

**12th Meeting of the INSPIRE Committee**  
**(Infrastructure for Spatial Information in the European Community)**  
**14 June 2017**

Agenda item 2: Committee Work Programme 2018/2019

Possible revision of Implementing Rules

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| <b>Creator</b>             | DG ENV   |
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| <b>Addressee</b>           | INSPIRE Committee (for discussion)   |
| <b>Identifier</b>          | <b>[DOC3]</b>  |
| Description                | <p>The Commission presented a Report and the results of the REFIT evaluation in 2016. One of the follow up actions was the exploration of the idea that a simplification of the requirements set out in the Implementing Rules would increase the benefits and/or reducing the implementation costs at the same time.</p> <p>Following an exploration of possible areas for improvement, two specific Implementing Rules were identified which would merit a discussion on whether a revision could improve their "fitness-for-purpose":</p> <ol style="list-style-type: none"> <li>1. Commission Decision 2009/442/EC implementing Directive 2007/2/EC (INSPIRE) as regards monitoring and reporting.</li> <li>2. Commission Regulation (EU) No 1089/2010 and its amendments implementing Directive 2007/2/EC as regards interoperability of spatial data sets and services, and, in particular its Annex III thereof.</li> </ol> <p>The document sets out reasons and the proposals for a possible revision and translates this into a work programme for the Committee. The Commission is seeking the views of the Committee members on this.</p> |
| <b>Requested actions:</b>  | <p>The members of the Committee are invited to take note and hold an exchange of views on the document and, in particular:</p> <ul style="list-style-type: none"> <li>• Review the need for amending Implementing Rules.</li> <li>• Express their support or opposition to the proposed revision of certain Implementing Acts.</li> <li>• Discuss the proposed work programme, including timetable.</li> <li>• Discuss the practical arrangements.</li> <li>• Invite the expert of the Maintenance and Implementation Group (MIG) and its sub-groups to provide technical input to the Committee work programme, once agreed.</li> </ul>   |

## Agenda item 2: Committee Work Programme 2018/2019

### Possible revision of Implementing Rules

#### 1 Introduction / context

The INSPIRE implementation report and REFIT evaluation have demonstrated that applying the rules set out in the context of INSPIRE has great benefits for improving data availability and (re-) use in the field of environment. However, these benefits cannot be realised for free, some investments and efforts are inevitably needed. In most parts of the INSPIRE implementation, this balance has already been found and good progress has been made in most Member States. However, the future obligations on data harmonisation/interoperability have raised some concerns (see box).

Hence, in order to maximise the benefits and reduce the inevitable costs of setting up and maintaining a spatial data infrastructure, the obligations set out in the Directive and the Implementing rules and the recommendations provided by the Technical Guidelines need to be applied in a pragmatic way whilst respecting the legal obligations. Following the REFIT evaluation, there is an increasing emphasis to review INSPIRE implementation efforts and to conduct it so that it is "fit for purpose" where this has not yet been sufficiently the case.

The 2016 Commission evaluation concluded that

- *"there are indications that some implementation efforts which are not due until 2020 may be costly and difficult to achieve, in particular in relation to data harmonisation."*

- *"Moreover, the INSPIRE reporting requirements appear to have potential for streamlining."*

This was also reflected in the INSPIRE report, e.g.: *"Member States also questioned the effectiveness of future data harmonisation (step 5) due to the significant effort and cost involved in transforming existing datasets to meet the new requirements (deadlines in 2017 and 2020). Many acknowledged that greater interoperability is needed to achieve efficiency gains. They also expressed concern regarding the complexity and the feasibility of adapting all spatial data to common data models by 2017 (Annex I) or 2020 (Annex II and III). They called for a flexible, pragmatic and user-driven application of the existing data specifications." And "[...] focusing on end-user needs and applications in a cross-border and EU context can assist implementation and help prioritise resources and investments."*

As a consequence, the Commission announced that it will *"review, and possibly revise, the INSPIRE rules, in particular on spatial data harmonisation, to take into account the implementing risks and complexities with a view to reducing them (simplifying requirements)"*. This action also includes the 2009 Commission Decision on INSPIRE. In the recently finalized Reporting Fitness Check, the Commission has also identified the INSPIRE monitoring and reporting provisions as having potential for streamlining announcing a possible revision of the respective Decision.

