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Committee on the Environment, Public Health and Food Safety

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DRAFT REPORT

on the proposal for a directive of the European Parliament and of the Council
establishing an infrastructure for spatial information in the Community
(INSPIRE)
(COM(2004)0516 – C6-0099/2004 – 2004/0175(COD))

Committee on the Environment, Public Health and Food Safety

Rapporteur: Frederika Brepoels

Symbols for procedures

- * Consultation procedure
majority of the votes cast
- **I Cooperation procedure (first reading)
majority of the votes cast
- **II Cooperation procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- *** Assent procedure
*majority of Parliament's component Members except in cases
covered by Articles 105, 107, 161 and 300 of the EC Treaty and
Article 7 of the EU Treaty*
- ***I Codecision procedure (first reading)
majority of the votes cast
- ***II Codecision procedure (second reading)
*majority of the votes cast, to approve the common position
majority of Parliament's component Members, to reject or amend
the common position*
- ***III Codecision procedure (third reading)
majority of the votes cast, to approve the joint text

(The type of procedure depends on the legal basis proposed by the Commission)

Amendments to a legislative text

In amendments by Parliament, amended text is highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). These suggested corrections are subject to the agreement of the departments concerned.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a directive of the European Parliament and of the Council establishing an infrastructure for spatial information in the Community (INSPIRE)
(COM(2004)0516 – C6-0099/2004 – 2004/0175(COD))

(Codecision procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to the European Parliament and the Council (COM(2004)0516)¹,
 - having regard to Articles 251(2) and 175(1) of the EC Treaty, pursuant to which the Commission submitted the proposal to Parliament (C6-0099/2004),
 - having regard to Rule 51 of its Rules of Procedure,
 - having regard to the report of the Committee on the Environment, Public Health and Food Safety (A6-0000/2005),
1. Approves the Commission proposal as amended;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend the proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council and Commission.

Text proposed by the Commission

Amendments by Parliament

Amendment 1 Recital 15

(15) Network services are necessary for sharing spatial data between the various tiers of public authorities in the Community. Those network services should make it possible to discover, transform, view and download spatial data and to invoke spatial data and e-commerce services. The services of the network should work in accordance with commonly agreed specifications and minimum performance criteria in order to ensure the

(15) Network services are necessary for sharing spatial data between the various tiers of public authorities in the Community. Those network services should make it possible to discover, transform, view and download spatial data and to invoke spatial data and e-commerce services. The services of the network should work in accordance with commonly agreed specifications and minimum performance criteria in order to ensure the

¹ Not yet published in OJ.

interoperability of the infrastructures established by the Member States. The network of services should also include **upload** services to enable public authorities to make their spatial data sets and services available.

interoperability of the infrastructures established by the Member States. The network of services should also include **network connection** services to enable public authorities to make their spatial data sets and services available.

Justification

The rapporteur wishes to clarify the term "upload services".

Amendment 2
Recital 22

(22) The effective implementation of infrastructures for spatial information requires coordination by all those with an interest in the establishment of such infrastructures, whether as contributors or users. Appropriate coordination structures should therefore be established **both in the Member States and at Community level**.

(22) The effective implementation of infrastructures for spatial information requires coordination by all those with an interest in the establishment of such infrastructures, whether as contributors or users. Appropriate coordination structures should therefore be established **across the different levels of competencies. A contact point should be designated in each Member State, taking into account the attribution of the different competencies within the Member State**.

Justification

The rapporteur wants to take into account the constitutional attribution of the different competencies in the Member States.

Amendment 3
Recital 23

(23) In order to benefit from the relevant experience of European Standardisation bodies, it is appropriate that the measures necessary for the implementation of this Directive could be supported by standards adopted by European standardisation bodies in accordance with the procedure laid down in Directive 98/34/EC of the

(23) In order to benefit from the relevant experience of European **and international** Standardisation bodies, it is appropriate that the measures necessary for the implementation of this Directive could be supported by standards adopted by European standardisation bodies in accordance with the procedure laid down

European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations.

in Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations **and standards adopted by international standardisation bodies.**

Justification

In order to avoid any misunderstanding regarding the application of different definitions, the rapporteur recommends applying the European and international definitions. This will contribute to the readability of the document.

