



INSPIRATION – Spatial Data Infrastructure in the Western Balkans




Policy Measures of the European Union

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Policy measures of the EU

- We are well informed about the existing types of legally binding norms on national level, but how does it look like on EU level?
- Are there European laws?
- What is the equivalent to bylaws on EU level?
- How is the law making process on EU level organized?

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The treaties – basis for democratic cooperation built on law



With the Treaty of Maastricht (1992) on the hand the European Union (in parallel to the European Community) was founded, but on the other hand the complicated „three pillar model“ was set up:

- 1st pillar: European Community
- 2nd pillar: Intergovernmental Cooperation in the field of foreign policy
- 3rd pillar: Intergovernmental Cooperation in the field of Justice and Home Affairs

With the Lisbon Treaty the three pillar model is abolished and in all fields of EU policy the „Community Method“ is applied.





EU Treaties I

- With the entering into force of the Lisbon Treaty on 01 12 2009 the normative framework of the EU has changed substantially.
- The term “European Community (EC)” ceased to exist, there is now only the “European Union (EU)”.
- Instead of the EC Treaty there is now the “Treaty on the Functioning of the European Union”, in parallel to the “Treaty of the European Union”.



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EU Treaties II

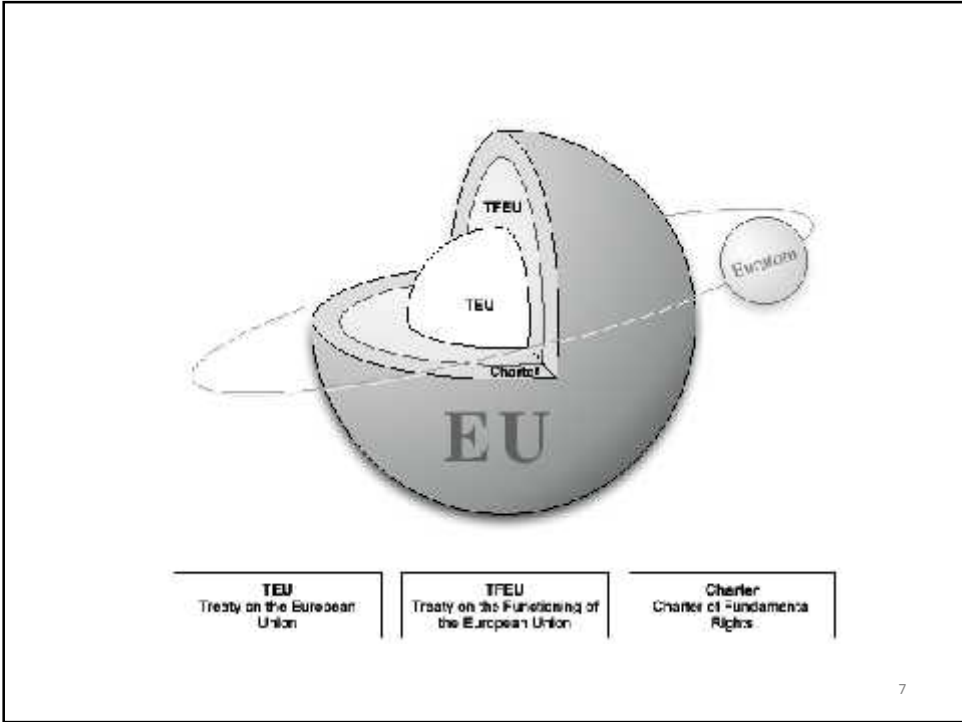
How do those two treaties interact?

- The “Treaty of the European Union” lies the foundations of the EU, e.g. definition of institutions and their competences.
- The “Treaty of the Functioning of the European Union” defines e.g. the different policies of the EU, such as “free movement of people, services and capital” or “environmental policy”.




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Types of EU documents/norms 

- Communications of the EU Commission
- Directives
- Regulations
- Commission Regulations
- Decisions
- Recommendations

Legally Binding

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Communications

Communications of the EU Commission are e.g.

