Infrastructure for spatial information in the European Community (INSPIRE)

2004/0175(COD) - 23/01/2006 - Council position

The common position, adopted unanimously, incorporates the majority of the European Parliament's first reading, either verbatim, in part or in spirit. In particular, it includes modifications to the Commission's initial proposal regrouping Articles of the text, streamlining the definitions and clarifying the scope. However, the common position includes a number of changes other than those envisaged in the European Parliament's Opinion at first reading and in the Commission's initial proposal.

The following sections describe the changes of substance.

General provisions, definitions and scope : the common position does not follow Parliament on this issue. The aim and scope of the Directive correspond with the Commission's initial proposal and its legal basis. The text of the common position does not refer to "direct or indirect" impact on the environment, however, additional recital addresses this issue. The Council agrees with the substance of the EP amendment. However, it accepted the Commission's view that it would not be legally sound to include obligations for Community institutions and bodies in a directive. The common position states that the Directive would apply without prejudice to Directive 2003/4/EC on public access to environmental information and 2003/98/EC on the re-use of public sector information. It introduces additional definitions of the terms "interoperability", "INSPIRE geo portal" and limits the scope of the definition of "public authority". It also clarifies the scope of spatial data sets covered by the Directive and limits the extent of the competence of the committee to adapt the data themes in the Annexes.

Metadata, Interoperability of spatial data sets and services : the components of the metadata are clarified in the common position as well as the implementation rules. The time schedule for creation of the metadata is consistent with the timetable proposed by the EP. It introduces additional conditions for the drafting of the implementing rules laying down technical arrangements for interoperability, particularly the cost-benefit consideration, integration of standards and activities at international level and reference to existing technical means. Cost-benefit and feasibility considerations are backed up which requires the Commission to undertake a cost-benefit analysis prior to developing the proposals for the implementing rules. The adoption of these rules shall not result in excessive costs to a Member State . The common position also clarifies the adaptation of newly collected and other spatial data sets and services and replaces "a common system of unique identifiers" by "solutions to ensure unambiguous identification of spatial objects, to which identifiers under existing national systems can be mapped in order to ensure interoperability between them" in order to avoid the imposition of a particular technical solution.

Network services : the extended list of grounds for limiting access is identical to that in Article 4(2) of Directive 2003/4/EC on public access to environmental information to ensure consistence in the implementation. An additional provides that public access to spatial data complies with Directive 95/46 /EC on the protection of individuals with regard to the processing of personal data and on the free movement of such data. The common position allows Member States to apply charges and/or licences for view services, where this is necessary to maintain the spatial data sets and services or to fulfil requirements of existing international spatial data infrastructures.

Data-sharing : the common position clarifies the scope of data-sharing obligations between the public authorities of one Member State, the public authorities of different Member States, the institutions and bodies of the Community and the bodies established by international agreements. It equally seeks to prevent practical obstacles at the point of use (for example, a public authority employee using the data on

their computer) while allowing data providers to recover their costs from the public authorities of Member States and Community bodies, thus ensuring that the quality and currency of the data are maintained. Where charging occurs, it is at the public authority level, not at the point of use. Protection of intellectual property rights is ensured.

Coordination and complementary measures, final provisions : there is no explicit stress on the distribution of powers and responsibilities within the Member States in relation to their structures involved. The new wording of an Article and an additional recital of the common position rationalise the monitoring and reporting requirements of the Directive.

Annexes : spatial data themes "distribution of road accidents" and "telecommunications" are not included in the common position as they are not related to the purpose of INSPIRE.