

L.N. 268 of 2021

**DEVELOPMENT PLANNING ACT
(CAP. 552)**

Infrastructure for Spatial Information Regulations, 2021

IN EXERCISE of the powers conferred by articles 84 and 85 of the Development Planning Act, the Minister for the Environment, Climate Change and Planning, after consultation with the Planning Authority, has made the following regulations:-

Citation. **1.** The title of these regulations is Infrastructure for Spatial Information Regulations, 2021.

Interpretation. **2.** For the purpose of these regulations and unless the context otherwise requires:

"the competent authority" means the Planning Authority;

"Directive" means the Directive 2007/2/EC of the European Parliament and of the Council of 14th March, 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) and includes any other European Union rules and regulations implementing the Directive;

"infrastructure for spatial information" means meta-data, 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;

"INSPIRE Geo-portal" means an internet site, or equivalent, providing access to the services referred to in 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;

"meta-data" means information describing spatial data sets and spatial data services and making it possible to discover, inventory and use them;

"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 paragraphs (a) or (b):

Provided that when bodies or institutions are acting in a judicial or legislative capacity, they shall not be regarded as a public authority 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 operations which may be performed, by invoking a computer application on the spatial data contained in spatial data sets or on the related meta-data. These regulations shall also cover spatial data services related to the spatial data sets covered by these regulations;

"spatial data set" means an identifiable collection of spatial data which:

(a) are in electronic format;

(b) relate to one (1) or more of the themes listed in the First, Second and Third Schedules;

(c) are held by or on behalf of a public authority;

(d) relate to Maltese territory, including territorial waters, or adjacent marine areas; and

(e) are held by public authorities provided that their collection or dissemination falls within the scope of its public tasks:

Provided that, spatial data sets not held by public authorities, but which meet the requirements of a spatial data set,

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shall be covered by these regulations if the national geo-portal has been made available to the holder of such data:

Provided further that, public authorities may only take action regarding spatial data sets on which a third party holds intellectual property rights with the consent of that third party:

Provided also that, in cases where multiple identical copies of the same spatial data set are held by or on behalf of several different public authorities, these regulations shall only cover the reference version from which copies are derived;

"spatial object" means an abstract representation of a real-world phenomenon related to a specific location or geographical area;

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

Meta-data.

3. (1) Public authorities shall create meta-data for the spatial data sets or spatial data services corresponding to the spatial data themes listed in the First, Second and Third Schedules. Meta-data shall be kept up to date.

(2) The competent authority shall establish guidelines on the information which meta-data shall include and on the updating of the meta-data and also on technical arrangements of the interoperability and harmonization of spatial data sets and spatial data services reflecting:

(a) conformity of spatial data sets with implementing rules referred to in Article 5(4) of the Directive;

(b) 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 authorities responsible for the establishment, management, maintenance and distribution of spatial data sets and services;

(e) limitations on public access and the reasons for such limitations.

INSPIRE Geo-portal.

4. (1) The competent authority shall establish and operate the following services on the internet through the INSPIRE Geo-

portal:

(a) discovery services making it possible to search for spatial data sets and spatial data services on the basis of the content of the correspondence meta-data and to display the content of the meta-data;

(b) view services making it possible, as a minimum, to display, navigate, zoom in/out, pan, or overlay viewable special data sets and to display legend information and any relevant content of meta-data;

(c) download services, enabling copies of spatial data sets, or parts of such sets, to be downloaded from the Internet and, where practicable, accessed directly;

(d) transformation services, enabling spatial data sets to be transformed with a view to achieving interoperability. These transformation services shall be combined with the other services mentioned in this sub-regulation in such a way as to enable all those services that shall be operated in conformity with the provisions on technical arrangements for interoperability and harmonization of spatial data sets and spatial data services;

(e) services allowing spatial data services to be invoked.

(2) For the purposes of the services mentioned in sub-regulation (1), the following search criteria shall be implemented:

(a) keywords;

(b) classification of spatial data and spatial data services;

(c) the quality and validity of spatial data;

(d) degree of conformity with the provisions on interoperability and harmonization of spatial data sets and spatial data services;

(e) geographical location;

(f) conditions applying to the access and use of spatial data sets and spatial data services;

(g) the public authorities responsible for the establishment, management, maintenance and distribution of spatial data sets and spatial data services.

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Link to
INSPIRE Geo-
portal.

5. (1) Public authorities shall link their spatial data sets and spatial data services to the INSPIRE Geo-portal in accordance with the provisions of regulation 4.

(2) Holders of spatial data sets and spatial data services which are in accordance with the provisions of these regulations and the provisions on meta-data, network services and interoperability stipulated by the Commission according to the Directive may, upon request to the competent authority, link their spatial data sets and spatial data services to the INSPIRE Geo-portal.

