



# INSPIRE

## Infrastructure for Spatial Information in Europe

# Requests for spatial data under COMMISSION REGULATION (EU) No 268/2010

## Progress status

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<b>Creator</b>	EC and EEA INSPIRE Team
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<b>Addressee</b>	MIG
<b>Identifier</b>	<b>MIG/10/2019/DOC10</b>
<b>Description</b>	This document provides information on the intention of the Commission services to make more regular and structured use of Commission Regulation 268/2010, the Data Sharing Regulation. In particular, the data request template is presented and a possibility for feedback is provided.

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<b>Actions:</b>	MIG to: <ul style="list-style-type: none"> <li>• Take note of the document;</li> <li>• Discuss at the 10<sup>th</sup> meeting of the MIG.</li> </ul>
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# Requests for spatial data under COMMISSION REGULATION (EU) No 268/2010

[Commission Regulation (EU) No 268/2010 as regards the access to spatial data sets and services of the Member States by EU institutions and bodies under harmonised conditions]

## Introduction

The Directive 2007/2/EC establishing an Infrastructure for Spatial Information in the EU (INSPIRE Directive) sets out a framework how Member States identify, document, share and harmonise the structure of a wide range of geospatial datasets, i.e. data that are linked to a location and used for the purpose of mapping a geospatial data analysis. The principle of this Directive is that existing geospatial data produced by/available in an administration must be made available to other administrations within a Member State, in another Member State or to EU institutions and bodies so that these other administrations can benefit from the use of such data.

A specific provision in this Directive is the possibility for EU institutions and bodies to request access to spatial data from the Member States. Upon such a request, Member States have to provide such data to the EU under harmonised conditions so that they can be used for policy making and implementation purposes.

## Background

At EU level, there is a significant demand for geospatial data from all Member States to allow the creation of pan-European data products (such as maps) and the analysis of pan-European questions. E.g. Member States report the state and quality of the environment on air, water, nature etc. This allows for getting an EU picture on the state-of-implementation and the level of protection of EU citizens. Such reported data are often geospatial and are published in the annual bathing water report, the air quality index or the state of nature report every six years.

There is an increasing number of spatial datasets available now and more importantly, the interest of using such data for EU level purposes increased significantly over the past year. E.g. the Reporting Fitness Check highlighted potential of increasing efficiency and reducing of administrative burden by using the spatial data services provided by the Member States in the context of environmental reporting. Furthermore and in response to these growing spatial information needs, several Directorates-General (AGRI, DIGIT, ENER, ENV, ESTAT, GROW, JRC, MARE, MOVE, REGIO) of the European Commission and European Agencies (EEA) have agreed that the Commission needs more and better quality geospatial data from official sources with European coverage.

The Regulation offers a clear and helpful possibility to request such datasets from some or all Member States and thereby implementing the approaches set out in the Commission's Digital Strategy as well as the Data Strategy which was recently adopted.

Finally, national data are often needed for policy development, implementation or evaluation. This need is also laid down in the Better Regulation Guidelines.

## **Legal base**

The Commission Regulation (EU) No 268/2010 was adopted in the context of the Directive 2007/2/EC establishing an Infrastructure for Spatial Information in the EU (INSPIRE).

Article 17 (8) of this Directive sets out that: *“Member States shall provide the institutions and bodies of the Community with access to spatial data sets and services in accordance with harmonised conditions.”* The Commission Regulation defines these harmonised conditions.

The key provision of Regulation (EU) No 268/2010 is Article 7:

*“Member States shall provide access to spatial data sets and services without delay and at the latest within 20 days after receipt of a written request, unless otherwise agreed by mutual agreement between the Member State and the institution or body of the Community.”* The other articles deal with restriction on access, arrangements, use, metadata and transparency and will have to be assessed on a case-by-case basis.

In addition, the general definitions under the INSPIRE Directive 2007/7/EC are important in this context, in particular:

Article 3 (2): *“spatial data” means any data with a direct or indirect reference to a specific location or geographical area;*

Article 3 (3): *“spatial data sets” means an identifiable collection of spatial data;*

Article 4 (1): *“This Directive shall cover spatial data sets which fulfil the following conditions:*

- a) They related to an area where a Member State has and/or exercises jurisdictional rights;*
- b) They are in electronic format;*
- c) They are held by or on behalf of the following:*
  - i) A public authority, [...]*
  - ii) A third party to whom the network has been made available in accordance with Article 12;*
- d) They relate to one or more of the themes listed in Annex I, II or III.”*

Article 4 (4): *“This Directive does not require collection of new spatial data.”*

When a spatial data set is requested from a Member State, it is required to fulfil the obligation in particular in relation to:

- Metadata (Article 5)
- Spatial data services (view, discovery and download services) (Article 11)
- Interoperability (Article 7) and
- The INSPIRE Geoportal (Article 15).

