European Commission

CALL FOR EVIDENCE
FOR AN IMPACT ASSESSMENT

This document aims to inform the public and stakeholders on the Commission's future legislative work so they can provide feedback on the Commission's understanding of the problem and possible solutions, and give us any relevant information that they may have, including on possible impacts of the different options.

TITLE OF THE INITIATIVE	GreenData4All – updated rules on environmental spatial data and access to environmental information
LEAD DG (RESPONSIBLE UNIT)	ENV.01 – Strategy, Digitalisation, Better Regulation and Economic analysis
LIKELY TYPE OF INITIATIVE	Legislative proposal
INDICATIVE TIMETABLE	Adoption expected by Q1-2025
ADDITIONAL INFORMATION	Infrastructure for Spatial Information in Europe

A. Political context, problem definition and subsidiarity check

Political context

Data are needed to make more informed and better decisions at all levels. The European strategy for data announces the development of common European data spaces in key sectors and domains of public interest. Data spaces are digital environments that data providers, intermediaries and users can access to share data. They ensure that more data becomes available in the economy and society but leave control in the hands of companies and individuals who generate the data. One of these data spaces is the Common European Green Deal Data Space, that aims to unlock the potential of data in support of the Green Deal priority actions on climate change, circular economy, zero pollution, biodiversity, and deforestation. Against this background, the GreenData4All initiative announced in the European strategy for data would update and further develop existing rules under the INSPIRE Directive (see below) on the sharing of environmental geospatial data to make them consistent with recent cross-cutting digital data initiatives and legislation (see below) and to facilitate the flow of public data into the Green Deal Data Space. Increased cross-domain availability and accessibility of environmental information through the Green Deal Data Space will create more transparency for citizens to better understand the state of the environment they live in, facilitate the development of green solutions and innovation in a European single market for data, and can support rationalisation of regulatory reporting requirements (see below) by reusing data that is already published to support policymaking.

The Inspire Directive

The INSPIRE Directive establishes the data infrastructure necessary to support EU environmental policies with spatial information. INSPIRE aims to give individuals and businesses better access to spatial data, which can help them make informed decisions about how to interact with the environment. Spatial data refer directly or indirectly to a specific geographical area or location. The Directive requires all EU Member States to create and maintain national data infrastructures and catalogues that are publicly accessible to make it easier to find and access spatial data. These catalogues must be compatible with each other and use a standard format so that the data are comparable and can be shared and used across borders. The catalogues and the data they store must also be regularly updated to ensure that the data remains up to date. This helps to provide access to environmental data and makes it easier to share information from and between public authorities, for instance when managing cross-border crises e.g., floods.

Cross-cutting digital data initiatives and legislation

In recent years, the EU has adopted **new cross-cutting digital data initiatives and legislation**. The Data Governance Act aims to facilitate data sharing, including by strengthening trust through neutral and transparent data sharing intermediaries as trustworthy organisers of data sharing or pooling within the common European data spaces. The Open Data Directive in turn reinforced an obligation for public bodies and public undertakings to make their data available on demand unless access is restricted or excluded. The implementing act on high-value datasets defines a list of 'high-value' datasets held by the public sector (datasets whose reuse can have major benefits for society and the economy). Under the initiative, these datasets should be reusable for free, accessible through application programming interfaces, available in machine-readable format and downloadable in bulk, where possible. For spatial data covered by INSPIRE,

the implementing act refers to the rules under INSPIRE to make this spatial data available and accessible for reuse.

Rationalisation of reporting requirements

The Commission has committed to make a fresh push to **rationalise and simplify reporting requirements** for companies and administrations. The aim is to reduce unnecessary burdens by 25%, without undermining the related policy objectives (see for example the Commission work programme 2024).

In this context, the Commission intends to amend the INSPIRE Directive as announced in the SME relief package, with the aim to halve existing reporting obligations. Efforts to reduce any remaining burden in other legislation will continue under the GreenData4All initiative.

Problem the initiative aims to tackle

The evaluation found that the INSPIRE Directive has made it easier and less expensive for public administrations and businesses to access spatial data. The public availability of spatial data has given rise to numerous applications in the public and private sectors. For example, it makes spatial planning easier thanks to detailed maps, improves collaboration between utility companies on planned works and allows a more accurate estimation of the value of real estate and insurance premiums.