Amendment 4 Article 1, paragraph 1

1. This Directive lays down general rules **for** the establishment of an infrastructure for spatial information in the Community, for the purposes of Community environmental policies and policies or activities which may have a direct or indirect impact on the environment.

1. This Directive lays down general rules **aimed at** the establishment of an infrastructure for spatial information in the Community, for the purposes of Community environmental policies and policies or activities which may have a direct or indirect impact on the environment.

Justification

The objective of Article 7 is taken up in this paragraph. Article 7 is consequently deleted.

Amendment 5 Article 2

Article 2

deleted

1. This Directive shall cover identifiable collections of spatial data, hereinafter “spatial data sets”, which fulfil the following conditions:

(a) they are related to an area under the jurisdiction of a Member State or to its exclusive economic zone/search and rescue region, or equivalent;

- (b) they are in electronic format;*
- (c) they are in the possession of either of the following:*
- (i) a public authority, having been produced or received by a public authority, or being managed or updated by that authority;*
 - (ii) a natural or legal person on behalf of a public authority;*
 - (iii) a third party to whom upload services have been made available in accordance with Article 17(3);*
- (d) they relate to one or more of the themes listed in Annexes I, II or III.*

2. This Directive shall cover, in addition to the spatial data sets specified in paragraph 1, the operations which may be performed, by invoking a computer application, on the spatial data contained in those data sets or on the related metadata, hereinafter "spatial data services".

3. In the case of spatial data sets which comply with the condition set out in point (c) of paragraph 1, but in respect of which a third party holds intellectual property rights, the public authority may take action under this Directive only with the consent of that third party.

4. Annexes I, II and III may be adapted by the Commission in accordance with the procedure referred to in Article 30(2) to take into account the evolving needs for spatial data in support of Community policies that directly or indirectly affect the environment.

Justification

The amendment is technical and part of the restructuring of Chapter I. The content is moved to the new Article 5.

Amendment 6
Article 4

In the case of spatial data sets held by or on behalf of a public authority in accordance with Article 2(1)(c), where that authority operates at the lowest level of government within a Member State, this Directive shall apply only to spatial data sets the collection or dissemination of which is coordinated by another public authority or is required under national law.

For the purposes of this Directive, the following definitions shall apply:

- (1) "infrastructure for spatial information" means an infrastructure whose component elements include metadata, spatial data sets and spatial data services; network services and technologies; agreements on sharing, access and use; and coordination and monitoring mechanisms, processes and procedures, established, operated or made available in accordance with this Directive;*
- (2) "spatial data" means any data with a direct or indirect reference to a specific location or geographical area;*
- (3) "spatial data set" means an identifiable collection of spatial data;*
- (4) "spatial data services" means the operations which may be performed, by invoking a computer application, on the spatial data contained in spatial data sets or on the related metadata;*
- (5) "spatial object" means an abstract representation of a real-world entity related to a specific location or geographical area;*
- (6) "metadata" means information describing spatial data sets and spatial data services and making it possible to discover, inventory and use them;*

(7) "public authority" means:

(a) any government or other public administration, including public advisory bodies, at national, regional or local level;

(b) any natural or legal person performing public administrative functions under national law, including research and other specific duties, activities or services in relation to the environment; and

(c) any natural or legal person having public responsibilities or functions, or providing public services under the control of a body or person falling within (a) or (b).

Member States may provide that when bodies or institutions are acting in a judicial or legislative capacity, they are not to be regarded as public authorities for the purposes of this Directive;

(8) "third party" means any natural or legal person other than a public authority.

Justification

The amendment is mainly technical and part of the restructuring of Chapter I. The content is moved to the new Article 5(4). The new phrasing should make the Directive more coherent.

