



EUROPEAN COMMISSION

*Brussels, 20.04.2015  
C(2015) 2059 final*

*Ms. Ana BLATNIK  
President of the Bundesrat  
Dr Karl Renner-Ring 3  
A – 1017 WIEN*

*Dear President,*

*The Commission would like to thank the Bundesrat for its Opinion on the proposal for a Directive on the dissemination of Earth observation satellite data for commercial purposes {COM(2014) 344 final} (the proposed Directive).*

*The Commission would like to respond to the concerns expressed by the Bundesrat in the following way:*

*As regards the voluntary use of satellite data, the Commission would like to observe that the main objective of the proposal is to streamline the regulatory framework, primarily in terms of controls implemented for the authorization of disseminations, to facilitate the access to satellite data. The proposal does not impose the use of Earth observation satellite data, neither does it prevent the use of alternative data sources for public interest activities, e.g. including data from Copernicus.*

*Concerning the data protection issues, the Commission would like to underline that it has a long standing policy in favour of high data protection standards, regardless of areas regulated or technology addressed. That approach is reflected also in the recent Commission proposals for reforming the EU legal framework on the protection of personal data - the proposals for a General Data Protection Regulation {COM(2012) 11 final} and for the Directive {COM(2012) 10 final<sup>1</sup>}. As these proposals follow the approach of a comprehensive, coherent, modern and high-level framework on data protection, the Commission must avoid additional or repetitive provisions on data protection in specific legislation having a different scope, as this would result in more dilution and less coherence in the European legislation on data protection.*

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<sup>1</sup> OJ C/2012/102/ 24

*In addition, as clarified by the Recital 22 of the proposed Directive, the current EU data protection framework applies to the processing of personal data which might be involved in the context of Earth observation satellite data. Compliance with this framework is mandatory for Member States and this fact should be reflected, in particular, in terms of national transposition instruments and administrative procedures to be adopted or adjusted following the proposed Directive. Hence, the current proposal of the Commission would not have any negative impact on the protection of personal data and privacy rights within the Union.*

*Moreover, the Commission would like to express its gratitude for the identified terminological discrepancy between the Impact Assessment and the proposed Directive regarding the misleading use of the terms 'sensitive data' in the supporting document. The issues of terminological consistency will be addressed in the context of the inter-institutional negotiations on the proposal.*

*The points made above are based on the initial proposal presented by the Commission which is currently in the legislative process involving both the European Parliament and the Council in which your government is represented.*

*The Commission hopes that these clarifications address the issues raised in the Opinion of the Bundesrat and looks forward to continuing our political dialogue in the future.*

*Yours faithfully,*

*Frans Timmermans  
First Vice-President*

*Elzbieta Bienkowska  
Member of the Commission*