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PROGRESS REPORT

from: Permanent Representative Committee

to : Competitiveness Council

No. prev. doc.: 9457/1/10 RECH 174 COMPET 146 IND 63 TRANS 120 POLARM 15 ECOFIN 251 TELECOM 44 ENER 135 CODEC 394 REV1

No. Cion prop.: 10285/09 RECH 172 COMPET 294 IND 68 TRANS 215 POLARM 13 ECOFIN 399 TELECOM 119 ENER 194

Subject: Draft Regulation of the European Parliament and of the Council on the European Earth monitoring programme (GMES) and its initial operations (2011–2013)

I. INTRODUCTION

On 20 May 2009 the Commission submitted to the European Parliament and the Council its proposal for a Regulation on the European Earth observation programme (GMES) and its initial operations (2011–2013)¹.

¹ Doc. 10285/09.

Its objective is to establish GMES as an operational programme and provide additional funds for GMES initial operations (GIO) enabling a gradual build-up of capabilities up to the end of the present Financial Framework in 2013, and putting in to place the necessary structures for the governance of the programme.

The European Parliament conferred responsibility for the procedure to the ITRE Committee, which has nominated Mr. Norbert GLANTE (S&D-DE) as rapporteur. The budget (rapporteur: Mr. Damien ABAD (EPP-FR) and environment (rapporteur: Mr. Vittorio PRODI (S&D, IT) committees provided opinions.

Within the Council, the draft Regulation was negotiated within the Research Working Party.

Initial negotiations were conducted under the Swedish Presidency both in the Research Working Party and in the form of informal consultations with the ITRE Committee rapporteur, Mr. GLANTE MEP.

This led to a Presidency note entitled "open points" which was submitted to delegations on 19 November 2009¹.

During the Spanish Presidency, negotiations continued on the basis of the Commission proposal with the help of a first Presidency compromise text². The Research Working Party discussed and amended the proposal in its meetings on 18 January, 22 February, 15 March, 22 March, 29 March, 12 April and 19 April 2010. Further informal consultations were also held subsequent to the vote of the ITRE Committee on its amendments with the rapporteur.

The Research Working Party on 19 April 2010 achieved a large measure of agreement on the text, with a view to enabling a first-reading agreement in Co-Decision with the European Parliament.

¹ Doc. 16176/09.

² Doc. 5233/10.

On 21 April 2010, the Permanent Representatives Committee discussed the text annexed to doc. 8501/10 and COR 1 and gave orientations to the Presidency with regard to resolving the final outstanding issues with the European Parliament.

On 28 April 2010, the Presidency took part in informal consultations ("informal triologue") with the Chairman of the ITRE Committee, Mr. REUL MEP, the Rapporteur, Mr. GLANTE MEP, and representatives of the ITRE Committee, as well as with representatives of the Commission.

After intense negotiations, a compromise text was agreed which is reproduced in Annex to doc. 9191/10. This text is a finely tuned compromise which has tested the limits of possible compromise on all sides and has only been possible because of a very constructive attitude by all participants, for which the Presidency is grateful.

On 5 May 2010, the Permanent Representatives Committee endorsed, with a slight and technical modification to Recital (4e), the text attached to doc. 9457/1/10 REV1 and thus mandated the Presidency to send the standard letter reproduced in Annex I to doc. 9457/1/10 REV1 to the Chairman of ITRE, with a view of a First Reading Agreement on this Regulation and its subsequent adoption following verification of the text by the Legal Linguists.

At this stage only UK has raised a general parliamentary scrutiny reservation.

On 11 May, the ITRE Committee adopted the compromise text as agreed by the COREPER of 5 May, after having introduced some purely legal-linguistic amendments which meet with the acceptance of the Council Legal Service.

Annex III to doc. 9457/1/10 REV1 includes the text as adopted by ITRE Committee on 11 May.

The EP plenary assembly is expected to vote during the Strasbourg session of next June (14-17 June 2010).

A joint declaration by the Commission and the Council on the further development of the GMES programme and its governance, as reproduced in Annex II to doc. 9457/1/10 REV1, will be included into the minutes of the Council at the time of final adoption of the Act.

II. CONCLUSION

The Competitiveness Council at its meeting on 25 and 26 May 2010 is thus invited to take note of this progress report.
