

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)

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of 14 March 2007

establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee<sup>(1)</sup>,

After consulting the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty, in the light of the joint text approved by the Conciliation Committee on 17 January 2007<sup>(2)</sup>,

Whereas:

- (1) Community policy on the environment must aim at a high level of protection taking into account the diversity of situations in the various regions of the Community. Moreover, information, including spatial information, is needed for the formulation and implementation of this policy and other Community policies, which must integrate environmental protection requirements in accordance with Article 6 of the Treaty. In order to bring about such integration, it is necessary to establish a measure of coordination between the users and providers of the information so that information and knowledge from different sectors can be combined.
- (2) The Sixth Environment Action Programme adopted by Decision No 1600/2002/EC of the European Parliament and of the Council of 22 July 2002<sup>(3)</sup> requires full consideration to be given to ensuring that the Community's environmental policy-making is undertaken in an integrated way, taking into account regional and local differences. A number of problems exist regarding the availability, quality, organisation, accessibility and sharing of spatial information needed in order to achieve the objectives set out in that programme.
- (3) The problems regarding the availability, quality, organisation, accessibility and sharing of spatial information are common to a large number of policy and information themes and are experienced across the various levels of public authority. Solving these problems requires measures that address exchange, sharing, access and use of interoperable spatial data and spatial data services across the various levels of public

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authority and across different sectors. An infrastructure for spatial information in the Community should therefore be established.

- (4) The Infrastructure for Spatial Information in the European Community (Inspire) should assist policy-making in relation to policies and activities that may have a direct or indirect impact on the environment.
- (5) Inspire should be based on the infrastructures for spatial information that are created by the Member States and that are made compatible with common implementing rules and are supplemented with measures at Community level. These measures should ensure that the infrastructures for spatial information created by the Member States are compatible and usable in a Community and transboundary context.
- (6) The infrastructures for spatial information in the Member States should be designed to ensure that spatial data are stored, made available and maintained at the most appropriate level; that it is possible to combine spatial data from different sources across the Community in a consistent way and share them between several users and applications; that it is possible for spatial data collected at one level of public authority to be shared between other public authorities; that spatial data are made available under conditions which do not unduly restrict their extensive use; that it is easy to discover available spatial data, to evaluate their suitability for the purpose and to know the conditions applicable to their use.
- (7) There is a degree of overlap between the spatial information covered by this Directive and the information covered by Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information<sup>(4)</sup>. This Directive should be without prejudice to Directive 2003/4/EC.
- (8) This Directive should be without prejudice to Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information<sup>(5)</sup>, the objectives of which are complementary to those of this Directive.
- (9) This directive should not affect the existence or ownership of public authorities' intellectual property rights.
- (10) The establishment of INSPIRE will represent significant added value for — and will also benefit from — other Community initiatives such as Council Regulation (EC) No 876/2002 of 21 May 2002 setting up the Galileo Joint Undertaking<sup>(6)</sup> and the Communication from the Commission to the European Parliament and the Council 'Global Monitoring for Environment and Security (GMES): Establishing a GMES capacity by 2008 — (Action Plan (2004 to 2008))'. Member States should consider using the data and services resulting from Galileo and GMES as they become available, in particular those related to the time and space references from Galileo.
- (11) Many initiatives are taken at national and Community level to collect, harmonise or organise the dissemination or use of spatial information. Such initiatives may be established by Community legislation, such as Commission Decision 2000/479/EC of 17 July 2000 on the implementation of a European pollutant emission register (EPER) according to Article 15 of Council Directive 96/61/EC concerning integrated pollution

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prevention and control (IPPC)<sup>(7)</sup> and Regulation (EC) No 2152/2003 of the European Parliament and of the Council of 17 November 2003 concerning monitoring of forests and environmental interactions in the Community (Forest focus)<sup>(8)</sup>, in the framework of Community funded programmes (for example Corine land cover, European Transport Policy Information System) or may emanate from initiatives taken at national or regional level. This Directive will not only complement such initiatives by providing a framework that will enable them to become interoperable, but it will also build upon existing experience and initiatives rather than duplicate the work that has already been done.