However, the evaluation revealed several problematic issues. Furthermore, and beyond the current scope of INSPIRE, recent policy developments such as new cross-cutting data initiatives (Data Governance Act, implementing act on high-value datasets) and the creation of a European Green Deal Data Space confirm the need for revision. To fully enable the use of data in the Green Deal Data Space, the functioning of the INSPIRE Directive should be improved and the legal provisions aligned with other digital data legislation.

1. **The INSPIRE Directive's rules for spatial environmental data sharing tend to be overly prescriptive**, too rigid and do not build on more recent horizontal data legislation. They are therefore not adapted for use in the future Green Deal Data Space. The risk of diverging rules might increase the burden on data providers and users, and result in a scattered data offering.
2. **The INSPIRE data is of limited use in environmental policy development and implementation (impact assessment, monitoring and reporting, evaluation).** INSPIRE focuses on geospatial data. Data describing the state of the environment and pressures on the environment is largely missing.
3. **The INSPIRE Directive is heavily focused on publishing spatial data held by data providers and fails to consider rapidly evolving user needs or how and for what purpose data are used.**

Basis for EU action (legal basis and subsidiarity check)

Directive 2007/02/EC is based on Article 192(1) of the Treaty on the Functioning of the European Union. Article 192(1) provides the legal basis for measures to protect the environment, including the use of available data to inform environmental policy preparation.

Practical need for EU action

The INSPIRE Directive requires Member State authorities to make spatial data accessible. It establishes governance structures and achieves EU-wide interoperability. It creates a pool of EU level expertise and promotes cooperation and innovation between Member States. This EU-wide data sharing creates added value for individual national databases as it allows users to analyse environmental problems that go beyond national borders.

Unique in its set-up and ambition, the INSPIRE Directive is now flanked by other horizontal and sectoral legislation e.g., on Open Data, high-value datasets, data governance and intelligent transport systems. The European strategy for data outlines the EU ambition for the coming years and aims to make the EU a leader in a data-driven society. Creating a single market for data will allow it to flow freely within the EU and across sectors for the benefit of businesses, researchers and public administrations. Moreover, the strategy promotes the development of a European Green Deal Data Space to make the necessary data available to support the transition to a carbon-neutral economy by 2050. The functioning of the INSPIRE Directive should be improved and the rules on environmental data sharing updated to promote and facilitate data holders' participation in the Green Deal Data Space. .

B. Objectives and policy options

The GreenData4All initiative aims to make the INSPIRE Directive a more effective and cost-efficient instrument for environmental data sharing in support of environmental policy development and implementation, and the transition to a more sustainable economy.

The initiative will consider the following **objectives** in particular:

1. Make environmental data sharing available and accessible in a more efficient and future-proof way.
2. Respond to the needs of environmental policy development and implementation and enable data-driven environmental monitoring and reporting, increase the quality of evidence on the state of the environment and boost the green data economy.
3. Move from a provider-centric to a user-centric approach where every push for making data available is substantiated by a clear user need and/or business value chain.

At this stage of reflection, the Commission is considering various policy measures to address these objectives.

On the technical specifications for data and data sharing:

- Simplify and modernise the technical provisions for data harmonisation, network services – including the extensive use of application programming interfaces (APIs) – and metadata.
- Align data characteristics and data sharing and reuse rules with the relevant horizontal legislation.
- Consider flexible solutions for setting data characteristics and data sharing standards through flexible coordination mechanisms to make them future-proof and technology-neutral.

On the scope of data to be covered in support of environmental policy development:

- Consider refocusing the scope of the INSPIRE Directive on environmental data, while leaving non-environmental data (cadastral parcels and agricultural parcels, buildings, road networks, etc.) out of scope – to be covered by other sectoral tools.
- Consider going beyond the current scope of spatial data and consider other non-spatial environmental data either as attributes linked to the spatial data or as separate datasets.
- Consider including citizen-generated environmental data in the scope.
- Consider including EU and national publicly funded research data.
- Consider using INSPIRE data sharing as a standard process for data sharing in environmental policy, thereby facilitating reporting under EU environmental rules, e.g. by promoting the 'once only' dissemination of environmental data.

