



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 13.9.2006  
COM(2006) 484 final

2004/0175 (COD)

**OPINION OF THE COMMISSION**

**pursuant to Article 251 (2) third sub-paragraph, point (c) of the EC Treaty, on the European Parliament's amendments to the Council's Common Position regarding the proposal for a**

**DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**establishing an infrastructure for spatial information in the European Community  
(INSPIRE)**

**AMENDING THE PROPOSAL OF THE COMMISSION pursuant to Article 250 (2) of the  
EC Treaty**

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**1. BACKGROUND**

**PROCEDURE**

The proposal COM(2004)516 final was transmitted to the European Parliament and the Council in accordance with the co-decision procedure provided for in Article 175 (1) of the EC Treaty.

The European Economic and Social Committee gave its opinion on 9 February 2005.

The Committee of the Regions did not give an opinion.

The European Parliament gave its opinion at first reading on 7 June 2005.

Following the opinion of the European Parliament and pursuant to Article 251(2) of the EC Treaty, the Council adopted the Common Position formally on 23 January 2006. The Commission's Communication on the Common Position was adopted on 10 February 2006 and the European Parliament adopted its position on second reading on 13 June 2006.

**OBJECTIVE OF THE COMMISSION PROPOSAL**

The overall aim of the proposal is to improve the way in which spatial data held by public authorities supports environmental policy, by improving the harmonisation of spatial data and the interoperability of spatial services and ensuring greater sharing of the data between public authorities and on-line access by the public. The type of spatial data covered is specified in three annexes to the proposal.

The proposed directive would require Member States to take the following measures:

- establish a network of services that allows to search for, view and access the spatial data from a one-stop Internet portal
- make their spatial data sets and services interoperable (i.e. technically compatible) in accordance with implementing rules adopted by committee procedure

- produce catalogues of the data held by their public authorities, contain “metadata” providing certain types of information regarding the data
- make the spatial data accessible to the public
- remove obstacles for the sharing of spatial data between public authorities

## 2. COMMISSION COMMENTS

### 2.1. General

On 13 June 2006, 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.

### 2.2. Detailed Comments

#### 2.2.1. *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, amendments **13, 14** 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. Amendments **18, 19, 20, 22** restore the original intention of the Commission proposal in relation to public access to data. Similarly, amendments **23, 25, 26, 27** restore the original intention of the Commission proposal in relation to the sharing of data between public authorities. Amendments **1, 2, 3, 5, 6, 7**, make corresponding changes to the recitals in relation to these key issues. Amendment **9** is necessary for consistency with amendments 19 and 20. Amendments **10, 11, 16, 17, 30, 31** wholly or partially restore the intention of the original proposal in relation to more minor aspects. Amendments **28, 29** provide clarifications in relation to co-ordination structures in the Member States. Amendments **32, 33, 34, 35** have the effect of accelerating the timetable for adoption of implementing rules for two spatial data themes, while amendment **36** slightly enlarges the scope of another data theme. These are all acceptable for the Commission in full.

#### 2.2.2. *Amendments Accepted in Part*

Amendment **24** aims 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. Amendment **4** amends the corresponding recital and is acceptable in part for the same reasons.

### 2.2.3. *Amendments Accepted in Principle*

Amendment **8** amends a recital corresponding to amendments 28 and 29, is acceptable subject to clarification of the drafting to ensure full consistency with amendments 28 and 29. Amendment **12** aims 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.

Amendment **21** aims 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.

### 2.2.4. *Amendments Not Accepted*

Amendment **15** concerns 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.

## **2.3 Amended Proposal**

Pursuant to Article 250(2) of the EC Treaty, the Commission amends its proposal as set out above.