheric ozone is a vital element of atmospheric chemistry and should be explicitly mentioned. In addition, from a scientific point of view, atmosphere monitoring should concern all the dynamics of the earth system, with climate variables being an important, but not exclusive, part of that.*

## Amendment 13

### Proposal for a regulation

#### Article 4 – paragraph 1 – point d

##### *Text proposed by the Commission*

(d) The climate change monitoring service shall provide information ***to increase the knowledge base*** to support adaptation and mitigation policies. It shall in particular contribute to the provision of Essential Climate Variables (ECVs), climate analyses and ***projections*** at temporal and spatial scales relevant to adaptation and

##### *Amendment*

(d) The climate change monitoring service shall provide information to support adaptation and mitigation policies. It shall in particular contribute to the provision of Essential Climate Variables (ECVs), climate analyses and ***prediction models*** at temporal and spatial scales relevant to adaptation and mitigation strategies for the

mitigation strategies for the various  
Union's sectorial and societal benefit areas;

various Union's sectorial and societal  
benefit areas;

*Justification*

*The Copernicus climate monitoring service should also help to obtain predictions based on scientific models.*

**Amendment 14**

**Proposal for a regulation**

**Article 4 – paragraph 1 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The supply of services shall be cost-efficient and decentralised, where appropriate, to supplement, at Union level, existing data and capacities in the Member States. Procurement of new data that duplicate existing sources shall be avoided unless the use of existing or upgradable data sets is not technically feasible, cost-efficient or available in good time;***

*Justification*

*The use of existing capacities and data, avoiding pointless duplication, can make the programme more efficient in terms of costs, amongst other things. However, the option of collecting data in a centralised manner should be provided, where technically necessary or where existing data are not available or upgradable in good time.*

**Amendment 15**

**Proposal for a regulation**

**Article 4 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

2. **Research**, development **and innovation** activities consisting in improving the quality and performance of operational services, including their evolution and

or mitigating the operational risks;

adaptation, and in avoiding or mitigating the operational risks;

## Amendment 16

### Proposal for a regulation Article 4 – paragraph 3

*Text proposed by the Commission*

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.

*Amendment*

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, ***and incentives for the development of modern applications and raising awareness of Copernicus' potential to help address societal and global challenges.***

## Amendment 17

### Proposal for a regulation Article 9 – paragraph 1

*Text proposed by the Commission*

1. The Commission shall co-operate with ***Member States*** in order to improve the exchange of data and information between them and increase the volume of the data and information made available to the Copernicus programme.

*Amendment*

1. The Commission shall co-operate with ***the competent authorities at regional and national level*** in order to improve the exchange of data and information between them and increase the volume of the data and information made available to the Copernicus programme.

## Amendment 18

### Proposal for a regulation Article 10 – paragraph 1 – point b

*Text proposed by the Commission*

(b) the candidate countries, as well as

*Amendment*

(b) the candidate countries, as well as



potential candidate countries in accordance with the respective Framework Agreements or *a Protocol to an Association Agreement* establishing the general principles and conditions for the participation of those countries in Union programmes;

potential candidate countries in accordance with the respective Framework Agreements or Association *Agreements* establishing the general principles and conditions for the participation of those countries in Union programmes;

#### *Justification*

*The requirement for specific protocols is the obstacle which has prevented countries which cooperate with the European Environment Agency, such as those in the Western Balkans, from taking part in the initial stage of the GMES programme. This is a mistake which should not be repeated in the new Copernicus phase.*

### **Amendment 19**

#### **Proposal for a regulation Article 11 – paragraph 5**

##### *Text proposed by the Commission*

5. The Commission shall maintain a transparent and regular user involvement and consultation, enabling identification of user requirements at *Union and national* levels.

##### *Amendment*

5. The Commission shall maintain a transparent and regular user involvement and consultation, enabling identification of user requirements at *all* levels.

### **Amendment 20**

#### **Proposal for a regulation Article 11 – paragraph 5 a (new)**

##### *Text proposed by the Commission*

##### *Amendment*

*5a. The Commission shall ensure sufficient awareness of the Copernicus programme at Union, national, regional and local level.*

## Amendment 21

### Proposal for a regulation

#### Article 12 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. 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 described in Article 4 to competent Union bodies. Among such agencies are:

*Amendment*

1. 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 described in Article 4 to competent Union bodies, ***in accordance with their current remits***. Among such agencies are:

## Amendment 22

### Proposal for a regulation

#### Article 12 – paragraph 1 – point d a (new)

*Text proposed by the Commission*

*Amendment*

***(da) the European GNSS Agency (GSA).***

## Amendment 23

### Proposal for a regulation

#### Article 12 – paragraph 6

*Text proposed by the Commission*

6. The Commission may entrust, in part or in full, the activities of the ***in-situ*** component described in Article 6 to the operators of the services described in Article 4.

