



EuroGOOS

EuroGOOS Data Policy

Policy and practice for EuroGOOS for the exchange of oceanographic and related data and products including guidelines on relationships in commercial oceanographic activities

9 March 2000



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NOTING:

- (1) WMO Resolution 40 (Cg-XII) – WMO policy and practice for the exchange of meteorological and related data and products including guidelines on relationships in commercial meteorological activities,
- (2) The Decision of the Commission for the European Union dated 21.10.1999 regarding ECOMET Economic Interest Grouping according to Belgium Law,
- (3) The UN convention of 1998 on the access to information, public participation in decision-making and access to justice in environmental matters (the Aarhus-Convention)
- (4) Council Directive 90/313/EEC of June 1990 on the freedom of access to information on the environment,
- (5) Directive 96/9/EC of The European Parliament and of the Council of 11 March 1996 on the legal protection of databases,

RECALLING:

- (1) The present GOOS Policy for exchange of data and products

CONSIDERING:

- (1) The continuing fundamental importance, for the provision of oceanographic services in all countries, of the exchange of oceanographic and related data and products between EuroGOOS Members,
- (2) Other programmes of world importance and the ocean observing and Marine Meteorological programmes under JCOMM,
- (3) The basic role of EuroGOOS Members to furthering applications of oceanography to all human activities,
- (4) The call by world leaders at UNCED (Brazil, 1992) for increasing global commitment to exchange scientific data and analysis and for promoting access to strengthening systematic observations,
- (5) The provisions in the UN/FCCC committing all Parties to the Convention to promote and co-operate in the full, open and prompt exchange of information related to the climate system and climate change,
- (6) UN Convention on the Law of the Sea, especially those articles on international data exchange: 200, 244.2, 249.1(c), 249.1(d) and 277(e).

RECOGNISING:

- (1) The increasing requirement for the global exchange of all types of environmental data and in particular ocean data,
- (2) The basic responsibility for the Members to provide universal services in support of safety, security and economic benefits for the peoples in their countries,
- (3) The dependence of Members on the stable, co-operative international exchange of data and products for the discharge of their responsibilities,
- (4) The continuing requirement for Governments to provide for the oceanographic infrastructure of their countries,
- (5) The continuing need for, and benefits from, strengthening the capabilities of Members, in particular in developing countries, to improve the provision of services,
- (6) The dependence of the research and education communities on access to oceanographic and related data and products,
- (7) The right of Governments to choose the manner by, and the extent to, which they make data and products available domestically or for international exchange.

RECOGNISING FURTHER:

- (1) The existence of a trend towards the commercialisation of many oceanographic and related services and products,
- (2) The requirement by some Governments that the Members initiate or increase their commercial activities,
- (3) The risk arising from the commercialisation to the established system of free and unrestricted exchange of data and products, which forms the basis for the European co-operation in oceanography,
- (4) The EU-principle that all data and products, financed with public means and used by public entities for commercial activities shall also be available to other Service Providers.

ADOPTS the basic principles for the exchange of oceanographic and related data and products:

- (1) Exchange on a free and unrestricted basis of essential, additional and other data and products between the Members of EuroGOOS,
- (2) The right for the originator of data and products to place conditions on additional and other data and product for re-distribution for commercial purposes,
- (3) Free and unrestricted access to data and products for non-commercial research and education,
- (4) All data and products that is financed with public means and used for commercial purposes must be available for other Service Providers,
- (5) Transparency regarding availability, prices and conditions for re-distribution regarding oceanographic and related data and products through the maintenance of a EuroGOOS Product Catalogue,

These principles are in harmony with WMO Res. 40 and the EU Commissions decision regarding ECOMET.

FURTHER ADOPTS the following practice on the international exchange of oceanographic and related data and products

- (1) Members shall provide on a free and unrestricted basis essential data and products which are necessary for the provision of services in support of the protection of life and property and the well-being of all nations, particularly those data and products, as, at a minimum described in Annex 1 to this document, required to support WMO or GOOS Programmes;
- (2) Members should also provide additional data and products which are required to sustain programmes at the global, regional and national levels and, further as agreed, to assist other Members in the provision of oceanographic services in their countries. While increasing the volume of data and products available to all Members by providing the additional data and products, it is understood that EuroGOOS Members may be justified in placing conditions on their re-delivery for commercial purposes;
- (3) Members shall also provide to anybody all other data and products which are used in commercial activities and which have been funded through core/infrastructure activity or government grants. It is hereby understood that Members may be justified in placing conditions on their re-distribution for commercial purposes as well as to charge for the information and the delivery;
- (4) Members should provide to the research and education communities, for their non-commercial activities, free and unrestricted access to all data and products exchanged under the auspices of this document with the understanding that their commercial activities are subject to the same conditions identified in FURTHER ADOPTS (2) and (3) above;

URGES Members to:

