



LOCATION - a gateway to e-Government

Infrastructure for Spatial Information Act

Passed by the Danish Parliament 9 December 2008

Bill 12 (as presented): Infrastructure for Spatial Information Bill

Presented on 8 October 2008 by the Minister for the Environment (Troels Lund Poulsen)

Infrastructure for Spatial Information Act

Passed by the Danish parliament, Folketinget, 9 December 2008

1.-(1) This Act shall apply to spatial data sets if

- 1) they are in electronic format,
- 2) they relate to one or more of the themes stipulated by the Minister of the Environment pursuant to subsection (2),
- 3) they are held by or on behalf of a public authority, cf. section 2(2), and
- 4) they relate to Danish territory, including territorial waters, or adjacent marine areas.

(2) The Minister of the Environment shall lay down the spatial data themes entailing that spatial data sets are covered by this Act. Provisions covering other themes than those in Annexes I, II and III of the Directive of the European Parliament and of the Council on establishing an Infrastructure for Spatial Information in the European Community shall be laid down after consultation with the Minister to whose area the relevant spatial data sets belong.

(3) Spatial data sets held by municipalities or public authorities covered by section 2(2), nos. 2 and 3 shall only be covered by this Act if legislation otherwise requires their collection or dissemination.

(4) Spatial data sets held by others than public authorities, but which otherwise meet the provisions of subsection (1) shall be covered by this Act if Denmark's INSPIRE geoportal has been made available to the holder according to section 5(2).

(5) In cases where multiple copies of the same spatial data set are held by or on behalf of several different public authorities, this Act shall only cover the version from which the copies are derived.

(6) Public authorities may only take action regarding spatial data sets to which a third party holds intellectual property rights with the consent of that third party.

(7) This Act shall also cover spatial services related to the spatial data sets covered by this Act, cf. subsections (1)-(5).

2.-(1) For the purposes of this Act:

- 1) *Infrastructure for spatial information* means metadata, spatial data sets and spatial data services; network services and technologies; agreements on access and use and on sharing spatial data sets and spatial data services; and coordination and monitoring mechanisms, processes and procedures, established, operated or made available in accordance with this Act.
- 2) *Spatial data* means any data with a direct or indirect reference to a specific location or geographical area.

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- 3) *Spatial data set* means an identifiable collection of spatial data.
- 4) *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 metadata.
- 5) *Metadata* means information describing spatial data sets and spatial data services and making it possible to discover, inventory and use them.
- 6) *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.

(2) For the purposes of this Act »public authority« means

- 1) any government or other public administration, including public advisory bodies, at national, regional or local level,
- 2) any natural or legal person performing public administrative functions under national law, including specific duties, activities or services in relation to the environment, and
- 3) 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 no. 1 or 2.

3.-(1) Public authorities shall create metadata for the spatial data sets or spatial data services which they hold. Metadata shall be kept up to date if essential changes are made in the spatial data sets and the spatial data services.

(2) The Minister of the Environment shall lay down provisions on the information metadata shall include and on updating the metadata, cf. subsection (1).

(3) The Minister of the Environment shall also lay down provisions on technical arrangements for the interoperability and harmonisation of spatial data sets and spatial data services.

4.-(1) The Minister of the Environment shall establish and operate the following services on the internet:

- 1) discovery services making it possible to search for spatial data sets and spatial data services on the basis of the content of the corresponding metadata and to display the content of the metadata.
- 2) 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.
- 3) services, enabling copies of spatial data sets, or parts of such sets, to be downloaded and, where practicable, accessed directly.
- 4) transformation services, enabling spatial data sets to be transformed with a view to achieving interoperability.
- 5) services allowing spatial data services to be invoked.

(2) The services mentioned in subsection (1) are referred to as Denmark's INSPIRE geo-portal.

(3) For the purposes of the services mentioned in subsection (1), no. 1, as a minimum the following search criteria shall be implemented:

- 1) Keywords.
- 2) Classification of spatial data and spatial data services.
- 3) The quality and validity of spatial data.

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- 4) Degree of conformity with the provisions on interoperability and harmonisation of spatial data sets and spatial data services.
- 5) Geographical location.
- 6) Conditions applying to the access and use of spatial data sets and spatial data services.
- 7) The public authorities responsible for the establishment, management, maintenance and distribution of spatial data sets and spatial data services.

(4) The transformation services, cf. subsection (1), no. 4, shall be combined with the other services mentioned in subsection (1) in such a way as to enable all those services to be operated in conformity with the provisions on technical arrangements for interoperability and harmonisation of spatial data sets and spatial data services.

5.-(1) Public authorities shall link their spatial data sets and spatial data services to Denmark's INSPIRE geoportal. Spatial data sets and spatial data services related to themes mentioned in section 1(2), 2nd clause may be linked to the portal alone with their metadata, if the spatial data set or the spatial data service is available elsewhere in accordance with the other provisions of this Act, regulations stipulated in pursuance of this Act and the provisions stipulated by the Commission according to the Directive of the European Parliament and of the Council on establishing an Infrastructure for Spatial Information in the European Community.

