



Notat

16. juni 2022
KTD/SIYND

Danish consultation response to the European Commission's Implementing Regulation laying down a list of specific high-value datasets and the arrangements for their publication and re-use

Danish comments to the public consultation

The Danish Government supports the Implementing Regulation and the Commission's aim of making public data of highest socio-economic potential made available for re-use with harmonized re-use conditions. High value datasets (HVD) are key drivers to establishing an internal market for data and for making the EU a leader in a data-driven economy and society. Nevertheless, we propose some amendments to the Implementing Regulation and Annex.

General comments

Existing documents

Article 1 states that the Implementing Regulation establishes a list of high-value datasets held by public sector bodies among the existing documents to which the Open Data Directive applies. We recommend that it is emphasized in the preamble of the Implementing Regulation that the regulation does not impose on Member States to collect and make available data that is not currently held by public sectors bodies within the Member State.

E.g., some of the statistical datasets described in the Annex are only published via Eurostat and not by Statistics Denmark (the national statistics authority). We assume that it is sufficient for the national statistics authority to provide links to the datasets published by Eurostat, and that they are not required to create new datasets, cf. the above paragraph.

Further, we encourage a more thorough explanation of Article 4(2), particular the expectations to the data responsible authorities that exhibits historical data today.

Requirement to HVD-dataset

We suggest a clarification of whether the requirements to existing datasets currently implemented based on the regulations mentioned both in the preamble text and in the Annex are regarded as sufficient for such datasets. If there are requirements that go beyond the existing regulations, it could potentially have significant financial consequences, and should be more prominent in the text. This interpretation issue has been a cause of general concern in Denmark, particularly with regard to the relation between INSPIRE and HVD-requirements.

In both the Implementing Regulation and the accompanying Annex requirements for data, documentation, description and publishing of data could be interpreted

as going beyond the requirements of the INSPIRE Directive and thus impose additional tasks on public authorities responsible for INSPIRE data. We suggest a clarification of these formulations, confirming that meeting existing INSPIRE requirements is adequate. Some formulations have cast doubts about whether or not this is the case. E.g. the description of "Cadastral parcels" in the Annex does not match INSPIRE (cf. comments related to the annex).

We recommend that the Commission confirm that the implementing regulation do not impose additional requirements that go beyond existing ones, particularly with regard to the documentation requirement for HVD-APIs in Article 3(2-3).

The financial implications of the implementing regulation are difficult to estimate at this time in the process and requires a separate analysis, but some public authorities have already warned about potential financial consequences. Particularly, we estimate potentially inconsistent requirements for overlapping INSPIRE-datasets and HVD datasets could entail substantial financial implication for Danish public authorities responsible for existing INSPIRE-datasets.

Comments related to the implementing regulation

API

In recital (3), APIs are referred to as “application processing interfaces”, while the correct term is “application programming interfaces”. It occurs several places and needs correction.

Metadata requirement and the connection to DCAT-AP

Article 3(5) states that public sector bodies holding high value datasets listed in the Annex shall ensure that these datasets in their metadata description is denoted as high-value datasets. We suggest that this metadata-requirement is incorporated in future revisions of DCAT-AP, the recommended application profile for data portals in Europe.

Comments related to the annex

The list of “High Value Datasets”

There has been some confusion related to the term *high value datasets* as listed under the different thematic categories in the Annex. Some Danish authorities are unsure whether each named high value dataset must be available as one single dataset or if it is acceptable that the data be published as several different datasets. It is the Danish Governments interpretation that it is adequate that they are available as several datasets; otherwise, we expect it to be emphasized in the text in the Annex.

E.g. under *Earth observation and environment*, one of the listed datasets is *Protected sites*. *Protected sites* consist of seven different datasets/elements in Denmark with two different responsible public authorities. This is also the case regarding *buildings* (also two different public authorities). We expect that this is unproblematic.

Examples of inconsistencies between Annex requirements and INSPIRE requirements, cf. our general comment on requirement to HVD-dataset:

Geographical names

The term “Category” is mentioned under Geographical names in the Annex, but this is not part of the INSPIRE-model. INSPIRE GN has an attribute called “type”. We therefore recommend that “category” is corrected into “type”.

”Cadastral parcels”

The description of "Cadastral parcels" does not match INSPIRE. E.g. the term "Type of parcel" is used, and this is not an information required by INSPIRE Cadastral Parcels (CP). The term "Reference to the administrative area" is also used, and it is unclear whether this means INSPIRE Administrative Units, in which case it is neither an information that is required in INSPIRE CP. We suggest the key attributes for Cadastral parcels to be aligned with INSPIRE.

Elevation

Granularity is not part of INSPIRE. If the expectation is that HVD-datasets are available in a granularity higher than existing INSPIRE datasets, it will require establishing new datasets. We welcome a clarification of the extent of the requirement for specific granularity; particularly whether or not the required granularity is different from existing requirements of INSPIRE datasets.

Climate

The HVD-dataset “climate” is not INSPIRE theme. We ask the Commission to explain this dataset and clarify its meaning.

Mobility

The Annex states that transport network datasets shall be made available for re-use immediately after the latest update, and it therefore has a higher requirement for update frequency than INSPIRE. If a higher requirement for update frequency is required for HVD, it constitutes a new task that is imposed on the public authorities, which can be burdensome.

Attributes in “reference parcel”

In Denmark we do not register “organic” and “animal” for reference parcel and will therefore not be able to publish these data as part of “reference parcel”

Table 15-18

The categories/groupings in table 15-18 differ from the existing ones in Denmark, and thus require a new segmentation.