This draft Statutory Instrument supersedes the draft of the same title which was laid before Parliament and published on 14th May 2020 ISBN 978-0-11-119596-3. It is being issued free of charge to all known recipients of that Statutory Instrument.

Draft Regulations laid before Parliament under paragraph 1(1) of Schedule 7 to the European Union (Withdrawal) Act 2018, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2020 No. XXXX

EXITING THE EUROPEAN UNION

ENVIRONMENTAL PROTECTION

PUBLIC SECTOR INFORMATION

The INSPIRE (Amendment) (EU Exit) Regulations 2020

Made - - - - 2020

Coming into force in accordance with regulation 1(2) and (3)

The Secretary of State makes the following Regulations in exercise of the powers conferred by section 8(1) of, and paragraph 21 of Schedule 7 to, the European Union (Withdrawal) Act 2018(**a**).

In accordance with paragraph 1(1) of Schedule 7 to that Act, a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1.—(1) These Regulations may be cited as the INSPIRE (Amendment) (EU Exit) Regulations 2020.

(2) This regulation, and regulations 3 to 5, come into force immediately before IP completion day.

(3) Regulation 2 comes into force on IP completion day.

Amendment of Commission Implementing Decision (EU) 2019/1372

2.—(1) Commission Implementing Decision (EU) 2019/1372 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards monitoring and reporting is amended as follows.

(**a**) 2018 c. 16. Section 8 was amended by the European Union (Withdrawal Agreement) Act 2020 (c. 1), section 27. Paragraph 21, in Part 3 of Schedule 7, was amended by the European Union (Withdrawal Agreement) Act 2020, Schedule 5, Part 2, paragraph 53.

(2) For Articles 1 and 2 substitute—

"*Article 1*

Subject matter

This Decision lays down detailed rules on the obligations of appropriate authorities to monitor the implementation and use of their infrastructures for spatial information and for reporting on that monitoring.

Article 1a

Interpretation

In this Decision, "appropriate authority" means—

(a) in relation to England and Wales and Northern Ireland, the Secretary of State;

(b) in relation to Scotland, the Scottish Ministers.

Article 2

Common provisions for monitoring and reporting

1. The indicators referred to in Articles 3 to 7 shall be calculated using the metadata of the spatial data sets and the spatial data services that are published by the appropriate authority through the discovery services referred to in regulation 7(2)(a) of the INSPIRE Regulations 2009 or, as the case may be, regulation 8(2)(a) of the INSPIRE (Scotland) Regulations 2009.

2. The appropriate authority shall make all results of monitoring in accordance with regulation 14(3)(b) of the INSPIRE Regulations 2009 or, as the case may be, regulation 15(3)(b) of the INSPIRE (Scotland) Regulations 2009 accessible to the public on the internet or using other appropriate means of telecommunication.".

(3) In Article 3—

(a) in paragraph 2, for "Member State for reporting to the Commission under the" substitute "appropriate authority for reporting under";

(b) for "provided by the Commission", in each place where it occurs, substitute ", which the appropriate authority must approve, or maintain and provide, for the purposes of this Article,".

(4) In Article 4, in the words before point (a)—

(a) for "Member States" substitute "appropriate authorities";

(b) for "Article 11(1)(a) of Directive 2007/2/EC" substitute "regulation 7(2)(a) of the INSPIRE Regulations 2009 or, as the case may be, regulation 8(2)(a) of the INSPIRE (Scotland) Regulations 2009".

(5) In Article 5—

(a) in point (b), for "Annex I to Directive 2007/2/EC" substitute "Annex 1 to Commission Regulation (EC) No 1205/2008";

(b) in point (c), for "Annex II to Directive 2007/2/EC" substitute "Annex 2 to Commission Regulation (EC) No 1205/2008";

(c) in point (d), for "Annex III to Directive 2007/2/EC" substitute "Annex 3 to Commission Regulation (EC) No 1205/2008"(**a**).

(6) In Article 6, for the words from "referred to in point (b)" to "point (c) of that provision" substitute "and the download services referred to in regulation 7(2)(b) and (c) of the INSPIRE Regulations 2009 or, as the case may be, regulation 8(2)(b) and (c) of the INSPIRE (Scotland) Regulations 2009".

(**a**) Annexes 1, 2 and 3 were inserted into Commission Regulation (EC) No 1205/2008 by S.I. 2018/1338.

(7) In Article 7, for "Article 11(1) of Directive 2007/2/EC" substitute "regulation 7(2) of the INSPIRE Regulations 2009 or, as the case may be, regulation 8(2) of the INSPIRE (Scotland) Regulations 2009".

(8) In Article 8, for "required by Article 21(1) of Directive 2007/2/EC" substitute "under regulation 14 of the INSPIRE Regulations 2009 or, as the case may be, regulation 15 of the INSPIRE (Scotland) Regulations 2009".

