Utilities and INSPIRE

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INSPIRE Conference
Aalborg, June 20th, 2014
A Scenario from the trenches…

Is my utility affected by the INSPIRE Directive?

Well…
Legal Situation

Spatial Data relating to INSPIRE Annex themes?
[art. 4 sec. 1 INSPIRE Dir.]

- Utility networks
  → III.6 Utility and governmental services

- Energy production facilities
  → III.8 Production and industrial facilities
Legal Situation

Utility’s legal form?

a) owner-operated municipal enterprise
   → only if the Member State has laws or regulations requiring the spatial data sets’ collection or dissemination  [art. 4 sec. 6 INSPIRE Dir.]

b) private enterprise
   → in case they provide public services relating to the environment under the control of a public authority  [art. 3 sec. 9 INSPIRE Dir.]

c) other
   • not defined in INSPIRE Dir.
   • heterogeneous situation in German federal and state spatial data infrastructure laws
Umweltinformationsgesetz (federal environmental information act): **control is present if**

a) utilities are subject to special duties (e.g. an obligation to conclude contracts) or have special rights (e.g. compulsory connection and usage) or

b) public law legal persons hold the major part of the undertaking's subscribed capital, controls the majority of the votes attached to shares or can appoint more than half of the members of the undertaking's administrative, managerial or supervisory body

[para. 2 sec. 2 UIG]
Legal Situation – Access Limitations

Public access may be limited e.g. on grounds of [art. 13 sec. 1 INSPIRE Dir.]

- public security
- confidentiality of commercial or industrial information
The Utilities Sector in Germany

- few large, supra-regional private enterprises
- many municipal enterprises
- several hundred utilities in Bavaria
Nature of Utilities’ data

• location of cables / pipes
  ◦ absolute coordinates or in relation to another feature (e.g. distance to the corner of a house) → network often depicted in combination with cadastral data on map
  ◦ sometimes exact location of underground cables / pipes is unknown → “fuzziness” has to be evident from map

• existing applications provide information / raster maps according to specific technical guidelines e.g. to building companies to avoid excavation damage

Source: Brönnimann 2013
Experiences in Bavaria

• Trade associations‘ support is crucial

• Utilities‘ concerns over the provision of network data via publicly available services:
  ◦ security concerns (e.g. high-pressure gas pipelines)
  ◦ confidentiality of commercial / industrial information
  ◦ uncontrolled issuing of information on location of pipes / cables by third parties

→ access limitations likely

Conclusion: Utilities and INSPIRE…
… relationship status: „It‘s complicated“
… and Questions

• Legal situation in other countries?
• Best practices in involving utilities?
• Best practices in providing utilities data via INSPIRE-compliant View & Download Services?

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