Amendment 7 Article 5

The following shall be regarded as a public authority for the purposes of this Directive:

(a) government or other public administration, including public advisory bodies, at national, regional or local level;

(b) any natural or legal person performing public administrative functions under national law, including specific duties, activities or services in

1. This Directive shall cover spatial data sets which fulfil the following conditions:

(a) they are related to an area where a Member State exercises jurisdictional rights;

(b) they are in electronic format;

relation to the environment;

(c) any natural or legal person having public responsibilities or functions, or providing public services, under the control of a body or person falling within (a) or (b).

Member States may provide that when bodies or institutions are acting in a judicial or legislative capacity, they are not to be regarded as public authorities for the purposes of this Directive.

(c) they are held by or on behalf of any of the following:

(i) a public authority, having been produced or received by a public authority, or being managed or updated by that authority;

(ii) a third party to whom network connection services have been made available in accordance with Article 17(3);

(d) they relate to one or more of the themes listed in Annexes I, II or III.

2. This Directive shall also cover the spatial data services relating to the data contained in the spatial data sets referred to in paragraph 1.

3. In the case of spatial data sets which comply with the condition set out in point (c) of paragraph 1, but in respect of which a third party holds intellectual property rights, the public authority may take action under this Directive only with the consent of that third party.

4. By way of derogation from paragraph 1, this Directive shall cover spatial data sets held by or on behalf of a public authority operating at the lowest level of government within a Member State only where the collection or dissemination of those spatial data sets is coordinated by another public authority or is required under national law.

5. The spatial data themes referred to in Annexes I, II and III may be adapted by the Commission in accordance with the procedure referred to in Article 30(2) to take into account the evolving needs for

spatial data in support of Community policies that directly or indirectly affect the environment.

Justification

The amendment is mainly technical and part of the restructuring of Chapter I. The content is moved to the new Article 4. The new phrasing should make the Directive more coherent.

In addition, the rapporteur considered it necessary to specify the extent to which the Commission can adapt annexes I, II and III.

Amendment 8
Article 6

Article 6

deleted

For the purposes of this Directive, the following definitions shall apply:

- 1) "spatial data" means any data with a direct or indirect reference to a specific location or geographical area;***
- 2) "spatial object" means an abstract representation of a real-world entity related to a specific location or geographical area;***
- 3) "metadata" means information describing spatial data sets and spatial data services and making it possible to discover, inventory and use them;***
- 4) "third party" means any natural or legal person other than a public authority.***

Justification

The amendment is technical and part of the restructuring of Chapter I. The content is moved to the new Article 4.

Amendment 9
Article 7

Article 7

deleted

Member States shall establish and operate infrastructures for spatial information in accordance with this Directive.

Justification

The substance of this Article is integrated in Article 1 and in the other provisions of the Directive that require the Member States to establish and operate the various component elements of the infrastructures for spatial information.

Amendment 10
Article 8, paragraph 3

3. Member States shall take the necessary measures to ensure that metadata are complete and of **high** quality.

3. Member States shall take the necessary measures to ensure that metadata are complete and of **appropriate** quality.

Justification

The quality of the metadata has to be appropriate to the objective of the directive.

Amendment 11
Article 9

Member States shall create the metadata referred to in Article 8 in accordance with the following timetable:

(a) **by** [3 years after the entry into force of this Directive] in the case of spatial data sets corresponding to **one or more of** the themes listed in Annexes I and II;

(b) **by** [6 years after the entry into force of this Directive] in the case of spatial data sets corresponding to **one or more of** the themes listed in Annex III.

Member States shall create the metadata referred to in Article 8 in accordance with the following timetable:

(a) **no later than** [3 years after the entry into force of this Directive] in the case of spatial data sets corresponding to the themes listed in Annexes I and II;

(b) **no later than** [6 years after the entry into force of the Directive] in the case of spatial data sets corresponding to the themes listed in Annex III.

Justification

The rapporteur clarifies that Member States are expected to start earlier with the creation of metadata and that the time limit is the ultimate date by which the relevant metadata need to be created.