- Policy documents, such as “Green books” and “White books” , but also
- Commission’s Proposal for a Directive or a Regulation and
- Reports based on a reporting obligation of the Commission, e.g. on the implementation of a specific legal act



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Directives

- Directives, such as the INSPIRE Directive are legally binding for the Member States but not for the individual citizen
- Member States are obliged to transpose them into their national legislation
- The Commission checks transposition and can initiate infringements procedure in front of the European Court of Justice



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Regulations I

- Regulations are binding for each individual citizen and do not require transposition
- Member States are not allowed to “duplicate” the EU Regulation, but should make corresponding legislation defining competent authorities and national procedures
- Under the INSPIRE Directive Regulations are passed: Implementing Rules, e.g. on Metadata



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Regulations II

- Regulations can either be Regulations of the Council and the European Parliament or
- Regulations of the EU Commission (passed on a clause, e.g. in a Directive, entrusting the Commission with the enactment of implementing provisions).



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Decisions

- Directives and Regulations are addressed to a general audience, while
- Decisions are addressed to individual legal or natural persons (e.g. an individual company in the field of competition policy) or to a group of legal or national persons (e.g. an industrial sector)



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Recommendations

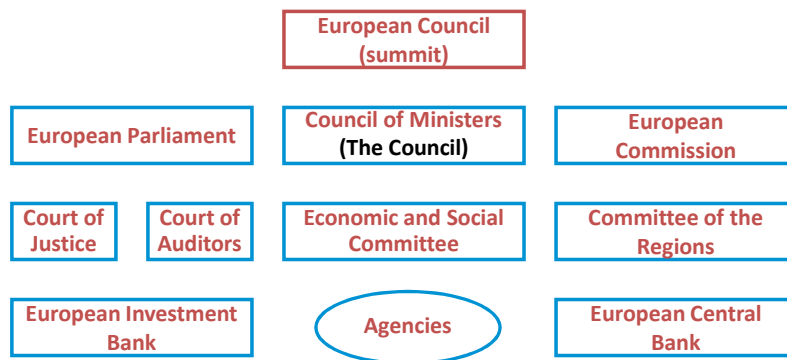
- Recommendations are not legally binding, but are suggestions (by the EU Commission) e.g. regarding Minimum Criteria for Environmental Inspections.
- Recommendations can be regarded as guidelines, setting standards for good European practice



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EU bodies and how they interact



Three key players

The European Parliament
- voice of the people
Martin Schulz, President of
of the European Parliament



The European Council and the Council
- voice of the Member States
Herman Van Rompuy, President of the European Council



The European Commission
- promoting the common interest
José Manuel Barroso, President
of the European Commission





The role of the JRC

- The Joint Research Center (JRC) in Ispra, Italy, is part of the European Commission and entrusted with technical work regarding INSPIRE implementation
- This technical work comprises
 - Support to the European Commission
 - Setting up of working groups
 - elaboration of technical guidelines
- The JRC acts as the overall technical co-ordinator of INSPIRE



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Further INSPIRE Players

- **Eurostat**

Eurostat acts as **the overall implementation co-ordinator** for INSPIRE

- **Member State Contact Points (MSCP)**

Each member state must designate a Contact Point, usually a public authority, to be responsible for contacts with the Commission in relation to INSPIRE.

The role of the contact points is to provide results about the transposition of INSPIRE in National legislation.



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Further INSPIRE Players

The **Member States** are represented in

- The **INSPIRE Committee (IC)**: The regulatory nature of the Implementing Rules requires the Commission to present them to a Regulatory Committee of Member States representatives,
- The **Initial Operating Capability Task Force (IOC TF)** which was set up in June 2009 to help and support Member States in the implementation of INSPIRE services and ensure interoperability
- **Technical working groups**



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Discussion

- Questions
- Suggestions
- Comments
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