

Infrastructure for spatial information in the European Community (INSPIRE)

2004/0175(COD) - 10/02/2006 - Commission communication on Council's position

The Commission can accept in full, in part or in principle 46 of the 49 amendments proposed by the European Parliament at its first reading. Many of these amendments have now been incorporated, either verbatim or in substance in the common position.

The Commission cannot accept the common position with regard to a number of issues. The most important of these issues include the following: the Commission does not agree that intellectual property rights held by public authorities should be among the list of grounds for limiting public access to spatial data.

The Commission also does not agree that the possibility of limiting access should be extended to cover discovery services referred to in Article 18(1)(a) of the Commission proposal, since this would mean that the public would not even be able to learn of the existence of the data.

The Commission maintains that the view services referred to in Article 18(1)(b) of the Commission proposal should be made available free of charge, and cannot accept the Council position allowing public authorities to charge and license for these services under certain conditions.

The common position makes the obligation to avoid obstacles to data sharing, as well as the rules for ensuring harmonised conditions for Community institutions and bodies, subordinate to the right of public data providers to charge and license other authorities for their data. It is also vague about the obstacles to be avoided. It will therefore be ineffective in achieving one of the key aims of the proposal, and could even have the effect of increasing obstacles to the sharing of data.

Lastly, while the Commission agrees that the provisions relating to data sharing do not affect the existence or ownership of public authorities' intellectual property rights, it does not see the need for this to be stated in the text of the directive. If such a provision is to be included, it should be made equally clear that these rights must be exercised in accordance with the other provisions.

The common position potentially represents a significant milestone towards the adoption of a directive that will help to improve the knowledge base for environmental and other policies by improving the availability and interoperability of spatial data. Many of its provisions provide a good basis on which to make progress. However, certain aspects of the common position could have the effect of reducing rather than increasing the availability of spatial data, by consolidating the obstacles to data sharing between authorities and unduly limiting public access. Other provisions will make the directive difficult to implement and reduce its effectiveness in making data systems interoperable. For this reason, the Commission cannot accept the common position.