Amendment 12
Article 11, paragraph 2

2. Persons with an interest in the spatial data concerned by virtue of their role in the spatial information infrastructure that includes user, producer, added value service provider or coordinating body shall be given the opportunity to participate in **the preparation** of the implementing rules provided for in paragraph 1.

2. **Natural and legal** persons with an interest in the spatial data concerned by virtue of their role in the spatial information infrastructure that includes user, producer, added value service provider or coordinating body shall be given the opportunity to participate in **preparatory discussions on the content** of the implementing rules provided for in paragraph 1, **prior to consideration by the Committee referred to in Article 30**.

Justification

Adding natural and legal persons is meant as a clarification. It is clear that they can give a relevant and important contribution to the implementation on INSPIRE. Their role has to be put more clear.

Amendment 13
Article 12

1. The implementing rules provided for in Article **11(1)(a)** shall be designed to ensure that it is possible for spatial data sets to be combined, or for services to interact, in such a way that the result is a coherent combination of spatial data sets or services that represents added value, without requiring specific efforts on the part of a human operator or a machine.

2. The implementing rules provided for in Article **11(1)(a)** shall cover the definition and classification of spatial objects relevant to the spatial data and the way in which those spatial data are geo-referenced.

1. The implementing rules provided for in Article **11(1)** shall be designed to ensure that it is possible for spatial data sets to be combined, or for services to interact, in such a way that the result is a coherent combination of spatial data sets or services that represents added value, without requiring specific efforts on the part of a human operator or a machine.

2. The implementing rules provided for in Article **11(1)** shall cover the definition and classification of spatial objects relevant to the spatial data and the way in which those spatial data are geo-referenced.

Justification

The whole Article 11(1) is concerned.

Amendment 14
Article 13, paragraph 1

1. In the case of spatial data sets corresponding to **one or more of** the themes listed in Annex I or II, the implementing rules provided for in Article **11(1)(a)** shall meet the conditions laid down in paragraphs 2, 3 and 4.

1. In the case of spatial data sets corresponding to the themes listed in Annex I or II, the implementing rules provided for in Article **(11)(1)** shall meet the conditions laid down in paragraphs 2, 3 and 4.

Justification

The whole Article 11(1) is concerned.

Amendment 15
Article 13, paragraph 2, point (c)

(c) the key attributes and the corresponding multilingual thesauri commonly required for **a wide range of thematic** policies;

(c) the key attributes and the corresponding multilingual thesauri commonly required for policies **which may have a direct or indirect impact on the environment;**

Justification

There is a need to focus the themes.

Amendment 16
Article 14

The implementing rules provided for in Article **11(1)(a)** shall be adopted in accordance with the following timetable:

(a) **by** [2 years after the entry into force of this Directive] in the case of spatial data sets corresponding to **one or more of** the themes listed in Annex I;

(b) **by** [5 years after the entry into force of this Directive] in the case of spatial data sets corresponding to **one of more of** the themes listed in Annex II or III.

The implementing rules provided for in Article **11(1)** shall be adopted in accordance with the following timetable:

(a) **no later than** [2 years after the entry into force of this Directive] in the case of spatial data sets corresponding to the themes listed in Annex I;

(b) **no later than** [5 years after the entry into force of this Directive] in the case of spatial data sets corresponding to the themes listed in Annex II or III.

Justification

The rapporteur clarifies that implementing rules are expected to be adopted earlier than the ultimate date by which the relevant implementing rules need to be created.

Amendment 17
Article 15

Member States shall ensure that spatial data sets collected or updated later than two years after the date of adoption of the corresponding specifications provided for in Article **11(1)(a)** are brought into conformity with those specifications, either through the adaptation of the spatial data sets or through their transformation.

Member States shall ensure that spatial data sets collected or updated later than two years after the date of adoption of the corresponding specifications provided for in Article **11(1)** are brought into conformity with those specifications, either through the adaptation of the spatial data sets or through their transformation.

Justification

The whole Article 11(1) is concerned.