(2) Others, whose spatial data sets and spatial data services are in accordance with this Act, regulations stipulated pursuant to this Act, and the provisions on metadata, network services and interoperability stipulated by the Commission according to the Directive of the European Parliament and of the Council on establishing an Infrastructure for Spatial Information in the European Community, may upon request link their spatial data sets and spatial data services to Denmark's INSPIRE geoportal. Requests according to 1st clause shall be made to the Minister of the Environment.

6.-(1) With the limitations in the Access to Environmental Information Act, any person shall have access via Denmark's INSPIRE geoportal to spatial data sets and spatial data services relating to environmental information or themes in Annex I, II or III of the Directive of the European Parliament and of the Council on establishing Infrastructure for Spatial Information in the European Community. Access to search for spatial data sets and spatial data services on the basis of the content of the corresponding metadata and to display the content of the metadata via the discovery services mentioned in section 4(1), no. 1, may only be limited with regard to international interests, public security and national defence of the Realm.

(2) With the limitations in the Access to Public Administration Files Act, any person shall have access via Denmark's INSPIRE geoportal to spatial data sets and spatial data services relating to other themes than those mentioned in subsection (1).

(3) Data made available through the view services mentioned in section 4(1), no. 2 may be in a form preventing their re-use for commercial purposes.

(4) Decisions according to subsections (1)-(3) shall be made by the authority holding the spatial data sets or the spatial data services. Decisions may be appealed to the authority acting as the appeals body in relation to the decision or the processing of the case from which the relevant information emanates.

7.-(1) The discovery and view services mentioned in section 4(1), nos. 1 and 2 shall be available to the public free of charge, cf. however subsection (2).

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(2) Public authorities supplying view services, cf. section 4 (1), no. 2, may, however, require payment for this.

(3) Public authorities supplying other services mentioned in section 4(1) may require payment for this.

(4) A condition for requiring payment for supplying view services, cf. section 4(1), no. 2, services enabling copies of spatial data sets, cf. section 4(1), no. 3, or services allowing spatial data services to be invoked, cf. section 4(1), no. 5 shall be that e-commerce services are available. Such services may be covered by disclaimers or licences.

(5) The Minister of the Environment shall lay down provisions on payment of charges for supplying spatial data sets and spatial data services, cf. subsections (2) and (4).

8.-(1) A public authority covered by section 2(2), no. 1 or 2 shall make spatial data sets and spatial data services available to other 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 may be made available for EU institutions or EU bodies and for public authorities of other EU Member States covered by section 2(2), no. 1 or 2.

(3) A public authority may license or require payment from other public authorities that pursuant to subsections (1) and (2) use the spatial data sets or spatial data services of the relevant authority. 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, however, not be subject to any payment.

(4) For the purposes of public tasks that may have an impact on the environment, spatial data sets and spatial data services may be made available to bodies established by international agreements to which the EU and EU Member States are parties. Subsection (3), 1st clause shall apply correspondingly.

(5) When spatial data sets and spatial data services are made available according to subsection (2) or (4) to EU institutions or EU bodies, to public authorities of other EU Member States or to bodies established by international agreements, requirements may be stipulated in Danish legislation on the use of the spatial data sets or spatial data services.

(6) Access to make spatial data sets and spatial data services available according to subsection (1), (2) or (4) may be limited by the authority holding the spatial data set or the spatial data service for the purpose of the process of justice, international interests, public security or defence of the Realm.

(7) The Minister of the Environment shall lay down provisions on access to and use of spatial data sets and spatial data services, cf. subsections (1)-(2) and (4)-(6).

(8) After consultation with the Minister to whose area the relevant spatial data set or spatial data service belongs, the Minister of the Environment shall decide whether spatial data sets or spatial data services may be made available according to subsection (2) and subsection (4), 1st clause and more detailed conditions for this. In cases covered by subsection (1), a decision shall be made by the authority holding the spatial data set or the spatial data service.

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(9) Subsection (2), subsection (3), 2nd clause and subsections (4)-(5) shall not apply to spatial data sets or spatial data services related to themes covered by section 1(2), 2nd clause.

9. The Minister of the Environment may lay down regulations on the spatial data sets to be used by the public administration as a common basis for eGovernment. Provisions hereon shall be stipulated after consultation with the Minister to whose area the relevant spatial data set belongs.

10.-(1) The Minister of the Environment shall set up a coordinating committee for infrastructure for spatial information.

(2) The coordinating committee for infrastructure for spatial information shall submit recommendations on initiatives to promote infrastructure for spatial information in Denmark and shall assist the Minister in the implementation and use of these initiatives. The coordinating committee shall also assist the Minister of the Environment in contact with the Commission in connection with the Directive of the European Parliament and of the Council on establishing an Infrastructure for Spatial Information in the European Community.

(3) The coordinating committee for infrastructure for spatial information shall consist of a chairman and up to 10 other members. Members may be representatives of the public authorities holding spatial data sets covered by this Act, as well as representatives of others to which Denmark's INSPIRE geoportal has been made available according to section 5(2). Furthermore, persons with special knowledge of the infrastructure for spatial information may be appointed as members of the committee. Committee members shall be appointed for periods of four years at a time. Reappointment may take place.

(4) Users, producers, and added value service providers relating to spatial data sets and spatial data services as well as others interested in the infrastructure for spatial information, may make proposals to the coordinating committee for infrastructure for spatial information on initiatives to promote infrastructure for spatial information in Denmark.

