



Republic of Moldova

**PARLIAMENT**

**LAW** No. 254  
from 17-11-2016

**on national spatial data infrastructure**

Published: 16-12-2016 in the Official Gazette No. 441-451 Art. 887

**AMENDED**

*LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22*

The Parliament shall adopt the present organic law.

This law partially transposes the Directive 2007/2/EC of the European Parliament and Council from March 14, 2007, establishing an infrastructure for spatial information in the European Community (Inspire), published in the Official Journal of the European Union L 108 from April 25, 2007.

*[This harmonization clause was introduced through LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22]*

**Chapter I**  
**GENERAL PROVISIONS**

**Article 1.** Object and goal of the law

(1) The present law sets the general norms with regard to the establishment of national spatial data infrastructure (NSDI) in the Republic of Moldova and the management of spatial data by means of NSDI geoportal, it foresees the standards associated with spatial data and eliminates the political restrictions on geo-information required for implementing Community policies in the field of environment, as well as policies and activities bearing an impact upon the environment.

(2) The present law aims to ensure the legal and institutional framework, necessary for the establishment and implementation of national spatial data infrastructure in the Republic of Moldova, to create the necessary measures for sharing digital spatial data within the country and integrate national infrastructure within the European spatial data infrastructure.

**Article 2.** Main notions

In the meaning of this law, the following notions shall apply:

*coordinating authority* – administrative authority responsible for implementing the policy in the field of national spatial data infrastructure, having the role of coordinator in fulfilling the tasks set according to this law;

*spatial data* – any data with a direct or indirect reference to a specific location or geographical area;

*public entity*:

a) central or local public administration authority, other central administrative authority (including subordinated administrative authority, deconcentrated or subordinated public service, public institution to which a central administrative

authority is the founder) responsible for spatial data sets;

b) autonomous public institution or private legal person which, as per competences stipulated by the law, provides public services, directly including specific activities and services related to spatial data;

*geoportal of national spatial data infrastructure* – web portal which serves as a key element of the national spatial data infrastructure and ensures the access to spatial data, provides information on spatial data and network services of one or more public entities, as well as ensures the possibility to search for, view and download spatial data from various sources;

*national spatial data infrastructure* – metadata, spatial data sets and spatial data services, network services and technologies, agreements for collaboration, access and use, as well as coordination and monitoring mechanisms, processes and procedures, which are established, used or made available in accordance with the present law;

*interoperability* – the possibility to combine spatial data sets and to ensure the interaction of services without repetitive manual intervention, with a goal to obtain coherent results and enhance the value of spatial data sets and services;

*metadata* – information which describes spatial data sets and services, and allows for their search, inventory and usage;

*spatial object* – an abstract representation of a real object or phenomenon, related to a location or geographic zone;

*spatial data services* – operations which can be performed upon spatial data contained in the spatial data sets or upon the related metadata by means of a computer application;

*network service* – service intended for ensuring the interaction of computers (applications), based on a set of standard protocols for each type of network service individually;

*[Art.2 notion introduced through LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22]*

*spatial data set* – an identifiable collection of spatial data;

*third party* – any natural or legal person other than a public authority, who/which holds spatial data in digital format and meets the requirements of this law.

*[Art.2 notion amended through LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22]*

### **Article 3.** Legal regulation of national spatial data infrastructure

(1) The legislation on national spatial data infrastructure is grounding on the Constitution of the Republic of Moldova, international treaties and agreements to which Moldova is part, the present law, legal and normative documents on the territorial security of the Republic of Moldova, on secret information, personal data protection, and intellectual property rights.

(2) If international treaties to which Republic of Moldova is part foresee other norms than those stipulated by this law, the provisions of international treaties shall apply.

(3) The provisions of this law do not affect the existence of intellectual property rights on the constitutive elements of spatial data sets or the rights of public entities to hold them in their specific field of activity.

