



Council of the
European Union

Brussels, 8 November 2022
(OR. en)

14478/22

ENV 1123
STATIS 58
RECH 584

COVER NOTE

From:	European Commission
date of receipt:	8 November 2022
To:	General Secretariat of the Council

No. Cion doc.:	D077188/01
Subject:	COMMISSION REGULATION (EU) .../... of XXX amending 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

Delegations will find attached document D077188/01.

Encl.: D077188/01



Brussels, **XXX**
D077188/01
[...] (2021) **XXX** draft

COMMISSION REGULATION (EU) .../...

of **XXX**

amending 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

COMMISSION REGULATION (EU) .../...

of **XXX**

amending 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 EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to 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)¹, and in particular Article 7(1) thereof,

Whereas:

- (1) Commission Regulation (EU) No 1089/2010² sets out the requirements for technical arrangements for the interoperability of spatial data sets, including the definition of code lists and the corresponding allowed values to be used for attributes and association roles of spatial object types and data types.
- (2) In the conclusions of the Commission's evaluation of Directive 2007/2/EC³, concerns were expressed regarding the complexity and feasibility of implementation of the provisions regarding interoperability of spatial data sets and services. As a result, Regulation (EU) No 1089/2010 was reviewed and several rounds of consultations with experts took place, which concluded that some simplifications and clarifications to facilitate implementation were needed. This amending act should implement the technical and simplification changes identified, discussed and agreed by the Committee established under Article 22 of Directive 2007/2/EC. The implementation should be made easier and less burdensome without losing the benefits of standardisation and interoperability.
- (3) Article 4(2) of Regulation (EU) No 1089/2010 should be amended to clarify that no values for attributes need to be provided if they do not actually exist. This further clarifies the concept of voidability and avoids misinterpretations.

¹ OJ L 108, 25.4.2007, p. 1.

² Commission Regulation (EU) No 1089/2010 of 23 November 2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards interoperability of spatial data sets and services (OJ L 323, 8.12.2010, p. 11).

³ Commission staff working document, Evaluation accompanying the document Report from the Commission to the Council and the European Parliament on the implementation of Directive 2007/2/EC of March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) pursuant to article 23 (SWD/2016/0273 final).

- (4) One major simplification is the removal of all code list and enumeration values from Regulation (EU) No 1089/2010, which would allow those values to be updated more regularly in line with technical and technological progress. Moreover, alignments with code lists established in the context of other Union legislation or by international organisations should be introduced. Article 6 of Regulation (EU) No 1089/2010 should be modified to refer to a registry to be operated by the Commission services (Joint Research Centre) with assistance from the existing expert group, as the place where code list values are managed. Since domain terminology evolves over time, this change would make the process for managing changes in code lists and their values more flexible and faster.
- (5) In Annex II to Regulation (EU) No 1089/2010, point 1.3.4. "Other Coordinate Reference Systems" should be amended to allow additional Coordinate Reference Systems (CRS). This provision would lower the implementation burden, for example if Member States add their national CRS to the supported CRS list then they no longer have to create and maintain data in both their national CRS and a CRS required by Directive 2007/2/EC. To further reduce the implementation and maintenance burden, a register of CRS, including their definition and transformation parameters, should be established and operated by the Commission services (Joint Research Centre) with assistance from the existing expert group.
- (6) A number of smaller adaptations should be introduced to the Annexes I, II, III and IV to take into account technological and scientific evolution and to ensure the coherence of spatial data requirements with developments in related thematic legislation. Most prominent is the need for harmonisation with Regulation 166/2006/EC establishing a European Pollutant Release and Transfer Register and Directive 2010/75/EU on industrial emissions;
- (7) Regulation (EU) No 1089/2010 should therefore be amended accordingly.
- (8) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 22 of Directive 2007/2/EC,

HAS ADOPTED THIS REGULATION:

Article 1

Regulation (EU) No 1089/2010 is amended as follows:

- (1) Article 2 is amended as follows:
 - (a) point 5 is replaced by the following:

‘5. ‘code list’ means a data type whose instances form a list of named literal values,’;
 - (b) point 7 is deleted;
- (2) Article 4 is amended as follows:
 - (a) paragraphs 1 and 2 are replaced by the following:

‘1. For the exchange and classification of spatial objects from data sets meeting the conditions laid down in Article 4 of Directive 2007/2/EC, Member States shall use the spatial object types, associated data types and code lists that are defined in Annexes II, III and IV to this Regulation for the themes the data sets relate to.

2. When exchanging spatial objects, Member States shall comply with the definitions and constraints set out in the Annexes and provide values for all attributes and association roles set out for the relevant spatial object types and data types in the Annexes. For voidable attributes and association roles for which no value exists, Member States may omit the value.’;

(b) paragraph 3 is deleted;

(3) Article 6 is replaced by the following:

‘Article 6

Code Lists for Spatial Data Sets

1. The code lists included in this Regulation set out the multilingual thesauri to be used for the key attributes, in accordance with Article 8(2), point (c), of Directive 2007/2/EC.

2. The Commission shall establish and operate an INSPIRE code list register at Union level for managing and making publicly available the values that are included in the code lists referred to in paragraph 1.

3. The Commission shall be assisted by the INSPIRE Commission expert group in the maintenance and update of the code list values.

4. Code lists shall be one of the following types:

(a) code lists whose values comprise only the values specified in the INSPIRE code list register;

(b) code lists whose values comprise the values specified in the INSPIRE code list register and narrower values defined by data providers;

(c) code lists whose values comprise the values specified in the INSPIRE code list register and additional values at any level defined by data providers;

(d) code lists, whose values comprise any values defined by data providers.

5. Code lists may be hierarchical. Values of hierarchical code lists may have a more general parent value.

6. Where, for an attribute whose type is a code list as referred to in paragraph 4, points (b), (c) or (d), a data provider provides a value that is not specified in the INSPIRE code list register, that value and its definition and label shall be made available in another register.’;

(4) in Article 7, the following paragraph 2a is inserted:

‘2a. Every encoding rule used to encode spatial data shall also specify whether and how to represent attributes and association roles for which a corresponding value exists but is not contained in the spatial data sets maintained by a Member State, or cannot be derived from existing values at reasonable costs.’;

- (5) Annex I is amended in accordance with Annex I to this Regulation;
- (6) Annex II is amended in accordance with Annex II to this Regulation;
- (7) Annex III is amended in accordance with Annex III to this Regulation;
- (8) Annex IV is amended in accordance with Annex IV to this Regulation.

Article 2

This Regulation shall enter into force on the [...] day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the Commission
The President
[...]