



INSPIRE

Infrastructure for Spatial Information in Europe

Review of the Monitoring & Reporting Decision (2009/442/EC) – Explanatory Note

Type	Information document
Creator	DG ENV
Date/status/version	20/10/2018
Addressee	INSPIRE Committee
Identifier	COMMITTEE/15/2018/DOC3_Annex
Description	Explanatory note for the revision of the Commission Decision of 5 June 2009 implementing Directive 2007/2/EC (INSPIRE) as regards monitoring and reporting (2009/442/EC).

actions:	Committee to: <ul style="list-style-type: none">• Take note.
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EXPLANATORY NOTE (20-08-2018)

Subject: Proposal for a Commission Implementing Decision replacing Commission Decision No 2009/442/EC of 5 June 2009 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards monitoring and reporting.

CONTEXT OF THE PROPOSAL

- **Reasons for and objectives of the proposal**

The current Monitoring and Reporting system for Directive 2007/2/EC is based on Article 21 of the Directive and on Decision 2009/442/EC as regards monitoring and reporting. Experience from the previous reporting exercises and the conclusions of recent evaluations (REFIT evaluation of Directive 2007/2/EC¹, Fitness Check on reporting and monitoring of EU environment policy²) have shown that this system leaves room for improvement and streamlining. Textual information, which is still quite significant in this system, is not always relevant, nor comparable, and represents a significant burden for the Member States to provide and for EU reporting actors to process. Therefore, updated information should be collected in an easier, comparable and less burdensome way for all reporting actors. Moreover, the significant number of indicators was not allowing for a clear insight into the implementation progress. There were too many indicators and not necessarily the right ones. E.g. the absolute numbers of spatial datasets in a Member State which have been brought under the INSPIRE Directive is not necessarily an indicator for good implementation. The type of datasets may vary and are not comparable between countries. Also the availability of nationally coordinated datasets is often a sign for a higher level of maturity than the availability of only a large number of locally generated datasets. The current indicators were not allowing to identify these differences in implementation.

Therefore, new indicators are introduced that measure the number of spatial data sets that are being used for reporting under the environmental acquis (DSi1,3) and the distribution of spatial data sets with regional and national coverage (DSi1,4 – Dsi1,5). The first indicator allowing for easily identifying spatial data sets with direct relevance for the reporting processes and evaluation cycles under the environmental acquis and the latter indicator giving an impression of the usability of the spatial data sets and insight in the functioning of the Member States coordination structure. For these indicators provisions were included in Articles 3 (2) and 3 (3) of the proposal that require Member States to insert specific common keywords in their data set metadata. Besides supplying evidence for the indicators, the use of these common keywords provides a simple methodology to identify and filter specific data sets with high reuse value for national and European use cases. For a cost-effective implementation, Member States are required to tag selected spatial data sets that respectively identify those spatial data sets that are being used for reporting under the environmental acquis and those that have regional or national coverage and are considered to be the national or regional reference data set for the given theme

1 [SWD\(2016\)273](#)

2 [COM\(2017\)312](#), (SWD(2017) 230)

or spatial object type(s). Depending on the constitutional setup in the Member State and the distribution of competences, we identified the following three main scenarios for tagging with regional/national keywords:

- Nationally organised data set (produced by a national administration) are available. These are tagged with the “national” keyword.
- Only regional data sets are available, but no national data set. For every region, the regional data set is tagged with the “regional” keyword.
- Both a nationally organised data set and regional data sets are available with the same level of detail. A Member State has regional data sets that are authoritative but also creates a national data set. The national data set is tagged with the “national” keyword, the regional data sets are tagged with the "regional keyword".

The aim of this proposal is to simplify and streamline monitoring and reporting, support better comparison of the implementation progress across Member States and allow for National and EU-wide overviews while reducing administrative monitoring and reporting burden.

Changes to Commission Decision No 2009/442/EC are essential in order to optimize the monitoring and reporting process. The proposed changes focus on fine-tuning existing reporting and monitoring indicators to make them more fit for the purpose of evaluating the implementation progress and impact of the INSPIRE Directive. Furthermore, the proposed changes are considering legal and technical elements. The legal aspect focuses on maximizing the reuse of other information provisions (e.g. metadata, network services) for the reporting process. The technical element focuses on updating the reporting provisions with the relevant technical and scientific progress implementing the "Once Only" principle and making it less burdensome for Member States to provide the necessary information also building on the main findings of the Fitness Check process for environmental reporting.