(9) For Article 9 substitute—

"*Article 9*

Publication and updating of summary reports

1. By no later than 31 March 2021, the appropriate authority shall publish a report containing summary descriptions of:

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

(b) the contribution made by public authorities or third parties to the functioning and coordination of the infrastructure for spatial information;

(c) how the infrastructure for spatial information is used;

(d) how public authorities share data;

(e) the costs and benefits of:

(i) the INSPIRE Regulations;

(ii) rules or requirements as to the interoperability of spatial data sets and services set out in Commission Regulation (EU) No 1089/2010 and the INSPIRE Regulations;

(iii) rules or requirements as to metadata set out in Commission Regulation (EC) No 1205/2008 and the INSPIRE Regulations;

(iv) rules or requirements as to network services set out in Commission Regulation (EC) No 976/2009 and the INSPIRE Regulations.

2. In this Article, "INSPIRE Regulations" means the INSPIRE Regulations 2009 or, as the case may be, the INSPIRE (Scotland) Regulations 2009.

3. By no later than 31 March in each year following 2021, the appropriate authority shall, if necessary, update the report described in paragraph 1 and, if the report is updated, publish the updated report.".

(10) Omit Articles 10 and 11, and the text after Article 11.

Amendment of the INSPIRE (Amendment) (EU Exit) Regulations 2018

3.—(1) The INSPIRE (Amendment) (EU Exit) Regulations 2018(**a**) are amended as follows.

(2) In regulation 9 (substitution of regulation 14 of the INSPIRE Regulations 2009(**b**)), in the substituted text—

(a) in the substituted paragraph (3)(b), for "Commission Decision 2009/442/EC ("Commission Decision 2009/442/EC")" substitute "Commission Implementing Decision (EU) 2019/1372 ("Commission Implementing Decision (EU) 2019/1372")";

(b) in the substituted paragraph (7)(a)—

(i) omit "Commission Decision 2009/442/EC,";

(**a**) S.I. 2018/1338.
(**b**) S.I. 2009/3157, amended by S.I. 2012/1672, Schedule 19 to the Data Protection Act 2018 (c.12) and 2018/1338.

(ii) for "and Commission Regulation (EU) 1089/2010" substitute "Commission Regulation (EU) 1089/2010 and Commission Implementing Decision (EU) 2019/1372".

(3) Omit regulation 11 (amendment of Commission Decision 2009/442/EC).

Amendment of the INSPIRE (EU Exit) (Scotland) (Amendment) Regulations 2019

4.—(1) The INSPIRE (EU Exit) (Scotland) (Amendment) Regulations 2019(**a**) are amended as follows.

(2) In regulation 10 (substitution of regulation 15 of the INSPIRE (Scotland) Regulations 2009(**b**)), in the substituted text—

(a) in the substituted paragraph (3)(b)—

(i) for "Commission Decision 2009/442/EC", in the first place where it occurs, substitute "Commission Implementing Decision (EU) 2019/1372 ("Commission Implementing Decision (EU) 2019/1372")";

(ii) omit "("Commission Decision 2009/442/EC")";

(b) in the substituted paragraph (7)(a)—

(i) omit "Commission Decision 2009/442/EC,";

(ii) for "and Commission Regulation (EU) 1089/2010" substitute "Commission Regulation (EU) 1089/2010 and Commission Implementing Decision (EU) 2019/1372".

Amendment of the Environment (Legislative Functions from Directives) (EU Exit) Regulations 2019

5. In regulation 17 (interpretation of Part 4: general) of the Environment (Legislative Functions from Directives) (EU Exit) Regulations 2019(**c**), in the definition of "the Monitoring and Reporting Implementing Decision", for "Commission Decision 2009/442/EC" substitute "Commission Implementing Decision (EU) 2019/1372".

Name
Parliamentary Under Secretary of State
Date Department for Environment, Food and Rural Affairs

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in exercise of the powers in section 8(1) of the European Union (Withdrawal) Act 2018 (c.16) in order to address failures of retained EU law to operate effectively and other deficiencies (in particular in section 8(2)(a), (b), (d), (f) and (g) of that Act) arising from the withdrawal of the United Kingdom from the European Union.

Regulation 2 amends deficiencies in Commission Implementing Decision (EU) 2019/1372 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards monitoring and reporting, which has replaced Commission Decision 2009/442/EEC. Regulation 2 also amends Commission Implementing Decision (EU) 2019/1372 to address deficiencies that arise from the amendment of Article 21 of Directive 2007/2/EC by Article 4 of Regulation (EU)

(**a**) S.S.I. 2019/103.
(**b**) S.S.I. 2009/440, amended by S.S.I. 2012/284, Schedule 19 to the Data Protection Act 2018 and S.S.I. 2019/103.
(**c**) S.I. 2019/1350.

2019/1010 of the European Parliament and of the Council on the alignment of reporting obligations in the field of legislation related to the environment.

Regulations 3 to 5 make consequential amendments to the INSPIRE (Amendment) (EU Exit) Regulations 2018 (S.I. 2018/1338), the INSPIRE (EU Exit) (Scotland) (Amendment) Regulations 2019 (S.S.I. 2019/103) and the Environment (Legislative Functions from Directives) (EU Exit) Regulations 2019 (S.I. 2019/1350) to reflect that new EU Decision.

A full impact assessment has not been produced for these Regulations as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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