

## **The Legal Framework for a European Spatial Data Infrastructure – Uncrossing the Wires**

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### **Abstract**

The development of a spatial data infrastructure (SDI) not only comprises technical aspects, but also is supported by economic, social, organizational and legal measures. The legal framework for a European SDI consists of two kinds of information policies: those that promote and those that hinder the availability of spatial data. Among those policies that promote spatial data availability, there are three types, each with a different purpose. *Access* to spatial data handles the obtaining of information on the activities of the government for democratic purposes, while *re-use* deals with the further use of spatial data for commercial or non-commercial purposes; the *sharing* of spatial data addresses the exchange of data between public bodies for the performance of their public task. In the European legal framework, these types of policies correspond, respectively, to three major legal regimes: the directive on environmental information, the directive on re-use of public sector information, and the INSPIRE initiative. Among the policies that hinder the availability of spatial data are those dealing with privacy, liability, and intellectual property. Intellectually property rights in particular endanger the availability of spatial data for access, re-use and sharing, and can form a considerable threat to the development of the European SDI. Many European public bodies use their intellectual property rights on spatial data to gain additional funding for their activities. This paper addresses the relationship between the three aforementioned legislative initiatives on availability of spatial data and it looks at the influence of intellectual property rights on the availability of spatial data.