Dissemination of Earth observation satellite data for commercial purposes

2014/0176(COD) - 17/06/2014 - Legislative proposal

PURPOSE: to ensure the proper functioning and development of the internal market of Earth observation satellite data for commercial purposes.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the Commission Communication on the EU Space Industrial Policy from February 2013 "Releasing the potential for economic growth in the space sector" identifies as one of the objectives for an EU space industrial policy the establishment of a comprehensive regulatory framework in order to improve legal coherence and **foster the emergence of a European market for space products and services**. In this context, the Communication refers in particular to the establishment of a possible regulatory initiative for the production and dissemination of high resolution satellite data for commercial purposes.

The Council Conclusions of 30 May 2013 recognised the need to examine existing legal frameworks with a view to promote the security, safety, sustainability and economic development of space activities and invite the Commission to assess the need for the development of a legislative framework on the matter.

The dissemination of high resolution satellite data by commercial operators has until now been regulated individually by the Member States where they are registered. There has been no common approach at the national regulatory level for the treatment of high resolution satellite data and for services and products deriving from these data.

This leads to a **fragmented regulatory framework** across the Union, characterised by a lack of coherence, transparency and predictability, which was therefore preventing the market from developing to its full potential.

The number of Member States with high resolution satellite data capabilities is increasing, and national regulatory frameworks become more and more diverged.

The Commission considers that a functioning internal market for high resolution satellite data and derivative products and services would foster the **development of a competitive Union space and services industry**, maximise opportunities for Union enterprises to develop and provide innovative earth observation systems and services, and promote the use of high resolution satellite data.

IMPACT ASSESSMENT: **option 3**, basic legislative instrument, is the preferred option combining a good level of economic, strategic and social benefits with a high level of effectiveness and efficiency, while at the same time leaving as much room as possible for Member States for controlling the data-providing businesses in their territory.

CONTENT: the Directive seeks to ensure the proper functioning and development of the internal market of Earth observation satellite data for commercial purposes by establishing a transparent, fair and consistent legal framework across Member States. This proposal shall apply to the dissemination of Earth observation data generated by Earth observation systems.

The main elements of the proposal are as follows:

Definition of high resolution satellite data (HRSD): High resolution satellite data is defined on the basis of precise technical specifications. These technical specifications are set out in the Annex. With the establishment of common technical parameters of HRSD it will be possible to set up a common scope of application of the advanced legal regime and to delimit the internal market of HRSD, as a specific component of the Earth Observation market. Further, the clarification as to which kind or quality of satellite data could possibly harm security interests; and which therefore needs to be disseminated with respect to certain conditions, allows the setting of the most appropriate procedural requirements to safeguard the public.

Dissemination of Earth observation data: Member States shall not prohibit, restrict or otherwise impede the dissemination or free circulation of other than high resolution satellite data for reasons of the dissemination being considered sensitive. Any data falling outside the definition will be considered "business - ready", prone for free dissemination without delay enabling the unhindered business cycles.

Basic procedure for the dissemination of HRSD: it is foreseen that the dissemination of HRSD approved in accordance with this directive cannot be reassessed, impeded or restricted subsequently, as long as the dissemination is in compliance with the screening or authorisation conducted.

The present proposal provides for the basic procedures for the dissemination of HRSD, promoting the equal and non-discriminatory treatment of all EU data resellers by data providers, preventing likely distortions of competition, and additionally enhancing the market opportunities available in the domain of the HRSD.