

Open European Location Services (Open ELS)

Task 1.2 Report

Open ELS principles on presentation of data content on
disputed territories

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References

Ref.	Title/Version/Publication Date/Author
1	Guidance on implementation of cross-border harmonisation" https://openels.eu/wp-content/uploads/2018/12/OpenELS_guidance_edgematching_version1_0.pdf
2	European Location Framework Project - www.elfproject.eu
3	UN Cartographic Section (UNCS) http://www.un.org/Depts/Cartographic/english/htmain.htm
4	Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters
5	https://ec.europa.eu/regional_policy/en/information/publications/communications/2017/boosting-growth-and-cohesion-in-eu-border-regions
6	https://ec.europa.eu/eurostat/web/products-statistical-books/-/KS-HA-17-001

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I. Task

The task focused on the development of policy principles on how data will be visualised and represented in international border areas where two or more neighbouring countries provide different content of spatial data for the same geographical area. More than one data provider might contribute data and services that conflict or show different content in the disputed areas. Rules need to be agreed on how the data will be accommodated and presented to pan European users through Open ELS.

This document describes a proposal for a policy for a unified approach to the presentation and provision of authoritative geospatial-data in the border areas between neighbouring countries where there may be disputed areas, .

2. Scope of the document

EuroGeographics is an independent international not-for-profit organisation representing Europe's National Mapping, Cadastral and Land Registration Authorities. Its purpose, activities, membership and management are set out in our Articles of Association and our Rules and Regulations. The Association is governed by the Management Board and the General Assembly of Members.

The Association fulfils its purpose by undertaking efforts to reach the following objectives:

1. provides a single interface to Europe's National Mapping and Cadastral Agencies;
2. provides an information service for Members, stakeholders and civil society;
3. promotes Member's national and pan-European products and services, and their role in providing the reference data;
4. as appropriate; creates, maintains, distributes, interoperable reference datasets and related services to support cross border or pan-European requirements and to further the progress towards the ESDI;
5. promotes EuroGeographics as the authoritative voice for geographic information in Europe and the EU.

EuroGeographics works closely with its membership to achieve these objectives.

EuroGeographics facilitates access to official, authoritative geospatial data from our members, the National Mapping, Cadastre and Land Registry Authorities. It does this by producing pan-European products and through our vision for European location services. Both focus on enabling international cross-border applications that complement the national activities of our members.

EuroGeographics offers four European geospatial data products. Each is produced using official geospatial data from our members, the National Mapping, Cadastre and Land Registry Authorities. Our products are harmonised to standard specifications, so users can be confident that the information provided is consistent, comparable and easily shared – regardless of its national source.

The data is updated annually and can be used in a wide range of applications including analysis, planning and research. We offer standardised, transparent pricing and licensing agreements.

EuroGeographics has also been a Partner in the Open ELS Project, co-financed by the European Union's Connecting Europe Facility, with the aim of demonstrating the potential of European location services using our members' open data.

Through the experience gained from EuroGeographic's existing products, it is known that there can be situations where the national contributions provided by the National Mapping and Cadastral Authorities (NMCAs) are not harmonised at the international boundary. This means that spatial data in border areas may have overlaps or gaps. There can be two main reasons for this:

1. The data is not edge matched: the international boundary is agreed in general, but the neighbouring countries have not agreed on a harmonised presentation of spatial data in the border area. This is out of scope of this policy paper and is dealt with elsewhere¹.
2. The border area is in dispute between neighbouring countries

This policy paper attempts to define EuroGeographic's approach for the purpose of OpenELS project to the data supplied for disputed territories between two data providers.

3. Territories under dispute

EuroGeographics recognises that in some situations, two neighbouring countries may supply different spatial data for the same geographical area on their mutual international border.

It must be noted that disagreement can be distinguished on different levels, accordingly to the potential ability to reach a common solution allowing technical and cartographic representation of data supplied by two neighbouring countries.

To enable the seamless continuity of the features across the international boundaries of neighbouring countries, the OpenELS project has developed Guidance on the implementation of cross-border harmonisation, which sets up a procedural path for the NMCAs to define the connecting points or lines for the cross-border features of national geospatial data.

Where differences cannot be resolved on a technical and cartographic level, the issue will be recognised as an international border dispute understood as 'the incompatibility of subject positions' and should be dealt with on a case by case basis and with the utmost caution.