### **Article 4.** Scope of this law

(1) The scope of the present law includes the national spatial data infrastructure on the entire territory of the Republic of Moldova.

(2) The present law shall apply to spatial data meeting the following conditions:

a) are part of spatial data sets specified in annexes no. 1, 2 and 3, as well as other spatial data sets which fall under the incidence of this law;

*[Art.4 parag.(2), letter a) amended through LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22];*

b) are available in digital format;

c) are held by or in the name of one of the public entities;

d) are held by a third party, which is not responsible for spatial data, but has the permission of the Government or of the central public authority designated by it to be involved in the national spatial data infrastructure.

#### **Article 5. Responsibility for spatial data**

(1) Public entities, in accordance with their operational competences and the requirements of this law, shall participate at the establishment and promotion of national spatial data infrastructure by providing access to the spatial data sets and services held by them, as well as by ensuring their description.

(2) Public entities shall ensure the full content, quality and availability of spatial data, network services and metadata, and their use and sharing shall be done in accordance with the provisions of this law.

(3) The responsibilities of public entities with regard to spatial data sets indicated in annexes no. 1, 2 and 3 shall be set by Government Decision.

## **Chapter II METADATA**

#### **Article 6. Content of the metadata**

The metadata for spatial data sets and services shall include information with regard to:

a) degree of conformity of spatial data sets with the provisions of Article 7 paragraph (2), Article 8 paragraph (3) and Article 9 paragraph (5);

b) tariffs, terms and other conditions for the access and use of spatial data sets and services;

c) quality and validation of spatial data sets;

d) public entities responsible for the development, management and distribution of spatial data sets and services;

e) limitation of public access to spatial data sets and services.

*[Art.6 letter e) amended through LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22]*

#### **Article 7. Creation of metadata**

(1) Public entities are obliged to create and update metadata for spatial data sets and services.

(2) The norms for the creation and updating of metadata are stipulated in the Regulation approved by the Government.

(3) Since the entry in force of the Regulation foreseen at paragraph (2), public entities shall create metadata according to the following program:

a) for data sets from annex no. 1 – within 2 years;

b) for data sets from annex no. 2 – within 3 years;

c) for data sets from annex no. 3 – within 4 years.

## **Chapter III INTEROPERABILITY, NETWORK SERVICES AND DATA SHARING**

#### **Article 8. Interoperability**

(1) The interoperability and harmonisation of spatial data sets and services shall be done based on the implementing norms foreseen at paragraph (3).

(2) At the request of the Government and based on the information submitted by

public entities, the coordinating authority shall provide the information which is necessary for analysing the feasibility and proportionality of eventual costs and benefits, likely to be generated by the norms for defining technical modalities for interoperability and harmonisation of spatial data sets and services.

(3) Taking into account as a first option the re-use of governmental technological platforms and state electronic services, as well as the deadlines, the implementing norms that define the technical modalities for interoperability and harmonisation of spatial data sets and services shall be stipulated in a Regulation approved by the Government. The implementing norms shall include the definition and classification of spatial objects which have relevance to the spatial data sets foreseen at annexes no. 1, 2 and 3, as well as the modalities for geo-referencing these spatial data.

#### **Article 9.** Network services

(1) Public entities responsible for the spatial data sets shall establish the following network services:

*[Art.9 al.(1), letter a) abolished through LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22]*

b) view services making it possible, as a minimum, to display, navigate, zoom in/out, pan, or overlay viewable spatial data sets and to display legend information and any relevant content of metadata;

c) download services, enabling copies of spatial data sets, or parts of such sets, to be downloaded and, where practicable, accessed directly;

d) transformation services, enabling spatial data sets to be transformed with a view to achieve interoperability.

(1<sup>1</sup>) The coordinating authority shall establish search services, allowing for the identification of spatial data sets and services, based on the content of appropriate metadata and display of their content.