(5) The committee for infrastructure for spatial information shall lay down its own rules of procedure.

11.-(1) The Minister of the Environment may assign his authority pursuant to this Act to an authority under the Minister of the Environment.

12.-(1) The Minister of the Environment shall monitor the establishment, use and maintenance of the infrastructure for spatial information and submit reports on this to the Commission.

(2) The Minister of the Environment may lay down provisions on the monitoring to take place according to subsection (1) and on its more detailed content. Furthermore, the Minister of the Environment may lay down provisions that public authorities shall submit information to the Minister of the Environment for the preparation of reports on this monitoring.

13. This Act shall enter into force on 15 May 2009.

14. In Act no. 749 of 7 December 1988 on the National Survey and Cadastre, as amended by Act no. 313 on 5 May 2004 and Statutory Order no. 1062 of 3 November 2004 the following amendments shall be made:

1. In *section 2(1)* the following new number shall be inserted after no. 2:

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»3) manage infrastructure for spatial information in Denmark.«
No. 3 shall hereafter become no. 4.

15. This Act shall not apply to the Faeroe Islands and Greenland.

Explanatory notes to the Bill

Ordinary explanatory notes

1. Introduction
2. Background and purpose of the Bill
3. Contents of the INSPIRE Directive
4. Main contents of the Bill
 - 4.1. Current law
 - 4.2. Wording of the Bill
 - 4.2.1. Scope
 - 4.2.2. Metadata
 - 4.2.3. Denmark's INSPIRE geoportal
 - 4.2.4. Data-sharing
 - 4.2.5. Interoperability – implementing provisions
 - 4.2.6. Implementation of the infrastructure for spatial information
 - 4.2.7. Coordination of eGovernment in Denmark
 - 4.2.8. Contact point in Denmark and coordination structure
5. The Bill's financial and administrative consequences for the public sector
 - 5.1. The State
 - 5.1.1. Administrative tasks
 - 5.1.2. Denmark's INSPIRE geoportal and the associated spatial data sets
 - 5.2. Municipal and regional authorities
6. The Bill's financial and administrative consequences for the business sector
7. Environmental consequences of the Bill
8. The Bill's administrative consequences for the general public
9. The relation to EU legislation

1. Introduction

This Bill implements parts of the 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).

This Bill relates to data and collections of data of public authorities, which can be located. The Bill will oblige authorities to share data between them as well as with the public and enterprises. For this purpose a network of services will be established on the internet, where it will be possible to search for, display and download data.

The infrastructure for spatial information ensures easy access to spatial information, which will be common for authorities at all levels of government. The infrastructure ensures that data can be used by many people. Spatial information will be available in the design, implementation and monitoring of EU environmental policy. It will also be possible to combine data from several countries in connection with cross-border incidents such as pollution.

This Act will entail that the first internet-based services shall be available by the turn of the year 2010-11. The data covered by the Bill will become available in the period 2011-19.

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2. Background and purpose of the Bill

The objective of this Bill is to implement parts of the 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); in the following referred to as the INSPIRE Directive. According to Article 24(1) of the Directive, laws and administrative regulations necessary to implement the Directive shall be brought into force in the EU Member States by 15 May 2009.

Spatial information means data or collections of data, which can be located. For example, information relating to the use of agricultural properties or relating to livestock herds can be located through information about the location of each property. Infrastructure and spatial information means the provisions and technologies making it possible to obtain information on what data is available, on where it is available, and on gaining access to the data as well as combining data from various sources without technical or organisational obstacles and without loss of information.

The objective of the INSPIRE Directive is, for example, to provide information for the wording and implementation of European Community policy on the environment and other areas, which must integrate environmental protection requirements. According to the Directive, the infrastructure for spatial information in the European Community (INSPIRE) should be based on infrastructures for spatial information of the EU Member States. Therefore, the infrastructures for spatial information of EU Member States must be made compatible according to regulations stipulated at Community level. Thus the INSPIRE Directive creates a basis for combining environment data from EU Member States and for using this data in a trans-boundary context.

Implementation of the Bill will also ensure that a number of data collections belonging to Danish public authorities and containing data which can be located, can be combined with others. Furthermore, this Bill will entail that services are established on the internet, making it possible to search for and display spatial data. These services will be available to Danish public authorities, EU institutions and EU bodies as well as public authorities in other EU Member States. Similarly, Danish public authorities will have access to data from other countries. The services will also be available to the public.

In short, this Bill will entail that a network of services is established on the internet, which hereafter is referred to as the INSPIRE geoportal, for searching, displaying, transforming and downloading localized data; spatial data. On this portal, there will be information on what spatial data is available, and on how and on what terms the user may have access to this spatial data. All this spatial data will be harmonised, so that it can be combined and used interactively. This Bill will mean that the same spatial data sets may only be collected or produced once, and that the spatial data sets may only be maintained at the most efficient administrative level.