Amendment 18
Article 16, paragraph 2

2. In order to ensure that spatial data relating to a spatial feature the location of which spans the frontier between two Member States are coherent, Member States shall, where appropriate, decide by mutual consent on the depiction and position of such common features.

2. In order to ensure that spatial data relating to a spatial feature the location of which spans the frontier between two **or more** Member States are coherent, Member States shall, where appropriate, decide by mutual consent on the depiction and position of such common features.

Justification

In some cases, two or more Member States are involved.

Amendment 19
Article 17

1. Member States shall establish and operate **upload** services for making metadata and spatial data sets and services

1. Member States shall establish and operate **network connection** services for making metadata and spatial data sets and

accessible through the services referred to in Article 18(1).

2. The **upload** services referred to in paragraph 1 shall be made available to the public authorities.

3. The **upload** services referred to in paragraph 1 shall be made available to third parties upon their request, provided that their spatial data sets and services comply with implementing rules laying down obligations with regard, in particular, to metadata, network services and interoperability.

services accessible through the services referred to in Article 18(1).

2. The **network connection** services referred to in paragraph 1 shall be made available to the public authorities.

3. The **network connection** services referred to in paragraph 1 shall be made available to third parties upon their request, provided that their spatial data sets and services comply with implementing rules laying down obligations with regard, in particular, to metadata, network services and interoperability.

Justification

The rapporteur wishes to clarify the term "upload services".

Amendment 20

Article 18, paragraph 1, subparagraph 2

Those services shall be easy to use and accessible via the Internet or any other appropriate means of telecommunication **available to the public**.

Those services shall be easy to use, **available to the public**, and accessible via the Internet or any other appropriate means of telecommunication.

Justification

The rapporteur clarifies that services should be made available to the public.

Amendment 21

Article 22, point (a)

(a) technical specifications for the services referred to in Articles 17(1), **18(1)** and 20(2) and, taking into account technological progress, minimum performance criteria for those services;

(a) technical specifications for the services referred to in Articles 17(1), **18** and 20(2) and, taking into account technological progress, minimum performance criteria for those services;

Justification

It is important that the Committee takes the whole of Article 18 into account.

Amendment 22
Article 23, paragraph 1, subparagraph 2

The measures provided for in the first subparagraph shall preclude, **at the point of use**, any restrictions, in particular of a transactional, procedural, legal, institutional or financial nature.

The measures provided for in the first subparagraph shall preclude any restrictions, in particular of a transactional, procedural, legal, institutional or financial nature, **occurring at the point of use**.

Justification

It is necessary to make the measures taken more stringent.

Amendment 23
Article 25, paragraph 1

1. Member States shall **designate** appropriate structures and mechanisms for coordinating the contributions of all those with an interest in their infrastructures for spatial information, **such as** users, producers, added-value service providers and coordinating bodies.

Member States shall **ensure that** appropriate structures and mechanisms for coordinating the contributions of all those with an interest in their infrastructures for spatial information, **across the different levels of government, are designated. All those with an interest in their infrastructures for spatial information shall include** users, producers, added-value service providers and coordinating bodies.

Justification

The rapporteur wants to take into account the constitutional attribution of the different competencies in the Member States.

Amendment 24
Article 26, paragraph 2

2. Each Member State shall designate **the public authority** to be responsible for contacts with the Commission in relation to this Directive.

2. Each Member State shall designate **a contact point** to be responsible for contacts with the Commission in relation to this Directive. **This designation shall be without prejudice to the attribution of the different competencies within the Member**

State.

Justification

The rapporteur wants to take into account the constitutional attribution of the different competencies in the Member States.

Amendment 25

Article 27

The standards adopted by European standardisation bodies in accordance with the procedure laid down in Directive 98/34/EC may support the implementation of this Directive.

The standards adopted by European standardisation bodies in accordance with the procedure laid down in Directive 98/34/EC **and by the international standardisation bodies** may support the implementation of this Directive.

Justification

In order to avoid any misunderstanding regarding the application of different definitions, the rapporteur recommends applying the European and international definitions. This will contribute to the readability of the document.