- **Consistency with existing policy provisions in the policy area**

The proposal implements the recommendations coming from Better Regulation in the field of environment policy and more specifically the consistent approaches on environmental reporting and monitoring that resulted from the Fitness Check Evaluation on environmental monitoring and reporting by:

- Increasing transparency;
- Ensuring the evidence base for future evaluations;
- Simplifying and reducing administrative burden for the Member States and the Commission.

The proposal also makes a closer link between the INSPIRE implementation and the efforts undertaken in the context of reporting in the various environmental domains (i.e. air, water, nature, waste, industrial emissions, etc.). The proposed new indicator DSi1,3 would allow to determine the specific progress in this key area of implementation across the various environmental domains.

- **Consistency with other Union policies**

The provisions of the proposal do not explicitly refer to other sectors since the focus is on reporting under Directive 2007/2/EC. In more general terms of modernising information management, the proposal implements the Digital Single Market Strategy “Once-Only” principle by reusing existing provisions (e.g. metadata, network services) to acquire the necessary information for monitoring and follows the Better Regulation policy by making it less burdensome for Member States to provide the necessary information. The indicators will also help monitor the progress in the eGovernment Action Plan where the implementation of the INSPIRE Directive is an action to help modernise public administrations in the Member States.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

- **Legal basis**

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)³ and in particular Article 21(4) thereof.

- **Subsidiarity (for non-exclusive competence)**

The EU has shared competence with Member States to regulate environment. This means that the EU can only legislate as far as the Treaties allow it, and must observe the principles of necessity, subsidiarity and proportionality. The aim of the proposal is to optimise already existing obligations on monitoring and reporting of Directive 2007/2/EC in order to reduce the burden for Member States and further improve the evidence base for evaluation of the Directive. The reuse of the metadata and discovery network services already implemented by the Member States reduces the burden of additional administrative procedures for formal reporting processes between the Member States and the Commission, and strengthens subsidiarity.

- **Proportionality**

The proposal is proportionate since it builds upon the experience from the previous reporting exercises and the findings of recent evaluations (REFIT of Directive 2007/2/EC, Fitness Check on reporting and monitoring of EU environment policy) to ensure that the European Commission is getting the right information in the right form at the right time.

- **Choice of the instrument**

The legal instrument chosen is a Commission Decision that repeals and replaces the existing Commission Decision.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex-post evaluations/fitness checks of existing legislation**

The Reporting Fitness Check evaluation covered 181 reporting obligations found in 58 pieces of EU environmental legislation including Directive 2007/2/EC. For Directive 2007/2/EC the Fitness Check recommended to eliminate the three annual reporting under Article 21.3 and

³ OJ L 108, 25.4.2007, p.1

strengthen the annual monitoring (Art. 21.1). In addition, 2016 REFIT evaluation already pointed to some administrative burden generated by the INSPIRE implementing rules and recommended to address these issues subsequently by revising these implementing rules, where necessary.

- **Stakeholder consultations**

The preparation of this proposal was carried out in close consultation with the Member States under the governance of the INSPIRE Maintenance and Implementation Framework expert groups. Several rounds of expert discussions and consultations took place in this context when preparing this proposal for a decision.

- **Collection and use of expertise**

Not applicable.

- **Impact assessment**

Not applicable.

- **Regulatory fitness and simplification**

The REFIT evaluation of Directive 2007/2/EC confirmed the relevance of the specific action on reporting and monitoring of the implementation and use of Directive 2007/2/EC. However, the Commission Report⁴ based on the evaluation recommends that the process could be assessed in view of further reducing its administrative burden and increasing its effectiveness.

Furthermore, Member State experts⁵ called on the Commission to review the existing monitoring and reporting obligations based on Commission Decision 2009/442/EC. In particular, the three-annual national report is considered too burdensome and duplicating information gathered under the monitoring framework.

- **Fundamental rights**

Information systems serving better reporting could also raise in principle issues regarding a number of provisions laid down in the Charter of Fundamental Rights of the European Union, such as the right to good administration (Article 41 of the Charter). However, nothing in this proposal should be interpreted or implemented in a manner that is inconsistent with the Charter.

4. BUDGETARY IMPLICATIONS

The estimation of the impact of the proposed provisions for monitoring and reporting for the Member States and the EU actors (Commission service and European Environment Agency) is positive. The monitoring provisions advocate the full reuse of the metadata already created and published by the Member States as information resource. As a result, Member States are released from the obligations:

- To manually calculate the indicators every year and document them in a report to be send to the Commission;
- To manage and yearly provide a list of spatial data sets and spatial data services to the Commission.