A number of public authorities and organisations in Denmark have been cooperating on the use of space-specific data for a long time. At the initiative of the Digital Taskforce under the Danish Ministry of Finance, in 2002 the Ministry of the Environment, the Ministry of Economic and Business Affairs, the Ministry of Transport and Energy, the Ministry of Science, Technology and Innovation, the Ministry of Food, Agriculture and Fisheries, and Local Government Denmark (LGDK) as well as the former Association of County Councils in Denmark established a more formalised cooperation - the Service Board for Geodata (*Servicefællesskabet for Geodata*) - to promote social utilisation of investments in digital maps, addresses linked to coordinates etc. and to promote eGovernment. This Bill will also allow the work commenced within the Service Board for Geodata (*Servicefællesskabet for Geodata*) to be continued and extended.

As mentioned, the INSPIRE Directive covers spatial data in the environmental area. However, with regard to eGovernment in other areas, it would be appropriate that the spatial basis for eGovernment in the environmental area can also be used in other areas. Spatial data in other areas could then be used in the same way and together with environmental data.

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Such other areas may include health, agricultural and transport as well as emergency measures and similar. Therefore, it is proposed that the Act on Infrastructure for Spatial Information should also be applied in other areas than the environment. According to the Bill, the Minister of the Environment may stipulate the data on which the Act is to apply. Provisions shall be laid down on data not covered by the INSPIRE Directive by the Minister of the Environment after consultation with the Minister to whose area the relevant data belongs. In accordance with the INSPIRE Directive, the Act is proposed to cover only data held by public authorities and by certain other bodies performing public tasks which are also covered by the Access to Environmental Information Act.

The establishment of an infrastructure for spatial information in the European Community will have great value for and could utilise other Community initiatives. For example, this applies to the navigation satellite system Galileo, which is established on the basis of the Council Regulation (EC) No. 876/2002 setting up the Galileo Joint Undertaking. Galileo's place references could be applied for the spatial data covered by the INSPIRE Directive. Another example is Kopernikus (GMES), which is established according to the Communication from the Commission to the Council and the European Parliament - Global Monitoring for Environment and Security (GMES): Establishing a GMES capacity by 2008 - (Action plan 2004-2008). The objective of GMES is among others to provide spatial data. The INSPIRE Directive affects GMES by easing combination of spatial data from several spatial data sets.

3. Contents of the INSPIRE Directive

Chapter I of the INSPIRE Directive contains provisions on the spatial data sets it covers. As a general rule, the Directive covers spatial data in electronic format of public authorities. A further condition for data being covered by the Directive is that it relates to one or more of the themes listed in Annex I, II or III of the Directive. The data covered by Annexes I, II and III has different characteristics. Data in Annexes I and II is basic map and register data forming the basis for the location of data covered by Annex III. Annexes I and II cover data relating to transport networks, cadastral numbers and addresses. Data covered by Annex III is characterised by having a special effect on planning, administration and monitoring of environment-related conditions.

Data covered by Annex I is expected to be created and available at an earlier stage than the data covered by Annex II. This is why these types of data each have their own Annex.

Chapter II of the INSPIRE Directive contains provisions on creating metadata for spatial data sets and spatial data services. Metadata contains information describing spatial data sets and spatial data services and making it possible to discover, inventory and use them. The more detailed provisions on metadata will be laid down by the Commission according to the Directive.

According to Chapter III of the INSPIRE Directive the Commission may lay down provisions on the technical arrangements for interoperability and between spatial data sets and spatial data services. These provisions will ensure that spatial data sets can be combined, and that spatial data services work together.

Chapter IV of the Directive deals with network services. According to these provisions the EU Member States shall establish and operate a network of services relating to the spatial data sets and spatial data services covered by the Directive. These services shall cover searching, displaying, downloading and transforming spatial data sets. Furthermore, it shall be possible to invoke spatial data services. These services shall be available to public authorities and to the public. However, public access to spatial data sets and spatial data services may be limited according to regulations corresponding to the limitations in access to environmental information. The Directive enables public authorities to require payment for the use of these services, apart from discovery services.

Chapter V of the INSPIRE Directive contains provisions on data-sharing. According to these provisions, public authorities shall share spatial data sets and spatial data services. Spatial

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data sets and spatial data services shall also be made available to EU institutions and EU bodies and to public authorities in other EU Member States. As a general rule, payment may be required when spatial data sets and spatial data services are made available according to these provisions.

Chapter VI of the INSPIRE Directive deals with coordination of the infrastructure for spatial information nationally and at Community level. Chapter VII contains provisions that each EU Member State shall monitor the establishment and use of its infrastructure for spatial information and submit reports on this to the Commission.

4. Main contents of the Bill

4.1. Current law

Pursuant to legislation, public authorities shall provide large amounts of localized information; spatial data. According to section 2 of the National Survey and Cadastre Act, the Authority manages the geodetic surveying and topographical mapping of Denmark as well as mapping of the surrounding waters. The Authority's registration of properties according to the *lov om udstykning og anden registrering i matriklen* (act on subdivision and other registration in the cadastre) also provides spatial data. Street names and addresses laid down pursuant to the *lov om bygnings- og boligregistrering* (act on building and dwellings register) are also spatial data. Establishment of wildlife reserves according to the Hunting and Game Administration Act, and establishment of areas protected or conserved according to the Nature Protection Act, are also examples of the use of spatial data.

