

Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)

CHAPTER I

GENERAL PROVISIONS

Article 1

1 The purpose of this Directive is to lay down general rules aimed at the establishment of the Infrastructure for Spatial Information in the European Community (hereinafter referred to as Inspire), for the purposes of Community environmental policies and policies or activities which may have an impact on the environment.

2 Inspire shall build upon infrastructures for spatial information established and operated by the Member States.

Article 2

1 This Directive is without prejudice to Directives 2003/4/EC and 2003/98/EC.

2 This Directive does not affect the existence or ownership of public authorities' intellectual property rights.

Article 3

For the purposes of this Directive, the following definitions shall apply:

1. '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 this Directive;
2. 'spatial data' means any data with a direct or indirect reference to a specific location or geographical area;
3. 'spatial data set' means an identifiable collection of spatial data;
4. 'spatial data services' means the operations which may be performed, by invoking a computer application, on the spatial data contained in spatial data sets or on the related metadata;
5. 'spatial object' means an abstract representation of a real-world phenomenon related to a specific location or geographical area;
6. 'metadata' means information describing spatial data sets and spatial data services and making it possible to discover, inventory and use them;
7. 'interoperability' means the possibility for spatial data sets to be combined, and for services to interact, without repetitive manual intervention, in such a way that the result is coherent and the added value of the data sets and services is enhanced;
8. 'Inspire geo-portal' means an Internet site, or equivalent, providing access to the services referred to in Article 11(1);

9. 'public authority' means:
- (a) any government or other public administration, including public advisory bodies, at national, regional or local level;
 - (b) any natural or legal person performing public administrative functions under national law, including specific duties, activities or services in relation to the environment; and
 - (c) any natural or legal person having public responsibilities or functions, or providing public services relating to the environment under the control of a body or person falling within (a) or (b).

Member States may provide that when bodies or institutions are acting in a judicial or legislative capacity, they are not to be regarded as a public authority for the purposes of this Directive;

10. 'third party' means any natural or legal person other than a public authority.

Article 4

- 1 This Directive shall cover spatial data sets which fulfil the following conditions:
- a they relate 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 any of the following:
 - (i) a public authority, having been produced or received by a public authority, or being managed or updated by that authority and falling within the scope of its public tasks;
 - (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.
- 2 In cases where multiple identical copies of the same spatial data set are held by or on behalf of various public authorities, this Directive shall apply only to the reference version from which the various copies are derived.
- 3 This Directive shall also cover the spatial data services relating to the data contained in the spatial data sets referred to in paragraph 1.
- 4 This Directive does not require collection of new spatial data.
- 5 In the case of spatial data sets which comply with the condition set out in paragraph 1(c), but in respect of which a third party holds intellectual property rights, the public authority may take action under this Directive only with the consent of that third party.
- 6 By way of derogation from paragraph 1, this Directive shall cover spatial data sets held by or on behalf of a public authority operating at the lowest level of government within a Member State only if the Member State has laws or regulations requiring their collection or dissemination.
- 7 The description of the existing data themes referred to in Annexes I, II and III may be adapted in accordance with the regulatory procedure with scrutiny referred to in Article 22(3), in order to take into account the evolving needs for spatial data in support of Community policies that affect the environment.