Amendment 26

Article 31, paragraph 1

The Commission shall present to the European Parliament and to the Council by [7 years after the date of entry into force] and every six years thereafter a report on the application of this Directive.

The Commission shall present to the European Parliament and to the Council by [7 years after the date of entry into force] and every six years thereafter a report on the application of this Directive, **based on the reports of the Member States referred to in Article 29.**

Justification

In order to properly address issues such as cost and benefits, the Commission needs to report the findings of Member States on this issue to the European Parliament and to the Council.

Amendment 27

Annex I, paragraph 4

National territory ***divided into units of administration*** for local, regional and national governance. The administrative units are separated by administrative boundaries. Also includes the boundaries of national territory and the coastline.

Units of administration dividing national territory for local, regional and national governance. The administrative units are separated by administrative boundaries. Also includes the boundaries of national territory and the coastline.

Justification

The rapporteur clarifies that the subject of Annex I (4) is the units of administration and not the national territory.

Amendment 28
Annex II, paragraph 5

5. Orthoimagery

Geo-referenced image data of the Earth's surface, from either satellite or airborne sensors.

5. Earth observation

Images of the earth, from either satellite or airborne sensors.

Justification

The rapporteur harmonises the description of this theme with the description of the other themes, clarifying that the spatial data relate to the Earth observation images, and not to metadata (i.e. spatial data relating to data on the images).

Amendment 29
Annex II, paragraph 5 a (new)

5a. Geology

Geology characterised according to composition and structure. Includes bedrock and geomorphology.

Justification

The Geology should be harmonised to the same extent as aquifers, which are, referred to in Annex I (6), as harmonised geology data are needed for harmonising data on aquifers. For this purpose the special data theme "geology" is moved from annex III to annex II.

Amendment 30
Annex III, paragraph 4

4. Geology

deleted

Geology characterised according to composition and structure. Includes bedrock and geomorphology.

Justification

The Geology should be harmonised to the same extent as aquifers, which are referred to in Annex I (6), as harmonised geology data are needed for harmonising data on aquifers. For this purpose the special data theme "geology" is moved from annex III to annex II

Amendment 31
Annex III, paragraph 6

Geographical distribution of ***occurrence of diseases*** linked directly (epidemics, spread of diseases, health effects due to environmental stress, air pollution, chemicals, depletion of the ozone layer, noise, etc.) or indirectly (food, genetically modified organisms, stress, etc.) to the quality of the environment.

Geographical distribution of ***morbidity and mortality*** linked directly (epidemics, spread of diseases, health effects due to environmental stress, air pollution, chemicals, depletion of the ozone layer, noise, etc.) or indirectly (food, genetically modified organisms, stress, etc.) to the quality of the environment.

Justification

The rapporteur considers that data on mortality are equally important as data on morbidity and should therefore be added.

Amendment 32
Annex III, paragraph 7

Sites for governmental services, location of hospitals and medical treatment locations, schools, kindergartens, etc. Includes sewage, waste and energy facilities, production sites and environmental monitoring facilities operated by or for public authorities.

Utility and governmental services Includes surface and subsurface utility networks and facilities such as sewage, waste management, energy supply, telecommunication and water supply, and administrative and social governmental services such as public administrations, schools and hospitals.

Location and operation of environmental monitoring facilities. Includes observation and measurement of emissions, of the state of environmental media (marine environment, inland surface and subsurface water bodies, air and soil) and of other ecosystem parameters (biodiversity, ecological conditions of vegetation, etc.) by or on behalf of public authorities.

Justification

Those are 2 totally different categories. Monitoring facilities are very important in terms of spatial data for environment, which will be enforced.

Amendment 33
Annex III, paragraph 11

Areas managed, regulated or used for reporting at European, national, regional and local levels. Includes dumping sites, restricted areas around drinking water sources, nitrate-vulnerable zones, regulated fairways at sea or large inland waters, OSPAR areas for the dumping of waste, noise restriction zones, prospecting and mining permit areas, river basin districts, OSPAR reporting units and coastal zone management areas.

