



KATHOLIEKE UNIVERSITEIT  
**LEUVEN**



# The relationship between Aarhus, PSI and INSPIRE



Spatial Data Infrastructure and  
Public Sector Innovation

**Katleen Janssen**  
**ICRI – K.U.Leuven - IBBT**

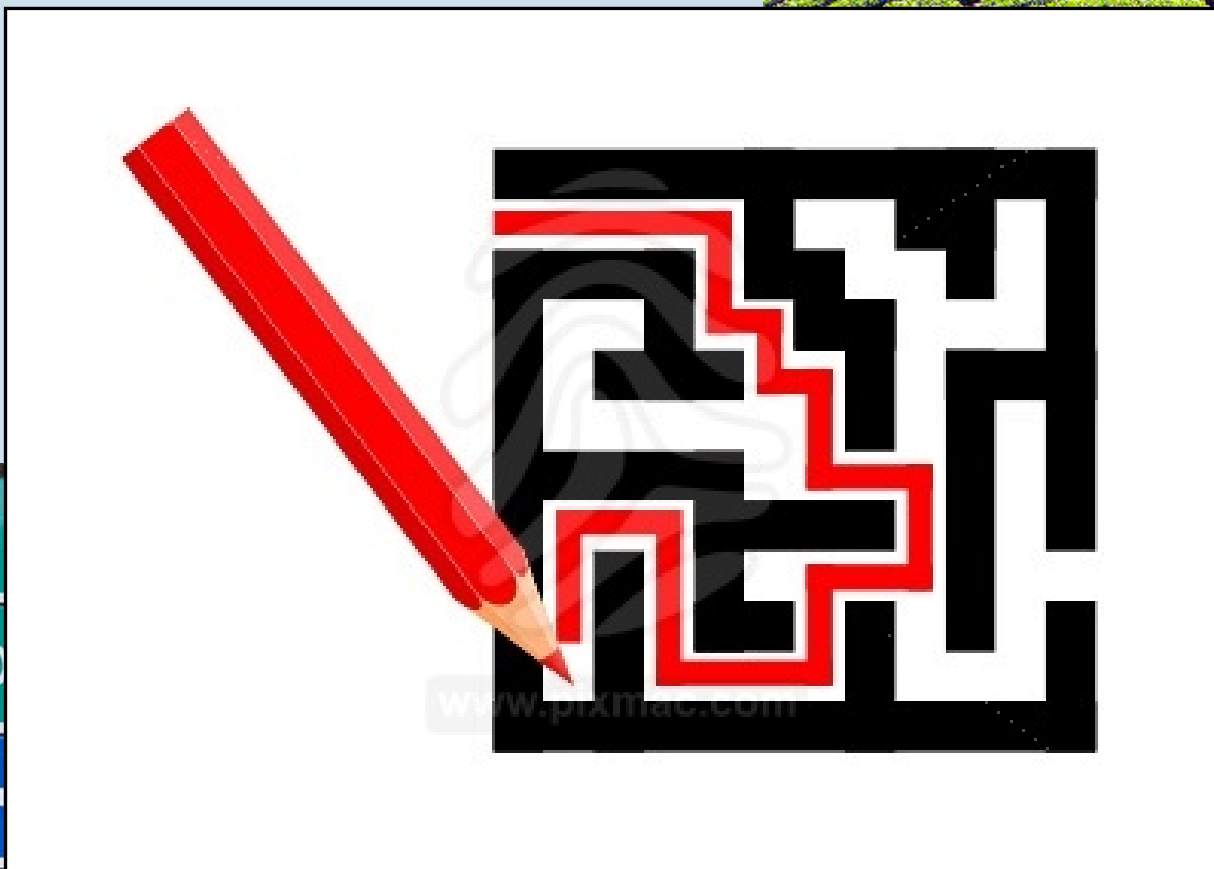
# Aarhus, PSI and INSPIRE

- Three directives for spatial data availability
  - Directive 2003/4/EC on public access to environmental information (Aarhus)
  - Directive 2003/98/EC on the re-use of public sector information (PSI)
  - Directive 2007/2/EC establishing an infrastructure for spatial information in the European Community (INSPIRE)



**When do these rules apply?**

# Aarhus, PSI and INSPIRE



# Aarhus, PSI and INSPIRE

- INSPIRE directive

- Sharing spatial data sets and services between public authorities
- For public tasks that may have an impact on the environment
- Conditions
  - No practical obstacles at the point of use
  - Licensing and charging
    - Fully compatible with the general aim of facilitating sharing
    - Minimum required to ensure the necessary quality and supply, together with a reasonable return on investment
    - Respect for self-financing requirements



