

8. DATA SHARING, USE LIMITATIONS AND OTHER LICENSING ISSUES, INFRASTRUCTURE MONITORING

Primary aim

- “The INSPIRE directive should not affect the existence or ownership of public authorities’ intellectual property rights.” (9) of the Directive
- Access to spatial data sets and services in accordance with harmonised conditions
 - licence agreements (including click licences)
 - contracts
 - and exchanges of e-mails

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Access restrictions

- COMMISSION REGULATION (EU) No 268/2010 of 29 March 2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards the access to spatial data sets and services of the Member States by Community institutions and bodies under harmonised conditions
- <http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32010R0268&from=EN>

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Response times

- Article 7 of the COMMISSION REGULATION (EU) No 268/2010:

“Member States shall provide access to spatial data sets and services without delay and at the latest within 20 days after receipt of a written request, unless otherwise agreed by mutual agreement between the Member State and the institution or body of the Community.”

Is there anything strange from the Czech point of view?

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Basic principles (Article 17 of directive)

- “Each Member State shall adopt measures for the sharing of spatial data sets and services between its public authorities [...]”
- “Member States may allow public authorities that supply spatial data sets and services to license them to, and/or require payment [...]”
- “Where charges are made, these shall be kept to the minimum required to ensure the necessary quality and supply of spatial data sets and services together with a reasonable return on investment, while respecting the self-financing requirements of public authorities supplying spatial data sets and services [...]”

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Basic principles (Article 17 of directive)

- “Data sets and services provided by Member States to Community institutions and bodies in order to fulfil their reporting obligations under Community legislation relating to the environment shall not be subject to any charging.”
- The arrangements for the sharing of spatial data sets and services [...] shall be open to public authorities [...]
 - May be established on the reciprocal and equivalent basis
 - May be accompanied by requirements under national law conditioning their use

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Basic principles (Article 17 of directive)

- “By way of derogation from this Article, Member States may limit sharing when this would compromise the course of justice, public security, national defence or international relations.”
- **Have you seen such rationale before?**
- “Member States shall provide the institutions and bodies of the Community with access to spatial data sets and services in accordance with harmonised conditions.”

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Consequences

- List of INSPIRE stakeholders
 - Subject of political consensus



Image adopted from:
<http://www.ekartipour.com/>

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Consequences

- Basic INSPIRE licence (in Czech only)
 - http://inspire.gov.cz/sites/default/files/documents/Basic%20INSPIRE%20licence_CS.doc
- Extended INSPIRE licence (in Czech only)
 - http://inspire.gov.cz/sites/default/files/documents/Specific%20INSPIRE%20licence_CS.doc

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Usage of INSPIRE

- Which INSPIRE services were the most requested in 2013?
 1. ČÚZK Katastrální mapy view service: 888 513 557
 2. ČÚZK ortofoto view service: 184 901 686
 3. ČÚZK ZABAGED® view service: 47 231 851
 4. ČÚZK RÚIAN Download service: 11 774 275
 5. Útvar rozvoje hl.m. Prahy View service: 5 772 110

- **How do I know?**
 - **INSPIRE monitoring**

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State of Play in EU and EFTA Member countries

- <http://inspire.ec.europa.eu/index.cfm/pageid/182>

View Table Mode

Member States of the Member States

Click on a country on the map below



Czech Republic	
WWW:	Czech Republic's website
Indicators 2008:	Czech Republic's indicators 2008
Indicators 2010:	Czech Republic's indicators 2010
Indicators 2011:	Czech Republic's indicators 2011
Indicators 2012:	Czech Republic's indicators 2012
Indicators 2013:	Czech Republic's indicators 2013
Report 2011 (original language):	Czech Republic's report 2011
Report 2012 (original language):	Czech Republic's report 2012
Report 2013 (original language):	Czech Republic's report 2013
Report 2014 (English):	Czech Republic's report 2014

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INSPIRE Maintenance and Implementation

- The INSPIRE legislation and technical guidelines are written
- INSPIRE is a process → updates, improvements, progress
 - Corrigenda to the Regulations and Decisions
 - New versions of the technical guidelines



Image adopted from:
<http://visualartsby.wordpress.com>

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What and when to share and provide?

15-May-2010	Implementation of provisions for monitoring and reporting
03-Dec-2010	Metadata available for spatial data sets and services corresponding to Annex I and II
09-May-2011	Member States shall provide the Discovery and View Services with initial operating capability
30-Jun-2011	The EC establishes and runs a geo-portal at Community level
19-Oct-2011	Implementation of Regulation as regards the access to spatial data sets and services of the Member States by Community institutions and bodies under harmonised conditions for new arrangements
09-Nov-2011	Discovery and view services operational
28-Jun-2012	Member States shall provide the Download Services with initial operating capability
28-Jun-2012	Member States shall provide the Transformation Services with initial operating capability
23-Nov-2012	Implementation of Commission Regulation (EU) No 1089/2010 of 23 November 2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards interoperability of spatial data sets and services for Newly collected and extensively restructured Annex I spatial data sets available
28-Dec-2012	Download services operational
28-Dec-2012	Transformation services operational
04-Feb-2013	Implementation of Commission Regulation (EU) No 102/2011 of 4 February 2011 amending Regulation (EU) No 1089/2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards interoperability of spatial data sets and services for newly collected and extensively restructured Annex I spatial data sets
19-Oct-2013	Implementation of Regulation as regards the access to spatial data sets and services of the Member States by Community institutions and bodies under harmonised conditions for existing arrangements
03-Dec-2013	Metadata available for spatial data sets and services corresponding to Annex III
21-Oct-2015	Newly collected and extensively restructured Annex II and III spatial data sets available
23-Nov-2017	Implementation of Commission Regulation (EU) No 1089/2010 of 23 November 2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards interoperability of spatial data sets and services for other Annex I spatial data sets still in use at the date of adoption
04-Feb-2018	Implementation of Commission Regulation (EU) No 102/2011 of 4 February 2011 amending Regulation (EU) No 1089/2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards interoperability of spatial data sets and services for other Annex I spatial data sets still in use at the date of adoption
21-Oct-2020	Other Annex II and III spatial data sets available in accordance with IRs for Annex II and III

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