Areas managed, regulated or used for reporting at ***international***, European, national, regional and local levels. Includes dumping sites, restricted areas around drinking water sources, nitrate-vulnerable zones, regulated fairways at sea or large inland waters, OSPAR areas for the dumping of waste, noise restriction zones, prospecting and mining permit areas, river basin districts, OSPAR reporting units and coastal zone management areas.

Justification

The international level is very relevant as shown by the examples provided for in the list of examples and should therefore be added.

EXPLANATORY STATEMENT

Background

Environment policy is definitely one of the EU's success stories. EU legislation brought about big improvements in addressing major environmental threats for the European continent, though some major problems persist and need to be given priority. The Sixth Environment Action Programme clearly lists these priorities, however environmental policy measures today are set in a different political and economic context. Making good policy depends very much on the availability of sound scientific and economic assessments of high quality and on informed participation of stakeholders and the public. There is an increasing call for more information, as well for better management of existing flows of information, in respect of the differentiation across regions. This is true for all Community policies and in particular for the environment policies. The availability of spatial data is a necessary precondition for the scientific assessment at the base of legislating in this policy area. Constant monitoring and reporting of the state of the environment allows for increased policy focus and efficiency.

Though, one could have probably be tempted to assume that decades of European integration and of a common EU environmental policy would have led to a high level of standardisation and interoperability in the area of spatial data collection, serious barriers to exploit existing spatial information on Community level continue to exist, due to technical and socio-economic characteristics of spatial information. For this reason, access and use of spatial information for the formulation, implementation, monitoring and evaluation of policies on European, national, regional and local level have to be further improved.

The Commission proposal

The Community disposes of some instruments designed at making reliable data, in particular public sector data, first available and finally comparable at Community level. In this respect, the European Environment Agency (EEA) proved to be a major source for this kind of information in its first decade of operation since 1994. Apart from the Agency, new instruments are about to be developed, in particular two directives on public access to environmental information and on the re-use of public sector information¹ as well as the Global Monitoring for Environment and Security (GMES), a joint initiative of the European Commission and the European Space Agency, and GALILEO, both to be operational by 2008. The aim of GMES is to support Europe's goals regarding sustainable development and global governance in support of environmental and security policies. Galileo, on the other hand, is a satellite radionavigation programme and positioning infrastructure for civil purposes concerning industrial, transport, technological and environmental development.

¹ Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC, OJ L 41, 14.2.2003, p.26-32 as a result of progress made in the Aarhus Convention and Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information, OJ L 345, 31.12.2003, p. 90-96.

Despite these initiatives, some major problems concerning access and use of spatial information persist and consist in fragmentation of data sets and sources, gaps in availability, lack of harmonisation between data sets at different geographical scales and duplication of information collection. It aspires streamlining of spatial information flows and information collection and promoting the coordination of stakeholders across sectors and across levels of government; in short to help providing the knowledge base for policies affecting the environment in order to contribute to sustainable development. The proposal also contains wider social and economic benefits for the public and private sector.

The proposal of the Commission addresses these shortcomings through a legal framework for the establishment and operation of an infrastructure for spatial information in Europe (INSPIRE). The proposal itself is result of year-long preparatory and consultation activities by the Commission: it has been subject of a study concerning spatial data infrastructures in Europe (August 2003), a large consultation of stakeholders through an internet consultation (August 2003) and a public hearing (Rome - 10 July 2003), and it has been subject to an extended impact assessment in July 2003.

The proposed infrastructure first defines the scope by establishing three different sets of spatial data needed by a broad range of environmental policies. The distinction made in three annexes is a result of different requirements in terms of use, degree of harmonisation and implementation targets; it does not comprise a prioritisation of information collection. The spatial data required within the infrastructure are built on existing data and systems in the Member States, whether on national, regional or local level.

These data are, first, to be documented in order to catalogue existing spatial data sets, sources and conditions of use (creation of meta-data), then to be made available to the infrastructure by establishing services which address the problems of accessibility and interoperability and clarify conditions of use. Data should finally be accessible through a Community geo-portal, which would link into the different Member State infrastructures.

