



STATUTORY INSTRUMENTS.

**S.I. No. 382 of 2010**

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EUROPEAN COMMUNITIES (ESTABLISHING AN  
INFRASTRUCTURE FOR SPATIAL INFORMATION IN THE  
EUROPEAN COMMUNITY (INSPIRE)) REGULATIONS 2010

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INFRASTRUCTURE FOR SPATIAL INFORMATION IN THE  
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EUROPEAN COMMUNITIES (ESTABLISHING AN  
INFRASTRUCTURE FOR SPATIAL INFORMATION IN THE  
EUROPEAN COMMUNITY (INSPIRE)) REGULATIONS 2010

I, JOHN GORMLEY, Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on me by Section 3 of the European Communities Act 1972 (No. 27 of 1972), and for the purposes of giving effect to Council Directive 2007/2/EC of the European Parliament and of the Council of 25 April 2007, hereby make the following Regulations:

*Citation and Commencement*

1. (1) These Regulations may be cited as the European Communities (Establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)) Regulations, 2010.

(2) These Regulations shall come into operation on 1 August 2010.

*Purpose and Application*

2. (1) These Regulations shall provide for the establishment in the State of an infrastructure for spatial information in accordance with the requirements of the INSPIRE Directive.

*Interpretation*

3. (1) In these Regulations—

“Commission” means the Commission of the European Communities;

“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 these Regulations;

“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;

“INSPIRE Directive” means Directive 2007/2/EC of the European Parliament and of the Council of 25 April 2007;

“INSPIRE geo-portal” means an Irish Internet site, or equivalent, providing access to the services referred to in Regulation 5(1) and which links to a European geo-portal established in terms of paragraph 1 of Article 15 of the INSPIRE Directive;

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 3rd August, 2010.*

“metadata” means information describing spatial data sets and spatial data services and making it possible to discover inventory and use them;

“Minister” means the Minister for the Environment, Heritage and Local Government;

“public body” means:

- (a) any government or other public administration, including public advisory bodies, at national, regional or local level, and shall include a Government Department, Regional Authority, Local Authority, Office or Agency or Authority of the State;
- (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).

When bodies or institutions are acting in a judicial or legislative capacity, they are not to be regarded as a public body for the purposes of these Regulations;

“spatial data” means any data with a direct or indirect reference to a specific location or geographical area;

“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;

“spatial data set” means an identifiable collection of spatial data;

“third party” means any natural or legal person other than a public body.

(2) These Regulations do not affect the existence or ownership of public bodies’ intellectual property rights.

(3) These Regulations shall cover spatial data sets which fulfill the following conditions:

- (a) cover all of the land and marine areas over which the State has jurisdiction;
- (b) are in electronic format;
- (c) are held by or on behalf of any of the following:
  - (aa) a public body, having been produced or received by a public body, or being managed or updated by that body and falling within the scope of its public tasks;

(bb) a third party to whom the network has been made available in accordance with Regulation 6(4);

(d) relate to one or more of the themes listed in Schedules 1, 2 or 3.

(4) In cases where multiple identical copies of the same spatial data set are held by or on behalf of various public bodies, these Regulations shall apply only to the reference version from which the various copies are derived.

(5) These Regulations shall cover the spatial data services relating to the data contained in the spatial data sets referred to in Regulation 3(3).

(6) These Regulations do not require collection of new spatial data.

(7) In the case of spatial data sets which comply with the condition set out in Regulation 3(3)(c), but in respect of which a third party holds intellectual property rights, the public body may take action under these Regulations only with the consent of that third party.

(8) By way of derogation from Regulation 3(3), these Regulations shall cover spatial data sets held by or on behalf of a public body operating at the lowest level of government only if laws or regulations require their collection or dissemination.

(9) The description of the existing data themes referred to in Schedules 1, 2 and 3 may be adapted in accordance with the regulatory procedure with scrutiny referred to in Article 22(3) of the INSPIRE Directive, in order to take into account the evolving needs for spatial data in support of Community policies that affect the environment.

#### *Metadata*

4. (1) Public bodies within the remit of these Regulations shall ensure that metadata are created for the spatial data sets and services corresponding to the themes listed in Schedules 1, 2 and 3, and that those metadata are kept up to date.

