Beneficial impact of INSPIRE Directive on national legislation: the case of Poland

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Main thesis

The introduction of INSPIRE Directive regulations to national legislations of the 27 EU member states is a task of key importance for the construction and functioning of spatial data infrastructure within each of those states, as well in the scale of the entire Europe.

In Poland transposition made by the legal act of spatial data infrastructure on 4th of March 2010.
Correct transposition must be:

- **complete** – covers all the provisions of the directive and suitably implement the to the national legal system

- **complex** - embrace all the acts and regulations of the national legislation
Stages of transposition

**Preparatory stage**

- analysis of the existing state, from the legal, administrative, and technical point of view, taking into consideration the economic factors
- identification of legal act concerning the data sets and administrative procedures utilized spatial data with respect to the directive requirement
- preparation of the project of the legal act and/or maintaining of existing regulations
- preparation of executive regulations for introducing the standards for data and administrative procedures
- preparation of accompanying documentation such as correlation table and assessment of envisaged consequences to the society, environment, national economy and other state matter
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Costs of implementation

- Constant updating of metadata
- Establishment of network services
- Establishment and ongoing enhancement of knowledge
- Harmonization of registers and spatial data
- Establishment of metadata for spatial data sets and services
- Establishment and maintenance of infrastructure geo-portal
Stages of transposition
Legislative procedure

• consultations with experts from various fields
• consultations with trade-specific organizations
• public consultation (according to the act of lobbying in the procedure of legislation)
• opinion of Common Government and Self-governments Committee
• agreement with all ministries and central bodies
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Stages of transposition
Legislative Procedure

GOV - coordination

Local gov

Central admin.

TRADE ORG.

SOC

PERTS

President

Parliament

Council of Ministers

INSPIRE’d Nation
Transposition concerns

The level of difficulty of transposition in particular country depends on:

- Existing regulation in the field of spatial information
- The administrative structure on the governmental level and division of competences between government and self government (if apply)
- Current status on development of e-government and information society (legal and technical)
Transposition concerns

- competencies dispersed over various authorities and agencies of state and self-government administration involved
- spatial data often related to the administrative division of the country
- lack of legal regulation
- lack of uniform technical standards
- spatial data registers are subject to regulations of local law
- technical specifications prepared during procurement procedure
- spatial data managed by non-public institutions autonomously
Polish conditions for transposition

The spatial data matters are regulated in several legal acts (Connected – spatial data and other public registers)

Spatial data remain within the competencies of various institutions and agencies (very much disperse)

Different procedures of dissemination of data from individual public registers

Different technical standards for maintaining the resources (branch-specific provisions, often in a non-uniform manner)
Transposition of the INSPIRE Directive to the Polish law

- The Act on Spatial Data Infrastructure is a separate act of law (SII Act), with simultaneous amendments of some national legal rules.

- The provisions of the SII Act make references to the basic aims of the Directive to establish the national spatial data infrastructure as part of the European one.

- At the same time, the aim is to optimize spatial data acquisition and maintenance by public administration units, as well as to improve spatial information availability to all users (the main body is accompanied by the 14 executive regulation).
Transposition of the INSPIRE Directive to the Polish law

Amendments to other acts of law, due to transposition of the Directive

- the Act of 17 May 1989, Geodetic and Cartographic law
- the act of Law on geological prospecting and mining,
- the Act of June 29, 1995 on public statistics,
- the Act of April 27, 2001 – environmental protection law,
- the Act of April 16, 2004 on conservation of nature,
- the Act of January 20, 2005 on recycling of vehicles taken out of service.
General provisions

- The Act defines the conditions and procedures for the creation and use of spatial information infrastructure and specifies the organs competent in this matter.