It is thus in other words a step-wise approach, starting with unlocking the potential of existing spatial data and spatial data infrastructures and then gradually harmonising data and information services allowing eventually the seamless integration of systems and data sets at different levels into a coherent European spatial data infrastructure, based on both Member States and Community data. Data are thus discovered, standardised, if necessary harmonised and integrated into the infrastructure.

Assessment of the proposal by your rapporteur

Your rapporteur fully endorses the goals and principles of the proposed directive aiming to facilitate the access and use of high-quality spatial information in the field of the environment. This will not only be highly beneficial for the Community level policy makers, but allows for trans-boundary access for policy-makers on national, regional and local level.

It is therefore more than urgent to give the European Union the appropriate infrastructure

allowing for an efficient use of data already collected in the field of spatial information. The most important objective is to **reduce obstacles between public authorities in sharing data**, especially in the field of environment. In this respect, chapter V of the proposed directive on data-sharing and re-use is of crucial importance. The initiative should reduce duplication, gaps in availability and lack of harmonisation, which constitute barriers to the efficient use of existing data.

INSPIRE will be **complementary to the PSI and the access to environmental information directives**. It addresses a number of issues, not dealt with in these directives, such as data-sharing between public authorities, and the issue of interoperability. On some other items which are also covered by the PSI or the access to environmental information directives, this directive goes further than the other directives, but remains in line with their main objectives. Hence, there is no obvious conflict between INSPIRE and the other directives.

In addition, the proposal respects the principle of **subsidiarity** in that it represents obvious added value for the Community. The individual Member States obviously play an important role in implementing the directive, your rapporteur nevertheless felt the need to take more into account the constitutional attribution of the different responsibilities within the Member States.

It is crucial to point out that **no new data collection** is required in the present proposal of the Directive. INSPIRE will be established and operated on the basis of the existing data in each Member State. Neither, in the line of the previous observation, does it impose a specific scale. This disproves the apprehension of data providers that large incremental costs will be brought about.

Nevertheless, other, more limited **costs** will arise in each Member State linked to the coordination between the public authorities, the implementation of the network services and the documentation of the spatial data. Other costs result from designing the implementing rules and establishing data sharing agreements.

Also, it is very clear that the **benefits** largely exceed the necessary investments, which will optimise spatial data collection in the Community as in the Member States and result in more efficient policy making, less duplication, social benefits, implementation of policy making, innovation etc. This gain, however, is difficult to calculate and estimate, as it serves a higher private and public concern. Considering the above, your rapporteur will not suggest any amendments concerning the cost issue.

A frequently heard criticism is the (possible) loss of revenue for data providers. The directive has by no means the intention to saddle these organisations with financial problems. The proposal allows the Member States to address this issue, notwithstanding the provisions in Article 20.

Your rapporteur recognises the **security and confidentiality** issue and the concerns related to this, but in her opinion the subject is sufficiently covered by Article 19.

Comitology is indispensable to assure refinement of the INSPIRE-instrument. The complexity

of this framework instrument requires constant technical and organisational evolvement. Still, there is a need to specify the extent to which the directive can be adapted in comitology. Your rapporteur feels that any extension of the scope of the directive via the annexes should be decided by the legislators. In addition, the **participation of users and providers** of spatial data in the implementation needs clarification. Their relevant and important input is essential to the implementation of INSPIRE. For this reason, your rapporteur tried to link these stakeholders more closely into the preparatory part of the comitology set-up.

Some questions remain as to what **specific role the EEA** should play in implementing the infrastructure. This needs to be clarified in the short term by the Commission.

The rapporteur considers as well that the **annexes** can be clarified and makes a number of amendments to have them more precise and clear.

Again, the rapporteur fully supports the objectives of the proposed Directive, whilst some constructive and useful modifications are made in order to succeed in this aim. At the moment, INSPIRE should focus on environmental policy while at the same time be open for other sectors. An extension of the then successful infrastructure could be envisaged in a mid-term perspective.