EuroGeographics shall remain politically neutral and will always ensure that its Members are represented equally..

¹ "Guidance on implementation of cross-border harmonisation" https://openels.eu/wp-content/uploads/2018/12/OpenELS_guidance_edgematching_version1_0.pdf

4. Existing solutions and good practice

EuroGeographics will always take appropriate measures to ensure that the original data is represented, and that the end user is fully aware of the data that is being provided, so they understand any possible disputes along the international border of the data they are using.

There is a long history of pan European product production within EuroGeographics and its members, and for the existing pan European products there is a standard practise of how to manage these types of challenges amongst the production team. Currently both datasets are provided to the end user, and it is the decision of the end user which is used. As the scale of the spatial data involved becomes more detailed, it is apparent that a set of internal policy principals was required. These principles detail how data is to be handled in any disputes between data providers, and include a set of guidelines and technical solutions which could be applied to the presentation of data in disputed areas, to satisfy the requirements of both the data provider and the end user.

EuroGeographics has reviewed the approaches and existing solutions implemented in similar situations by organisations including the United Nations and the European Union.

A specific comparison shows clearly that a single, universal approach meeting the requirements of all stakeholders does not exist and each case is subject to a compromise. The collected examples and documentation were considered in defining the EuroGeographics' principles. Mindful of its European coverage and international charter, EuroGeographics concentrated on the following two cases from United National and the European Union:

1.1 United Nations

Being aware of the sensitive nature of cartographic documents, the United Nations takes outmost care in underlining its neutrality and has set up a policy² regulating the use of any mapping material in its publications. The policy requires that the following requirements are met prior to the issuance of any map, including dissemination via public electronic networks such as the internet:

- Clearance from the Cartographic Section³ of the Department of Public Information in order to ensure that maps meet publication standards and that they are not in contravention of existing United Nations policies
- Each map is accompanied by an attribution or a United Nations copyright notice
- A disclaimer form is used in connection with every map issued under the responsibility of the United Nations.
- The designations employed and the presentation of material on the map do not imply the expression of any opinion whatsoever on the part of the Secretariat of the United Nations concerning the legal status of any country, territory, city or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.

² ST/AI/189/Add.25/Rev.1

³ UN Cartographic Section (UNCS) <http://www.un.org/Depts/Cartographic/english/htmain.htm>

- In certain circumstances a special statement is required and can be provided by the UNs' Cartographic Section in consultation with the Office of Legal Affairs.

I.2 European Union

The European Union is a political and economic organisation bringing together its 28 Members States through the establishment of an Internal Single Market, governed by a standardised system of law implemented by all the members. This system of law covers specified policy areas that all Members agreed upon and aims at ensuring the free movement of people, goods, services and capital within the internal market across the national borders.⁴ This structure secures a high level of independence of the Members State and it does not imply specific direct impact on the process of the settlement of disputes and conflicts between the Members.

The activities of the EU bodies concentrate on the removal of obstacles influencing the process of integration among EU Member States around the single market and impacting movement of goods, services, people and capital. A number of legal instruments have been developed over the years to promote and facilitate cross-border cooperation. The European Commission's Communication "[Boosting Growth and Cohesion in EU Border regions](#)"⁵, adopted on 20 September 2017, indicates that most of the obstacles in development of the well-functioning cross-border implementation of the internal market stem from diverging national legislations on either side of the border, incompatible administrative processes, or lack of common territorial planning. Issues related to harmonisation of information are a national driven matter and remain within the remit of the respective governments.

In its publications, bodies of the European Union indicate that information in its maps does not imply the expression of any opinion whatsoever on the part of the European Union concerning the legal status of any country, territory or area or of its authorities, or concerning the delimitation of its frontiers or boundaries.⁶

5. EuroGeographics policy principles for OpenELS

EuroGeographics shall preserve its neutral stance and will not get involved in any political conflict between its Members.