⁴ COM(2016) 478

⁵ As discussed at the [INSPIRE Maintenance and Implementation Expert Group](#) in December 2015.

Furthermore, the proposal releases Member States from drafting a full tri-annual implementation report. They are only asked to provide updates for those summary descriptions pursuant to Article 21(2) of Directive 2007/2/EC where changes have taken place since the submission of the previous report⁶. In practice Member States will be asked to provide the updates and relevant information for the report in an online system provided by the Commission. The content of the report has been organised in a “country fiche” that brings together monitoring and reporting information in a meaningful country overview. The country fiche template limits the occurrence of non-structured textual information compared to the reporting obligations under Articles 12-16 of Commission Decision 2009/442/EC and streamlines the information to reflect the intervention logic of Directive 2007/2/EC. It also creates a similar approach and comparable content across Member States and for trend analysis.

The provisions in Articles 3 (2) and 3 (3) require Member States to insert specific keywords in their metadata for selected spatial data sets that respectively identify those spatial data sets that are being used for reporting under the environmental acquis and those that have regional or national coverage. These necessary keywords to be used by the Member States are provided in a register provided by the Joint Research Centre of the Commission⁷, which will facilitate the uptake and improve the quality and comparability of the data. The provision of these keywords by the Member States is creating only limited additional burden and is not having a significant impact on resources. This estimation is based on the observations that:

- Commission Regulation (EC) No 1205/2008 as regards metadata already has provisions for a “keyword“ metadata element;
- Maintaining keywords is part of day-to-day management of metadata;
- The use of the “keyword” metadata element is already supported by the existing metadata management systems in the Member States and does not induce additional development costs.
- The number of datasets for which additional keywords need to be inserted is limited and defined.

Some Member States have already done this over the past months on a voluntary basis and have demonstrated that it is feasible and proportionate. The added value of this approach is the increase of comparability of implementation efforts and the higher relevance of the respective indicator for environment policy.

5. OTHER ELEMENTS

Main Differences between the proposal and Commission Decision 2009/442/EC

MONITORING AND REPORTING BURDEN

Member States are released:

- from the obligation to yearly calculate the indicators, instead metadata (as already provided for in Article 5 of Directive 2007/2/EC and further detailed in COMMISSION

⁶ The summary of the 2016 reports and the original national reports are available at:
<http://inspire.ec.europa.eu/INSPIRE-in-your-Country>

⁷ <http://inspire.ec.europa.eu/metadata-codelist>

REGULATION (EC) No 1205/2008) will be used as the main information source for monitoring indicators. This is reflected in Article 2 (1) and Article 10 (1) of the proposal.

- from the obligation to provide a list of the spatial data sets and spatial data services corresponding to the themes listed in Annexes I, II and III to Directive 2007/2/EC, grouped by theme and Annex, and of the network services referred to in Article 11(1) of that Directive, grouped by service type (Article 2 (1), (2) and (3) of COMMISSION DECISION 2009/442/EC).

Where Commission Decision 2009/442/EC has provisions for 48 indicators, the proposal reduces the amount of indicators to 20. This reduction is partially resulting from the automated reuse of metadata as source for indicators and partially the outcome of reviewing and rationalising the indicators in the light of core information needs to monitor implementation status and progress.

Reporting

Member states are released from drafting the full implementation report. The relevant information will have to be provided online when changes occur in the governance of the spatial data infrastructure as part of the Member State country fiche.

The country fiche template and the structured information provision limits the occurrence of non-structured textual information and streamlines the information to reflect a similar approach and comparable content across Member States and for trend analysis.

COMMON SUBSET OF SPATIAL DATA SETS FOR REPORTING UNDER OTHER EU LEGAL ACTS WITH RELEVANCE TO THE ENVIRONMENTAL POLICY AREA⁸

The Commission has selected monitoring and reporting under the environmental *acquis* as a priority use case for the development of a first set of pan-European spatial information products. Based on the evaluation of reporting obligations under the environmental legislation, done in the framework of the Fitness Check on environmental reporting and monitoring a priority list of reporting data sets within the scope of the INSPIRE Directive and related to the environment has been prepared. This list contains spatial datasets that are required in the context of reporting under the various pieces of environmental legislation. These are not new datasets but have been reported for many years in order to produce EU-wide maps, however, so far, without fully respecting the INSPIRE provisions.

This list of datasets is a list of tangible information needs to adequately evaluate the effects on the environment of EU environmental legislation and its effectiveness, efficiency and coherence with other pieces of EU legislation.

