

Opinion of the European Economic and Social Committee 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) 312 final — 2013/0164 (COD)

(2014/C 67/17)

Rapporteur: **Mr IOZIA**

On 1 July 2013 the European Parliament, and on 6 September 2013 the Council, decided to consult the European Economic and Social Committee, under Article 304 of the Treaty on the Functioning of the European Union, 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) 312 final — 2013/0164 (COD).

The Section for the Single Market, Production and Consumption, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 2 October 2013.

At its 493rd plenary session, held on 16 and 17 October 2013 (meeting of 16 September), the European Economic and Social Committee adopted the following opinion by 144 votes to 1 with 3 abstentions.

1. Conclusions and recommendations

1.1 The EESC welcomes the proposal for a Regulation of the European Parliament and of the Council establishing the Copernicus programme and repealing Regulation (EU) No 911/2010, although it has perhaps arrived a year behind the optimum schedule drawn up for the programme in 2011.

1.2 The EESC is particularly pleased to see that the Member States and the European Parliament have taken on board its firm support for financing the GMES programme, now with the new name of Copernicus, under the multiannual financial framework. This will ensure that the programme can in fact be rolled out, despite a cut of 2 billion euros in the initial funding proposal - a cut which could jeopardise the entire programme. The Commission has displayed flexibility in changing its own views so radically.

1.3 The EESC reiterates its wholehearted support for the European Union's space programmes Galileo and Copernicus, flagship programmes under the Horizon 2020 project that demonstrate the European space industry's capacity for innovation and technological development, enable it to maintain its lead over its international competitors and contribute to a climate favourable to the creation of high-quality knowledge and research-based jobs.

1.4 As there are only a few months to go before the first satellite of the Sentinel constellation is launched, the EESC would recommend that the Commission clearly define Copernicus governance as it is not readily comprehensible as

it stands. In the EESC's opinion, the two main agencies in the area of European space policy, ESA and EUMETSAT, should be clearly involved in the management of the EU's space and meteorological programmes and in the overall management of the Copernicus programme. This is not clearly stated in the Commission's recitals. Article 12(4) and (5) of the proposal for a regulation will have to be amended so that the more tentative "may entrust" becomes an assertive "shall entrust".

1.5 The EESC voices its misgivings, as it has done on numerous previous occasions, over the use of delegated acts which do not observe to the letter the provisions of the TFEU on the option of exercising delegation for limited periods and for non-essential activities. Any such delegated acts must be substantiated so as to provide a clear frame of reference for all interested parties.

1.6 The EESC calls for more detailed procurement rules setting out the conditions for firms wishing to participate in the Copernicus activities. These rules must take into proper consideration the requirements of small and medium-sized firms in line with commitments made under the Small Businesses Act (SBA) and the Single Market Act (SMA) provisions on the development of the internal market. It will be extremely important to have a clear and stable legal framework governing private investments.

1.7 The EESC concurs with the assessment of the economic potential of Copernicus and its conformity with the objectives of the Europe 2020 project, and hopes that the regulation in

question can be approved swiftly so that the activities referred to in the multiannual financial framework can commence in January 2014. It hopes that support for downstream Copernicus services will be significantly strengthened. At present these are well-defined in the objectives but not in the instruments that need to be included in the regulation, entrusting specific tasks to the Commission.

1.8 The EESC thinks it is fundamental, in order to involve as many firms as possible, to provide a platform which will make it genuinely possible to promote investments, employment and development. To this end, the EESC considers it essential for data to be made openly available, free of charge, for all European operators and is firmly in support of opening negotiations with third countries to set up a regime of complete reciprocity with industries in countries which do have access to data. In the absence of such agreements, the EESC thinks it would be appropriate for industries in countries with access to Copernicus data to be subject to a licensing system, limiting their access to the essential data. Free access arrangements should be guaranteed for all developing countries or any country in an emergency situation.

1.9 In view of the considerable financial investment involved and the sensitivity of the data, the EESC agrees that the European Union should assume ownership of the system. It would point out that the proposed regulation specifies neither the means, costs nor responsibilities arising from the future management, or transfer, of the ownership of Copernicus. It would welcome greater clarity on this point.

1.10 The EESC would strongly urge all the European Institutions, particularly the European Parliament, which has only a few working sessions left before it is dissolved prior to the forthcoming elections, to approve this regulation swiftly, accepting the improvements suggested, so that the Copernicus programme can continue. There is a very real risk that funding may be withdrawn from the programme if it is not approved on time.

2. Introduction

2.1 The proposed regulation establishes the appropriate legal framework for the governance and financing of the European Earth Observation Programme, GMES (Global Monitoring for Environment and Security), in its new operational phase starting in 2014. It therefore repeals Regulation (EU) No 911/2010, which set up the programme and remains in force until the end of 2013.

2.2 The Regulation also officially gives the GMES programme a new name: "Copernicus".

2.3 Having regard to the Treaty on the Functioning of the European Union, in particular Article 189, the proposal for a new Regulation of the European Parliament and of the Council covers the following points:

- 1) change of name to Copernicus;
- 2) governance of GMES in its operational phase, with a view to allowing the Commission to delegate activities to certain operators;
- 3) funding for the period 2014-2020.

2.4 As summarised in the communication, "Copernicus is structured in six Services: Marine, Atmosphere, Land and Climate change monitoring as well as support to Emergency and Security. Copernicus uses data from satellites and in-situ sensors such as buoys, balloons or air sensors to provide timely and reliable added-value information and forecasting to support, for example, agriculture and fisheries, land use and urban planning, the fight against forest fires, disaster response, maritime transport or air pollution monitoring. Copernicus also contributes to economic stability and growth by boosting commercial applications (the so-called downstream services) in many different sectors through full and open access to Copernicus observation data and information products. It is one of the programmes to be delivered under the Europe 2020 strategy for smart, sustainable and inclusive growth and was included in the industrial policy initiative of Europe 2020, given its benefits to a wide range of Union policies".

