

# EUROPEAN PARLIAMENT

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*Session document*

**A6-0021/2007**

31.1.2007

## **\*\*\*III REPORT**

on the joint text approved by the Conciliation Committee for a directive of the European Parliament and of the Council establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)  
(PE-CONS 3685/2006 – C6-0445/2006 – 2004/0175(COD))

European Parliament delegation to the Conciliation Committee

Delegation chairman: Alejo Vidal-Quadras  
Rapporteur: Frieda Brepoels

PR\_COD\_3app

<i>Symbols for procedures</i>
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*	Consultation procedure <i>majority of the votes cast</i>
**I	Cooperation procedure (first reading) <i>majority of the votes cast</i>
**II	Cooperation procedure (second reading) <i>majority of the votes cast, to approve the common position majority of Parliament's component Members, to reject or amend the common position</i>
***	Assent procedure <i>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>
***I	Codecision procedure (first reading) <i>majority of the votes cast</i>
***II	Codecision procedure (second reading) <i>majority of the votes cast, to approve the common position majority of Parliament's component Members, to reject or amend the common position</i>
***III	Codecision procedure (third reading) <i>majority of the votes cast, to approve the joint text</i>
(The type of procedure depends on the legal basis proposed by the Commission.)	

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## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the joint text approved by the Conciliation Committee for a directive of the European Parliament and of the Council establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)  
(PE-CONS 3685/2006 – C6-0445/2006 – 2004/0175(COD))**

**(Codecision procedure: third reading)**

*The European Parliament,*

- having regard to the joint text approved by the Conciliation Committee (PE-CONS 3685/2006 – C6-0445/2006),
  - having regard to its position at first reading<sup>1</sup> on the Commission proposal to Parliament and the Council (COM(2004)0516)<sup>2</sup>,
  - having regard to its position at second reading<sup>3</sup> on the Council common position<sup>4</sup>,
  - having regard to the Commission's opinion on Parliament's amendments to the common position (COM(2006)0484)<sup>5</sup>,
  - having regard to Article 251(5) of the EC Treaty,
  - having regard to Rule 65 of its Rules of Procedure,
  - having regard to the report of its delegation to the Conciliation Committee (A6-0021/2007),
1. Approves the joint text;
  2. Instructs its President to sign the act with the President of the Council pursuant to Article 254(1) of the EC Treaty;
  3. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to have it published in the Official Journal of the European Union;
  4. Instructs its President to forward this legislative resolution to the Council and Commission.

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<sup>1</sup> OJ C 124 E, 25.5.2006, p. 19.

<sup>2</sup> Not yet published in OJ.

<sup>3</sup> *Texts Adopted* of 2.5.2006, P6\_TA(2006)0252.

<sup>4</sup> OJ C 126 E, 30.5.2006, p. 16.

<sup>5</sup> Not yet published in OJ.

## **EXPLANATORY STATEMENT**

### **BACKGROUND**

The aim of the proposed Directive, based on Article 175(1) of the EC Treaty and adopted by the Commission in July 2004, is to create a legal framework for the establishment and operation of an Infrastructure for Spatial Information in Europe, for the purpose of formulating, implementing, monitoring and evaluating Community policies at all levels and providing public information.

A key objective of INSPIRE is to make more and better spatial data available for Community policy-making and implementation of Community policies in the Member States at all levels. INSPIRE focuses on environmental policy but is open for use by and future extension to other sectors such as agriculture, transport and energy.

The Parliament adopted its first reading on 7 June 2005: Council adopted its common position on 23 January 2006. At second reading, on 13 June 2006, the Parliament adopted 36 amendments to the Council's common position.

The issues at stake between Parliament and Council concerned: intellectual property rights and costs; exemptions from obligations to provide data; type of data provision services and access to these; meta-data and data definition; scope of the Directive; deadlines for its implementation.

### **CONCILIATION**

The Council subsequently indicated informally that it would be unable to accept all of the Parliament's amendments and that consequently a conciliation procedure would be necessary.

The constituent meeting of Parliament's delegation to the Conciliation Committee was held in Strasbourg on 4 July. Its members instructed the Chair, Mr. Vidal-Quadras, the Chair of the committee responsible, Mr. Florenz, the rapporteur, Mrs. Brepoels, and Mrs. Sornosa Martínez, to begin informal negotiations with the Council.

