Infrastructure for spatial information in the European Community (INSPIRE)

2004/0175(COD) - 13/09/2006 - Commission opinion on Parliament's position at 2nd reading

The European Parliament adopted all of the 36 amendments that were tabled. Out of the 36 amendments adopted, the Commission can accept 30 amendments in full, 2 amendments in part and a further 3 amendments in principle. One of the adopted amendments is not acceptable to the Commission.

As regards the amendments accepted in full, several of the proposed amendments relate to concerns raised by the Commission in its Communication on the common position. In particular, it accepts those which:

- aim to avoid cumbersome procedures for adopting implementing rules on interoperability to be adopted by comitology, and to ensure that these rules will be uniformly applied in all Member States;

- restore the original intention of the Commission proposal in relation to public access to data.

which restore the original intention of the Commission proposal in relation to the sharing of data between public authorities;

- make corresponding changes to the recitals in relation to these key issues;

- wholly or partially restore the intention of the original proposal in relation to more minor aspects;

- provide clarifications in relation to coordination structures in the Member States;

- have the effect of accelerating the timetable for adoption of implementing rules for two spatial data themes, while another amendment slightly enlarges the scope of another data theme.

As far as the amendments accepted in part are concerned, the Commission accepts those which:

- aim to ensure that any charging and licensing practices by public data providers are made compatible with the overall obligation to share data, while limiting the level of charges that may be applied. This amendment addresses a concern of the Commission in relation to the common position since the sharing of data between public authorities is a key aim of the Directive. However, the limitation on the level of charges is wrongly worded since it refers to documents and will in any case not necessarily be appropriate in all circumstances;

- amend the corresponding recital and is acceptable in part for the same reasons.

The Commission accepts the following amendments which in principle:

- aim to restore the intention of the Commission proposal in relation to the timing of the creation of metadata, and is acceptable in principle, on the basis that the timing is in line with that of the original proposal;

- aim to restore the intention of the Commission proposal to give the public access to view data free of charge, and is therefore also acceptable in principle. There are nevertheless some types of data, such as

meteorological data, where it may not be cost-effective or reasonable for data providers to make the data available for view free of charge because they are too voluminous and/or are of interest for only a very limited period of time. The precise wording of this paragraph will need to reflect such cases.

On the other hand, the Commission rejected the amendment concerning the participation of interested parties in preparatory discussions for the adoption of implementing rules, and is not acceptable since it deletes a useful clarification contained in the Council text.