

**EUROPEAN SPACE AGENCY**

**EARTH OBSERVATION PROGRAMME BOARD**

**Joint Principles for a GMES Sentinel Data Policy**

**Summary**

The States participating in the GMES Space Component Programme invited DG in the Programme Declaration to propose a Sentinel Data Policy. Additionally, the Space Council underlined in its orientations endorsed on 29 May 2009 the importance of the Commission and ESA defining the data policy for the Sentinel missions consistent with the INSPIRE Directive and the provisions of the GMES Space Component Programme Declaration. The Executive presented at the last PB-EO meeting a document on the Sentinel Data Policy and its Implementation (ESA/PB-EO(2009)67). Delegations required the Executive to address the Sentinel Data Policy and its implementation in separate documents, in line with the principles outlined in the above mentioned PB-EO paper, the EC's GMES Advisory Committee (GAC) meetings and the overall GMES governance scheme. Taking into account the comments made at the last PB-EO meeting, the attached document contains principles of a Sentinel data policy. The Implementation Plan is provided in a separate paper and outlines the ESA approach for implementing the Sentinel Data Policy, to be further developed in documents such as:

- A Sentinel Operations Concept, defining the functionality and infrastructure of the GSC Ground Segment,
- A High Level Operations Plan (HLOP), defining the priorities in data acquisition and provision to be implemented in the operations of the GSC, and
- Terms and Conditions (T&C) for use of Sentinel data.

The priority scheme of the HLOP and the T&C will be submitted to PBEO for approval.

The Sentinel Data Policy is prepared by ESA and the EC on the basis of the attached joint principles in accordance with the applicable approval procedures of both organisations. The Sentinel Data Policy will become part of the overall GMES Data and Information Policy. Its implementation is planned to be part of an overall concept for data provision to GMES Services (Ref.: Long term Scenario of the GMES Space Component ESA/C(2009)36)), which comprises access to data from Sentinels and from GMES contributing missions<sup>1</sup>. The GMES Data and Information Policy will be formalised following the adoption of a Regulation of the European Parliament and the EU Council on the basis of the Commission proposal for a European Earth Observation programme (GMES) and its initial operations (2011 – 2013). This process involves a co-decision by the European Parliament and the EU Council and is expected to be finalised by end 2010.

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<sup>1</sup> The Sentinels are the result of a gap analysis of available satellite capacities in Europe. Access to satellite data from satellite missions contributing to GMES, including commercial systems, is and will remain essential.

The attached document has been jointly prepared by ESA and the GMES Bureau and will be submitted, in identical form, to PB-EO and the relevant services in the Commission.

### **Required Action**

Delegations are invited:

- to approve the attached joint principles for a Sentinel Data Policy on the understanding that they will only enter into force after having also been approved by the EC in accordance with its applicable rules and procedures;
- to authorise the Executive forthwith to tailor the development of the GMES Space Component and the preliminary operations concept on the basis of these principles.

### **Voting rights and majority required**

Simple majority of Participating States to the GMES Space Component Programme

### **Legal basis**

- Declaration on the GMES Space Component Programme (ESA/PB-EO/CXI Dec.1 rev.5 (Final) attached to ESA/C(2008)182)
- Article 6.2 of the Implementing Rules for the GMES Space Component Programme (ESA/C/CLXXXVIII/Rules (Final) attached to ESA/C(2006)87)
- Orientations from the sixth Space Council (attached to ESA/C(2009)64)

### **Annex: Joint Principles for a Sentinel Data Policy**

For the purpose of this document, “Sentinels” are the Sentinel 1 to 5 missions and the Sentinel-5 Precursor mission developed by ESA under the GMES Space Component (GSC). The GSC will also incorporate data provided by national, Eumetsat and other third party missions.

The Sentinel Data Policy establishes the policy that governs the provision of Sentinel data.

The term “Sentinel data” relates to all data and products which will be generated on the basis of observations acquired by Sentinel mission sensors and delivered by the GMES Ground Segment<sup>1</sup> during the exploitation phase of the Sentinel missions.

The Sentinel Data Policy will be part of the overall GMES Data and Information Policy, under EC’s responsibility, which has the following objectives:

- (a) promoting the use and sharing of GMES information and data;
- (b) full and open access to information produced by GMES services and data collected through GMES infrastructure, subject to relevant security restrictions;
- (c) strengthening Earth observation markets in Europe, in particular the downstream sector, with a view to enabling growth and job creation;<sup>2</sup>
- (d) contributing to the sustainability of the provision of GMES data and information;
- (e) supporting the European research communities.

These objectives apply to the Sentinel data policy jointly established by EC and ESA, including full and open access. Such an approach aims at maximising the beneficial use of Sentinel data for the widest range of applications and intends to stimulate the uptake of information based on Earth Observation data for end users. Thus it responds directly to the increasing demand for Earth observation data in the context of climate change initiatives and in support for the implementation of environmental policies.

The principles of the Sentinel Data Policy are:

- anybody can access acquired Sentinel data; in particular, no difference is made between public, commercial and scientific use and in between European or non-European users;<sup>3</sup>
- the licenses for the Sentinel data itself are free of charge<sup>4</sup>
- the Sentinel data will be made available to the users via a "generic" online access mode, free of charge. "Generic" online access is subject to a user registration process and to the acceptance of generic terms and conditions.
- Additional access modes and the delivery of additional products will be tailored to specific user needs, and therefore subject to tailored conditions;
- in the event security restrictions apply to specific Sentinel data affecting data availability

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<sup>1</sup> Direct access to the downlink of data produced by Sentinel sensors by any data reception system outside the GMES Ground Segment is subject to the conclusion of dedicated agreements.

<sup>2</sup> See EU Council Conclusions “Towards a GMES Programme” of 3-Dec-2008, 16722/08

<sup>3</sup> Restrictions may apply based on applicable security rules and regulations.

<sup>4</sup> As provided from the GSC Core Ground Segment; Priorities will be set in case of constraints in providing the data.

or timeliness, specific operational procedures will be activated.

In particular, the following instruments and documents provide the legal and programmatic framework for the Sentinel Data Policy:

- The UN resolution on ‘Principles of Remote Sensing, UN doc A RES 4165 (1986);
- The White Paper and Implementation Guidelines for the GEOSS Data Sharing Principle [Preliminary Draft], produced as part of Da-06-01 Task (GEOSS Data Sharing Principles) under the Leadership of ICSU/CODATA;
- Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE);
- Declaration on the GMES Space Component Programme (ESA/PB-EO/CXI Dec.1 rev.5 (Final) attached to ESA/C(2008)182 and its updates);
- Implementing Rules for the GMES Space Component Programme (ESA/C/CLXXXVIII/Rules (Final) attached to ESA/C(2006) 87and their updates);
- Agreement on the Implementation of the Space Component of GMES concluded on 28 February 2008 and amended on 28 January 2009 ( (ESA/C(2008)159);
- Commission proposal for a Regulation of the European Parliament and the Council on the European earth observation programme (GMES) and its initial operations (2011 – 2013).
- Orientations from the sixth Space Council (ESA/C(2009)64)