

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

CHAPTER II

**GOVERNANCE OF COPERNICUS**

*Article 9*

**Role of the Commission**

1 The Commission shall have overall responsibility for Copernicus and for the coordination among its different components. It shall manage the funds allocated under this Regulation and oversee the implementation of Copernicus including the setting of priorities, user involvement, cost, schedule, performance and procurement.

2 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 Copernicus with activities at national, Union and international levels.

3 The Commission shall facilitate coordinated contributions of Member States aiming at the operational delivery of services and the long-term availability of necessary observation data.

4 The Commission shall support the appropriate development of Copernicus services and ensure the complementarity, consistency and links between Copernicus and other relevant Union policies, instruments, programmes and actions in order to ensure that those policies, instruments, programmes and actions benefit from Copernicus services.

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

6 The Commission shall ensure that any entities entrusted with implementation tasks shall provide their services to all Member States.

7 The Commission shall adopt delegated acts in accordance with Article 31 concerning the establishment of the data requirements for the evolution of the Copernicus service component referred to in Article 5(1).

8 The Commission shall adopt implementing acts, in accordance with the examination procedure referred to in Article 30(4) concerning:

- a the technical specifications for the Copernicus service component referred to in Article 5(1), regarding its implementation;
- b the technical specifications for the Copernicus space component referred to in Article 6, regarding its implementation and evolution on the basis of user requirements.

9 The Commission shall provide to the Member States and the European Parliament, in a timely manner, all relevant information pertaining to Copernicus, in particular in terms of risk management, overall cost, annual operating costs of each significant item of Copernicus infrastructure, schedule, performance, procurement and the assessment of the management of intellectual property rights.

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*Status: Point in time view as at 31/01/2020.*

*Changes to legislation: There are outstanding changes not yet made to Regulation (EU) No 377/2014 of the European Parliament and of the Council. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details)*

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## Article 10

### The role of European Space Agency

1 The Commission shall conclude a delegation agreement with ESA entrusting it with the following tasks:

- a ensuring the technical coordination of the Copernicus space component;
- b defining the overall system architecture for the Copernicus space component and its evolution on the basis of user requirements, coordinated by the Commission;
- c managing the funds allocated;
- d ensuring monitoring and control procedures.
- e developing new dedicated missions;
- f procuring recurrent dedicated missions;
- g operating the dedicated missions, except those operated by EUMETSAT in accordance with paragraph 2 of this Article;
- h coordinating a scheme for access to contributing mission data by Copernicus services;
- i procuring access rights and negotiating conditions of use of commercial satellite data required by the Copernicus services referred to in Article 5(1).

2 The Commission shall conclude a delegation agreement with EUMETSAT entrusting it with the responsibility to operate dedicated missions and provide access to contributing mission data, pursuant to its mandate and expertise.

3 The delegation agreements with ESA and EUMETSAT shall be concluded on the basis of a delegation decision adopted by the Commission in accordance with point (c) of Article 58(1) of the Financial Regulation.

4 In accordance with Article 60 of the Financial Regulation, ESA and EUMETSAT shall act, wherever appropriate, as contracting authorities with the capacity to take decisions regarding the implementation and coordination of the procurement tasks delegated to them.

5 The delegation agreements shall, insofar as necessary for the tasks and budget implementation delegated, lay down the general conditions for the management of the funds entrusted to ESA and EUMETSAT and shall take into consideration, where appropriate, the ESA Long-Term Scenario (LTS). In particular, they shall lay down the actions to be implemented as regards the development, procurement and operation of the Copernicus space component, the relevant financing, management procedures and monitoring and control measures, the measures applicable in the event of inadequate implementation of contracts in terms of costs, schedule, performance and procurement, as well as the rules regarding ownership of all tangible and intangible assets.

6 The monitoring and control measures shall, in particular, provide for a provisional cost forecast system, for systematic information to the Commission on costs and schedule, and, in the event of a discrepancy between the planned budgets, performance and schedule, for corrective action ensuring the implementation of the activities within the limits of the budgets allocated.

7 The Copernicus Committee shall be consulted on the delegation decision referred to in paragraph 3 of this Article, in accordance with the advisory procedure referred to in Article 30(3). The Copernicus Committee shall be informed in advance of the delegation agreements to be concluded by the Union, represented by the Commission, with ESA and EUMETSAT.

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8 The Commission shall inform the Copernicus Committee of the results of the evaluation of the procurement tenders and of the contracts with private sector entities to be concluded by ESA and EUMETSAT, including the information relating to subcontracting.

### *Article 11*

#### **Service Operators**

1 The Commission may entrust the service component implementation tasks, by means of delegation agreements or contractual arrangements, where duly justified by the special nature of the action and existing specific expertise, mandate, operation and management capacity, inter alia to the following entities:

- 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 (SATCEN);
- e the European Centre for Medium Range Weather Forecasts (ECMWF);
- f other relevant European agencies, groupings or consortia of national bodies.

The delegation agreements with the service operators shall be concluded on the basis of a delegation decision adopted by the Commission in accordance with point (c) of Article 58(1) of the Financial Regulation.

2 The choice of the entities referred to in paragraph 1 shall take due account of the cost efficiency of entrusting those tasks and the impact on the entities governance structure and on their financial and human resources.

3 The Copernicus Committee shall be consulted on the delegation decision referred to in paragraph 1 of this Article in accordance with the advisory procedure referred to in Article 30(3). The Copernicus Committee shall be informed in advance of the delegation agreements to be concluded by the Union, represented by the Commission, and the service operators.

### *Article 12*

#### **Work programme of the Commission**

1 The Commission shall by means of an implementing act adopt an annual work programme for Copernicus pursuant to Article 84 of the Financial Regulation.

2 The annual work programme shall include an implementation plan, which shall detail actions pertaining to the Copernicus components referred to in Articles 5, 6 and 7, and shall be forward-looking, taking into account evolving user needs and technological developments.

3 That implementing act shall be adopted in accordance with the examination procedure referred to in Article 30(4) of this Regulation.

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### Article 13

#### Cooperation with Member States

1 The Commission shall cooperate with Member States in order to improve the exchange of data and information between them and foster the development of data distribution at regional and local levels. The Commission shall aim to ensure that the required data and information are available to Copernicus. The Member States' contributing missions, service and in situ infrastructures are essential contributions to Copernicus.

2 The Commission may adopt, by means of implementing acts, measures to promote the use of Copernicus data and Copernicus information by Member States and support their access to the technology and development in Earth Observation. Such measures shall not have the effect of distorting free competition. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 30(4).

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