If members of EuroGeographics disagree on the content of data provided by each other, over the bordering area of their territories, they should notify EuroGeographics officially. EuroGeographics will respect the following policy principles:

⁴ Regulation (EU) No 1215/2012 of the European Parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJ L 351, 20.12.2012, p. 1) ('Brussels I Recast'),

⁵ https://ec.europa.eu/regional_policy/en/information/publications/communications/2017/boosting-growth-and-cohesion-in-eu-border-regions

⁶ <https://ec.europa.eu/eurostat/web/products-statistical-books/-/KS-HA-17-001>

I.1 Authoritative character of data

EuroGeographics recognises its Member's equal mandate to provide the official national data to OpenELS services and other pan-European products maintained by the Association and that the data supplied is authoritative data as defined below:

“Data provided by or on behalf of a public body (authority) which has an official mandate to provide it and that is based on a set of criteria to ensure (inter alia) a high data quality and that is aimed towards extensive reuse within the public sector and society as a whole.”

I.2 No interference in National disputes

EuroGeographics shall not take part or take any side in disputes between its Members related to the content of Members national data provided to OpenELS project or other products.

EuroGeographics will not apply any technical activities leading to automated presentation of data content in the disputed territory in a way that has not been mutually agreed by the data providers.

I.3 Equal presentation of Members Data

In the case of a dispute leading to the existence of two different national datasets, EuroGeographics shall undertake reasonable steps in order to ensure that data of both sides are visualised and presented equally, ensuring that there is no doubt to the existence of two sets of information describing the same area.

Data should be visualised in the viewing services with:

- a) Use of an indicative portrayal of the area where two or more equally authoritative datasets are available in the viewing services
- b) Use of distinguishing symbolisation on the agreed international border which is different than that used for the other parts of the border.
- c) The data of contributing parties might be included to EuroGeographics products under an agreed sequence (“default option”, “alternative option”) between both data providers if such agreement is possible.

I.4 Clarity of information for the users

The user of the OpenELS data services is entitled to specific information on the placement, geographical extent and scope of any difference between data sets provided for the same geographical area..

This information should include:

- a) Annotation in the metadata for both datasets
- b) Information indicating who the data provider is of each data sets
- c) Publication of above information within the User Guides and Technical Specifications for that dataset available through existing OpenELS and EuroGeographics communication channels (websites, metadata, webservices, etc).

It is the responsibility of the user to choose what data they use based on their own requirements.

I.5 Disclaim liability for data provided by the Members

The ELS Data provider is responsible for the data provided to Open ELS as detailed within the ELS Data Provider Agreement.

Before using any Open ELS services, the end user must agree to the Open ELS License which states that the Open ELS Data is provided 'as is' and the creator and/or Licensor makes no representations or warranties of any kind concerning the Open ELS Data.

I.6 Clarity on conditions for data user

The user has the right to choose which data is included in any applicable conditions.

In a situation when one of the Members is not able to provide its data under open conditions the user may contact EuroGeographics to find out if there is an alternative available either through other EuroGeographics products or if it can be licensed directly from the Data Provider.

I.7 Use of data form other sources

In the case of the identification of gaps within the data in disputed territories, EuroGeographics will not attempt to fill the missing content with data from other, non-authoritative sources.

I.8 Collaborative efforts for agreeing the disputed content to be present

In order to avoid constraining the usage of the product due to the presentation of any disputed data content, EuroGeographics will encourage the data providers to seek a consensus in presenting the key geographical information prior to publication.

The territorial disputes, which often influence different positions to conditional features as Administrative units or State boundaries shall not affect a correct presentation of the location and content of anthropogenic features for example rivers, lakes, roads, etc.

6. Recommendations

In order to implement the above stated policy principles in to practice, EuroGeographics will take note of the following recommendations and:

1. Over time develop and maintain a register of disputed areas that are identified in the process of compilation of national data into the Open ELS services when notified by Data Providers. The register should indicate:
 - i. Disputed data providers responsible for that geographical area
 - ii. The geographical location of the disputed area
 - iii. Information on how the dispute is presented in the Open ELS service.

- b. This list should be owned and managed by the Product Manager in order to preserve its consistency and enable cross product identification of issues.
2. Develop a procedure defining step by step guidance for the Product Manager which would allow for the facilitation of a process between data providers with the aim of agreeing how the data in the disputed area will be presented in the product. The procedure should define potential options for presentation of the data accordingly to level of mismatching, for example:
 - a. Not to show some of disputed features (e.g. - islands)
 - b. Show two/more borders/AU with explanatory polygon
 - c. Show aggregated data (GNs, rivers, lakes in both language versions, etc.)
 - d. Show generalized feature.