(2) Metadata shall include information on the following:

(a) the conformity of spatial data sets with the implementing rules provided for in Article 7(1) of the INSPIRE Directive;

(b) the conditions applying to access to, and use of, spatial data sets and services and, where applicable, corresponding fees;

(c) the quality and validity of spatial data sets;

(d) the public bodies responsible for the establishment, management, maintenance and distribution of spatial data sets and services;

(e) the limitations on public access and the reasons for such limitations, in accordance with Regulation 6(5) to (7).

(3) Public bodies shall take the necessary measures to ensure that metadata are complete and of a quality sufficient to fulfill the purpose set out in the definition of metadata in Regulation 3(1).

(4) Public bodies shall create metadata no later than 23 December 2010 in the case of the themes set out in Schedules 1 and 2, and no later than 23 December 2013 in the case of the themes set out in Schedule 3.

#### *Interoperability of Spatial Data Sets and Services*

5. (1) Public bodies shall ensure that all newly collected and extensively restructured spatial data sets and the corresponding spatial data services are available in conformity with the implementing rules referred to in paragraph 1 of Article 7 of the INSPIRE Directive within two years of their adoption, and that other spatial data sets and services still in use are available in conformity with the implementing rules within seven years of their adoption. Spatial data sets shall be made available in conformity with the implementing rules either through the adaptation of existing spatial data sets or through the transformation services referred to in Regulation 6(1)(d) of these Regulations.

(2) Any information, including data, codes and technical classifications, needed for compliance with the implementing rules referred to in Regulation 5(1) shall be made available to public bodies or third parties in accordance with conditions that do not restrict its use for that purpose.

(3) In order to ensure that spatial data relating to a geographical feature, the location of which spans the frontier between the State and the United Kingdom, are coherent, public bodies shall, where appropriate, decide by mutual consent on the depiction and position of such common features.

#### *Network Services*

6. (1) Public bodies shall establish and operate a network of the following services for the spatial data sets and services for which metadata have been created in accordance with these Regulations:

- (a) discovery services making it possible to search for spatial data sets and services on the basis of the content of the corresponding metadata and to display the content of the metadata;
- (b) view services making it possible, as a minimum, to display, navigate, zoom in/out, pan, or overlay viewable spatial data sets and to display legend information and any relevant content of metadata;
- (c) download services, enabling copies of spatial data sets, or parts of such sets, to be downloaded and, where practicable, accessed directly;
- (d) transformation services, enabling spatial data sets to be transformed with a view to achieving interoperability;
- (e) invoke services allowing spatial data services to be invoked.

These services shall take into account relevant user requirements and shall be easy to use, available to the public and accessible via the Internet or any other appropriate means of telecommunication.

(2) For the purposes of the services referred to in Regulation 6(1)(a), as a minimum the following combination of search criteria shall be implemented:

- (a) keywords;
- (b) classification of spatial data and services;
- (c) the quality and validity of spatial data sets;
- (d) degree of conformity with the implementing rules provided for in Article 7(1) of the INSPIRE Directive;
- (e) geographical location;
- (f) conditions applying to the access to and use of spatial data sets and services;
- (g) the public bodies responsible for the establishment, management, maintenance and distribution of spatial data sets and services.

(3) The transformation services referred to in Regulation 6(1)(d) shall be combined with the other services referred to in Regulation 6(1) in such a way as to enable all those services to be operated in conformity with the implementing rules referred to in Article 7(1) of the INSPIRE Directive.

(4) Public bodies shall be given the technical possibility to link their spatial data sets and services to the network referred to in Regulation 6(1). This service shall also be made available upon request to third parties whose spatial data sets and services comply with implementing rules laying down obligations with regard, in particular, to metadata, network services and interoperability.