- (12) This Directive should apply to spatial data held by or on behalf of public authorities and to the use of spatial data by public authorities in the performance of their public tasks. Subject to certain conditions, however, it should also apply to spatial data held by natural or legal persons other than public authorities, provided that those natural or legal persons request this.
- (13) This Directive should not set requirements for the collection of new data, or for reporting such information to the Commission, since those matters are regulated by other legislation related to the environment.
- (14) The implementation of the national infrastructures should be progressive and, accordingly, the spatial data themes covered by this Directive should be accorded different levels of priority. The implementation should take account of the extent to which spatial data are needed for a wide range of applications in various policy areas, of the priority of actions provided for under Community policies that need harmonised spatial data and of the progress already made by the harmonisation efforts undertaken in the Member States.
- (15) The loss of time and resources in searching for existing spatial data or establishing whether they may be used for a particular purpose is a key obstacle to the full exploitation of the data available. Member States should therefore provide descriptions of available spatial data sets and services in the form of metadata.
- (16) Since the wide diversity of formats and structures in which spatial data are organised and accessed in the Community hampers the efficient formulation, implementation, monitoring and evaluation of Community legislation that directly or indirectly affect the environment, implementing measures should be provided for in order to facilitate the use of spatial data from different sources across the Member States. Those measures should be designed to make the spatial data sets interoperable, and Member States should ensure that any data or information needed for the purposes of achieving interoperability are available on conditions that do not restrict their use for that purpose. Implementing rules should be based, where possible, on international standards and should not result in excessive costs for Member States.
- (17) Network services are necessary for sharing spatial data between the various levels of public authority in the Community. Those network services should make it possible to discover, transform, view and download spatial data and to invoke spatial data and e-commerce services. The services of the network should work in accordance with commonly agreed specifications and minimum performance criteria in order to

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ensure the interoperability of the infrastructures established by the Member States. The network of services should also include the technical possibility to enable public authorities to make their spatial data sets and services available.

- (18) Certain spatial data sets and services relevant to Community policies that directly or indirectly affect the environment are held and operated by third parties. Member States should therefore offer third parties the possibility of contributing to the national infrastructures, provided that the cohesion and ease of use of the spatial data and spatial data services covered by those infrastructures is thereby not impaired.
- (19) Experience in the Member States has shown that it is important, for the successful implementation of an infrastructure for spatial information, that a minimum number of services be made available to the public free of charge. Member States should therefore make available, as a minimum and free of charge, the services for discovering and, subject to certain specific conditions, viewing spatial data sets.
- (20) In order to assist the integration of the national infrastructures into Inspire, Member States should provide access to their infrastructures through a Community geo-portal operated by the Commission, as well as through any access points they themselves decide to operate.
- (21) In order to make information from various levels of public authority available, Member States should remove the practical obstacles faced in that regard by public authorities at national, regional and local level when performing their public tasks that may have a direct or indirect impact on the environment.
- (22) Public authorities need to have smooth access to relevant spatial data sets and services during the execution of their public tasks. Such access can be hindered if it depends on individual ad hoc negotiations between public authorities every time access is required. Member States should take the necessary measures to prevent such practical obstacles to the sharing of data, using for example prior agreements between public authorities.
- (23) Where a public authority supplies another public authority in the same Member State with spatial data sets and services required for the fulfilment of reporting obligations under Community legislation relating to the environment, the Member State concerned should be free to decide that those spatial data sets and services shall not be subject to any charging. The mechanisms for sharing spatial data sets and services between government and other public administrations and natural or legal persons performing public administrative functions under national law should take into account the need to protect the financial viability of public authorities, in particular those that have a duty to raise revenue. In any event, any charges applied should not exceed the cost of collection, production, reproduction and dissemination together with a reasonable return on investment.
- (24) The provision of network services should be carried out in full compliance with the principles relating to the protection of personal data in accordance with Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data<sup>(9)</sup>.

