



Republic of Moldova

GOVERNMENT

DECISION No. 254
from 27-03-2018

on approval of Regulation with regard to norms for sharing spatial data sets and related services among public entities and third parties

Published: 30-03-2018 in the Official Gazette No. 108-112 art. 289

AMENDED

GD12 FROM 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23

This Regulation transposes Commission Regulation (EU) no. 268/2010 from 29 March 2010 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards the access to spatial data sets and services of the Member States by Community institutions and bodies under harmonised conditions, published in the Official Gazette of the European Union L 83 from 30 March 2010.

[Harmonisation provision introduced through GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

Based on Article 13 paragraph (3) of the Law no. 254 from 17 November 2016 on national spatial data infrastructure (Official Gazette of the Republic of Moldova, 2016, no. 441-451, art. 887), the Government DECIDES:

1. To approve the Regulation with regard to norms for sharing spatial data sets and services among public entities and third parties (attached).
2. Public entities and third parties will share among themselves spatial data and network services in compliance with the Regulation on the norms for sharing spatial data sets and related services among public entities and third parties.
[Point 2 in the edition of GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]
3. Agency for Land Relations and Cadastre will approve and provide the interested parties with a model of the Agreement and technical protocols for sharing spatial data sets and network services on the official website of national spatial data infrastructure (inds.gov.md).
[Point 3 introduced through GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

PRIME-MINISTER

Pavel FILIP

**COUNTER-SIGN:
MINISTER OF ECONOMY
AND INFRASTRUCTURE
MINISTER OF DEFENSE**

**Chiril GABURICI
Eugeniu STURZA**

No. 254. Chisinau, 27 March 2018.

REGULATION
with regard to norms for sharing spatial data sets and related services
among public entities and third parties

I. GENERAL PROVISIONS

1. The Regulation with regard to the norms for sharing spatial data sets and related services among public entities and third parties (hereinafter referred to as – *Regulation*) defines the unique conditions for the access, sharing and use of spatial data sets and services in digital format among public entities and third parties.

2. In this Regulation, the following notions are used:

terms of use – document which determines the rights and conditions to use and share spatial data sets and services, issued by the public entity and third parties responsible for the respective spatial data and services;

[Point 2 in the edition of GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

re-use of spatial data – the use of spatial data sets by the public entities and third parties in commercial or non-commercial interest, other than the initial goal for which they were created. The exchange of spatial data among public entities and third parties in the process of fulfilling public tasks does not mean re-use;

thematic geoportal – web portal held by the public entity or third party, used to display and/or provide the access to spatial data sets for which it is responsible.

3. This Regulation shall apply for the spatial data that meet the conditions foreseen in Article 4 Paragraph (2) of the Law no. 254 from 17 November 2016 on national spatial data infrastructure.

4. Public entities and third parties must ensure the access to spatial data sets and services, exchange and use them for meeting the public needs and implementing national spatial data infrastructure.

4¹. Public entities and third parties must ensure the access to spatial data sets and services mentioned in Article 9 paragraph (1) of the Law no. 254/2016 on national spatial data infrastructure by means of the Geoportal of national spatial data infrastructure.

[Point 4¹ introduced through GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

4². In order to ensure the sharing of spatial data sets in digital format, as well as maintain and develop the services mentioned in point 4¹, public entities responsible for spatial data sets and services shall foresee, on a yearly basis, financial means from the state budget or other legal sources, with a view to fulfil their duties in accordance with this Regulation and requirements of the Law no. 254/2016 in national spatial data infrastructure.

[Point 4² introduced through GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

5. In order to ensure the sharing of spatial data sets and services, public entities and third parties shall conclude collaboration agreements, according to Article 13 Paragraph (2) from the Law on national spatial data infrastructure.

6. The third party may be part of national spatial data infrastructure by means of a collaboration agreement with a public entity, if it holds spatial data in digital format,

which are described through metadata, ensured with network services, and which meets the requirements of the Law on national spatial data infrastructure.

[Point 6 amended through GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

7. The collaboration agreements concluded among public entities and third parties on sharing spatial data sets and services must be fully compatible with the requirements of this Regulation

[Point 7 amended through GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

8. Public entities shall create their own business models for spatial data sets in collaboration with the Agency for Land Relations and Cadastre (hereinafter referred to as – coordinating authority).

[Point 8 in the edition of GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

9. The collaboration agreements among public entities and third parties responsible for spatial data sets and services shall foresee the following aspects for all the participants to national spatial data infrastructure:

1) terms of use of spatial data;

[Point 9 sub-point 1) in the edition of GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

2) purpose of use of spatial data.

