



INSPIRATION – Spatial Data Infrastructure in the Western Balkans



Licensing templates provided by **INSPIRE**

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INSPIRE Data sharing framework documents



Legislation

- INSPIRE directive – article 17
- Regulation on ‘INSPIRE Data and Service Sharing’ No 268/2010 of 29 March 2010

Guidance Documents

- Guidance on the ‘Regulation on access to spatial data sets and services of the Member States by Community institutions and bodies under harmonised conditions’

Other Documents

- INSPIRE Good practice in data and service sharing



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INSPIRE Data sharing sides



- Implementing rules on data and service sharing deal with sharing data between Member States (mostly **public authority, national coordinating body, the national contact point** or any other body that has received a mandate from the public authorities) and Community institutions



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Main requirements

- Metadata **must include** the conditions applying to access and use for Community institutions and bodies; this will facilitate their evaluation of the available specific conditions already at the discovery stage.
- Member States are requested to provide access to spatial data sets and services without delay and at the latest within **20 days after receipt of a written request**; mutual agreements may allow an extension of this standard deadline.
- If data or services can be accessed under payment, Community institutions and bodies have the possibility to request Member States to provide information on **how charges have been calculated**.
- While fully safe-guarding the right of Member States to limit sharing when this would compromise the course of justice, public security, national defence or international relations Member States are encouraged to find the conditions to still give access to sensitive data under restricted conditions, (e.g. **providing generalized datasets**) Upon request, Member States should give **reasons for these limitations to sharing**.



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Sharing agreements forms

- e-mail,
- licence statement on a webpage,
- a click licence,
- a licence agreement signed by all the parties involved



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Types of INSPIRE model licences



- The **Basic INSPIRE Licence** applies when spatial data sets or services can be used under INSPIRE conditions without significant further restrictions or conditions and are **free of charge**.
- The **Specific INSPIRE Licence** applies when a Member State public authority wishes to grant the Community institution or body **additional rights** of use or wants to **impose additional conditions** on that use and/or **charges**.



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INSPIRE Licence components



- **Preamble** - contains explanatory statements on the context of the rights and obligations of the Member States and the institutions and bodies of the Community, as defined by the Directive and the Regulation.
- **Parties** - The supplier will usually be the Member State(s) or a public authority. It might also be a national coordinating body, the national contact point or any other body that has received a mandate from the public authorities to licence the spatial data sets and services to the institutions and bodies of the Community
- **Definitions** – can be found in Article 3 of the Directive and are referred to in Article 3 of the Regulation
- **Grant** - The user gets a non-exclusive licence that cannot be transferred to any other party.
- **Allowed INSPIRE use** - the description of allowed INSPIRE use is based on the provisions in the Directive (basic licence) and/or different cases (specific licence).



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INSPIRE Licence components



- **Warranties** - includes any warranties which “follow from national law”.
- **Security** - The institution or body of the Community obtaining access to the spatial data sets or services will have to keep up an adequate level of measures to **protect the integrity and security** of the data or services they obtain access to.

The options for security are limited to the following:

- Level 1: Only for use by staff of the User.
 - Level 2: Only for use by authorised staff of the User.
 - Level 3: Only for use by authorised staff of the User in a closed network.
 - Level 4: Only for use by authorised staff of the User on standalone computers.
 - Level 5: Other level of security. If Level 5 is selected, the Schedule will include details of the security required.
- **Pricing and payment** – free of charge, or if there is a charge, it should be described in a separate schedule to the licence



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INSPIRE Licence components

- **Access and delivery** - The Member State or the public authority licensing the spatial data sets or services must ensure that the institution or body of the Community can obtain access in a timely and efficient manner, **according to art. 7 of the Regulation.**
- **Applicable law and jurisdiction** – A distinction has to be made between disputes between the parties to the licence addressing the principles of the Directive itself and disputes addressing the terms of the licence.
- **Termination** - the licence requires that there must be a reason for terminating the licence. Reasons could include that the dataset is no longer produced or needed, or there is an irresolvable dispute.



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Basic INSPIRE Licence/Specific INSPIRE Licence



- **Allowed INSPIRE use (basic licence) -**
 - Institutions or bodies of the Community may make spatial data sets or services available to contractors acting on their behalf.
 - Where a spatial data set or service has been made available according to paragraph 1, the party who received it may not make the spatial data set or service available to any other party without the written agreement of the original data or service provider.
 - The spatial data set or service may only be used for activities where the activity may have an impact on the **environment** and the purpose of those activities is a **public task** of the institution or body of the Community.
 - Public access may be allowed to the spatial data set or service, without unnecessarily duplicating the original data set or service from the Member State, or any data or service derived from it.



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Basic INSPIRE Licence/Specific INSPIRE Licence



- **Allowed INSPIRE use (specific licence) -**
 - The institution or body of the Community may make any data or services derived from the Subject available to the public at no charge.
 - The institution or body of the Community may make the Subject and any data or services derived from it available to the public under the conditions defined in Schedule
 - The institution or body of the Community may not make the Subject or any data or services derived from it available to the public.
 - The User will impose technical limitations on the view services, preventing reuse of the Subject.
 - Additional use is allowed as specified in Schedule...



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Basic INSPIRE Licence/Specific INSPIRE Licence



- **Pricing and payment** (basic licence) – free of charge
- **Pricing and payment** (specific licence) – free of charge or if charge, it should be described in a separate schedule to the licence
- **Termination** (basic licence) – Licence can be terminated by the Parties with 30 days notice. Termination can not be without a reasonable cause.
- **Termination** (specific licence) – 3 different options. Termination can not be without a reasonable cause



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Templates of INSPIRE Licences



Guidance on the - Regulation on access to spatial data sets and services of the Member States by Community institutions and bodies under harmonised conditions:

http://inspire.jrc.ec.europa.eu/documents/Data_and_Service_Sharing/DSSDraftGuidancedocument_v4.1.pdf

- Annex B - Basic INSPIRE Licence
- Annex C - Model for Specific INSPIRE Licence



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Thank you.

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