To a very limited extent, current legislation in force enables coordination of spatial data, so that it can be combined. According to section 3(2) of the National Survey and Cadastre Act, after consultation with public authorities and private organisations involved, the Authority may determine standards for implementing public mapping and surveying and other public registration of localized information. According to section 7(1) of the *lov om bygnings- og boligregistrering* (act on building and dwelling registration), as far as possible, the Minister of Economic and Business Affairs shall be responsible for implementing such regulations and measures, and for coordinating and simplifying registration of information related to real property and other space-specific information. Coordination of spatial data according to these provisions has been carried out within the framework of the Service Community for Geodata (*Servicefællesskabet for Geodata*).

This Bill will entail that spatial data becomes more available to and may be used by others than the public authority holding the data, and that data of more authorities can be combined. Thus the Bill will provide a better basis for eGovernment.

This Bill will entail public access to spatial data sets and spatial data services. Spatial data sets and spatial data services primarily relate to information on the environment. Any person shall have access to environmental information with the limitation in the provisions of the Access to Environmental Information Act, and this information will also cover spatial data sets and spatial data services relating to environmental information.

4.2 Structure of the Bill

4.2.1. Scope

The INSPIRE Directive covers spatial data sets of public authorities, when they are in electronic format. However, the Directive does not cover all such data, but is limited to spatial data sets related to one or more themes listed in Annexes I, II or III.

Like in the Directive, in the Bill spatial data means any data with a direct or indirect reference to a specific location or geographical area. Thus spatial data is data which can be located.

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Spatial data set means an identifiable collection of spatial data. In addition to spatial data sets, this Act shall cover spatial services related to the spatial data sets covered by this Act. The definition of public authority in Article 3, no. 9) of the INSPIRE Directive corresponds to the definition of public authority in the Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EC. Directive 2003/4/EC has been implemented by the Access to Environmental Information Act. Like the Access to Environmental Information Act, the Bill will, in addition to actual public authorities, cover bodies, including legal and natural persons, which are responsible for managing public duties or tasks or for carrying out public services in connection with the environment. In this way, the Bill will also cover public supply areas such as waste, traffic, energy, wastewater management and water supply. However, a condition for the Act covering bodies in such areas shall be that they are subject to public control. The provisions of the Directive on what spatial data it covers (i.e. spatial data related to one or more themes listed in Annexes I, II or III of the Directive), are proposed to be implemented into Danish legislation in that the Minister of the Environment is mandated to lay down what themes lead to spatial data sets being covered by this Act. As mentioned in chapter 2, for the sake of eGovernment, it is proposed that this Act may also be applied in other areas than the environment. This is proposed to be implemented after consultation with the Minister to whose area the relevant spatial data sets belong, the Minister of the Environment may lay down that other themes than those mentioned in the Directive entails that spatial data sets are covered by this Act.

This Act shall cover spatial data sets relating to Danish territory. As stated in section 1(1) of the Explanatory notes to the Bill, this Act shall also cover spatial data sets related to areas bordering Danish territorial waters, and held by Danish authorities as part of managing their tasks.

The scope of this Act will be limited in some respects. In accordance with the INSPIRE Directive, as stated more detailed in section 1(3) of the Explanatory notes to the Bill, this Act shall not cover spatial data sets held by municipalities or public authorities covered by section 2(2), no. 2 or 3 of the Bill, unless the spatial data set is to be collected or disseminated according to the legislation. In cases with multiple copies of the same spatial data set, this Act shall only cover the version from which the copies are derived, i.e. the original. This Act shall only cover existing spatial data sets, and thus does not contain an authority to prescribe collection of new spatial data sets.

This Bill shall not affect third parties intellectual property rights to spatial data sets. Thus public authorities may take no measures according to this Act, which will affect intellectual property rights of others to the relevant spatial data sets, unless the holders of the rights consent to this.

Furthermore, this Bill shall not affect public authorities' intellectual property rights or the access to use following from *lov om videreanvendelse af den offentlige sektors informationer, som gennemfører dele af direktiv 2003/98/EF* (act on the re-use of public sector information implementing parts of the Directive 2003/98/EC).

4.2.2. Metadata

Metadata means information describing spatial data sets and spatial data services and making it possible to discover, inventory and use the spatial data sets and spatial data services. In other words, metadata is data on spatial data sets and spatial data services.

It shall be a condition for establishment of infrastructure for spatial information that metadata for spatial data sets and spatial data services is provided, and that metadata is made available to the public. In this way, it will be possible for everyone to find the spatial data sets and spatial data services and to use them.

Article 5(1) of the INSPIRE Directive requires EU Member States to ensure that metadata is provided for the spatial data sets and spatial data services covered by the Directive. The

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provision is proposed to be implemented by public authorities being required to create metadata for the spatial data sets and spatial data services which they hold. The authorities will also be obliged to maintain and update metadata.

4.2.3. Denmark's INSPIRE geoportal

According to Article 11 of the INSPIRE Directive, EU Member States shall establish and operate a network of a number of services including the spatial data sets and spatial data services for which metadata shall be created according to the Directive. These services shall make it possible to search for spatial data sets and spatial data services and to display and download spatial data sets. It shall also be possible to transform spatial data sets to combine them with others. Finally, it shall be possible to invoke spatial data services. These services shall be available on the internet on an INSPIRE geoportal.

