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ASSISTANT SUPERVISOR

Mr José Manuel BARROSO  
President of the European Commission  
B-1049 Brussels

Brussels, 11 July 2014  
GB/FP/mk D(2014)1484 C2014-0319

**Subject: Proposal for a Directive of the European Parliament and of the Council on the dissemination of Earth observation satellite data for commercial purposes**

Dear Mr President,

Having regard to Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of data by the Community institutions and bodies and on the free movement of such data, and in particular its Article 28(2), I am writing in relation to the proposal for a Directive of the European Parliament and of the Council on the dissemination of Earth observation satellite data for commercial purposes (“the Proposal”).<sup>1</sup>

We welcome that we have been consulted by the Commission at an earlier stage and given the opportunity to provide informal comments as to the compliance of the Proposal with data protection rules.

The Proposal aims at facilitating the dissemination within the EU of Earth observation satellite data for commercial purposes. In particular, it deals with the issues of defining and providing rules for the dissemination of high resolution satellite data (HRSD) for commercial purposes. HRSD is produced by satellite operators, distributed by data providers, combined with additional information by the so-called value added service industry (including geo-information service providers) and then delivered to the customer businesses.

We underline that the combination of HRSD with other data in the possession of the value added service industry may in many cases lead to the processing of data relating to individuals who are directly or indirectly identifiable. In such case, this would constitute personal data in the meaning of Article 2(a) of Directive 95/46/EC, whose processing should comply with the rules set forth in Directive 95/46/EC and its national implementing laws. Where the processing of personal data is carried out by EU institutions and bodies, it should comply with the rules set forth in Regulation No 45/2001.

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<sup>1</sup> COM(2014) 0344 final.

Furthermore, we note that although the current state of the art for HRSD does not yet allow the direct identification of persons, technological progress could allow such direct identification in the future.

With respect to the above considerations on the impact of the Proposal on data protection, we welcome that, in recital (22), the Proposal explicitly refers to the applicability of Directive 95/46/EC and Regulation No 45/2001 to the processing of personal data in the context of the Proposal. We recommend that the application of these rules to the processing of personal data carried out under the Proposal is further elaborated in a substantive provision of the Proposal.

I have sent this letter to the President of the Council and to the President of the European Parliament as well.

Yours sincerely,

**(signed)**

Giovanni BUTTARELLI

CC: Ms Viviane REDING, Vice-President  
Mr Antonio TAJANI, Vice-President  
Mr Daniel CALLEJA CRESPO, Director General, DG Enterprise  
Mr Paul NEMITZ, Director, Fundamental Rights and Citizenship  
Mr Augusto GONZALEZ, Head of Unit, DG Enterprise  
Mr Bruno GENCARELLI, Head of Unit - Data Protection, DG JUST  
Mr Philippe RENAUDIÈRE, Data Protection Officer - European Commission