*Amendment*

6. The Commission may entrust, in part or in full, the activities of the ***non-space*** component described in Article 6 to the operators of the services described in Article 4 ***and in particular to the European Environment Agency (EEA), when general coordination is necessary.***

*Justification*

*It is important to specify that the European Environment Agency can and must carry out the vital task of general coordination as regards the non-space component of Copernicus.*

## **Amendment 24**

### **Proposal for a regulation**

#### **Article 14 – introductory part**

##### *Text proposed by the Commission*

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

##### *Amendment*

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

## PROCEDURE

<b>Title</b>	Copernicus Programme						
<b>References</b>	COM(2013)0312 – C7-0195/2013 – 2013/0164(COD)						
<b>Committee responsible</b> Date announced in plenary	ITRE 1.7.2013						
<b>Opinion by</b> Date announced in plenary	ENVI 1.7.2013						
<b>Rapporteur</b> Date appointed	Elisabetta Gardini 19.9.2013						
<b>Discussed in committee</b>	24.10.2013						
<b>Date adopted</b>	27.11.2013						
<b>Result of final vote</b>	<table> <tr> <td>+:                   </td><td>54</td></tr> <tr> <td>–:                   </td><td>0</td></tr> <tr> <td>0:                   </td><td>1</td></tr> </table>	+:	54	–:	0	0:	1
+:	54						
–:	0						
0:	1						
<b>Members present for the final vote</b>	Elena Oana Antonescu, Pilar Ayuso, Paolo Bartolozzi, Sandrine Bélier, Sergio Berlato, Lajos Bokros, Franco Bonanini, Biljana Borzan, Yves Cochet, Spyros Danellis, Esther de Lange, Bas Eickhout, Edite Estrela, Jill Evans, Karl-Heinz Florenz, Elisabetta Gardini, Gerben-Jan Gerbrandy, Matthias Groote, Françoise Grossetête, Satu Hassi, Jolanta Emilia Hibner, Dan Jørgensen, Karin Kadenbach, Holger Krahmer, Corinne Lepage, Kartika Tamara Liotard, Linda McAvan, Miroslav Ouzký, Gilles Pargneaux, Andrés Perelló Rodríguez, Pavel Poc, Frédérique Ries, Anna Rosbach, Oreste Rossi, Dagmar Roth-Behrendt, Kārlis Šadurskis, Carl Schlyter, Richard Seeber, Salvatore Tatarella, Thomas Ulmer, Glenis Willmott, Sabine Wils, Marina Yannakoudakis						
<b>Substitute(s) present for the final vote</b>	Erik Bánki, Gaston Franco, Julie Girling, Eduard-Raul Hellvig, Marusya Lyubcheva, Jiří Maštálka, Judith A. Merkies, Miroslav Mikolášik, James Nicholson, Alojz Peterle, Vittorio Prodi, Marita Ulvskog, Vladimir Urutchev, Anna Záborská, Andrea Zannoni						

## PROCEDURE

<b>Title</b>	Copernicus Programme
<b>References</b>	COM(2013)0312 – C7-0195/2013 – 2013/0164(COD)
<b>Date submitted to Parliament</b>	28.5.2013
<b>Committee responsible</b> Date announced in plenary	ITRE 1.7.2013
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	BUDG                      ENVI 1.7.2013                      1.7.2013
<b>Rapporteur(s)</b> Date appointed	Vittorio Prodi 3.9.2013
<b>Discussed in committee</b>	14.10.2013
<b>Date adopted</b>	28.11.2013
<b>Result of final vote</b>	+:                      50 –:                      1 0:                      2
<b>Members present for the final vote</b>	Josefa Andrés Barea, Jean-Pierre Audy, Ivo Belet, Jan Březina, Giles Chichester, Jürgen Creutzmann, Pilar del Castillo Vera, Christian Ehler, Vicky Ford, Adam Gierek, Norbert Glante, Robert Goebbels, Fiona Hall, Edit Herczog, Kent Johansson, Romana Jordan, Krišjānis Kariņš, Philippe Lamberts, Bogdan Kazimierz Marcinkiewicz, Angelika Niebler, Jaroslav Paška, Vittorio Prodi, Miloslav Ransdorf, Herbert Reul, Teresa Riera Madurell, Paul Rübig, Amalia Sartori, Salvador Sedó i Alabart, Francisco Sosa Wagner, Konrad Szymański, Patrizia Toia, Catherine Trautmann, Ioannis A. Tsoukalas, Claude Turmes, Marita Ulvskog, Vladimir Urutchev, Adina-Ioana Vălean, Alejo Vidal-Quadras
<b>Substitute(s) present for the final vote</b>	Rachida Dati, Ioan Enciu, Roger Helmer, Jolanta Emilia Hibner, Gunnar Hökmark, Ivailo Kalfin, Seán Kelly, Holger Krahmer, Werner Langen, Zofija Mazej Kukovič, Alajos Mészáros, Markus Pieper, Vladimír Remek, Silvia-Adriana Țicău
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Carl Schlyter
<b>Date tabled</b>	14.1.2014