Denmark will join the INSPIRE geoportal established at Community level by establishing a Danish network of services on the internet, from where spatial data sets and spatial data services are made available for use in Denmark and other EU Member States. These services are referred to as Denmark's INSPIRE geoportal. In this way Danish spatial data sets and spatial data services will be available on Denmark's INSPIRE geoportal directly and via the Community INSPIRE geoportal. Thus the Bill stipulates that a geoportal is established and operated: Denmark's INSPIRE geoportal. According to the Bill, the Minister of the Environment shall be in charge of the establishment and operation of the geoportal.

In order to ensure that the objective of Denmark's INSPIRE geoportal is achieved, it is proposed to be laid down in this Act that all public authorities covered by the act shall be obliged to link their spatial data sets and spatial data services to the portal. In the case of spatial data sets and spatial data services not covered by the INSPIRE Directive, but covered by this Act regarding eGovernment in Denmark, it will, however, be adequate that the authorities only link metadata to Denmark's INSPIRE geoportal if the relevant spatial data sets and spatial data services are available on another portal or similar. Furthermore, in accordance with Article 12 of the INSPIRE Directive it is proposed that other authorities covered by the Act can link their spatial data sets and spatial data services to Denmark's INSPIRE geoportal. However, as mentioned in section 5(2) of the Explanatory notes to the Bill, it will be a condition that these spatial data sets and spatial data services meet the same technical requirements as the spatial data sets and spatial data services to be linked to the geoportal. Others can only link their spatial data sets and spatial data services to Denmark's INSPIRE geoportal after a previous request for this to the Minister of the Environment, who will ensure that the conditions for linking are met.

The public will have access to spatial data sets and spatial data services via Denmark's INSPIRE geoportal. However, public access may be limited, so that access is not given to information for which access should not be given according to the provisions of the Access to Environmental Information Act or - with regard to other information than environmental information - the Access to Public Administration Files Act.

In accordance with the INSPIRE Directive, it is proposed that the public shall have access to discovery services and view services on Denmark's INSPIRE geoportal free of charge. However, public authorities supplying view services may require payment for this, when the payment ensures maintenance of the spatial data sets and spatial data services. This will particularly refer to requirement of payment, when the spatial data sets and the spatial data services include very large amounts of data, which is often updated. It will be possible to require payment for the other network services on Denmark's INSPIRE geoportal, i.e. download services, transformation services and services invoking spatial data sets. According to section 7(5) of the Bill the Minister of the Environment may lay down regulations on fixing the payment for supplying view services and on the more detailed conditions for requiring payment, such as method of payment. However, a condition for requiring payment is that it can be paid via e-commerce services on the internet. Spatial data available via Denmark's INSPIRE geo-

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portal can be used according to the regulations of *lov om videreanvendelse af den offentlige sektors informationer* (act on the re-use of public sector information).

4.2.4. Data-sharing

According to Article 17 of the INSPIRE Directive each EU Member State shall adopt measures for sharing spatial data sets and spatial data services between its public authorities. Spatial data sets and spatial data services shall also be made available to public authorities of other EU Member States and to EU institutions and EU bodies. Spatial data sets and spatial data services shall also be made available to bodies established by international agreements to which the EU and EU Member States are parties.

According to the INSPIRE Directive, public authorities shall share spatial data sets and spatial data services only for the purposes of public tasks that may have an impact on the environment. However, with regard to eGovernment in Denmark, it is proposed that Danish public authorities shall share spatial data sets and spatial data services for the purposes of other public tasks as well. With regard to Danish public authorities' obligation to make spatial data sets and spatial data services available to EU institutions and EU bodies as well as public authorities of other countries, it is proposed that the obligation shall only apply to spatial data sets and spatial data services covered by the INSPIRE Directive and used for tasks that may have an impact on the environment. It would not be fair to oblige Danish public authorities to make the spatial data sets and spatial data services, not related to themes covered by the INSPIRE Directive, available to EU institutions and EU bodies as well as public authorities of other EU Member States. Such spatial data sets and spatial data services will be covered by the act according to the provisions laid down pursuant to section 1(2) of the Bill, with regard to eGovernment in Denmark alone. According to section 8(9) of the Bill, these spatial data sets will be exempted from the provisions on making spatial data sets available to EU institutions etc.

Public authorities as mentioned in section 2(2) of the Bill may require payment or license them to others using their spatial data sets and spatial data services. 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 relating to the environment shall, however, not be subject to any payment.

4.2.5. Interoperability - implementing rules

A condition for the spatial data sets to be combined and the spatial data sets to interact is that they are established on uniform basis. According to Article 7 of the INSPIRE Directive, the Commission will lay down implementing rules covering technical arrangements for interoperability and for harmonisation of spatial data sets and spatial data services. Whether such implementing rules will apply directly in Denmark or must be implemented by law is uncertain.

Therefore, it is proposed that the Minister of the Environment also may lay down such provisions, so that the implementing rules laid down by the Commission may be incorporated into Danish legislation if necessary. In addition to this, the Bill gives the Minister of the Environment a possibility for stipulating that the act shall cover spatial data sets related to themes outside the environment, which the INSPIRE Directive only covers, and for this reason there may be a need for the Minister of the Environment to be able to lay down provisions on technical arrangements for interoperability and on harmonisation of spatial data sets and spatial data services. Such provisions may also be laid down with regard to eGovernment in Denmark. The provisions will be coordinated with another standardisation on the IT area as far as possible.

