DRAFT STATUTORY INSTRUMENTS

2019 No.

The Environment (Legislative Functions from Directives) (EU Exit) Regulations 2019

PART 4

Infrastructure for spatial information: INSPIRE

CHAPTER 1

Introductory

Interpretation of Part 4: general

17.—(1) In this Part—

"the INSPIRE Regulations" means the INSPIRE Regulations 2009(**1**) or, as the case may be, the INSPIRE (Scotland) Regulations 2009(**2**);

"the Interoperability Implementing Regulation" means Commission Regulation (EU) No 1089/2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards interoperability of spatial data sets and services;

"the Metadata Implementing Regulation" means Commission Regulation (EC) No 1205/2008 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards metadata;

"the Monitoring and Reporting Implementing Decision" means Commission Decision 2009/442/EC implementing Directive 2007/2/EC of the European Parliament and of the Council as regards monitoring and reporting;

"the Network Services Implementing Regulation" means Commission Regulation (EC) No 976/2009 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards the Network Services;

"infrastructure for spatial information" means metadata, spatial data sets and spatial data services; network services and technologies; agreements on sharing, access and use; and coordination and monitoring mechanisms, processes and procedures, established, operated or made available in accordance with the INSPIRE Regulations, the Interoperability Implementing Regulation, the Metadata Implementing Regulation, the Monitoring and Reporting Implementing Decision, and the Network Services Implementing Regulation;

"spatial object" means an abstract representation of a real-world phenomenon related to a specific location or geographical area.

(2) Other terms used in this Part have the meanings given in the INSPIRE Regulations.

(**1**) S.I. 2009/3157, amended by section 211 of, and Schedule 19 to, the Data Protection Act 2018 (c.12) and by S.I. 2012/1672 and 2018/1338.

(**2**) S.S.I. 2009/440, amended by S.S.I. 2012/284.

Meaning of appropriate authority

18.—(1) In this Part, "appropriate authority" has the meaning given by this regulation.

(2) The "appropriate authority" is—

(a) for regulations applying in relation to England, Wales or Northern Ireland, the Secretary of State;

(b) for regulations applying in relation to Scotland, the Scottish Ministers.

(3) But the appropriate authority is the Secretary of State, in relation to regulations applying in relation to Scotland, if consent is given by the Scottish Ministers.

CHAPTER 2

Retention of functions from Directive 2007/2/EC

Power to make provision in relation to metadata for spatial data sets and services

19.—(1) The appropriate authority may, by regulations, make provision for or in connection with the creation and maintenance of metadata for spatial data sets and spatial data services corresponding to the themes listed in Annexes 1, 2 and 3 to the Metadata Implementing Regulation(**3**).

(2) Regulations under paragraph (1) may, in particular, amend the Metadata Implementing Regulation.

(3) In exercising the power under paragraph (1), the appropriate authority must have regard to relevant existing international standards and user requirements, in particular those in relation to validation metadata.

Power to make provision in relation to interoperability and harmonisation of spatial data sets and services

20.—(1) The appropriate authority may, by regulations, make provision for or in connection with the interoperability and harmonisation of spatial data sets and spatial data services.

(2) Regulations under paragraph (1) may, in particular, amend the Interoperability Implementing Regulation.

(3) In exercising the power under paragraph (1), the appropriate authority must have regard to—

(a) relevant user requirements,

(b) existing initiatives,

(c) international standards for the harmonisation of spatial data sets, and

(d) feasibility and cost benefit considerations.

(4) Regulations under paragraph (1) must (when taken together with the Interoperability Implementing Regulation)—

(a) incorporate any standards to ensure the interoperability or harmonisation of spatial data sets and spatial data services which have been adopted by any organisation established under international law;

(b) include provision defining and classifying spatial objects relevant to spatial data sets relating to the themes listed in Annex 1, 2 or 3 to the Metadata Implementing Regulation and the way in which those spatial data are geo-referenced;

(c) so far as they relate to spatial data sets corresponding to one or more of the themes listed in Annex 1 or 2 to the Metadata Implementing Regulation—

(**3**) Annexes 1, 2 and 3 were inserted into Commission Regulation (EC) No 1205/2008 by S.I. 2018/1338.

(i) contain provision concerning the matters in paragraph (5),

(ii) ensure consistency between items of information which refer to the same location or between items of information which refer to the same object represented at different scales, and

(iii) ensure that information derived from different spatial data sets is comparable as regards the matters referred to in sub-paragraph (b) and paragraph (5).

(5) The matters are—

(a) a common framework for the unique identification of spatial objects, to which identifiers can be mapped in order to ensure interoperability between them;

(b) the relationship between spatial objects;

(c) the key attributes and the corresponding multilingual thesauri commonly required for policies which may have an impact on the environment;

(d) information on the temporal dimension of the data;

(e) updates of the data.

(6) Before making regulations under this regulation, the appropriate authority must consult such persons with an interest in the spatial data concerned as the appropriate authority considers appropriate.

Power to make provision in relation to network services for spatial data sets and services

21.—(1) The appropriate authority may, by regulations, make provision for or in connection with the establishment and operation of network services for spatial data sets and spatial data services.

(2) Regulations under paragraph (1) may, in particular, amend the Network Services Implementing Regulation.

(3) Regulations under paragraph (1) must (when taken together with the Network Services Implementing Regulation)—

(a) include provision setting out technical specifications and minimum performance criteria for the network services;

(b) include provision about requirements to be met in order to link spatial data sets and spatial data services to the network services.

(4) In exercising the power under paragraph (1), the appropriate authority must have regard to any existing reporting requirements, e-commerce services and technological progress in relation to network services for spatial data sets and spatial data services.

Power to make provision in relation to monitoring and reporting of infrastructures for spatial information

22.—(1) The appropriate authority may, by regulations, make provision for or in connection with monitoring and reporting by the appropriate authority, on the implementation and use of infrastructures for spatial information.

(2) Regulations under paragraph (1) may, in particular, amend the Monitoring and Reporting Implementing Decision.

(3) Regulations under paragraph (1) must (when taken together with the Monitoring and Reporting Implementing Decision) contain provision about—

(a) how public sector providers and users of spatial data sets and spatial data services and intermediary bodies are coordinated, the relationship with third parties and the organisation of quality assurance;

(b) the contribution made by public authorities (or, as the case may be, Scottish public authorities) or third parties to the functioning and coordination of the infrastructure for spatial information;

(c) how the infrastructure for spatial information is used;

(d) how public authorities (or, as the case may be, Scottish public authorities) share data;

(e) the costs and benefits of the Interoperability Implementing Regulation, the Metadata Implementing Regulation, the Monitoring and Reporting Implementing Decision, the Network Services Implementing Regulation and the INSPIRE Regulations;

(f) the publication of reports providing updated information in relation to the items referred to in sub-paragraphs (a) to (e).