The INSPIRE REFIT evaluation was followed by a wider Fitness Check on environmental reporting and monitoring which looked, amongst other Directives, also at the reporting arrangements under the INSPIRE Directive. This evaluation and the subsequent actions will be published soon<sup>1</sup>. These results are factored into the proposals below.

## 2 State-of-play

Following the publication of the Commission's Report, the INSPIRE Maintenance and Implementation Expert Group (MIG) agreed the INSPIRE Maintenance and Implementation Work (MIWP) Programme 2017-2020 which translated the Commission's findings into a collaborative work programme between the EU bodies, the EU Member States and the interested EFTA countries. Two actions in this MIWP relate to the possible revision of Implementing Rules. Action 2016.1 aimed at systematically analysing and reviewing INSPIRE requirements in the legal (implementing rules) and technical (guidelines, etc) framework and investigating the implementation practices and concrete difficulties in the Member States. Action 2016.2 looked specifically in the possible improvements for reporting and monitoring under the INSPIRE Directive. The outcome of both actions has been factored into the proposed way forward.

Within action 2016.1, the experts reviewed all the implementing rules with the view to their possible revision. In the first phase of this review from September to November 2016, a broad screening of the all relevant issues took place. This resulted in a discussion document which led to the following conclusions at the MIG meeting of December 2016: *"There was a consensus amongst MIG members to focus the review and possible revision of the Implementing Rules (IR) to the part of Annex III in the one IR on data specifications."* Consequently, a new mandate for continuation of the works for a second phase was agreed which stated: *"The continuation of this activity (January to May 2017) will focus on a need to review and (possibly) revise the Implementing Rules on data specifications, limited to the part related to Annex III. [...] It will look at the identification of possible structural issues in order to reduce burdens which emerge from recent implementation experience and identify specific elements for technical and scientific adaptation. Proposals for further measures will be made to the Committee following a more in-depth analysis of the issues identified above. To do so, additional evidence needs to be collected as to the nature of the identified problems and the possible amendments that would solve these problems."*

During the second phase, a more targeted reflection took place focusing on the Annex III data themes in the interoperability rules. The discussion covered a wide range of issues including the possibility to use the existing flexibilities and to strengthen the supporting work for the simplification of use at technical level. The results of these discussions is summarised in the following document: [Action 2016.1 Fitness for purpose Annex III analysis](#)

As regards the possible need for a revision of the Commission Regulation (EU) No 1089/2010 and its amendments, the main results are used as a basis for the proposals below.

Within action 2016.2, a concrete and detailed discussion on the merit of the current reporting and the indicators for monitoring was held. The results of this action are summarised in the following document: [Action 2016.2 Monitoring & Reporting 2019 analysis](#)

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<sup>1</sup> Should be available after 8 June on: [http://ec.europa.eu/environment/legal/reporting/fc\\_overview\\_en.htm](http://ec.europa.eu/environment/legal/reporting/fc_overview_en.htm)

## 3 Simplification of Requirements

### 3.1 Possible revision of Commission Decision 2009/442/EC on monitoring and reporting

All the evidence suggests that the current way of reporting and monitoring under the INSPIRE Directive is not effective and efficient and can be streamlined. In particular the role and format of the tri-annual reports and the number and content of the indicators was identified in need for revision. Also the experiences from the 2016 reporting and the preparation of country fiches will be factored into any possible changes.

Experts under the MIG have already started looking at the review of the 2009 Reporting Decision and have presented their findings in the meeting of the MIG of 13 June 2017. This activity has now formally ended and further work will be carried out under the umbrella and with a mandate of the INSPIRE Committee. Before taking any further steps, the Committee should review the results of the MIG action 2016.2.