Access to
INSPIRE Geo-
portal.
S.L. 549.39.

6. (1) Subject to the provisions of regulation 7 of the Freedom of Access to Information on the Environment Regulations, any person shall have access via the INSPIRE Geo-portal to spatial data sets and spatial data services relating to environmental information or themes listed in the First, Second and Third Schedules. Access to search for spatial data sets and spatial data services on the basis of the content of the corresponding meta-data and to display the content of the meta-data, via the discovery services mentioned in regulation 4, shall only be limited with regard to international interests, public security and national defence.

(2) Data made available through the view services referred to in regulation 4 may be in a form preventing its re-use for commercial purposes.

S.L. 549.39.

(3) Decisions relating to the provisions of sub-regulations (1) and (2) shall be made by the authority holding the spatial data sets and the spatial data services. Decisions of the said authority shall be construed as decisions of the competent authority under the provisions of the Freedom of Access to Information on the Environment Regulations, and the provisions of the said regulations shall apply *mutatis mutandis* to these regulations.

Payment.

7. (1) The discovery and view services mentioned in regulation 4 shall be available to the public free of charge.

(2) Public authorities supplying other services mentioned in regulation 4 may do so at a charge and may also be covered by disclaimers or licences:

Provided that, the service shall be offered through e-commerce.

Data Sharing.

8. (1) A public authority shall make spatial data sets and spatial data services available in a manner which precludes any restrictions likely to create practical obstacles, occurring at the point of use by public authorities requiring this in the execution of their public

tasks.

(2) For the purposes of public tasks that may have an impact on the environment, spatial data sets and spatial data services shall be made available to EU institutions or EU bodies and to public authorities of other EU Member States.

(3) A public authority may license or require payment from other public authorities that, pursuant to sub-regulations (1) and (2), use the spatial data sets or spatial data services of the relevant authority.

(4) Spatial data sets and spatial data services made available to EU institutions or EU bodies required for the fulfilment of reporting obligations pursuant to EU regulations related to the environment shall not be subject to any payment.

(5) For the purposes of public tasks that may have an impact on the environment, spatial data sets and spatial data services shall be made available to bodies established by international agreements to which the EU and EU Member States are parties. The provisions of sub-regulation (3) shall apply.

(6) Access to make spatial data sets and spatial data services may be limited by the competent authority holding the spatial data set or the spatial data service for the purpose of the process of justice, international interests, public security or national defence.

(7) The competent authority may, after consultation with the relevant parties, decide whether spatial data sets or spatial data services shall be made available and impose conditions, including conditions regulating use, which it may deem fit and appropriate in accordance with law.

9. (1) The competent authority shall monitor the implementation and use of the infrastructures for spatial information and make the results accessible to the Commission and the public on a permanent basis. Monitoring and reporting.

(2) No later than 31 March every year the competent authority shall update, if necessary, and publish a summary report. Those reports, which shall be made public by the Commission services assisted by the European Environment Agency, shall include summary descriptions of:

(a) how public sector providers and users of spatial data sets and services and intermediary bodies are coordinated, and of the relationship with third parties and of the organisation of

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quality assurance;

(b) the contribution made by public authorities or third parties to the function in 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 authorities;

(e) the costs and benefits of implementing the Directive.

(3) The competent authority shall adopt implementation rules for this purpose.

Repeal.
S.L. 549.82.

10. The Infrastructure for Spatial Information Regulations are hereby repealed without prejudice to anything done or omitted to be done thereunder.

FIRST SCHEDULE
(Regulations 2, 3 and 6)

SPATIAL DATA THEMES

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 other 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 (*) and future revisions of that Decision.

8. Hydrography.

Hydro-graphic 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 (**) 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.

* OJ L 228, 9.9.1996, p. 1. Decision as last amended by Council Regulation (EC) No 1791/2006 (OJ L 363, 20.12.2006, p. 1).

** OJ L 327, 22.12.2000, p. 1. Directive as amended by Decision No 2455/2001/EC (OJ L 331, 15.12.2001, p.1).

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SECOND SCHEDULE

(Regulations 2, 3 and 6)

SPATIAL DATA THEMES

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.

THIRD SCHEDULE

(Regulations 2, 3 and 6)

SPATIAL DATA THEMES

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 concerning integrated pollution prevention and control^(*) and water abstraction facilities, mining, storage sites.

9. Agricultural and aquaculture facilities.

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

^{*} OJ L 257, 10.10.1996, p. 26. Directive as last amended by Regulation (EC) No 166/2006 of the European Parliament and of the Council (OJ L 33, 4.2.2006, p. 1).

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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.