(5) By way of derogation from Regulation 6(1) public bodies may limit public access to spatial data sets and services through the services referred to:

- (a) In Regulation 6(1)(a) where such access would adversely affect international relations, public security or national defense.
- (b) in Regulation 6(1)(b) to (e), or to the e-commerce services referred to in Regulation 6(11), where such access would adversely affect any of the following:
  - (aa) the confidentiality of the proceedings of public bodies, where such confidentiality is provided for by law;
  - (bb) international relations, public security or national defense;

- (cc) the course of justice, the ability of any person to receive a fair trial or the ability of a public body to conduct an enquiry of a criminal or disciplinary nature;
- (dd) the confidentiality of commercial or industrial information, where such confidentiality is provided for by Irish or Community law to protect a legitimate economic interest, including the public interest in maintaining statistical confidentiality and tax secrecy;
- (ee) intellectual property rights;
- (ff) the confidentiality of personal data and/or files relating to a natural person where that person has not consented to the disclosure of the information to the public, where such confidentiality is provided for by Irish or Community law;
- (gg) the interests or protection of any person who supplied the information requested on a voluntary basis without being under, or capable of being put under, a legal obligation to do so, unless that person has consented to the release of the information concerned;
- (hh) the protection of the environment to which such information relates, such as the location of rare species.

(6) The grounds for limiting access, as provided for in Regulation 6(5), shall be interpreted in a restrictive way, taking into account for the particular case the public interest served by providing this access. In every particular case, the public interest served by disclosure shall be weighed against the interest served by limiting or conditioning the access. Public bodies may not, by virtue of points 6(5)(b)(aa), (dd), (ff), (gg) and (hh), limit access to information on emissions into the environment.

(7) Within this framework, and for the purposes of the application of Regulation 6(5)(b)(ff), public bodies shall ensure that the requirements of Directive 95/46/EC (Data Protection) are complied with.

(8) Public bodies shall ensure that the services referred to in Regulation 6(1)(a) and (b) are available to the public free of charge.

(9) By way of derogation from Regulation 6(8), where public bodies supply a service referred to in Regulation 6(1)(b) they may apply charges where such charges secure the maintenance of spatial data sets and corresponding data services, especially in cases involving very large volumes of frequently updated data.

(10) Data made available through the view services referred to in Regulation 6(1)(b) may be in a form preventing their reuse for commercial purposes.



(11) Where public bodies levy charges for the services referred to in Regulation 6(1)(b), (c) or (e) they shall ensure that e-commerce services are available. Such services may be covered by disclaimers, click-licences or, where necessary, licences.

(12) Public bodies shall provide access to the services referred to in Regulation 6(1) through the geo-portal referred to in Regulation 3(1).

(13) Public bodies when providing network services shall do so in accordance with implementing rules adopted in terms of Article 16 of the INSPIRE Directive.

#### *Data and Services Sharing*

7. (1) Public bodies shall adopt measures for the sharing of spatial data sets and services between the public bodies referred to Regulation 3(1) Public Bodies (a) and (b). These measures shall enable the public bodies to gain access to spatial data sets and services, and to exchange and use those sets and services, for the purposes of public tasks that may have an impact on the environment.

(2) The measures provided for in Regulation 7(1) shall preclude any restrictions likely to create practical obstacles, occurring at the point of use, to the sharing of spatial data sets and services.

(3) Public bodies that supply spatial data sets and services may license them to, and/or require payment from, other public bodies or institutions and bodies of the Community that use these spatial data sets and services. Any such charges and licenses must be fully compatible with the general aim of facilitating the sharing of spatial data sets and services between public bodies. Where charges are made, these shall be kept to the minimum required to ensure the necessary quality and supply of spatial data sets and services together with a reasonable return on investment, while respecting the self-financing requirements of public bodies supplying spatial data sets and services, where applicable. Spatial data sets and services provided to Community institutions and bodies in order to fulfill reporting obligations under Community legislation relating to the environment shall not be subject to any charging.

(4) The arrangements for the sharing of spatial data sets and services provided for in Regulation 7(1), (2) and (3) above shall be open to public bodies referred to in Regulation 3(1) Public Bodies (a) and (b) of other Member States and to the institutions and bodies of the Community, for the purposes of public tasks that may have an impact on the environment.

(5) The arrangements for the sharing of spatial data sets and services provided for in Regulation 7(1), (2) and (3) shall be open, on a reciprocal and equivalent basis, to bodies established by international agreements to which the Community and Ireland are parties, for the purposes of tasks that may have an impact on the environment.