In other words, the Member State will be asked to provide the requested data set through the INSPIRE Geoportal and by implementing articles 5, 7 and 11. To note, that most deadlines in the Directive have passed, only the obligation to ensure interoperability with the data specifications in relation to spatial data sets covered by Annex III of the Directive applies from 21/10/2020 onward only.

The enclosed data request form is designed to apply these provisions in a clear way when requesting data from Member States using this Regulation.

### **Next steps**

The Commission services are currently finalizing the internal discussions and the necessary documentation to apply this procedure under Commission Regulation (EU) No 268/2010 in a coherent, coordinated and formally correct way from all Commission services. Once finalised, a first set of requests is expected to be issued in 2019. These requests will be linked to datasets already discussed with Member States (e.g. under the Copernicus programme or the ELISE project). Any request will be sent officially to the Permanent Representation of the Member States and in copy to the INSPIRE National Contact Point. The Commission services will also inform the INSPIRE MIG regularly about the requests issued and the experience with applying this Regulation.

## Digital Spatial Data Request Form

for requesting spatial data under the INSPIRE Data Sharing Regulation (EU) No 268/2010 in the Commission.

A. Data Requestor Details			
Contact Details	DG		
	Unit		
	Contactperson	Name	
		Email	
		Telephone	
Signature			

B. Describe the spatial data you require						
Spatial Data Description	Describe the data (objects of interest, geometry and attributes)	Geometry	<input type="checkbox"/> Vector ( <input type="checkbox"/> Point - <input type="checkbox"/> Line - <input type="checkbox"/> Polygon) - <input type="checkbox"/> Raster			
		Objects of Interest (e.g. roads, rivers, buildings, species distribution ..., please describe).				
		Attributes (please describe)				
	Distribution	As a Service	<input type="checkbox"/> View service - <input type="checkbox"/> Download service ( <input type="checkbox"/> File - <input type="checkbox"/> API)			
		As a file (specify format)	<input type="checkbox"/> ESRI Shapefile - <input type="checkbox"/> GML - <input type="checkbox"/> GeoJSON - <input type="checkbox"/> GeoPackage - <input type="checkbox"/> TIFF - <input type="checkbox"/> IMG - <input type="checkbox"/> GRID Other (please specify):			
	Describe your area of interest using ONE of the following options	<input type="checkbox"/> Location Map showing area of interest is supplied.				
		<input type="checkbox"/> Boundary polygon in spatial data format is supplied. Please zip all files if attached to email.				
		<input type="checkbox"/> Placename				
		<input type="checkbox"/> Bounding coordinates of area				
		<input type="checkbox"/> NUTS code				
Describe the scale of use	<input type="checkbox"/> Global	<input type="checkbox"/> European	<input type="checkbox"/> National	<input type="checkbox"/> Regional	<input type="checkbox"/> Local	<input type="checkbox"/> Location based

B. Describe the spatial data you require					
	Describe the coverage in time	<input type="checkbox"/> Most recent data	Start period	End period	
<b>Intended use of the spatial data</b>	Please describe the intended use.				
	Support for policy development	<input type="checkbox"/> Preparation	<input type="checkbox"/> Adoption	<input type="checkbox"/> Implementation	<input type="checkbox"/> Evaluation
	For dissemination / publication	<input type="checkbox"/> As background layer for publication		<input type="checkbox"/> For download and reuse	
		<input type="checkbox"/> EC Internal	<input type="checkbox"/> EU Institutions	<input type="checkbox"/> Contractor	<input type="checkbox"/> Specific Community

C. Justification for the data request		
<b>Legal Act that underpins the data request</b>	EU-Lex ID	
	EU-Lex link	
	Relevant Articles	
<b>Other initiative that underpins the data request</b>	Ares no. or document link	
	Relevant Paragraph	

D. Any other comments or special requests