Commission Regulation (EC) No 976/2009 of 19 October 2009 implementing Directive 2007/2/EC of the European Parliament and of the Council as regards the Network Services

COMMISSION REGULATION (EC) No 976/2009

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THE COMMISSION OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Community,

Having regard to 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)[(1)], and in particular Article 16 thereof,

Whereas:

(1) Directive 2007/2/EC lays down general rules for the establishment of the Infrastructure for Spatial Information in the European Community. Member States are required to establish and operate a network of services for the spatial data sets and services for which metadata have been created in accordance with that Directive.

(2) In order to ensure the compatibility and usability of such services on the Community level, it is necessary to lay down the technical specifications and minimum performance criteria for those services with regard to the themes listed in Annexes I, II and III to Directive 2007/2/EC.

(3) In order to ensure that public authorities and the third parties are given the technical possibility to link their spatial data sets and services to the Network Services, it is necessary to lay down the appropriate requirements for those services.

(4) The measures provided for in this Regulation are in accordance with the opinion of the Committee established by Article 22 of Directive 2007/2/EC,

HAS ADOPTED THIS REGULATION:

Article 1

Subject matter

This Regulation sets out the requirements for the establishment and maintenance of the Network Services provided for in Article 11(1) of Directive 2007/2/EC (hereinafter 'the Network Services') and obligations related to the availability of those services to the public authorities of the Member States and third parties pursuant to Article 12 of that Directive.

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EC) No 976/2009. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Article 2

Definitions

For the purposes of this Regulation, the definitions set out in Part A of the Annex to Commission Regulation (EC) No 1205/2008[(2)] shall apply.

The following definitions shall also apply:

1. 'initial operating capability' means the ability of a Network Service to provide full functionality without guaranteeing quality of service in conformity with the rules set out in Annex I to this Regulation or access to the service for all users through the INSPIRE geo-portal;

2. 'performance' means the minimal level by which an objective is considered to be attained representing the fact how fast a request can be completed within an INSPIRE Network Service;

3. 'capacity' means limit of the number of simultaneous service requests provided with guaranteed performance;

4. 'availability' means probability that the Network Service is available;

5. 'response time' means the time measured at the Member State service location, in which the service operation returned the first byte of the result;

6. 'service request' means a single request to a single operation of an INSPIRE Network Service;

7. '**[**[F1]INSPIRE metadata element' means a metadata element set out in Part B of the Annex to Regulation (EC) No 1205/2008 or in Part B of Annex V, Part B of Annex VI and Part B of Annex VII to Commission Regulation (EU) No 1089/2010[(3)];**]**

8. 'publish' means the operation to insert, delete or update INSPIRE metadata elements of resources in the Discovery Service;

9. 'natural language' means a language that is spoken, written, or signed by humans for general-purpose communication;

10. 'collect' means an operation to pull INSPIRE metadata elements of resources from a source Discovery Service and to allow to create, delete or update the metadata of these resources in the target Discovery Service;

11. 'layer' means a basic unit of geographic information that may be requested as a map from a server in accordance with EN ISO 19128**[**[F2];**]**

12. **[**[F3]'Direct Access Download' means a Download Service which provides access to the Spatial Objects in Spatial Data Sets based upon a query.**]**

Textual Amendments

F1 Substituted by Commission Regulation (EU) No 1311/2014 of 10 December 2014 amending Regulation (EC) No 976/2009 as regards the definition of an INSPIRE metadata element.

F2 Substituted by Commission Regulation (EU) No 1088/2010 of 23 November 2010 amending Regulation (EC) No 976/2009 as regards download services and transformation services.

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EC) No 976/2009. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

F3 Inserted by Commission Regulation (EU) No 1088/2010 of 23 November 2010 amending Regulation (EC) No 976/2009 as regards download services and transformation services.

Article 3

Requirements for Network Services

The Network Services shall be in conformity with the requirements concerning the quality of services set out in Annex I.