(6) Where the arrangements for the sharing of spatial data sets and services provided for in Regulation 7(1), (2) and (3) are made available in accordance

with Regulation 7(4) and (5), these arrangements may be accompanied by requirements under Irish law conditioning their use.

(7) By way of derogation from data sharing set out in Regulation 7(1) to (6) public bodies may limit sharing when this would compromise the course of justice, public security, national defence or international relations.

(8) Public bodies shall provide the institutions and bodies of the Community with access to spatial data sets and services in accordance with harmonised conditions as set out in implementing rules adopted in terms of paragraph 8 of Article 17 of the Directive.

#### *Coordination and Implementation*

8. (1) The Minister shall ensure that appropriate structures and mechanisms are established for coordinating, across the different levels of government, the contributions of all those with an interest or involvement in the infrastructure for spatial information established under these Regulations. These structures and mechanisms shall coordinate the contributions of, inter alia, users, producers, added-value service providers and coordinating bodies, concerning the identification of relevant data sets and services, user needs, information on existing practices and the implementation of these Regulations.

(2) The Minister shall be responsible for contacts with the Commission in relation to these Regulations and shall be supported by a coordination structure, taking account of the distribution of powers and responsibilities within Ireland.

(3) The Minister shall send reports to the Commission by 13 August 2010 and every three years starting no later than 15 May 2013, of:

- (a) how public sector providers and users of spatial data sets and services and intermediary bodies are coordinated, the relationship with third parties and of the organisation of quality assurance;
- (b) the contribution made by public bodies or third parties to the functioning and coordination of the infrastructure for spatial information;
- (c) information on the use of the infrastructure for spatial information;
- (d) data-sharing agreements between public bodies; and
- (e) the costs and benefits of implementing these Regulations.

(4) The Minister may publish guidelines for public bodies and third parties in relation to the implementation of these Regulations, and matters related thereto, and public bodies and third parties shall have due regard to any such guidelines in the performance of their functions under these Regulations.

## SCHEDULE 1

### **1. Coordinate reference systems**

Systems for uniquely referencing spatial information in space as a set of coordinates (x, y, z) and/or latitude and longitude and height, based on a geodetic horizontal and vertical datum.

### **2. Geographical grid systems**

Harmonised multi-resolution grid with a common point of origin and standardised location and size of grid cells.

### **3. Geographical names**

Names of areas, regions, localities, cities, suburbs, towns or settlements, or any geographical or topographical feature of public or historical interest.

### **4. Administrative units**

Units of administration, dividing areas where Member States have and/or exercise jurisdictional rights, for local, regional and national governance, separated by administrative boundaries.

### **5. Addresses**

Location of properties based on address identifiers, usually by road name, house number, postal code.

### **6. Cadastral parcels**

Areas defined by cadastral registers or equivalent.

### **7. Transport networks**

Road, rail, air and water transport networks and related infrastructure. Includes links between different networks. Also includes the trans-European transport network as defined in Decision No. 1692/96/EC of the European Parliament and of the Council of 23 July 1996 on Community Guidelines for the development of the trans-European transport network (1) and future revisions of that Decision.

### **8. Hydrography**

Hydrographic elements, including marine areas and all other water bodies and items related to them, including river basins and sub-basins. Where appropriate, according to the definitions set out in Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy (2) and in the form of networks.

### **9. Protected sites**

Area designated or managed within a framework of international, Community and Member States' legislation to achieve specific conservation objectives.

## SCHEDULE 2

### **1. Elevation**

Digital elevation models for land, ice and ocean surface. Includes terrestrial elevation, bathymetry and shoreline.

### **2. Land cover**

Physical and biological cover of the earth's surface including artificial surfaces, agricultural areas, forests, (semi-)natural areas, wetlands, water bodies.

### **3. Orthoimagery**

Geo-referenced image data of the Earth's surface, from either satellite or airborne sensors.

### **4. Geology**

Geology characterised according to composition and structure. Includes bedrock, aquifers and geomorphology.

## SCHEDULE 3

### **1. Statistical units**

Units for dissemination or use of statistical information.

