

kadaster



Impact of EU directive 2019/1024 on open data and the re-use of public sector information on real-time GNSS data

Lennard Huisman

Netherlands Partnership for Geodetic Infrastructure

Kadaster

15 november 2022 EUPOS Technical meeting

Directive 2019/1024 and NL real-time GNSS data

DIRECTIVE (EU) 2019/1024 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 20 June 2019
on open data and the re-use of public sector information
(recast)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:



- (1) Directive 2003/98/EC of the European Parliament and of the Council ⁽³⁾ has been substantially amended. Since further amendments are to be made, that Directive should be recast in the interests of clarity.
- (2) Pursuant to Article 13 of Directive 2003/98/EC and five years after the adoption of Directive 2013/37/EU of the European Parliament and of the Council ⁽⁴⁾, which amended Directive 2003/98/EC, the Commission, after consulting the relevant stakeholders, evaluated and reviewed the functioning of Directive 2003/98/EC in the framework of a regulatory fitness and performance programme.
- (3) Following the stakeholder consultation and in the light of the result of the impact assessment, the Commission considered that action at Union level was necessary in order to address the remaining and emerging barriers to a wide re-use of public sector and publicly funded information across the Union, in order to bring the legislative framework up to date with the advances in digital technologies and to further stimulate digital innovation, especially with regard to artificial intelligence.
- (4) The substantive changes introduced to the legal text so as to fully exploit the potential of public sector information for the European economy and society should focus on the following areas: the provision of real-time access to dynamic data via adequate technical means, the increase of the supply of valuable public data for re-use, including from public undertakings, research performing organisations and research funding organisations, the tackling of the emergence of new forms of exclusive arrangements, the use of exceptions to the principle of charging the marginal cost and the relationship between this Directive and certain related legal instruments, including Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽⁵⁾ and Directives 96/9/EC ⁽⁶⁾, 2003/4/EC ⁽⁷⁾ and 2007/2/EC ⁽⁸⁾ of the European Parliament and of the Council.

⁽¹⁾ OJ C 62, 15.2.2019, p. 238.

⁽²⁾ Position of the European Parliament of 4 April 2019 (not yet published in the Official Journal) and Decision of the Council of 6 June 2019.

⁽³⁾ Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345, 31.12.2003, p. 90).

⁽⁴⁾ Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information (OJ L 175, 27.6.2013, p. 1).

⁽⁵⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽⁶⁾ Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996, p. 20).

⁽⁷⁾ Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

⁽⁸⁾ Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

Directive 2019/1024 and NL real-time GNSS data

- Some history
- Directive 2019/1024 interpretation:
 - Open data legislation to be extended with real-time data (and high-value datasets)
 - Applies to public bodies, public undertakings, research institutes etc.
 - Public undertakings should avoid market distortion

1997

Start of active GNSS network AGRS.NL 5 stations for reference frame and scientific applications

2005

Netherlands Positioning Service (NETPOS) RTK network

2011 – 2018

Discussion to upgrade status of GNSS stations as basis of reference frame in stead of triangulation points and make the data open

Result: All data open in file format (RINEX) following legislation on open data (real-time currently not in scope, but AGRS.NL was and remains available in real-time)

Directive 2019/1024 and NL real-time GNSS data

- Some history
- Directive 2019/1024 interpretation:
 - Open data legislation to be extended with real-time data (and high-value datasets)
 - Applies to public bodies, public undertakings, research institutes etc.
 - Public undertakings should avoid market distortion

DIRECTIVE (EU) 2019/1024 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 20 June 2019
on open data and the re-use of public sector information
(recast)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:



- (1) Directive 2003/98/EC of the European Parliament and of the Council ⁽³⁾ has been substantially amended. Since further amendments are to be made, that Directive should be recast in the interests of clarity.
- (2) Pursuant to Article 13 of Directive 2003/98/EC and five years after the adoption of Directive 2013/37/EU of the European Parliament and of the Council ⁽⁴⁾, which amended Directive 2003/98/EC, the Commission, after consulting the relevant stakeholders, evaluated and reviewed the functioning of Directive 2003/98/EC in the framework of a regulatory fitness and performance programme.
- (3) Following the stakeholder consultation and in the light of the result of the impact assessment, the Commission considered that action at Union level was necessary in order to address the remaining and emerging barriers to a wide re-use of public sector and publicly funded information across the Union, in order to bring the legislative framework up to date with the advances in digital technologies and to further stimulate digital innovation, especially with regard to artificial intelligence.
- (4) The substantive changes introduced to the legal text so as to fully exploit the potential of public sector information for the European economy and society should focus on the following areas: the provision of real-time access to dynamic data via adequate technical means, the increase of the supply of valuable public data for re-use, including from public undertakings, research performing organisations and research funding organisations, the tackling of the emergence of new forms of exclusive arrangements, the use of exceptions to the principle of charging the marginal cost and the relationship between this Directive and certain related legal instruments, including Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽⁵⁾ and Directives 96/9/EC ⁽⁶⁾, 2003/4/EC ⁽⁷⁾ and 2007/2/EC ⁽⁸⁾ of the European Parliament and of the Council.