In addition, each type of the Network Services shall be in conformity with the following:

(a) as concerns the Discovery Services, the specific requirements and characteristics set out in Annex II;

(b) as concerns the View Services, the specific requirements and characteristics set out in Annex III**[**F2**;]**

(c) **[**F3as concerns the Download Services, the applicable specific requirements and characteristics set out in Annexes I and IV;

(d) as concerns the Transformation Services, the applicable specific requirements and characteristics set out in Annexes I and V.**]**

Textual Amendments

F2 Substituted by Commission Regulation (EU) No 1088/2010 of 23 November 2010 amending Regulation (EC) No 976/2009 as regards download services and transformation services.

F3 Inserted by Commission Regulation (EU) No 1088/2010 of 23 November 2010 amending Regulation (EC) No 976/2009 as regards download services and transformation services.

Article 4

Access to the Network Services

1 Not later than 9 May 2011, Member States shall provide the Discovery and View Services with initial operating capability.

2 Not later than 9 November 2011, Member States shall provide the Discovery and View Services in conformity with this Regulation.

[F33 Not later than 28 June 2012, Member States shall provide the Download Services with initial operating capability.

4 Not later than 28 December 2012, Member States shall provide the Download Services in conformity with this Regulation.

5 Not later than 28 June 2012, Member States shall provide the Transformation Services with initial operating capability.

6 Not later than 28 December 2012, Member States shall provide the Transformation Services in conformity with this Regulation.**]**

Changes to legislation: *There are outstanding changes not yet made to Commission Regulation (EC) No 976/2009. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

Textual Amendments

F3 Inserted by Commission Regulation (EU) No 1088/2010 of 23 November 2010 amending Regulation (EC) No 976/2009 as regards download services and transformation services.

Article 5

Entry into force

This Regulation shall enter into force on the 20th day following its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

***Changes to legislation:** There are outstanding changes not yet made to Commission Regulation (EC) No 976/2009. Any changes that have already been made to the legislation appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

[F2 ANNEX I

QUALITY OF SERVICE

Third party network services linked pursuant to Article 12 of Directive 2007/2/EC shall not be taken into account in the quality of service appraisal to avoid any deterioration which may result from cascading effects.

The following Quality of Service criteria relating to performance, capacity and availability shall apply.

1. PERFORMANCE

The normal situation represents periods out of peak load. It is set at 90 % of the time.

The response time for sending the initial response to a discovery service request shall be maximum 3 seconds in normal situation.

For a 470 Kilobytes image (e.g. 800 × 600 pixels with a colour depth of 8 bits), the response time for sending the initial response to a Get Map Request to a view service shall be maximum 5 seconds in normal situation.

For the Get Download Service Metadata operation, the response time for sending the initial response shall be maximum 10 seconds in normal situation.

For the Get Spatial Data Set operation and for the Get Spatial Object operation, and for a query consisting exclusively of a bounding box, the response time for sending the initial response shall be maximum 30 seconds in normal situation then, and still in normal situation, the download service shall maintain a sustained response greater than 0,5 Megabytes per second or greater than 500 Spatial Objects per second.

For the Describe Spatial Data Set operation and for the Describe Spatial Object Type operation, the response time for sending the initial response shall be maximum 10 seconds in normal situation then, and still in normal situation, the download service shall maintain a sustained response greater than 0,5 Megabytes per second or greater than 500 descriptions of Spatial Objects per second.

2. CAPACITY

The minimum number of simultaneous requests to a discovery service to be served in accordance with the quality of service performance criteria shall be 30 per second.

The minimum number of simultaneous service requests to a view service to be served in accordance with the quality of service performance criteria shall be 20 per second.

The minimum number of simultaneous requests to a download service to be served in accordance with the quality of service performance criteria shall be 10 requests per second. The number of requests processed in parallel may be limited to 50.

The minimum number of simultaneous requests to a transformation service to be served in accordance with the quality of service performance criteria shall be 5 requests per second.

3. AVAILABILITY

The probability of a network service to be available shall be 99 % of the time.**]**