- (1) Strengthen their commitment to the free and unrestricted exchange of oceanographic and related data and products;
- (2) Increase the volume of data and products exchanged under the auspices of this document;
- (3) Assist other Members, to the extent possible, and as agreed, by providing additional data and products in support of time-sensitive operations regarding oceanographic and environmental warnings, rescue operations and safety of life at sea;
- (4) Strengthen their commitment in their collection and supply of oceanographic and related data and products;
- (5) Implement the practice on the international exchange of oceanographic and related data and products, as described in ADOPTS (1) to (4) above;
- (6) Make known to all Members those oceanographic and related data and products which have conditions related to their re-distribution for commercial purposes;
- (7) Make their best efforts to ensure that the conditions which have been applied by the originator of additional and other data and products are complied with and made known to initial and subsequent recipients;

DECIDES to review the implementation of this document at the EuroGOOS Annual Meeting.

Annex 1 to the EuroGOOS Data Policy and Practices

**Data and products to be exchanged without charge
and with no conditions on use**

Provisional Synopsis

Coarse resolution data and products in the following sectors:

- Waves
- Currents
- Sea level
- Tides
- Storm surges
- Temperature profiles
- Sea ice
- Icebergs
- Algal blooms
- Chlorophyll
- Ocean colour

Annex 2 to the EuroGOOS Data Policy and Practices

Guidelines for the relations among Members of EuroGOOS regarding commercial activities

Purpose

The purpose of these guidelines is to maintain and strengthen in the public interest the co-operative and supportive relations among Members in the face of different national approaches to the growth of commercial activities.

Guidelines

In order to ensure the maintenance of the exchange of data end products among EuroGOOS Members, and to develop the applications of oceanography, while adapting to the new challenge from the growth of commercial activities:

1. Members should provide the first point of receipt within a country for data and product exchanged under the auspices of the EuroGOOS Data Policy and Practices, in order to have complete and timely access to all information necessary for the production of oceanographic and environmental warnings and other oceanographic services necessary for rescue operations and safety of life at sea and other public interests responsibilities entrusted to the Member and without national laws of their territory of location;
2. Members should make their best efforts to ensure that the conditions which have been applied by the originator of additional and other data and products are made known to initial and subsequent recipients;
3. In the case where conditions accompanying the exchange of additional and other data and products are not honoured, the originating Member may take appropriate actions including denial of access of these additional and other data and products to the receiving Member;
4. Members may export regional model products employing additional and other data and products for commercial purposes outside the country of the Member running the model, unless objected to by an affected Member. Every effort should be made to co-ordinate the provision of such services prior to implementation to avoid possible harm to other Members;
5. Services or products whose construction would suffer significant degradation by removal of the additional or other data or products and from which the additional or other data and/or products can be retrieved easily, or their use can be identified unambiguously, should carry the same conditions on their re-distribution for commercial purposes as those additional or other data and products;
6. A Member receiving a request from a local client for service that it cannot fulfil may seek assistance from another Member with the capacity to provide it. Where appropriate to enhance free and unrestricted exchange of data and products among EuroGOOS Members, the service should as far as possible be made available through the offices of the Member of the country within which the client is located;
7. Similarly, unless other arrangements have been agreed to, a Member receiving a request to provide service in another country should refer the request back to the Member in that country. In the event that the local Member is unable to provide the service for lack of facilities or other legitimate reasons, the external Member may seek to establish a collaborative arrangement with the local Member to provide the service;
8. Where the service originated by one Member is likely to affect other Members, the Member originating the service should seek, well in advance, and take into account the response of the affected Members, to the extent possible;

9. Members should, to the extent possible, refrain from using basic data and products received from other Members in ways which jeopardise the performance of the public responsibilities of the originating Members within their own countries. If a Member finds that, in the undertaking of its public interest responsibilities it is affected by a public or private organisation in another country, it may warn the Member in the country from which the organisation is deriving the data and products. The latter Member should consider measures to mitigate these adverse effects and take those actions appropriate under its national laws;
10. Members with experience in commercial activities should make their expertise available, on request, to other Members;

In implementing these guidelines, Members should take into account and, as far as possible, respect the different legal, administrative, and funding frameworks which govern the practices of other countries or group of countries forming a single economic group. Members should, in particular, note that other Members will be bound by their own national laws and regulations regarding any trade restrictive practices. Furthermore, where a group of countries form a single economic group, the internal laws and regulations appropriate to that group shall, for all internal group activities, take precedence over any conflicting guidelines.

Annex 3 to the EuroGOOS Data Policy and Practices

Guidelines for the relations between Members of EuroGOOS and the commercial sector

Purpose

The purpose of these guidelines is to improve the relationship between Members and the commercial sector. The development of the exchange of oceanographic and related information depends greatly upon sound, fair, transparent, and stable relations between these two sectors.