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4.2.6. Implementation of the infrastructure for spatial information

In accordance with the INSPIRE Directive, infrastructure for spatial information will be fully implemented over a number of years. As mentioned, the Directive covers spatial data sets and spatial data services related to one or more of the themes listed in Annexes I, II or III of the Directive. The themes in each Annex will gradually be covered by the infrastructure. As mentioned in chapter 2, the data covered by Annex I, II and III has different characteristics. Data to which Annexes I and II relate are basic map and register data forming the basis for the location of data covered by Annex III. Annexes I and II cover for instance data relating to transport networks, cadastral numbers and addresses. Data covered by Annex III is characterised by having special effect on planning, administration and monitoring of environmentally related conditions.

In the case of spatial data sets with themes listed in Annexes I and II, metadata shall be created no later than two years after the Commission's adoption of implementing rules on metadata according to Article 5(4) of the Directive, which is expected to take place in 2008. For spatial data sets with themes listed in Annex III, the deadline is five years from the date of adoption of implementing rules, i.e. no later than 15 May 2013.

The interoperability between spatial data sets and spatial data services will also be implemented in two phases. The implementing rules that the Commission shall lay down according to Article 7(1) of the INSPIRE Directive shall in the case of spatial data sets with themes listed in Annex I be adopted no later than 15 May 2009. For spatial data sets with themes listed in Annexes II and III, the deadline is 15 May 2012. According to Article 7(3) of the INSPIRE Directive, spatial data sets and spatial data services shall be in accordance with the implementing rules within two and seven years, respectively.

4.2.7. Coordination of eGovernment in Denmark

Information in digital form is used by the public administration in the exercise of administration for so-called eGovernment. Place-specific information is also used for eGovernment. For example, areas mapped according to the Soil Contamination Act are registered according to section 14 in the cadastral register of the Act. Registration is carried out by digital transfer of data from the regional councils to the National Survey and Cadastre.

When place-specific information is used in eGovernment, it is important that all information can be combined. In order to make this happen, the information mentioned in section 9 of the Explanatory notes to the Bill shall be localized in relation to the same reference or in relation to references which can be combined. It should be laid down what collections of spatial data an authority can choose from when it is to use localized information, which shall be able to be shared with other authorities. This is to ensure that the localized information used by the public administration in Denmark can be shared smoothly between the authorities. Therefore, it is proposed that the Minister of the Environment be authorised to lay down such provisions after consultation with the Minister to whose area the relevant spatial data sets belong.

4.2.8. Contact point in Denmark and coordination structure

According to Article 19(2) of the INSPIRE Directive, each EU Member State shall designate a contact point to be responsible for contacts with the Commission in relation to this Directive. The Ministry of the Environment - National Survey and Cadastre has been designated as Denmark's contact point. According to the Directive, this contact point shall be supported by a coordination structure, taking account of distribution of powers and responsibilities within the EU Member States.

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According to this Bill, the Minister of the Environment shall be authorised to set up a coordination committee concerning the infrastructure for spatial information with representatives for authorities holding spatial data sets and spatial data services covered by this Act. Others with special knowledge of the infrastructure for spatial information can also be appointed as members of the committee. The committee can also manage tasks mentioned in Article 18 of the INSPIRE Directive such as coordinating proposals for the implementation of the infrastructure for spatial information.

The coordination committee will only assist the Ministry of the Environment - National Survey and Cadastre with tasks following from this Bill or from the INSPIRE Directive. Therefore, the Bill does not involve coordination of localized information according to the provisions in section 3(2) of the National Survey and Cadastre Act and in section 7(1) of the *lov om bygnings- og boligregistrering* (act on building and dwelling registration) mentioned in chapter 4.1.

5. The Bill's financial and administrative consequences for the public sector

5.1. The State

5.1.1. Administrative tasks

As mentioned in chapter 4.2.8., the Ministry of the Environment - National Survey and Cadastre has been designated as being responsible for contact to the Commission in relation to this Directive. The National Survey and Cadastre shall be responsible for preparing reports to the Commission according to Article 21 of the INSPIRE Directive on the implementation and use of infrastructure for spatial information. Furthermore, the Contact point shall assist in establishing agreements on the use of spatial data sets and spatial data services by EU institutions and authorities of other EU Member States. The Ministry of the Environment - National Survey and Cadastre has been designated to manage this task in Denmark.

This Bill will entail that the Minister of the Environment shall manage the task on allowing others than those obliged according to the act to link their spatial data sets and spatial data services to the geoportal, and decide whether the conditions for making spatial data sets and spatial data services available are met.

The administrative task also entails advice for the public authorities who shall link their spatial data sets and spatial data services to Denmark's INSPIRE geoportal.

Total costs of the administrative tasks are estimated to amount to DKK 3.5 mill. in 2009 and 2010 and are subsequently expected to be DKK 2.0 mill. annually.

5.1.2. Denmark's INSPIRE geoportal and the associated spatial data sets

As mentioned in chapter 4.2.3., the Bill entails that the Minister of the Environment shall establish and operate a network of services named Denmark's INSPIRE geoportal. To the extent possible, this network of services will be established so that it would be able to be part of the current development of eGovernment in Denmark.