The list further provides guidance to Member States on consistent mapping of reporting obligations and supporting data to INSPIRE spatial objects. This consistent mapping is essential for the development of pan-European data sets. This list therefore contains datasets that are of particularly high value for the EU level because they are essential to generate pan-European overview (e.g. on air quality⁹ or bathing water¹⁰).

⁸ <https://ies-svn.jrc.ec.europa.eu/projects/2016-5/wiki>

⁹ <https://www.eea.europa.eu/themes/air/air-quality-index/index>

¹⁰ <http://www.eea.europa.eu/themes/water/interactive/bathing/state-of-bathing-waters>

The main objectives for this priority list of high value data sets are to:

- communicate information priorities and expectations to Member States by clearly identifying the spatial data sets relevant for environmental reporting;
- provide guidance on consistent mapping of reporting obligations and supporting data to INSPIRE spatial objects for the development of pan-European data sets;
- identify reporting redundancies and explore opportunities for streamlining;
- improve the timeliness and the quality of reported data.

The list is an inventory of environmental information needed to monitor the implementation of EU environmental laws. It is regularly updated and as such provides an instrument to:

- incrementally monitor comparable implementation progress across MS for all INSPIRE components (metadata, services, interoperability, data sharing) based on a common setting;
 - build tangible and usable INSPIRE deliverables for eReporting;
 - promote the reuse of the INSPIRE infrastructure for reporting purposes.
- It is a much more meaningful indicator than the number of spatial datasets that, actually, does not reflect the implementation reality very well.

COUNTRY FICHES, A MODEL FOR STREAMLINED REPORTING

The INSPIRE country fiches were introduced in 2017 after discussing with the experts from the Member States in the INSPIRE Maintenance and Implementation expert Group (MIG). The proposed INSPIRE country fiche template was highly appreciated by the Member States as it:

- can be a driver for simplifying the reporting under INSPIRE,
- maximizes the reuse of existing metadata,
- improves comparability of reports across Member States,
- is an instrument for feedback by the Commission on the implementation effort of the Member States.

The country fiche consists of rather static descriptive information, dynamic measurement of the implementation progress (monitoring) and forward looking implementation aspects.

PART 1: IMPLEMENTATION REPORT – THE STATIC PART OF THE COUNTRY FICHE

This part of the country fiche is not changing frequently and the key information is now available to the Commission from the previous two reporting rounds. In future, this content will not be requested separately in a report but will be updated by the Member States upon changes conform the reporting cycle as mandated in Directive 2007/2/EC (i.e. every three years) or can be continuously maintained by MS on a voluntary base.

PART 2: MONITORING – THE DYNAMIC PART OF THE COUNTRY FICHE DELIVERING KEY PERFORMANCE INDICATORS (KPI)

The main content is to automate the gathering and validation of monitoring information based on metadata made available by the Member States through their registered discovery services. To assess the possibility of automatic harvesting of information for measuring the performance of

the INSPIRE implementation the monitoring obligations and the existing monitoring indicators have been reviewed. As a result, the generation of the EU statistics will be fully automatic after the Member States have updated their national information systems.

PART 3: MS ACTION PLAN – OBJECTIVES FOR EACH MS AND THE ACTIONS TO ACHIEVE THEM, ALIGNED WITH THE OBJECTIVES OF THE INSPIRE IMPLEMENTATION STRATEGY

This part of the country fiche contains the forward looking aspect for closing identified INSPIRE implementation gaps in the Member States. Member States will be invited, on a voluntary basis, to update the outlook perspective in the country fiche whenever new national initiatives emerge to improve INSPIRE implementation or address implementation deficits. This will give a much better perspective of whether identified implementation gaps are likely to persist.

Overall, the creation and updating of the country fiches will also simplify the input to the country reports prepared in the context of the Environment Implementation Review.

Further Clarification based on feedback received on the proposal during consultation

Article 2

a) It is not stated who is responsible for the calculation of indicators. This is needed to clarify this process.

The responsibility to monitor the implementation and use of the infrastructure for spatial information is on the Member States. This is clearly defined in Article 21(1) of Directive 2007/2/EC. This does not have to be stated again in the reporting decision. The Member States and the Commission can agree on the use of a centralised common infrastructure to limit the administrative burden on Member States for calculating indicators and publishing the monitoring results (e.g. as part of the INSPIRE knowledge base hosted by the JRC and with full transparency on the calculation methods). Member States are free to decide to use this common infrastructure or not.