*[Art.9 parag.(1<sup>1</sup>) introduced through LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22]*

(2) Network services shall be created taking into account the relevant user requirements, and shall be easy to use and accessible via the Internet or any other appropriate means of telecommunication.

(3) The transformation services shall be combined with other services referred to in paragraph (1) as to allow the operation of all these services.

(4) By means of the NSDI geoportal held, which stands for the official geoportal of the Republic of Moldova, the coordinating authority shall ensure the access to services foreseen at paragraph (1) and (1<sup>1</sup>).

*[Art.9 parag.(4) amended through LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22]*

(5) The norms for creation of network services and deadline for their implementation shall be stipulated in a Regulation approved by the Government.

#### **Article 10.** Search criteria

In the context of services mentioned at Article 9 paragraph (1<sup>1</sup>) at least the following combination of search criteria shall apply:

*[Art.10 amended through LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22]*

a) key word;

b) classification of spatial data sets and services;

c) quality and validity of spatial data sets;

d) degree of conformity with the implementing norms, determined by the coordinating authority, which define the technical modalities for interoperability and harmonisation of spatial data sets and services, intended for modifying non-essential elements;

- e) geographical location;
- f) terms for the access and use of spatial data sets and services;
- g) public entities responsible for the establishment, administration, maintenance and distribution of spatial data services.

**Article 11.** Access to spatial data sets and services

(1) Each physical or legal person has the right to access and use spatial data sets and related services in accordance with the present law.

*[Art.11 parag.(1) amended through LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22]*

(2) In accordance with paragraph (1), the access to spatial data sets and services may be limited only by organic law and if this negatively affects:

- a) national security and public order;
- b) international relationships;
- c) human rights;
- d) development of judiciary procedures, right to an equitable lawsuit;
- e) confidentiality of commercial, industrial, tax, statistical or state secret information;
- f) personal data protection and intellectual property rights protection;
- g) protection of the environment to which this information refers, such as location of some rare species.

(3) The provision of spatial data sets and services by public entities shall be performed in compliance with the national legislation on access to information, state secret, commercial secret and personal data protection.

**Article 12.** The use of spatial data sets and services

(1) The services mentioned in Article 9 paragraph (1) letter b) and paragraph (1<sup>1</sup>) are available free-of-charge to the public.

*[Art.12 parag.(1) amended through LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22]*

(2) Public entities providing the services mentioned at Article 9 paragraph (1) letter c) and d) may charge fees that do not exceed marginal costs for the creation, maintenance and development of respective services if their re-use is done for commercial purpose. In case of re-using spatial data for non-commercial purpose, no fees shall be charged for the respective services.

(3) The fees for network services shall be stipulated in a Regulation approved by the Government.

(4) In order to use the services mentioned in art. 9 parag. (1) letters c) and d), public entities shall develop terms of use, which are compliant with the provisions of this law. Prior to using spatial data via network services, the user is obliged to accept the provided terms of use. The acceptance of terms of use shall be done in electronic format, ensured by the public entities.

*[Art.12 parag. (4) in edition of LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22]*

(5) When it is impossible to ensure immediately the services stipulated at Article 9, fees can be collected for the re-use of spatial data sets, which will not exceed the marginal costs for collection, production, reproduction and dissemination of spatial data sets.

**Article 13.** Data sharing

(1) The sharing of spatial data sets and services must enable public entities to obtain the access to them, exchange and use the concerned sets and services with a view to meet the public needs, as well as to implement national spatial data infrastructure.

(2) In order to ensure the sharing of spatial data sets, public entities shall conclude collaboration agreements among them.

(3) The norms for sharing spatial data sets and related services among public entities and third parties are stipulated in a Regulation approved by the Government.