Costs of establishing Denmark's INSPIRE geoportal are estimated to DKK 2.5 mill. in 2009 and 2010 and are subsequently expected to drop to DKK 1.0 mill. in 2012, once this Act takes full effect. Costs of operating Denmark's INSPIRE geoportal are estimated to DKK 2.0 mill. in 2009 and 2010 and are subsequently expected to drop to DKK 1.3 mill. annually.

The estimate of expenses to establish and operate Denmark's INSPIRE geoportal is associated with a certain degree of uncertainty, as the more detailed requirements for data and technology are only laid down in connection with the implementing rules adopted in 2008-2012.

The individual authority holding spatial data sets or spatial data services shall only ensure that metadata is created for these, and that spatial data sets and spatial data services are

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made available via Denmark's INSPIRE geoportal or in the case where spatial data sets or spatial data services are covered by this Act alone because of eGovernment in Denmark somewhere else.

The more detailed requirements for metadata, harmonisation and interoperability will appear in the implementing rules laid down under the auspices of the EU in the period 2008-2012. As Danish public authorities already use modern IT methods and technologies, it is expected that the authorities' costs of linking their spatial data sets to Denmark's INSPIRE geoportal will be limited.

It is estimated that once this Act takes full effect in 2012, it will involve around 150 spatial data sets and spatial data services, 125 of which are held by state authorities, whereas the others are held by regional or municipal authorities. However, the majority of these spatial data sets and spatial data services shall not be linked to Denmark's INSPIRE geoportal until 2014-2019. As mentioned earlier, this Bill does not entail that new data is to be provided. Implementation of this Bill will entail socio-economic benefits in connection with administration and management, in the environmental area, and other areas such as transport and agriculture. The Commission's impact analysis of the Directive shows that it will lead to an important socio-economic net gain for EU Member States, once the Directive is fully implemented.

Similarly it is estimated that as a consequence of the Bill creating or improving the basis for eGovernment, it will entail advantages fully compensating for any costs which should rest with the public authorities holding spatial data sets and spatial data services.

In accordance with the INSPIRE Directive, this Bill does not entail any amendments to current regulations on payment for spatial data sets and spatial data services. According to section 7(3) and (4) of the Bill, public authorities will be able to require the same payment as they require today for their spatial data sets and spatial data services via e-commerce services. However, according to section 7(1) of this Bill, discovery services shall be made available to the public free of charge. Neither does this Bill affect the application of *lov om videreanvendelse af den offentlige sektors informationer* (act on the re-use of public sector information).

On the basis of the current information, total state expenses for managing the administrative tasks and for establishing and operating Denmark's INSPIRE geoportal in 2009-2014 are estimated to amount to DKK 31 mill. From 2014 total annual will be around DKK 3.3 mill.

5.2. Municipal and regional authorities

According to section 1(3) of this Bill, spatial data sets held by municipalities are only covered by this Act if the spatial data set is to be collected or disseminated according to other legislation. This provision will limit the number of spatial data sets and spatial data services, which will be covered by this Bill.

Municipal and regional authorities shall create metadata for the spatial data sets and spatial data services covered by this Act, just as they shall make these spatial data sets and spatial data services available in a harmonised way via Denmark's INSPIRE geoportal.

A large amount of spatial data sets and spatial data services held by municipalities have already been made available to other public authorities and to the public via portals and similar, operated jointly by public authorities, such as the Danish Nature & Environment Portal. Municipalities will be able to pass on their obligations according to this Bill to such a joint enterprise.

Because data covered by this Bill can be part of eGovernment and because of technological developments in the municipalities, it is estimated that this Bill will entail advantages for municipal and regional authorities, fully compensating for the expenses and costs these authorities would be subject to as a consequence of this Bill.

As mentioned in chapter 5.1.2., in accordance with the INSPIRE Directive, this Bill does not entail any amendments to current regulations on payment for spatial data sets and spatial

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data services. According to section 7(3) and (4) of this Bill, public authorities will be able to require the same payment for their spatial data sets and spatial data services via e-commerce services as usual.

6. The Bill's financial and administrative consequences for the business sector

This Bill will not entail obligations for the business sector. However, section 5(2) of the Bill makes it possible for others than public authorities to link their spatial data sets and spatial data services to Denmark's INSPIRE geoportal if these meet the same requirements as the spatial data sets and spatial data services, which according to the Bill are to be linked to the geoportal. Therefore, commercial enterprises will be able to make their spatial data sets and spatial data services available by selling them.

Furthermore, the business sector could benefit from large amounts of public information becoming easily accessible on the internet. Such information could be used by the business sector according to the provisions of *lov om videreanvendelse af den offentlige sektors informationer* (act on the re-use of public sector information).

7. Environmental consequences of the Bill

This Bill will promote availability and use of spatial data in the determination of policy and in administration in the environmental area in Denmark and in the EU. This Bill will also strengthen Danish emergency procedures in that spatial data will be easily accessible and easily combined if an emergency should occur.

8. The Bill's administrative consequences for the general public

This Bill will not entail administrative consequences for the general public.

9. The relation to EU legislation

This Bill implements parts of the 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).

The specific explanatory notes to the individual articles and sections are omitted.

Miljøministeriet, www.mim.dk

Kort & Matrikelstyrelsen, www.kms.dk