Guidelines

These guidelines apply to the commercial sector engaged in oceanographic activities, which includes government organisations engaged in commercial activities in order to enhance the relationship between the two sectors:

1. In the common interest, the commercial sector is urged to respect the international data exchange principles;
2. The commercial sector is urged to recognise and acknowledge the essential contribution of EuroGOOS Members to the activities of the commercial sector. EuroGOOS Members and the commercial sector are urged to recognise the interdependence and mutual benefit possible from co-operative interaction;
3. In case where a Member were to consider itself affected by the commercial sector's use of data originated in its own country, all parties involved shall undertake negotiations to achieve appropriate and satisfactory agreements;
4. Unless authorised to do so by the relevant Member or by official originators of oceanographic or environmental warnings and forecasts relevant to rescue operations and safety of life at sea, commercial sector providers of oceanographic services should not publicly issue oceanographic or environmental warnings and forecasts relevant to rescue operations and safety of life at sea in the country or maritime area where they operate. Oceanographic or environmental warnings and forecasts relevant to rescue operations and safety of life at sea publicly issued by the commercial sector should be consistent with those originated by official originators in the course of the performance of their public service responsibilities;
5. In providing services, the commercial sector should be encouraged to employ Oceanographic terminology consistent with established national and international practice;
6. Commercial sector providers of oceanographic services should respect the sovereignty and rules and regulations of the countries in which they deliver services;
7. Members are encouraged to discuss with their countries' oceanographic community and their professional societies the issues associated with the international activities of the commercial sector;
8. Members are encouraged to collaborate with their countries commercial sector and their professional societies to maximise the use of oceanographic information within their country.

Annex 4 to the EuroGOOS Data Policy and Practices

Definitions in the policy, practice and guidelines

1. *Free and unrestricted* means non-discriminatory and without charge.
2. *Without charge*, in the context of this document, means at no more than the cost of reproduction and delivery, without charge for the information.
3. *Data* means all meteorological, oceanographic, hydrological and environmental observations obtained by Members of EuroGOOS.
4. *Products* means all information that results from the transformation or processing of data in the form of pictures, charts, text, or data files embodies substantial know-how, is considered to require oceanographic know-how to be interpreted, and has been prepared to meet the requirements of a Member of EuroGOOS.
5. *Essential data and products* means data defined as such in Annex 1.
6. *Additional data and products* means data defined as such by annexes to this document and in the EuroGOOS Data Catalogue.
7. *Other data and products* means data defined as such by annexes to this document and in the EuroGOOS Data Catalogue.
8. *Oceanographic and related data and products* means: all measurements of the state of the sea, the sea water, chemistry, biology, and state of the sea floor and sediments, including temperature and salinity, sea surface temperature and waves, and the products of wave models, but excluding marine meteorological data and products.
9. *For commercial purposes* means for recompense beyond the incremental cost of reproduction and delivery.
10. *Commercial sector* means governmental or non-governmental organisations or individuals operating for commercial purposes.
11. *Re-distribution* means distribution to a third party other than the originator of the data and products.

Signatories to the EuroGOOS Data Policy 9 March 2000

Institution	Signature	Name (please print)
CERFACS, France	
Consiglio Nazionale Delle Ricerche (CNR), Italy	
Danish Meteorological Institute, Denmark	
ENEA, Italy	
Environment Agency (EA) (formerly NRA), UK	
Finnish Institute of Marine Research, Finland	
IFREMER, France	
Institute of Marine Research, Bergen, Norway	
Institute of Marine Sciences, Turkey	
Institute of Oceanology, Polish Academy of Sciences, Poland	

Signatories to the EuroGOOS Data Policy 9 March 2000

Institution	Signature	Name (please print)
Institution of Marine Biology of Crete, Greece	
Instituto Español de Oceanografía (IEO), Spain	
Koninklijk Nederlands Meteorologisch Instituut (KNMI), Netherlands	
Marine Institute, Ireland	
Météo France	
Meteorological Office, UK	
Management Unit of the North Sea Mathematical Models (MUMM), Prime Minister's Services, Belgium	
Nansen Environmental and Remote Sensing Center, Norway	
National Centre for Marine Research of Greece	
National Institute for Coastal and Marine Management (RIKZ), Rijkswaterstaat, Netherlands	

Signatories to the EuroGOOS Data Policy 9 March 2000

Institution	Signature	Name (please print)
Natural Environment Research Council (NERC), UK	
Norwegian Meteorological Institute (DNMI), Norway	
NWO Earth and Life Sciences Council, Netherlands	
Polish Institute of Meteorology and Water Management, Maritime Branch, Poland	
Puertos del Estado, Clima Marítimo, Spain	
Royal Danish Administration of Navigation and Hydrography, Denmark	
Russian Federal Service for Hydrometeorology and Environmental Monitoring (Roshydromet), Russia	
Swedish Meteorological and Hydrological Institute (SMHI), Sweden	