- The rules of creation and usage of infrastructure regards:
  - Spatial data and metadata of infrastructure
  - Services of spatial data
  - Interoperability of spatial data and services
  - Sharing the spatial data
  - Cooperation and coordination of spatial data infrastructure

- The infrastructure is created, maintained and developed, and functions as a result of the cooperation between the entities that form it (public administration and third party).
Coordination
Organizational structure

**level one**
the coordinator for entire infrastructure - the minister responsible for public administration
Execution: the Surveyor General of Poland; Council for Spatial Information Infrastructure

**level two**
leading public bodies in the 12 thematically defined parts of infrastructure

**level three**
public bodies that keep public registers, which contain spatial data included in the infrastructure/third party
Leading organs

- Minister of construction, and spatial and housing planning (1)
- Minister of maritime economy (1)
- Minister of culture and protection of national heritage (1)
- Minister of agriculture (1)
- Minister of environment (5)
- Minister of health (1)

Surveyor General of Poland (15)
Chief Geologist of Poland (3)
Chief Inspector of Environmental Protection (1)
Chief Nature Conservator Nature (2)
President of the Central Statistical Office (2)
President of the National Water Management Authority (1)
Coordination Responsibilities

- **Minister / Surveyor General**: coordinates the activities of the public administration agencies and entities executing public tasks, and also cooperates in their execution; cooperate with the Commission

- **Leading authorities**: elaborate and implement system of trainings, provide to stakeholders the information about introducing the technical solution to ensure interoperability, organization, coordination and monitoring within their competences

- **Public administration**: establish and maintain the network of services pertaining to spatial data sets and services, and are responsible for establishing, updating, and making available the sets of metadata, register the data sets and services
Responsibilities
• Opinions on the regulations, standards, initiatives for organization technical solutions and research and educational projects, plans and reports on the infrastructure included coordination and cooperation among others with the Commission
• Introduction of its own initiatives concerning the development of the infrastructure

Members: Leading organs, representatives of other ministers, representatives of self-government bodies, social organizations and research centers
Agreements

• Organs of public administration via agreements may establish and maintain common elements of technical infrastructure, designed for storing data sets and making them available, having in mind minimizing costs of establishing and maintaining that infrastructure, as well as optimizing access to data, data security and quality.

• General Surveyor of Poland on the basis of agreements establish the scope and conditions of data exchange about the objects on the borders between the Republic of Poland and neighboring countries in order to ensure coherence of European spatial data infrastructure.
Data transparency

- General Surveyor of Poland establish public register of data and services of spatial data included in infrastructure

- Metadata will ensure detailed information on data sets and services according to the inspire standards

- All information about data and services in a form of register and metadata will be available on the central access point of the infrastructure – geoportal.gov.pl which is conducted by the General Surveyor of Poland
Accessibility of data

Access to spatial data via network services, by means of electronic communication

Access free of charge:
• Viewing and discovery for all users
• All services for Public Administration for the public tasks.

Downloading and transformation services – according to the separate rules of particular register

Limited access concerns data and services regarding international agreements, public safety, and other reasons stipulated in separate regulation
The most comprehensive scope of spatial data is regulated by the Act of law – Geodetic and Cartographic Law, which was passed in 1989 and amended only slightly since then.

So the old system:

- do not comply with modern management, organization and information standards,
- do not take into consideration the progress in technology,
- is not adjusted to the current expectations of users (increase with technological progress)
- it fails to meet the modern standards of law-making
- presents the old technical standards of keeping the state geodetic and cartographic resource

(As the resources are running by local government units, those issues are regulated by legal rules of national law)
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Organizational structure

SURVEYOR GENERAL OF POLAND
Head Office of Geodesy and Cartography

Province Head (voivode)
Province inspector of geodetic and cartographic supervision

National Supervision

Local Administration

Province Marshal
Province Surveyor

County Chief Official
County Surveyor

Commune President, Mayor
Commune Surveyor
Geodetic and Cartographic Law amendments

- **Surveyor General of Poland is responsible for** as many as 15 of the 34 **spatial data themes**. Most of the objects of the themes assigned to geodetic services are kept in the registers and databases of the state geodetic and cartographic resource.

- **Data** in the **state geodetic and cartographic** resource are **referential** for other spatial data comprised in the infrastructure.