[Point 9 sub-point 2) in the edition of GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

10. Public entities or third parties shall create terms of use to ensure the sharing of spatial data and network services, for which they are responsible. These measures will be included in collaboration agreements. All measures must be fully compatible with the general purpose to facilitate the sharing of spatial data and network services among public entities and third parties.

[Point 10 in the edition of GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

11. Public entities and third parties shall use the model of agreement and technical protocols for sharing spatial data provided by the coordinating authority.

[Point 11 in the edition of GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

12. Public entities and third parties, having signed the collaboration agreement, will inform the coordinating authority about the signed agreement. The coordinating authority shall monitor the number of collaboration agreements signed among public entities and third parties.

[Point 12 in the edition of GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

II. CONDITIONS FOR SHARING

13. The sharing of spatial data sets in digital format shall be done by means of:

1) view and download network services, mentioned in point 9 and 10 from the Regulation with regard to norms for creating network services and the deadline for their implementation, approved by Government Decision no. 737 from 15 September 2017, using the machine-machine principle;

2) services which make it possible to view and upload spatial data, other than those created in accordance with point 9 and 10 from the Regulation with regard to norms for creating network services and the deadline for their implementation;

3) electronic information storage devices, if impossible to provide immediate access to the services mentioned in sub-points 1) and 2).

14. Public entities and third parties are entitled to provide the users with one of the following options of access to spatial data sets and services:

- 1) public, providing the users with access to spatial data sets and services without restrictions, but with the obligation to comply with the developed terms of use;
- 2) secured, requesting user name and password in order to obtain access to spatial data sets and services, if the restriction on access is foreseen in some legal document.

[Point 14 sub-point 2) in the edition of GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

15. Regardless of the access options foreseen in point 14, the public entity or third party responsible for spatial data sets and services is obliged to describe the conditions of access and use in the respective metadata, as well as indicate the link to the published terms of use.

[Point 15 in edition of GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

III. CONDITIONS FOR USE OF SPATIAL DATA SETS AND SERVICES

16. Each natural person or legal entity has the right to access and use the spatial data sets and services, except for the case when this person/entity does not affect negatively the following fields:

[Point 16 amended through GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

- 1) national security and public order;
- 2) international relationships;
- 3) human rights;
- 4) development of judicial proceedings, right to an equitable lawsuit;
- 5) confidentiality of commercial, industrial, fiscal, statistical information or state secret information;
- 6) protection of personal data and intellectual property rights;
- 7) protection of the environment to which such information refers, e.g. location of rare species.

17. The provision of spatial data sets and services by the public entities and third parties shall be done in compliance with the legislation in force on the access to information, state secret, commercial secret and personal data protection.

18. The public entity or the third party interested in spatial data may request terms of use from the public entity or third party that have the spatial data, in order to use them for personal goals.

[Point 18 in the edition of GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

19. The access mentioned in point 14 sub-point 2) shall be provided if the applicant has a collaboration agreement or a contract concluded in order to use the spatial data sets and services with the public entity or third party for the respective spatial data sets and services.

[Point 19 in the edition of GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

20. Public entities and third parties responsible for spatial data sets and services shall provide the applicant with the terms of use within 5 working days, on condition that the applicant meets all the conditions foreseen in points 16 and 19 from this Regulation.

[Point 20 amended through GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

21. The public shall use free of charge the network services (search and view) according to Article 9 paragraph (1), letter b) and paragraph (1¹) from the Law on national spatial data infrastructure.

[Point 21 amended through GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

22. Spatial data created from the state budget or other legal resources must be shared in digital format free of charge among public entities and third parties by means of network services (view and download).

[Point 22 in the edition of GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

23. In order to create network services (view, download and transformation), public entities shall foresee financial means in accordance with Article 18 of the Law no. 254/2016 on national spatial data infrastructure.

[Point 23 in the edition of GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

24. For the spatial data used via network services for re-use purpose, tariffs may be applied for spatial data if they are foreseen in sectorial legal documents of each public entity. The respective tariffs shall not exceed the marginal costs for the collection, production, reproduction and dissemination of spatial data sets, according to Article 12 paragraph (5) from the Law no. 254/2016 on national spatial data infrastructure.

[Point 24 in the edition of GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

[Point 25 repealed through GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

[Point 26 repealed through GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]

[Annex repealed through GD12 from 11.01.23, MO65-68/01.03.23 art.123; in force 01.04.23]