

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

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>

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?

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 [...]”*

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

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.”*

Consequences

- List of INSPIRE stakeholders
 - Subject of political consensus



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

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

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**

Usage of INSPIRE

- Which INSPIRE services were the most requested in 2016?
 1. ČÚZK ZABAGED® view service: 67 432 945
 2. ČÚZK Buildings download service: 12 640 346
 3. ČÚZK Shaded relief view service: 7 183 667
 4. ČÚZK Cadastral parcels download service: 1 537 146
 5. ČÚZK Addresses download service: 1 404 410

Usage of INSPIRE in 2020?

- Not followed as a monitoring parameter!
- Monitoring is automatically created from metadata

State of Play in EU and EFTA Member countries

- <https://inspire.ec.europa.eu/INSPIRE-in-your-Country>

The screenshot displays the INSPIRE Knowledge Base website. At the top, there is a navigation bar with links for 'About', 'Contact', 'Terms of use', 'Privacy Policy', 'Legal Notice', and 'Cookies'. A language dropdown menu is set to 'English (en)'. Below this is the 'INSPIRE KNOWLEDGE BASE' header with the European Commission logo and the tagline 'Infrastructure for spatial information in Europe'. A search bar is located on the right. A secondary navigation bar includes 'Home', 'Learn', 'Implement', 'Participate', 'Use', and 'Toolkit'. The 'Participate' section is highlighted in orange and contains links for 'Register as an expert', 'Join in discussions', 'INSPIRE Conference', and 'INSPIRE in your country'. A 'Quick search' section lists various topics like 'Data and Service Sharing', 'Data Specifications', 'Implement', 'INSPIRE', 'INSPIRE in your Country', 'Learn', 'Maintenance and Implementation', 'Metadata', 'MIG Workprogramme', 'Monitoring and Reporting', 'Network Services', 'Participate', 'Spatial Data Services', and 'Use'. The main content area is titled 'INSPIRE in your Country' and includes a description, a link to 'view the Map Mode', and a 'Europe' section with a 'Summary Report on Status of implementation of the INSPIRE Directive in EU'. Below this is a 'Member States' section listing countries with their respective flags: Austria, Germany, Netherlands, Belgium, Greece, Poland, Bulgaria, Hungary, Portugal, Croatia, Ireland, Romania, Cyprus, Italy, Slovakia, Czechia, Latvia, Slovenia, Denmark, Lithuania, Spain, Estonia, Luxembourg, Sweden, Finland, Malta, and United Kingdom. There is also a 'France' link. The 'EFTA Members' section lists Iceland, Norway, and Switzerland, along with Liechtenstein. The 'Non Member States' section lists North Macedonia, Serbia, and Turkey.

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

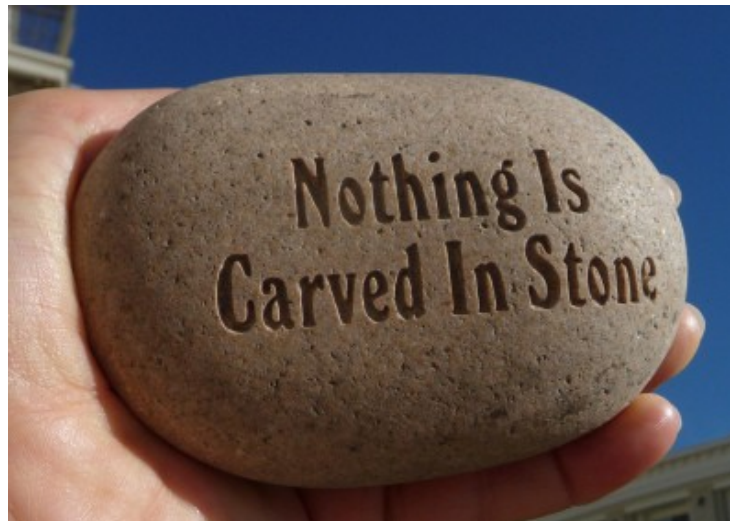


Image adopted from:
<http://ginalazenby.wordpress.com>

What and when to share and provide?

- INSPIRE roadmap



- <https://inspire.ec.europa.eu/inspire-roadmap/61>

ARTICLE	Milestone Date	DESCRIPTION
21§1 21§2	15/05/2010	Implementation of provisions for Monitoring and Reporting
6(a)	03/12/2010	Metadata available for spatial data sets and services corresponding to Annex I and II
15	30/06/2011	The EC establishes and runs a geo-portal at Community level
17(8)	19/10/2011	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
16	09/11/2011	Discovery and view services operational
7§3, 9(a)	23/11/2012	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
16	28/12/2012	Spatial data sets shall be available for download and transformation (whenever applicable) from the INSPIRE Geo-portal (data does not yet need to be conformant with the 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)
16	28/12/2012	Download services operational
7§3, 9(a)	04/02/2013	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
17(8)	19/10/2013	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
6(b)	03/12/2013	Metadata available for spatial data sets and services corresponding to Annex III
7§3, 9(b)	21/10/2015	Newly collected and extensively restructured Annex II and III spatial data sets available
-	10/12/2015	All invocable spatial data services shall be conformant to Annex V of Commission Regulation (EU) No 1089/2010 as amended by Regulation (EU) No 1312/2014 of 10 December 2014 (...) as regards interoperability of spatial data services
-	10/12/2016	Invocable spatial data services related to newly collected and extensively restructured spatial data sets shall be conformant with Annex VI and, where practicable, Annex VII of Commission Regulation (EU) No 1089/2010 as amended by Regulation (EU) No 1312/2014 of 10 December 2014 as regards interoperability of spatial data services
7§3, 9(a)	23/11/2017	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
7§3, 9(a)	04/02/2018	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

Article	Milestone Date	DESCRIPTION
7§3, 9(b)	21/10/2020	Other Annex II and III spatial data sets available in accordance with IRS for Annex II and III
-	10/12/2021	All invocable spatial data services shall be conformant with Annexes VI and (where practicable) VII of Commission Regulation (EU) No 1089/2010 as amended by Regulation (EU) No 1312/2014 of 10 December 2014 (...) as regards interoperability of spatial data services