- Transposition of the INSPIRE Directive in Poland, gives an opportunity for comprehensive revision of the national data resources, technical standards, data flow and procedures of updating
Amendments to the Geodetic and Cartographic Law aim at:

- defining spatial data databases;
- stipulating the rules and technical standards of establishing and keeping those databases;
- adjusting the regulations defining competencies of the Geodetic and Cartographic Service;
- establishing the principles for data exchange within the framework of the state geodetic and cartographic resource;
- establishing rules of use of those sets by public entities;
- establishing rules of making data publicly available.
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Organization of the state geodetic and cartographic resource

Central Geodetic and Cartographic Resource
- topographic maps, thematic and special maps, geodetic control, gravimetric, magnetic control, state register of boundaries at the national level
- Verification, selection, aggregation of data from the Provincial and County Resources

Data and information selected for the regional purposes

Provincial Geodetic and Cartographic Resource
- topographic maps, thematic and special maps, regional spatial information systems, state register of boundaries of territorial division of the country
- Verification, selection, aggregation of data from the County Resources

Data and information selected for the purposes of counties and communes

County Geodetic and Cartographic Resource
- cadastre, basic map, classification of soils, register of real estate prices and values, geodetic register of utilities, detail geodetic control networks, local spatial information systems
- Collection and processing of data from direct measurements

Data processed to meet regional needs

Data and information serving national goals
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Necessary Changes in databases:

- national register of basic geodetic, gravimetric, and magnetic control networks
- geodetic register of utilities
- national register of boundaries and areas of the territorial division units
- national register of geographic names;
- register of localities, streets and addresses

- land and buildings register
- register of prices and values of real properties; topographic objects
- general geographic objects
- detail geodetic control networks
- aerial and satellite images
- orthophotomaps
- digital terrain model
Harmonization

Goals to be achieved:

- **consistence of definitions** of spatial objects
- **uniform system of spatial references**, including the introduction of legal, technical, and organizational **procedures**; management system for integrated data bases,
- **free exchange** of data between registers
- **limitation of unjustified redundancy**

In consequence:

- **single acquisition** of data about the object will be guaranteed for the entire state geodetic and cartographic resource,
- introduction of a **system of periodic updating** of databases with the use of data from other registers,

Informatization of entire geodetic and cartographic resource (data and services) and perspective of development, e-government, state information infrastructure.
Conclusions

• The Act of Law on SDI constitute the solid bases for effective implementation of the infrastructure
  – Introducing the technical model of data and services sharing gathered in public registers
  – Leads to the elaboration of new model of cooperation of public administration
• Sharing the world and European good practices allows to select the most suitable solution for the particular country
• The process of implementation is very long-lasting, needs investment and human resources
• Benefits from implementation will increase significantly costs
Conclusions

Benefits

for public administration

- Increasing the effectiveness of activities carried out by public administration through providing access to data included in public registers and wider use of such data,
- Supporting cooperation between administrative organs
- Unification of the standards of public administration data and services, increasing the quality of data and services and monitoring the processes
- Openness and transparency of the decision making process
- Providing services that pertain the actual needs of the citizens, enterprises and a more effective use of national resources,
- Supporting the shaping of public administration policy
Conclusions
Benefits

• Monitoring the implementation of national, regional and local policy and its effects
• A tool for research, spatial analysis and modeling
• Supporting actions relating to environment protection
• Supporting the development of a more competent economy and information society

for citizens and enterprises:
• Opening public registers for widespread use, building a society based on spatial knowledge
• Supporting the competitiveness of the economy, increasing activity in the field of economic activity and the development of new products – increasing the income of enterprises
• Security of the citizens and protection of their property, precise and quick reaction in case of emergency (emergency medical services)
Conclusions

Benefits for the state budget

- Savings for the state budget as a result of increasing the effectiveness of administration and common use of once acquired data

- Increasing the income of the state budget as a result of increasing economic and investment activity
Thank you for your attention