- INSPIRE directive (2)
  - Public access to network services
    - Discovery services: free of charge
    - View services: free of charge
      - Exception:
        - Secure maintenance
        - Especially in cases involving very large volumes of frequently updated data
      - Form preventing re-use
        - Download, transformation and invoke services: unlimited charge?
        - Limitations on public access
        - E-commerce services



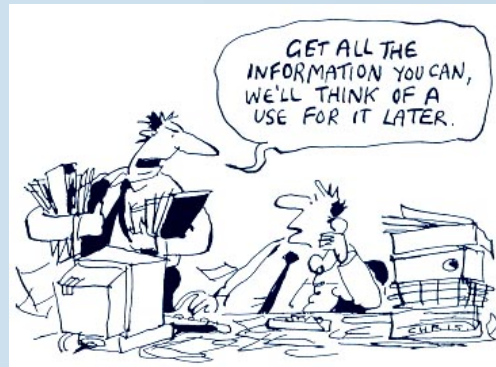
# Aarhus, PSI and INSPIRE

- Aarhus directive
  - Public access to environmental information
  - Public participation, transparency and accountability
  - Access on request
    - No statement of interest
    - Charging
      - Free consultation on site
      - Reasonable amount for copies
  - Proactive dissemination
  - Starting point: paper documents



# Aarhus, PSI and INSPIRE

- PSI directive
  - Re-use of public sector documents for any commercial or non-commercial purpose outside of the public task
    - Intended towards information industry, but much broader effect
    - Any use outside of public task
  - Conditions for making data available and level playing field
  - No obligation to allow re-use
    - Decision remains with the Member States or public authorities



# Aarhus, PSI and INSPIRE

- PSI directive
  - Formats and time limits
  - Charges
    - Cost of collection, production, reproduction and dissemination, together with a reasonable return on investment
    - Cost-oriented
    - Recommendation for marginal cost
  - Transparency and licensing
  - Practical arrangements
  - Public sector bodies performing commercial activities outside of the public task

# Aarhus, PSI and INSPIRE

- Access: Exercising democratic rights and duties/ accountability of the government

Aarhus directive + INSPIRE directive (chapter IV)

- Re-use: any commercial or non-commercial use outside of the public task

PSI directive

- Sharing: performance of public tasks with an impact on the environment

INSPIRE directive

# Aarhus, PSI and INSPIRE

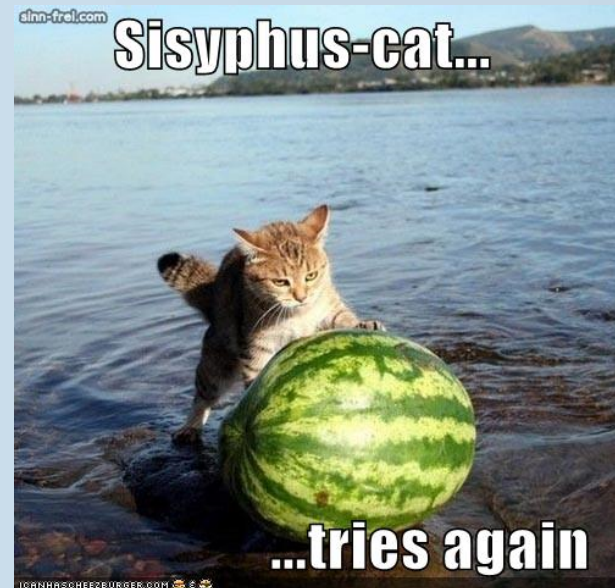
- Sharing versus re-use
  - Public task versus (non-)commercial purposes
  - Dilemma of the public task
    - Providing accessible information to the citizens
    - Providing information services on the market in competition with the private sector
  - Definition of the public task
    - National matter
    - Restrictive or broad
    - Depends on time, place and context
  - Procedural solutions?





# Aarhus, PSI and INSPIRE

- Two main problems
  - Public task as a criterion for PSI/INSPIRE
  - Broad definition of re-use as criterion for PSI/Aarhus
- Towards a comprehensive approach
- Transparency and awareness
- Default: availability
  - Standard licensing
  - Taking into account needs of public body



# Thank you!

katleen.janssen@law.kuleuven.be

NEW! Postgraduate Studies in ICT & Media Law  
See [www.icri.be](http://www.icri.be) for more information!