The preparatory work led to the assumption that a revision of the 2009 Reporting Decision is useful and feasible. It should be possible to streamline the monitoring and reporting by focussing on more meaningful indicators and without losing any (significant) piece of information. Moreover, the revision could also be used to take account the results and recommendations from the Reporting Fitness Check and the Commission's actions in relation to streamlining of reporting. So overall, the discussion at the Committee should focus on whether the Member States support a revision of the 2009 Reporting Decision. Following the Committee, Member States will have the opportunity to review the result of the action 2016.2 and inform the Commission services on their views as well as on suggestions they may have for revising the Reporting Decision.

On the basis of the feedback from Member States, the Commission services will take a final decision on whether to revise the Reporting Decision. Subject to that decision, the Commission services will present proposals for amendments of the Decision at the next Committee meeting for discussion.

### 3.2 Possible revision of Commission Regulation (EU) No 1089/2010 and its amendments on interoperability

Some of the evidence collected suggests that there are instances where adaptations in the INSPIRE IRs would help improve their “fitness-for-purpose” and maximise the effectiveness and efficiency of the INSPIRE implementation.

Based on the current level of knowledge, there is recognition that INSPIRE IRs (except for the 2009 Reporting Decision, see above) are overall “fit-for-purpose”. There are some corrections which have been identified by the INSPIRE Thematic Clusters and agreed by the MIG, that still need to be implemented as amendments/corrigenda in the legal act. This will be done together with the outcome of this “fitness-for-purpose” work (see section 3.3).

In addition to these rather specific corrections, only the part of the data interoperability IR linked to Annex III is considered for further revision. However, having clarified the existing flexibilities, there does not appear to be a rationale to fundamentally change the approach or the ambition level of the IR for data interoperability. Instead, a possible revision of the IR should focus on adaptations to technical and scientific progress, alignment with other related obligations, ensuring consistency between specifications and refining some of the flexibilities to maximise benefits or minimise costs

where they do not have an added value for achieving the INSPIRE's objectives (e.g. through simplification).

So far, a number of issues have been identified which may require a change in the IRs No 1089/2010 (and its amendments). Germany has undertaken a screening of the issues and provided some specific evidence with regard to the obligations of Article 14 in the IRs No 1089/2010 (and its amendments). Additional evidence still needs to be collected in order to justify any particular changes.

In order to specify the scope of the exercise in more detail, discussions to date have identified the following issues which would be addressed in a revision (over and above the corrections identified in section 3.3) are the following:

- **Consistency with eReporting:** Adaptations of data models in some thematic areas in order to avoid inconsistencies with existing environmental reporting data models (some examples were made for industrial emissions and urban wastewater but others may exist).
- **Art 14 portrayal rules:** remove the obligation to provide a single layer for each occurrence of a code list value in the data set. This would require amending Article 14 (3) of the INSPIRE Implementing Rule.
- **Encoding Rules (flattening):** clarify that using encoding rules using a "flattening" approach, as proposed by some Member States, is a feasible option from a legal perspective (whilst drafting accompanying Technical Guidelines to foster good practices and consistent approaches).
- **Consistency with statistical data flows (cf. data theme on population distribution)**

The scope of the amendments will therefore be rather limited and technical and the objective is to make these implementing rules even more effective and coherent as identified in the evaluation

As a first step, the Committee is requested to express an opinion whether or not the revision of the interoperability IRs is desirable at this stage of implementation. Provided that such a revision process is supported, the Committee should discuss the scope and the next steps. As a second step, the necessary input should be gathered to realise these changes in an efficient manner.

Hence, following the Committee, Member States will have the opportunity to review the result of the action 2016.1 and inform the Commission services on their views as well as on suggestions they may have for revising the Interoperability Implementing Regulation in relation to Annex III datasets. Such input for proposed changes should be presented by using the template in the Annex.

On the basis of the feedback from Member States, the Commission services will take a final decision on whether to revise the Interoperability Regulation. Subject to that decision, the Commission services will present proposals for amendments of the Regulation at the next Committee meeting for discussion.