On the organisational / governance structure:

- Maintain the current governance structure with the existing INSPIRE expert groups.
- Consider a new governance structure that:
  o integrates with the governance structure setup under horizontal legislation on data (Open Data Committee, European Data Innovation Board).
  o links INSPIRE and its data scope with the European Green Deal Data Space initiative and provides a renewed and potentially broad driving force for this initiative.
- Define the role for data intermediaries, in line with the Data Governance Act.
- Identify recognised data altruism organisations to complement public sector data.
- Consider technical/operational as well as organisational solutions to encourage data use and reuse by public and private bodies.
- Consider governance/traceability mechanisms to see how INSPIRE data are reused to create downstream services.

Based on further analysis and stakeholder input on these measures, policy options will be formulated and analysed in the impact assessment.

C. Likely impacts

The initiative is expected to have positive impacts by modernising the public environmental data sharing framework. This should bring benefits to a wide range of companies and public administrations along the data value chain. There is potential to help create jobs in the data reuse sector and increase the economic value of public sector data. Most regulatory adjustment costs will be initially borne largely by public sector bodies. They will, however, also benefit from the better use of data in policymaking and from the delivery of improved public services for society.

The value created by making public environmental data available for reuse goes beyond quantifiable benefits in terms of monetary value. It will also help strengthen environmental democracy and achieve a fair green and digital transition. It will do so by promoting the objective of ensuring a high level of environmental protection as defined by the Charter of Fundamental Rights and contributing to a clean and healthy environment. By enabling faster access to data, increased transparency in environmental impact

assessments and policymaking, and the development of green data products and services, it will support the work done in protecting the environment and addressing the impact of climate change.

D. Better regulation instruments

Impact assessment

An impact assessment, supported by evidence collected and a stakeholder consultation, will help to prepare the policy initiative and inform the Commission's legislative proposal. This process will be performed in line with the Better Regulation guidelines. The work will be supported by a study that will be commissioned in 2023 to collect evidence, support the stakeholder consultation process and conduct analyses.

The impact assessment will also benefit from:

- The findings of the evaluation that consulted stakeholders and experts.
- New studies completed by the Commission on the possible application of the data altruism mechanism envisaged in the Data Governance Act, and the possible role of data intermediaries.
- The Science for Policy report 'INSPIRE - A Public Sector Contribution to the European Green Deal Data Space', 2021.
- The Science for Policy report 'Beyond INSPIRE. Perspectives on the legal foundation of the European Green Deal Data Space', 2023.
- The JRC report 'European Data Spaces – scientific insights into data sharing and utilisation at scale', 2023.

Furthermore, the impact assessment will also build on the outcomes of the EU's Digital Europe Programme Preparatory actions for the Green Deal Data Space to guarantee coherence and maximise efficiency and effectiveness.

Consultation strategy

Taking into account the feedback on this call for evidence, the Commission will launch a public consultation in Q1-2024 to gather the views of a variety of stakeholders. The questionnaire will be available in all EU languages, and replies are possible in all EU official languages. A factual summary will be published on the Commission's 'Have Your Say' portal after the public consultation has closed. This will be complemented by other consultation activities to collect evidence through interviews with experts covering different domains. A workshop will also be held with experts together with targeted consultations.

Why we are consulting?

The Commission would like to gather stakeholders' views on the issues identified in the evaluation of the INSPIRE Directive, the challenges of a fast-evolving European data landscape and the possible policy approaches to address these issues. The consultation will also seek to gather evidence and data to identify and assess policy options and define the scope of the future Directive.

Target audience

The main stakeholders are environmental and geospatial data experts from the Member States responsible for implementing the Directive, public administrations, the open data community, not-for-profit organisations and for-profit organisations in different sectors (environment, geospatial, marine, agriculture, utilities, smart cities, mobility, energy), individuals interested in environmental protection, open source software communities, standardisation bodies, and the scientific community. These are the main beneficiaries in terms of cost savings and the ability of users to access and use data in new and innovative ways.