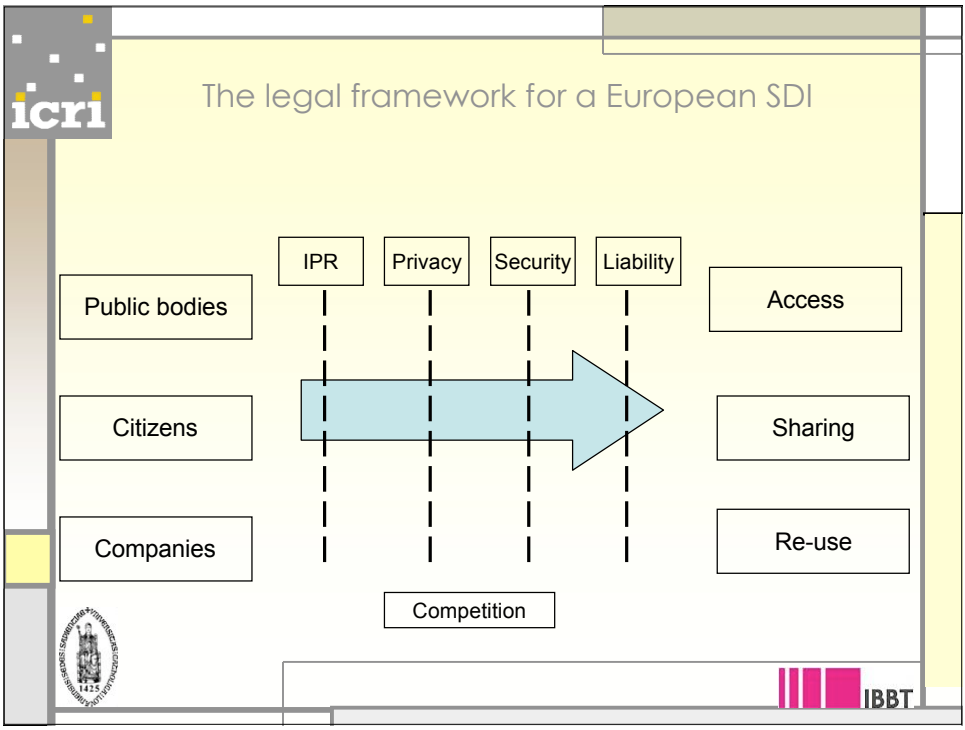


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The legal framework for a European SDI

- Two main types of regulations
 - Legislation that stimulates the availability of spatial data
 - Legislation that limits the availability of spatial data
- Three main types of users
 - Public sector
 - Natural persons/"citizens"
 - Legal persons/"companies"
- Two main types of producers
 - Private sector
 - **Public sector**



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The legal framework for a European SDI

- Legislation that stimulates the availability of spatial data
 - INSPIRE – infrastructure for spatial information in the Community (Draft directive)
 - Sharing of spatial data between public authorities for performing public tasks with an impact on the environment
 - Public access to spatial data through network services
 - Public access to environmental information (Directive 2003/4)
 - Access of the citizen to environmental information
 - Re-use of public sector information (Directive 2003/98)
 - Use of public sector documents for any purpose outside of the public task

When do these rules apply?

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The legal framework for a European SDI

- Can we use data as a criterion?

INSPIRE

PSI directive

Directive on environmental information

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The legal framework for a European SDI

- Can we use data as a criterion?
 - The reality is more like this

A Venn diagram with three overlapping circles. The top circle is labeled 'PSI', the bottom-left circle is 'Environmental information', and the bottom-right circle is 'Spatial data'. The intersection of all three circles is shaded with vertical lines.

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The legal framework for a European SDI

- Can we use the type of user as a criterion?

```

    graph LR
      Citizens --> Access
      Public_bodies[Public bodies] --> Access
      Companies --> Access
      Citizens --> Sharing
      Public_bodies --> Sharing
      Companies --> Sharing
      Citizens --> Re-use
      Public_bodies --> Re-use
      Companies --> Re-use
      Access --> Directive[Directive on environmental information, INSPIRE (Chapter IV)]
      Sharing --> INSPIRE[INSPIRE (Chapter V)]
      Re-use --> PSI[PSI directive]
  
```

A flowchart showing the relationship between user types, data access methods, and legal frameworks. On the left, three boxes represent user types: 'Citizens', 'Public bodies', and 'Companies'. In the middle, three boxes represent access methods: 'Access', 'Sharing', and 'Re-use'. On the right, three boxes represent legal frameworks: 'Directive on environmental information, INSPIRE (Chapter IV)', 'INSPIRE (Chapter V)', and 'PSI directive'. Arrows indicate that each user type can access data through any of the three methods, and each method is governed by a specific legal framework.

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The legal framework for a European SDI

- Criterion: purpose of the use


```

graph LR
    A[Access] --> D[Directive on environmental information, INSPIRE (Chapter IV)]
    S[Sharing] --> I[INSPIRE (Chapter V)]
    R[Re-use] --> P[PSI directive]
  
```



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The legal framework for a European SDI

- Criterion: purpose of the use
 - Access: to know the content ("democratic purposes")
 - Re-use: further use of the content outside of the public task ("economic purposes")
 - Sharing: further use of the content for the public task
- 3 legal policies set out different rules for availability of spatial data
 - E.g. charging
 - Access: actual costs of producing the information
 - Re-use: reasonable return on investment
 - Sharing: unlimited (because not mentioned) or cost of collection, production of dissemination (Eur. Parliament)?
 - But:
 - Purpose not always known
 - Purpose may be fraudulent



 The legal framework for a European SDI

- Legislation that limits the availability of spatial data
 - Intellectual property rights are the most contested
 - The scope of IPR
 - Copyright: originality versus accuracy
 - Sui generis database right:
 - Requires a substantial investment in the obtaining, verification or presentation of the contents
 - IPR of public bodies
 - Effect of IPR on access v. re-use v. sharing?

 The legal framework for a European SDI

- How do we keep the wires uncrossed?
 - Now: define a terminology and use it consistently
 - Future
 - Ideally, a harmonized or uniform framework
 - In reality: find the largest common denominator
 - Rules applicable for all purposes
 - If necessary, additional rules for every purpose



Thank you!

Questions or remarks?
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