⁽¹⁾ OJ C 62, 15.2.2019, p. 238.

⁽²⁾ Position of the European Parliament of 4 April 2019 (not yet published in the Official Journal) and Decision of the Council of 6 June 2019.

⁽³⁾ Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345, 31.12.2003, p. 90).

⁽⁴⁾ Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information (OJ L 175, 27.6.2013, p. 1).

⁽⁵⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽⁶⁾ Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996, p. 20).

⁽⁷⁾ Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

⁽⁸⁾ Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

Directive 2019/1024 and NL real-time GNSS data

- Some history
- Directive 2019/1024 interpretation:
 - Open data legislation to be extended with real-time data (and high-value datasets)
 - Applies to public bodies, public undertakings, research institutes etc.
 - Public undertakings should avoid market distortion
- Is the interpretation correct?
- How do other member states implement the directive i.r.t. GNSS data?

DIRECTIVE (EU) 2019/1024 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 20 June 2019
on open data and the re-use of public sector information
(recast)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure ⁽²⁾,

Whereas:



- (1) Directive 2003/98/EC of the European Parliament and of the Council ⁽³⁾ has been substantially amended. Since further amendments are to be made, that Directive should be recast in the interests of clarity.
- (2) Pursuant to Article 13 of Directive 2003/98/EC and five years after the adoption of Directive 2013/37/EU of the European Parliament and of the Council ⁽⁴⁾, which amended Directive 2003/98/EC, the Commission, after consulting the relevant stakeholders, evaluated and reviewed the functioning of Directive 2003/98/EC in the framework of a regulatory fitness and performance programme.
- (3) Following the stakeholder consultation and in the light of the result of the impact assessment, the Commission considered that action at Union level was necessary in order to address the remaining and emerging barriers to a wide re-use of public sector and publicly funded information across the Union, in order to bring the legislative framework up to date with the advances in digital technologies and to further stimulate digital innovation, especially with regard to artificial intelligence.
- (4) The substantive changes introduced to the legal text so as to fully exploit the potential of public sector information for the European economy and society should focus on the following areas: the provision of real-time access to dynamic data via adequate technical means, the increase of the supply of valuable public data for re-use, including from public undertakings, research performing organisations and research funding organisations, the tackling of the emergence of new forms of exclusive arrangements, the use of exceptions to the principle of charging the marginal cost and the relationship between this Directive and certain related legal instruments, including Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽⁵⁾ and Directives 96/9/EC ⁽⁶⁾, 2003/4/EC ⁽⁷⁾ and 2007/2/EC ⁽⁸⁾ of the European Parliament and of the Council.

⁽¹⁾ OJ C 62, 15.2.2019, p. 238.

⁽²⁾ Position of the European Parliament of 4 April 2019 (not yet published in the Official Journal) and Decision of the Council of 6 June 2019.

⁽³⁾ Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345, 31.12.2003, p. 90).

⁽⁴⁾ Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information (OJ L 175, 27.6.2013, p. 1).

⁽⁵⁾ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

⁽⁶⁾ Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996, p. 20).

⁽⁷⁾ Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41, 14.2.2003, p. 26).

⁽⁸⁾ Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p. 1).

What is the current situation for your organization and does the EU directive 2019/1024 affect this?

- Availability of GNSS-data in file format

open

- Availability of real-time GNSS-data from stations

Restricted – open?

- Access to real-time correction services:

Restricted – restricted as it is an individual product

- Is the organization a public body (like Kadaster Netherlands) or a public undertaking (like Ordnance Survey GB)?

kadaster



Impact of EU directive 2019/1024 on open data and the re-use of public sector information on real-time GNSS data

Lennard Huisman

Netherlands Partnership for Geodetic Infrastructure

Kadaster

15 november 2022 EUPOS Technical meeting