## **Chapter IV** **DUTIES OF PUBLIC ENTITIES AND THIRD PARTIES**

### **Article 14.** Duties of the Government

In order to implement national spatial data infrastructure, the Government shall ensure:

- a) promotion of state policy on national spatial data infrastructure;
- b) drafting and implementation of national programs, concepts and strategies on national spatial data infrastructure;
- c) drafting and implementation of legislative and normative documents on national spatial data infrastructure;
- d) organization of state control and surveillance with regard to the compliance with norms related to national spatial data infrastructure;
- e) creation and operation of NSDI geoportal;
- f) defining of public entities' competences with regard to national spatial data infrastructure.

**Article 14<sup>1</sup>.** Duties of the central specialised body in the field of national spatial data infrastructure

The central specialised body in the field of national spatial data infrastructure shall have the following duties:

- a) elaborate draft legal documents on national spatial data infrastructure;
- b) draft the Program for the development of national spatial data infrastructure and propose it to the Government for approval;

*[Art.14<sup>1</sup> letter b) in edition of LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22]*

- c) monitor the state policy on national spatial data infrastructure,
- d) develop the annual report on the establishment and development of national spatial data infrastructure and present it to the Government for approval.

*[Art.14<sup>1</sup> letter d) introduced through LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22].*

### **Article 15.** Duties of the coordinating authority

The coordinating authority shall have the following duties:

- c) to implement and monitor the state policy on national spatial data infrastructure;
- d) to coordinate the participation of service providers and users when identifying the appropriate data sets and user needs, when sharing information on the existing practices and when presenting information on the enforcement of this law;
- e) to ensure the activity of NSDI Council;
- f) to create and administrate the NSDI geoportal;
- g) to ensure the compatibility of NSDI geoportal with the Community geoportal;
- h) to ensure the access to services foreseen at Art. 9 parag. (1) and (1<sup>1</sup>) by means of the national spatial data infrastructure geoportal;

*[Art.15 letter h) in edition LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22]*

i) to ensure the development and updating of national spatial data infrastructure in accordance with the work specific competences;

j) to monitor the implementation and use of national spatial data infrastructure, ensure the development and presentation of annual reports to the central specialized body in the field of national spatial data infrastructure;

k) to establish work groups with a view to implement the Program for national spatial data infrastructure development;

*[Art.15 letter k) in edition LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as so 11.04.22]*

l) to establish and maintain a public metadata service;

*[Art.15 letter l) introduced through LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22]*

m) to ensure the records of spatial data sources and assign a unique identifier to spatial data.

*[Art.15 letter m) introduced through LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22]*

#### **Article 16. Duties of public entities**

(1) Public entities, within the framework of this law, shall ensure the updating of spatial data sets and their integration in the national spatial data infrastructure.

(2) In order to implement national spatial data infrastructure, public entities shall have the following duties:

a) to take part in the development and implementation of state policy on national spatial data infrastructure within the limit of their competences and under the terms of this law;

b) to inform the coordinating authority about the failure of responsible entities to fulfil the tasks according to this law, as well as about consequences;

c) to collaborate and cooperate on issues related to national spatial data infrastructure;

d) to ensure the access of public entities or third parties to spatial data sets and services;

e) to create and maintain spatial data and metadata in accordance with this law and integrate them in the national spatial data infrastructure.

*[Art.16 parag.(2), letter e) introduced through LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22]*

#### **Article 17. Duties of the third parties**

In order to implement national spatial data infrastructure, the third parties shall have the following duties:

a) to contribute with metadata and spatial data sets under their competences and in accordance with this law;

b) to collaborate and cooperate on issues related to national spatial data infrastructure;

c) to take part in the development and implementation of state policy on national spatial data infrastructure.

#### **Article 18. Financing of national spatial data infrastructure**

(1) The activities related to sharing spatial data in digital format, maintaining and developing services indicated in Article 9 shall be financed from the budgets of public entities responsible for spatial data sets, as well as from other legal financial means.

(2) Public entities responsible for spatial data sets shall foresee financial means on a yearly basis, necessary for fulfilling their duties according to this law.