2.5 The space structure has received approximately EUR 3.2 billion in funding to date, mostly from ESA (over 60 %) and the EU (around 30 %), under the Seventh Framework Programme (FP7).

2.6 The funding of the operational phase, comprising both exploitation of data and renewal of space infrastructure, cannot be shouldered by individual Member States because of the costs this will incur. Through this Regulation the EU is therefore assuming responsibility for the operational phase of Copernicus/GMES and the associated financial burden (EUR 3 786 million at 2011 prices).

2.7 In its Communication *A Budget for Europe 2020* [COM(2011) 500 final, 29.6.2011], the Commission proposed that GMES be funded outside the multiannual financial framework (MFF) in the period from 2014 to 2020.

2.8 The EESC was totally against the Commission's proposal at that stage, in other words to relegate the financing necessary for development and completion of the GMES programme to an external ad hoc fund ⁽¹⁾.

⁽¹⁾ OJ C 299, 14.10.2012, p. 72.

2.9 That initial proposal for outside funding was subsequently rejected by the Parliament in its Resolution P7_TA(2012)0062 of 16 February 2012. The European Council conclusions of 7-8 February 2013 on the MFF specify that the programme should be financed under sub-heading 1a, with a maximum level of commitments of EUR 3 786 million (2011 prices) to be laid down in the MFF Regulation.

2.10 National space agencies have also set up their own earth observation systems. The Commission notes in its Communication, however, that they have not yet found a way of cooperating with regard to the funding of sustained operational programmes in the field of environmental monitoring. It is vital to continue this observation work, considering the increasing political pressure on public authorities to take informed decisions in the field of the environment, security and climate change and the need to respect international agreements.

3. General comments

3.1 The Copernicus/GMES space structure has been developed from 2005 up until the present time through independent funding from ESA of almost EUR 2 billion, with additional funding of approximately EUR 1 billion from the "Space" theme of the EU's Seventh Framework Programme and the Initial Operations programme, totalling EUR 3.2 billion spent to date and earmarked for spending up to the end of 2013.

3.2 Recital 17 notes that in view of the dimension of the programme, it will be necessary to delegate implementation to entities with the appropriate technical and professional capacity, some of which are listed in the following recital 18. For the operational phase to be successful, it will be necessary for the governance agreements associated with this regulation to take account of the real capacity available in Europe in the area of satellites and the exploitation of satellite data. Recital 18 omits to mention the two main agencies with planning, operational and management capacity in the field of satellites in Europe, ESA and EUMETSAT.

4. Specific comments

4.1 A number of European States have come together in two major organisations in the space sector, ESA and EUMETSAT. ESA, which has a budget of over EUR 4 billion and a staff of some 2 250 (2011), has developed and managed a considerable number of environmental satellites (ERS, Envisat, Cryosat, SMOS, GOCE and SWARM) and has developed the European MeteoSat, MeteoSat Second Generation and Met-OP meteorological satellites. ESA also stores and distributes data from a large number of third party missions. EUMETSAT, the European organisation for the exploitation of meteorological satellites, with an annual budget of about EUR 300 million and a staff of 280 (2011), has the specific task of processing and distributing meteorological data.

4.2 Alongside these two major organisations are a number of other European Union agencies which are involved in European space policy, as set out in the following table ⁽²⁾.

Agency	Main Themes	Budget and staff (2007)
European GNSS Agency (GSA)	Manages European satellite navigation programmes (e.g. Galileo).	5,4 million (2009) – 50 staff
European Union Satellite Centre (EUSC)	Support to EU in satellite imagery analysis.	16 million (2011) – 100 staff
European Environmental Agency (EEA)	Integration of environmental issues into economic policies.	41 million (2012) – 220 staff
European Maritime Safety Agency (EMSA)	Technical and scientific assistance in the development of EU legislation on maritime safety and security and pollution.	54 million (2010) – 200 staff
FRONTEX	Operational coordination of Member States on border security.	22 million (+13 reserve) – 170 staff
European Defence Agency (EDA)	Cooperation on defence capabilities and armament.	31 million (2010) – 100 staff
European Research Council (ERC)	Part of FP7. Support in scientific research and excellence in Europe.	32 million (2009) – 220 staff
Research Executive Agency (REA)	Responsible for the evaluation and management of many FP7 programmes.	31 million (2009) – 349 staff

4.3 The above figures indicate existing satellite operational capacity in the EU agencies, ESA and EUMETSAT. The Commission should take into account the whole range of resources and professional capacity available when assessing the programme requirements.

4.4 In recital 18, ESA and EUMETSAT are not explicitly included amongst the agencies which will implement Copernicus. It is considered necessary to add them, in the light of Article 11.

4.5 Article 12(4) and (5) of the proposal for a regulation will have to be amended so that the more tentative "may entrust" becomes an assertive "shall entrust".

⁽²⁾ Source: PACT-European Affairs.

4.6 In Article 2(1)(b) and (4)(b) the Commission states that boosting economic growth and employment are among the main objectives of Copernicus.

4.7 The EESC agrees, but would ask that specific, targeted initiatives be planned in order for this to happen. This applies in particular to the practical measures that will be required and that will determine the added value of downstream production activities. Dissemination, incentives for developing applications for the data provided by the system and raising awareness of Copernicus' potential are all essential measures which should be included in the regulation, with explicit reference to the activities to be undertaken in order to achieve the stated objectives.

Brussels, 16 October 2013.

The President
of the European Economic and Social Committee
Henri MALOSSE
