

SENATE OF THE ITALIAN REPUBLIC
17TH PARLIAMENTARY TERM

Doc. XVIII-bis
No 2

RESOLUTION OF STANDING COMMITTEE 14

(European Union Policies)

(Rapporteur LIUZZI)

adopted at the sitting of 11 December 2013

CONCERNING

**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)**

pursuant to Article 144(1), (5) and (6) of the Rules of Procedure

Communicated to the President's Office on 13 December 2013

TYPOGRAPHICAL SERVICE OF THE SENATE

The Committee,

having examined document COM(2013) 312 final,

whereas this document establishes and finances the Copernicus Earth-observation programme, which largely continues the work of its predecessor programme GMES;

whereas the declared aim of this programme is to ‘provide accurate and reliable information in the field of the environment and security, tailored to the needs of users and supporting other Union policies’ (recital No 5), in particular relating to the internal market, transport, environment, energy, civil protection, cooperation with third countries and humanitarian aid;

having regard to the report prepared by the Directorate-General for the Internationalisation of Research at the Ministry of Education, Universities and Research in accordance with Article 6(4) of Law No 234 of 24 December 2012 and sent by the Prime Minister’s Office on 19 July 2013;

having noted that:

document COM(2013) 312 final/2 replaced and annulled the previous document COM(2013) 312 final, with the same title, dated 29 May 2013, without national parliaments being sent a new *lettre de saisine* [‘transmission letter’] amending the deadlines for expressing opinions pursuant to Protocol No 2 to the Lisbon Treaty on the application of the principles of subsidiarity and proportionality;

COM(2013) 312 final/2 contains substantive differences from COM(2013) 312 final, namely different rules governing the work programme referred to in Article 8, the abolition of the rules initially proposed for the selection of operators in Article 13 of COM(2013) 312 final and the proposal for a less strict system for the supervision of operators in Article 13 of COM(2013) 312 final/2;

issues a favourable opinion, within its area of competence, with the following comments:

the legal basis for the proposal is rightly identified as Article 189(2) of the Treaty on the Functioning of the European Union (TFEU), under which ‘the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, shall establish the necessary measures’ to promote technical and scientific progress, industrial competitiveness and the implementation of Union policies by means of a European space policy. These measures ‘may take the form of a European space programme, excluding any harmonisation of the laws and regulations of the Member States’;

the proposal complies with the subsidiarity principle with regard to:

the need for intervention by the institutions of the Union because it would be impossible for individual Member States to:

- 1) bear the cost of funding and renewing the space infrastructure developed using European Union and intergovernmental funds;
- 2) independently achieve the objectives of the proposed measures, which require the contributions of different countries to be pooled at European level;

the added value for the Union in terms of:

- 1) economies of scale obtained by acting at European level;
- 2) closer monitoring of European Union environmental legislation according to transparent and objective criteria;

the proposal also complies with the proportionality principle, since it is appropriate to the objectives that it is intended to achieve.

However, the Committee considers that, following the replacement of the original COM(2013) 312 final by the subsequent COM(2013) 312 final/2, it would have been desirable for the proposal to be formally resent to national parliaments and for the eight-week deadline under Article 6 of Protocol No 2 on the application of the principles of subsidiarity and proportionality to be extended accordingly.

As regards the substance of the document, the Committee invites the Commission to consider the possibility of:

- 1) a role for the European Space Agency in the coordination of the programme's space component (Article 5 of the proposal for a Regulation);
- 2) greater Member State involvement in assessing and protecting data security (Article 16).

With reference to the delegation of powers to the European Commission in the proposal, the Committee suggests:

- 1) specifying a fixed duration, in compliance with Article 290(1)(2) TFEU: 'The [...] duration of the delegation of power shall be explicitly defined in the legislative acts'.
- 2) reconsidering the delegation of power in Article 15 regarding access to, registration, use, transmission, dissemination and archiving of data and the associated security assessment. This is a very broad delegation of power that affects the very subject of the Regulation, i.e. managing uninterrupted provision of accurate and reliable Earth-observation data and information. This would appear to contravene the prohibition on the delegation of powers relating to the 'essential elements of an area' (Article 290(1)(2) TFEU).

With reference to the data obtained by the Earth-observation system, the Committee stresses the need to remain vigilant regarding the protection of confidentiality and proper handling of the data over time.

Finally, the Committee hopes that the skills available in the national space industry and research sector will be put to good use in the areas in which the Copernicus programme operates.