Article 3 paragraph 2

b) The suggested indicator in article 3.2 will lead to an obligation to provide new metadata on which the automated monitoring and reporting process will be based on. The introduction of new metadata is not – in our opinion – governed by the INSPIRE Directive article 21 and hence the Decision on Monitoring and Reporting but by the Regulation 1205/2008 on Metadata.

Before the draft was shared with the INSPIRE Committee it was scrutinized by the Commission services. In this process, consulting the Legal Service is mandatory for all legislative proposals and drafts as well as any document that might have legal implications. The agreement of the Legal Service is always required before starting written, empowerment or delegation procedures and validates the legal consistency of the proposed draft.

The provision of additional metadata content for the purpose of monitoring (in this case a keyword for data sets on the priority list) by using the already mandatory “keyword” metadata element (element with multiplicity 1- as laid down by Regulation 1205/2008 on Metadata) was*

not considered as a new metadata obligation and as such does not need to be governed by the Metadata Regulation.

Furthermore, the use of metadata keywords for calculating indicators follows from the common understanding in the INSPIRE Committee and expert groups to replace manual monitoring by metadata harvesting for the monitoring. The only way to acquire monitoring information from metadata that cannot be directly mapped to existing metadata elements without creating additional metadata obligation and possibly breaking backwards compatibility of the existing metadata solutions in the Member States is by using metadata keyword elements.

c) We would also like to express our concern over the prospect of working with a “rolling list” in a legal framework and hence of the possibility of ever expanding obligations for more legally mandated keywords/metadata.

We agree to remove the concept of a rolling list from the explanatory note. The scope of the priority list of data sets was fixed in version 2.0 of this list which is published on the MIG collaboration platform. The perfective maintenance of this list is the responsibility of MIG expert subgroup 2016.5.

d) The provision and maintenance of new metadata (keywords) will impact both human, technical and economic resources and we regard it as an additional burden.

In general the use of metadata harvesting should minimize the monitoring burden significantly. The provision of additional monitoring information in metadata keywords for selected spatial data sets will create some level of additional burden. The significance of the burden can vary greatly amongst Member States depending on the maturity of the spatial data infrastructure, the delegation of implementation responsibilities and the constitutional setup. Several Member States have already tested the provision of the priority data set keyword over the past months on a voluntary basis and have demonstrated that it is feasible and proportionate. To limit the application of the coverage indicator and with it the possible burden resulting from its application, the “local” keyword was removed from the draft.

Article 3 paragraph 3

e) The suggested indicator in article 3.3 will lead to an obligation to provide new metadata on which the automated monitoring and reporting process will be based on. The introduction of new metadata is not – in our opinion – governed by the INSPIRE Directive article 21 and hence the Decision on Monitoring and Reporting but by the Regulation 1205/2008 on Metadata.

See clarification for comment b) above.

f) Does the “national” or “regional” keyword needs to be provided if a data set owned by a regional or national authority covers only part of the territory?

Yes. Member States are required to tag selected spatial data sets that have regional or national coverage and are considered to be the national or regional reference data set for the given theme or spatial object type(s). Territorial coverage might be limited for different reasons e.g. non-

existence of the spatial object in a certain area, missing data or data omission. The metadata “Lineage” element should be used to document missing data or omission in the data.

Article 3 paragraph 2 & 3

g) What is the added value for the monitoring process to add these new keywords/metadata?

Indicators DSi1,4 (“regional” keyword) and DSi1,5 (“national” keyword) replace the existing indicator on the “Geographical coverage of spatial data sets” that becomes obsolete with the new reporting decision. These new indicators give an impression of the usability of the spatial data sets for the development of cross-border and pan-European use cases and provide insight in the functioning of the Member States coordination structure (centralised, federated ...). Furthermore and in contrast to other (mainly percentage-valued) indicators, these new indicators will allow for better interpretation of the overall offering. A high value of data sets does not always reflect a good implementation and a low value not always a poor implementation. Moreover, these indicators will allow us to provide a more fine-grained overview of the data coverage for certain themes or priority data sets - something similar to the maps at <http://results.openaddresses.io/>



The priority data set keyword (indicator DSi1,3) gathers strategic information on one of the most prominent implementation gaps identified in the INSPIRE implementation review and REFIT: the identification and accessibility of environmental data. The indicator allows for easy identifying spatial data sets with direct relevance for the reporting processes and evaluation cycles under the environmental acquis. The indicator will allow for measuring and assessing the effectiveness and EU added value of the implementation by: comparing the implementation efforts amongst Member States based on a common priority data scope; measuring the progress on the accessibility of priority data sets in support of eReporting use cases; and assessing the relevance of the data set offering for the development and evaluation of environment policy.