### **Chapter V**

#### **COUNCIL FOR NATIONAL SPATIAL DATA INFRASTRUCTURE**

**Article 19. Composition and structure of the Council for national spatial data infrastructure**

(1) The Council for national spatial data infrastructure is a collegiate body, established together with the coordinating authority, without having the status of a legal person.

(2) The Council for national spatial data infrastructure performs a consultative task

with regard to the policy for national spatial data infrastructure development.

(3) The Council for national spatial data infrastructure is composed of decision-taking representatives, delegate by public entities, representative structures of local public authorities and civil society.

(4) The regulation on the organization and functioning of Council for national spatial data infrastructure, as well as its composition, shall be approved by the Government.

**Article 20.** Duties of the Council for national spatial data infrastructure

The Council for national spatial data infrastructure shall have the following duties:

a) to approve on a yearly basis the plan of the working groups on the fulfilment of Program for national spatial data infrastructure development;

*[Art.20 letter a) in edition LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22];*

b) to inform the coordinating authority on a half-year basis or whenever necessary about the progress of implementation of the work plan mentioned at letter a);

c) to consult the coordinating authority, public entities and third parties with regard to the content of spatial data sets foreseen in annexes no. 1, 2 and 3, as well as the composition and content of new spatial data sets;

d) to provide consultations on the norms and conditions for access and use of spatial data sets;

e) to provide consultation and present proposals with regard to developing collaboration agreements with public entities and third parties;

f) to propose research/study topics to groups of specialists established by the coordinating authority;

g) to recommend standards for defining the content, structure, form of spatial data, necessary to obtain a common and interoperable format of the data;

h) to examine and approve the annual report on the establishment and development of national spatial data infrastructure;

*[Art.20 letter h) introduced through LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22]*

i) to contribute to the establishment, maintenance and development of spatial data sources and metadata.

*[Art.20 letter i) introduced through LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22].*

## **Chapter VI FINAL PROVISIONS**

*[Art.21 abolished through LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22]*

### **Article 22**

(1) The present law shall enter in force in 3 months after the date of publication.

(2) The Government, within 6 months since the entry in force of the present law shall:

a) present to the Parliament proposals for bringing the existing legislation in conformity with this law;

b) develop and approve the necessary normative documents for the implementation of this law.

**PRESIDENT OF THE PARLIAMENT**

**Andrian CANDU**

**NO. 254. Chisinau, 17 November 2016.**



## **Spatial data sets**

### **1. Coordinate reference systems**

Systems for uniquely referencing spatial information in space as a set of coordinates (x, y, z) and/or latitude and longitude and height, based on a geodetic horizontal and vertical datum.

### **2. Geographical grid systems**

Harmonised multi-resolution grid with a common point of origin and standardised location and size of grid cells.

### **3. Geographical names**

Names of areas, regions, localities, cities, suburbs, towns or settlements, or any geographical or topographical feature of public or historical interest.

### **4. Territorial-administrative units**

Districts (rayons), cities/towns (municipalities), village (communes).

### **5. Addresses**

Location of properties based on address identifiers: street name, real estate number and postal code, or other identifiers, if necessary.

### **6. Parcels**

Areas defined by cadastral registers or equivalent.

### **7. Transport networks**

Road, rail, air and water transport networks and related infrastructure, as well as the links between different networks.

### **8. Hydrography**

Hydrographic elements, including all other water bodies and items related to them, including river basins and sub-basins.

### **9. Protected sites**

Natural protected sites and built protected areas, designated or managed in accordance with the international or internal legal framework, with a view to meet specific conservation objectives.

## **Spatial data sets**

### 1. Elevation

Digital elevation models for land surface, which include terrestrial elevation, bathymetry and shoreline.

### 2. Land cover

Physical and biological cover of the earth's surface including artificial surfaces, agricultural areas, forests, (semi-)natural areas, wetlands, water bodies.

