

Luxembourg-Legal Framework

Legal framework

The legal framework for the Luxembourg SDI is very limited. The cadastre was organised mainly by the “Loi du 21 juin 1973 portant organisation de l'Administration du Cadastre et de la Topographie” and a number of subsequent regulations (<http://www.act.public.lu/fr/legislation/index.html>). A reorganisation was put in place by the law of 25 July 2002. In June 2010, the European Commission decided to take Luxembourg to the European Court of Justice for infringement of its obligation to transpose the directive (http://ec.europa.eu/community_law/eulaw/decisions/dec_20100603.htm). Shortly after, the INSPIRE Directive was transposed into national law: Loi du 26/07/2010 portant transposition de la directive 2007/2/CE du Parlement européen et du Conseil du 14 mars 2007 établissant une infrastructure d'information géographique dans la Communauté européenne (INSPIRE) en droit national⁴.

Public-private partnerships (PPPs)

No information has been found.

Policy and legislation on access to public sector information (PSI)

There is no general freedom of information law in Luxembourg. Under the 1960 Decree on state archives, the archives are to be open to the public, but people must make a written request explaining why they want access and ministers have broad discretion to deny requests. Directive 2003/4 on access to environmental information was transposed by the Law of 25 November regarding public access to environmental information (Loi du 25 novembre 2005 concernant l'accès du public à l'information en matière d'environnement,

<http://www.legilux.public.lu/leg/a/archives/2005/2041912/2041912.pdf?SID=143d7626b0a51f7399c30822b356>

Directive 2003/98 on the re-use of public sector information was transposed by the Law of 4 December 2007

(http://ec.europa.eu/information_society/policy/psi/docs/laws/luxembourg/lux_law_2007.pdf).

4 Legal act: Loi; Official Journal: Mémorial Luxembourgeois A, number: 121, Publication

date: 28/07/2010, Page: 02052-02058; Reference: (MNE(2010)55056) EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Luxembourg K.U.Leuven (SADL) 15

Legal protection of GI by intellectual property rights

Luxembourg-Legal Framework

The Luxemburg Copyright Act dates from 2001 and was modified in March 2004. It protects literary and artistic works, including photographs, databases and computer programs. Article 10 of the Copyright Law determines that official texts of the authorities, including their official translations, shall not give rise to copyright. This also includes the preliminary works, court decisions and political discussions. All other writings produced by the State, municipalities or public establishments shall give rise to copyright for a term of 70 years. There are no special regulations regarding the protection of geographical information. The Copyright Act transposes the 1996 directive on databases and the 2001 directive on copyright in the information society into Luxemburg law.

Restricted access to GI further to the legal protection of privacy

The Luxemburg Data Protection Law was adopted in 2002, in order to implement the European Data Protection Directive of 1995. In 2007, it was amended for the last time. The 2002 directive on privacy and electronic communications was transposed by the Law on Privacy in Electronic Communications" of May 30, 2005 (Loi du 30 mai 2005 relative aux dispositions spécifiques de protection de la personne à l'égard du traitement des données à caractère personnel dans le secteur des communications électroniques).

Licensing framework

In March 2009, two regulations were adopted that regulate the conditions for access and delivery of cadastral data and cartographic, topographic and geodetic data (Règlement grand-ducal du 9 mars 2009 portant fixation des conditions et modalités de delivrance de la documentation cadastrale and Règlement grand-ducal du 9 mars 2009 portant fixation des modalités de mise à disposition et des tarifs des produits cartographiques, topographiques et géodésiques de l'administration du cadastre et de la topographie – see <http://www.act.public.lu/fr/legislation/diffusion-donnees/index.html>).

Cadastral extracts can be delivered digitally or on paper. Any reproduction of the data should mention the source and the date of validity. Digital data have to be requested in writing and the public authorities have to state the task in the public interest for which they need the data. Other natural or legal persons do not need to state an interest; they should only make a request in writing. For obtaining topographic, cartographic and geodetic data, an agreement has to be signed between the user and the administration fixing the details of delivery and the price. The rights of use are determined in the regulation. A distinction is made between different

EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Luxembourg K.U.Leuven (SADL) 16 types of use: internal use, external use by disseminating the data to

Luxembourg-Legal Framework

contractors, reproduction of the data. The Luxembourgish Law stipulates that the data can be shared free of charge between all the public authorities. A set of non-secured OGC-compliant webservices (WMS/WFS) are available to all the people having access to the state network. Community institutions and bodies can access the data available in the LSDI through Webservices that can be opened case by case. Once a convention has been signed and a price fixed for the access to the data, Community institutions and bodies can access the data by using a HTTP BASIC login to the OGC compliant WMS / WFS services. Even if most of the data is not free of charge speaking in terms of download services, all the data can be viewed and queried free of charge in the geoportal's viewer(S),

UN-GGIM Knowledge Base

<http://ggim.un.org/knowledgebase/KnowledgebaseArticle51532.aspx>