### 3.3 Corrections in the Implementing Rules

Based on input from the Thematic Clusters, the MIG sub-group of action 2016.4 has identified a number of issues in the Implementing Rules which require corrections. In total, 39 inconsistencies or errors were found in the Implementing Rules, mainly in the specifications for interoperability. Some of them are spelling mistake but others are more substantial. The 4<sup>th</sup> meeting of the MIG in June 2016 has reviewed the list of corrections and has recommended that these would be implemented at the next occasion (see DOC13 [Proposal to address Interop IR inconsistencies \(MIWP-14\)](#) of that meeting).

Independent of the above decision on revising the Interoperability Rules for Annex III datasets, the proposed corrections should be introduced. The Commission services will therefore prepare an amendment of the Implementing Rules addressing these corrections for the next Committee meeting. Before that, the Member States have the opportunity to review the list of corrections and inform the Commission services if they do not agree with any of the proposed changes.

#### 4 Next steps / Planning (proposal for a work programme)

The above-mentioned considerations will require discussion and agreement on how to take them forward.

In summary, the proposal is to carry out two activities which will require an opinion of the Committee at some point:

1. The revision of Commission Decision 2009/442/EC on monitoring and reporting;
2. The revision of Commission Regulation (EU) No 1089/2010 and its amendments on interoperability focussing on obligations relating to Annex III datasets and taking account the corrections identified (see section 3.3).

As regards the amendments of the IRs, the following timetable is proposed.

| <b>Timetable</b>    | <b>Committee<sup>2</sup></b>   |
|---------------------|--|
| June 2017:          | Discussion of document/agree follow up   |
| Until 15 Sept 2017: | Deadline for comments of Member States<br>Collect evidence and proposals for amendments          |
| December 2017:      | Committee meeting: Review progress and discuss first draft documents of possible amendments      |
| February 2018       | Deadline for comments of Member States on first drafts   |
| May 2018:           | Presentation of draft proposals for opinion of the Committee                                     |
| June 2018:          | Committee meeting: Final discussion and voting of the opinion of the Committee on the draft text |
| Dec 2018:           | Adoption procedure completed (after public consultation and scrutiny of the European Parliament) |

The Commission services also intend to make use of the expertise available in the MIG and its sub-groups when preparing the changes to the IRs. Based on the work already carried out, the experts in the MIG, MIG-T or the sub-groups for actions 2016.1 and 2016.2 may be called upon, if necessary, in the preparation of the documents for the Committee meetings.

Before involving any other experts, the Member States are invited to send comments by 15 September on the following issues:

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<sup>2</sup> Assuming that the current procedure applies, i.e. Regular Procedure with Scrutiny in line with Article 22 of Directive 2007/2/EC

- Views on the outcome of action 2016.2 reviewing the current monitoring and reporting decision – see section 3.1 (DOC [Action 2016.2 Monitoring & Reporting 2019 analysis](#));
- Views on the outcome of action 2016.1 on issues regarding the revision of Implementing rules - see section 3.2 (DOC [Action 2016.1 Fitness for purpose Annex III analysis](#));
- Additional issues for revision in Commission Regulation (EU) No 1089/2010 and its amendments (focussing on Annex III datasets) and providing supporting evidence using the template in the Annex.
- Views on the outcome of the corrections identified by the MIG - see section 3.3 (DOC [Proposal to address Interop IR inconsistencies](#)).

**Template for proposing changes and presenting supporting information to the Commission  
Implementing Regulation (EU) No 1089/2010 and its amendments**

|   |                           |           |
|---|---------------------------|-----------|
| Country /Issue number:  | Affected article / annex: | Theme(s): |
| <b>Subject:</b>   |                           |           |
| <b>Observations / problem description:</b>  |                           |           |
| <b>Proposed legislative change(s):</b><br>(including precise reference, current text and proposed amendment): |                           |           |
| <b>Rationale for change(s):</b><br>(including concrete implementation evidence)                               |                           |           |
| <b>Expected impacts (including benefits):</b>   |                           |           |