Three trialogues were held (on 26 September, 9 October and 8 November), with the negotiating team reporting back after each meeting to the EP delegation (on 27 September, 24 October and 14 November). Reasonable progress was made on those groups of amendments which concerned public spatial services, principles of implementation, and technical issues. However, two key points of difference - levels of charges for data and intellectual property rights - remained unresolved.

The Conciliation Committee met in the evening of 21 November 2006. The Council was represented by Mr. Enestam, Finnish Minister of the Environment, and the Commission by Commissioner Dimas. Shortly before midnight, the Committee was able to reach a final agreement after the delegation of the European Parliament had accepted unanimously the proposed compromise package.

The two key points of the agreement reached can be summarised as follows:

Levels of charges: At Parliament's insistence, Member States will in general have to make available free of charge the services for discovering and viewing spatial data sets. Some Member States were worried that this might threaten the financial viability of those parts of their public services which collect geographical data, and it was agreed that under clearly-defined conditions, public authorities will be allowed to levy charges. However, this exemption will not apply to data that the public authorities are obliged to provide in order to fulfil their obligations under Community law.

Intellectual Property Rights: Member States' rights to restrict access to information on grounds of confidentiality will be in line with the provisions set out in the Aarhus Convention on access to publicly-held information about the environment (Council had initially pressed for the right to impose tighter restrictions on access than those provided for in the Convention).

## **CONCLUSION**

This Directive is an important piece of environmental legislation. The agreement reached in the course of the conciliation procedure addresses the key issues covered by the second-reading amendments. It is also much more satisfactory than any agreement which could have been concluded at an earlier stage of the legislative procedure. The delegation accordingly recommends that Parliament approve the joint text at third reading.

## PROCEDURE

<b>Title</b>	Infrastructure for Spatial Information in the European Community (INSPIRE)
<b>References</b>	PE-CONS 3685/2006 – C6-0445/2006 – 2004/0175(COD)
<b>Delegation chair(wo)man: Vice-President</b>	Alejo Vidal-Quadras
<b>Committee responsible Chair(wo)man:</b>	ENVI Karl-Heinz Florenz
<b>Rapporteur(s)</b>	Frieda Brepoels
<b>Commission proposal</b>	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
<b>Date of Parliament's first reading – P number</b>	7.6.2005 P6_TA(2005)0213
<b>Amended Commission proposal</b>	
<b>Council common position Date announced in plenary</b>	12064/2/2005 – C6-0054/2006 16.2.2006
<b>Commission position (Article 251(2), subpara 2, indent 3)</b>	COM(2006)0051
<b>Date of Parliament's second reading – P number</b>	13.6.2006 P6-TA(2006)0252
<b>Commission opinion (Article 251(2), subpara 3, point (c))</b>	COM(2006)0484
<b>Date Council received 2nd reading</b>	10.7.2006
<b>Date of Council letter on non-approval of Parliament amendments</b>	10.10.2006
<b>Conciliation Committee meetings</b>	21.11.2006
<b>Date of vote by Parliament delegation</b>	21.11.2006
<b>Result of vote</b>	+: 16 -: 0 0:
<b>Members present</b>	Johannes Blokland, Frieda Brepoels, Mojca Drčar Murko, Satu Hassi, Mary Honeyball, Caroline Jackson, Marios Matsakis, Justas Vincas Paleckis, Alejo Vidal-Quadras
<b>Substitute(s) present</b>	Jean-Pierre Audy, Pilar Ayuso, Panayiotis Demetriou, Anne Ferreira, Matthias Groote, Erna Hennicot-Schoepges, Manolis Mavrommatis, Péter Olajos, Åsa Westlund
<b>Substitute(s) under Rule 178(2) present</b>	
<b>Date of agreement in Conciliation Committee</b>	21.11.2006
<b>Agreement by exchange of letters</b>	
<b>Date on which the co-chairmen established that the <b>joint text</b> had been approved and forwarded it to Parliament and the Council</b>	17.1.2007
<b>Date tabled</b>	31.1.2007
<b>Comments</b>	



(available in one language only)	
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## EXTENSION OF DEADLINES

<b>Deadline for second reading by Council</b>	
<b>Deadline for convening the Committee</b> Requesting institution – date	
<b>Deadline for work in the Committee</b> Requesting institution – date	17.1.2007 Parliament – 11.12.2006
<b>Deadline for adopting the act</b> Requesting institution – date	