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- (25) Frameworks for the sharing of spatial data between public authorities upon whom the Directive imposes a duty to share should be neutral in respect of such public authorities within a Member State, but also in respect of such public authorities in other Member States and of the Community institutions. Since the Community institutions and bodies frequently need to integrate and assess spatial information from all the Member States, they should be able to gain access to and use spatial data and spatial data services in accordance with harmonised conditions.
- (26) With a view to stimulating the development of added-value services by third parties, for the benefit of both public authorities and the public, it is necessary to facilitate access to spatial data that extend over administrative or national borders.
- (27) The effective implementation of infrastructures for spatial information requires coordination by all those with an interest in the establishment of such infrastructures, whether as contributors or users. Appropriate coordination structures which extend to the various levels of government and take account of the distribution of powers and responsibilities within the Member States should therefore be established.
- (28) In order to benefit from the state of the art and actual experience of information infrastructures, it is appropriate that the measures necessary for the implementation of this Directive should be supported by international standards and standards adopted by European standardisation bodies in accordance with the procedure laid down in Directive 98/34/EC of the European Parliament and of the Council of 22 June 1998 laying down a procedure for the provision of information in the field of technical standards and regulations<sup>(10)</sup>.
- (29) Since the European Environment Agency set up by Council Regulation (EEC) No 1210/90 of 7 May 1990 on the establishment of the European Environment Agency and the European Environment Information and Observation Network<sup>(11)</sup> has the task of providing the Community with objective, reliable and comparable environmental information at Community level, and aims *inter alia* to improve the flow of policy-relevant environmental information between Member States and the Community institutions, it should contribute actively to the implementation of this Directive.
- (30) In accordance with point 34 of the Interinstitutional Agreement on better law-making<sup>(12)</sup>, Member States are encouraged to draw up, for themselves and in the interests of the Community, their own tables illustrating, as far as possible, the correlation between this Directive and the transposition measures, and to make them public.
- (31) The measures necessary for the implementation of this Directive should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission<sup>(13)</sup>.
- (32) In particular, the Commission should be empowered to adapt the description of the existing data themes referred to in Annexes I, II and III. Since such measures are of general scope and are designed to amend non-essential elements of this Directive, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.

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- (33) The Commission should also be empowered to adopt implementing rules laying down technical arrangements for the interoperability and harmonisation of spatial data sets and services, rules governing the conditions concerning access to such sets and services, as well as rules concerning the technical specifications and obligations of network services. Since such measures are of general scope and are designed to supplement this Directive by the addition of new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC.
- (34) Preparatory work for decisions concerning the implementation of this Directive and for the future evolution of Inspire requires continuous monitoring of the implementation of the Directive and regular reporting.
- (35) Since the objective of this Directive, namely the establishment of Inspire, cannot be sufficiently achieved by the Member States because of the transnational aspects and the general need within the Community to coordinate the conditions of access to, exchange and sharing of spatial information, and can therefore be better achieved at Community level, the Community may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty. In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve this objective,

HAVE ADOPTED THIS DIRECTIVE:

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- (1) [OJ C 221, 8.9.2005, p. 33.](#)
- (2) Opinion of the European Parliament of 7 June 2005 ([OJ C 124 E, 25.5.2006, p. 116](#)), Council Common Position of 23 January 2006 ([OJ C 126 E, 30.5.2006, p. 16](#)) and Position of the European Parliament of 13 June 2006 (not yet published in the Official Journal). Decision of the Council of 29 January 2007 and legislative resolution of the European Parliament of 13 February 2007 (not yet published in the Official Journal).
- (3) [OJ L 242, 10.9.2002, p. 1.](#)
- (4) [OJ L 41, 14.2.2003, p. 26.](#)
- (5) [OJ L 345, 31.12.2003, p. 90.](#)
- (6) [OJ L 138, 28.5.2002, p. 1.](#)
- (7) [OJ L 192, 28.7.2000, p. 36.](#)
- (8) [OJ L 324, 11.12.2003, p. 1.](#) Regulation as amended by Regulation (EC) No 788/2004 ([OJ L 138, 30.4.2004, p. 17](#)).
- (9) [OJ L 281, 23.11.1995, p. 31.](#) Directive as amended by Regulation (EC) No 1882/2003 ([OJ L 284, 31.10.2003, p. 1](#)).
- (10) [OJ L 204, 21.7.1998, p. 37.](#) Directive as last amended by the 2003 Act of Accession.
- (11) [OJ L 120, 11.5.1990, p. 1.](#) Regulation as last amended by Regulation (EC) No 1641/2003 of the European Parliament and of the Council ([OJ L 245, 29.9.2003, p. 1](#)).
- (12) [OJ C 321, 31.12.2003, p. 1.](#)
- (13) [OJ L 184, 17.7.1999, p. 23.](#) Decision as amended by Decision 2006/512/EC ([OJ L 200, 22.7.2006, p. 11](#)).