### **2. Buildings**

Geographical location of buildings.

### **3. Soil**

Soils and subsoil characterised according to depth, texture, structure and content of particles and organic material, stoniness, erosion, where appropriate mean slope and anticipated water storage capacity.

### **4. Land use**

Territory characterised according to its current and future planned functional dimension or socio-economic purpose (e.g. residential, industrial, commercial, agricultural, forestry, recreational).

### **5. Human health and safety**

Geographical distribution of dominance of pathologies (allergies, cancers, respiratory diseases, etc.), information indicating the effect on health (biomarkers, decline of fertility, epidemics) or well-being of humans (fatigue, stress, etc.) linked directly (air pollution, chemicals, depletion of the ozone layer, noise, etc.) or indirectly (food, genetically modified organisms, etc.) to the quality of the environment.

### **6. Utility and governmental services**

Includes utility facilities such as sewage, waste management, energy supply and water supply, administrative and social governmental services such as public administrations, civil protection sites, schools and hospitals.

### **7. Environmental monitoring facilities**

Location and operation of environmental monitoring facilities includes observation and measurement of emissions, of the state of environmental media and of other ecosystem parameters (biodiversity, ecological conditions of vegetation, etc.) by or on behalf of public authorities.

### **8. Production and industrial facilities**

Industrial production sites, including installations covered by Council Directive 96/61/EC of 24 September 1996, as amended, concerning integrated pollution prevention and control (1) and water abstraction facilities, mining, storage sites.

### **9. Agricultural and aquaculture facilities**

Farming equipment and production facilities (including irrigation systems, greenhouses and stables).

**10. Population distribution — demography**

Geographical distribution of people, including population characteristics and activity levels, aggregated by grid, region, administrative unit or other analytical unit.

**11. Area management/restriction/regulation zones and reporting units**

Areas managed, regulated or used for reporting at international, European, national, regional and local levels. Includes dumping sites, restricted areas around drinking water sources, nitrate-vulnerable zones, regulated fairways at sea or large inland waters, areas for the dumping of waste, noise restriction zones, prospecting and mining permit areas, river basin districts, relevant reporting units and coastal zone management areas.

**12. Natural risk zones**

Vulnerable areas characterised according to natural hazards (all atmospheric, hydrologic, seismic, volcanic and wildfire phenomena that, because of their location, severity, and frequency, have the potential to seriously affect society), e.g. floods, landslides and subsidence, avalanches, forest fires, earthquakes, volcanic eruptions.

**13. Atmospheric conditions**

Physical conditions in the atmosphere. Includes spatial data based on measurements, on models or on a combination thereof and includes measurement locations.

**14. Meteorological geographical features**

Weather conditions and their measurements; precipitation, temperature, evapotranspiration, wind speed and direction.

**15. Oceanographic geographical features**

Physical conditions of oceans (currents, salinity, wave heights, etc.).

**16. Sea regions**

Physical conditions of seas and saline water bodies divided into regions and sub-regions with common characteristics.

**17. Bio-geographical regions**

Areas of relatively homogeneous ecological conditions with common characteristics.

**18. Habitats and biotopes**

Geographical areas characterised by specific ecological conditions, processes, structure, and (life support) functions that physically support the organisms that live there. Includes terrestrial and aquatic areas distinguished by geographical, abiotic and biotic features, whether entirely natural or semi-natural.

**19. Species distribution**

Geographical distribution of occurrence of animal and plant species aggregated by grid, region, administrative unit or other analytical unit.

**20. Energy resources**

Energy resources including hydrocarbons, hydropower, bio-energy, solar, wind, etc., where relevant including depth/height information on the extent of the resource.

**21. Mineral resources**

Mineral resources including metal ores, industrial minerals, etc., where relevant including depth/height information on the extent of the resource.



GIVEN under my Official Seal,  
30 July 2010.

JOHN GORMLEY T.D.,  
Minister for the Environment, Heritage and  
Local Government.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

The effect of this Statutory Instrument is to provide for the establishment of an infrastructure for spatial information which may have an impact on the environment in accordance with the requirements of the INSPIRE Directive.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
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