### 3. Ortho-imagery

Geo-referenced image data of the Earth's surface, from either satellite or airborne sensors.

### 4. Geology

Geology characterised according to composition and structure. Includes bedrock, aquifers and geomorphology.

## **Spatial data sets**

### 1. Statistical units

Units for dissemination or use of statistical information.

### 2. Buildings

Geographical location of buildings.

### 3. Soils

Soils and sub-soils characterized according to depth, texture, structure and content of particles and organic material, stoniness, erosion, where appropriate mean slope and anticipated water storage capacity.

### 4. Land categories

Territory characterised according to its current and future planned functional dimension or socio-economic purpose (e.g. residential, industrial, commercial, agricultural, forestry, recreational).

### 5. Human health and safety

Geographical distribution of dominance of pathologies (allergies, cancers, respiratory diseases, etc.), information indicating the effect on health (biomarkers, decline of fertility, epidemics) or well-being of humans (fatigue, stress, etc.) linked directly (air pollution, chemicals, depletion of the ozone layer, noise, etc.) or indirectly (food, genetically modified organisms, etc.) to the quality of the environment.

## 6. Public utility and other governmental services

Includes public utility facilities such as sewage, waste management, energy supply, natural gas supply, water supply, electronic communication networks, as well as administrative and social public services, as well as civil protection shelters, schools and hospitals.

*[Point 6 amended through LP35 from 17.02.22, MO68-71/11.03.22 art.94; in force as of 11.04.22]*

## 7. Environmental monitoring facilities

Location and operation of environmental monitoring facilities, including observation and measurement of harmful emissions and overflows, of the state of environment and of other ecosystem parameters (biodiversity, state protected areas, etc.) by or on behalf of public authorities.

## 8. Production and industrial facilities

Industrial production sites, including water intake facilities, mining and authorized storage sites.

## 9. Agricultural and aquaculture facilities

Farming equipment and production facilities, including irrigation systems, greenhouses and stables.

## 10. Distribution of population, demography

Geographical distribution of people, including population characteristics and activity levels, level and index of population migration, aggregated by grid, region, administrative unit or other analytical unit.

## 11. Management/regulation zones and reporting units

Areas managed, regulated or used for reporting at international, European, national, regional and local levels. Includes dumping sites, restricted areas around drinking water sources, areas/points of waste water overflowing into water bodies, nitrate-vulnerable zones, regulated fairways at sea or large inland waters, areas for the dumping of waste, noise restriction zones, prospecting and mining permit areas, river basin districts, relevant reporting units and coastal zone management areas.

## 12. Natural risk zones

Vulnerable areas characterised according to natural hazards (all atmospheric, hydrologic, seismic, wildfire phenomena that, because of their location, severity, and frequency, have the potential to seriously affect society), e.g. floods, landslides and subsidence, avalanches, forest fires, earthquakes.

## 13. Atmospheric conditions

Physical conditions in the atmosphere. Includes spatial data based on measurements, models or a combination thereof, as well as locations for performing measurements.

## 14. Meteorological geographic features

Weather conditions and their measurement: rainfall, temperature, evapo-transpiration, wind speed and direction.

**15. Bio-geographical areas**

Areas of relatively homogeneous ecological conditions, having common characteristics.

**16. Habitats**

Geographic areas characterized by specific ecological conditions, processes, structure and (life support) functions that physically support the organisms that live there. Includes terrestrial and aquatic areas distinguished by their geographical, abiotic and biotic features, whether being natural or semi-natural.

**17. Species distribution**

The geographic distribution of animal and plant species, aggregated by grid, region, territorial-administrative unit or other analytical unit.

**18. Energy resources**

Energy resources including hydrocarbons, hydro-energy, bio-energy, solar energy, wind energy etc., where relevant including information about extent of the resource, and its depth/height.

**19. Mineral resources**

Mineral resources including metal ores, industrial minerals etc., where relevant including information about extent of the resource, and its depth/height.