POLISH ASSOCIATION FOR SPATIAL INFORMATION
ANNALS OF GEOMATICS 2008 ❍ VOLUME VI ❍ NUMBER 2

SPATIAL INFORMATION IN ADMINISTRATIVE LAW

INFORMACJA PRZESTRZENNA W PRAWIE ADMINISTRACYJNYM

Grażyna Szpor

Faculty of Law and Administration, Cardinal Stefan Wyszyński University, Warsaw, Poland

Keywords: spatial, information, administration, law, informatization, computerization, ICT
Słowa kluczowe: przestrzenna, informacja, administracja, prawo, informatyzacja, komputeryzacja

Introduction

Spatial data themes (34), as referred to in 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), are the subject of administrative regulation in each Member State of the European Union. The provisions relating to spatial data are usually found in numerous legal Acts. A good example is Poland, where one can identify over one hundred Acts and regulations which are concerned with spatial information. The dispersion of these provisions is one of the reasons for their incoherence. The implementation process of the INSPIRE Directive can essentially contribute to making the law more coherent, which would, consequently, ensure its increased effectiveness. The Directive itself may well become the catalyst for the Europeanization of national administrative law.

In order to examine the need for, and the possibility of, change, the specific issues shall be analyzed in the following order: firstly the three types of administrative basis of spatial information, secondly, the three main obstacles for proper spatial data processing which reveal the inefficiency of the present legal regulation and finally, the three possibilities for the implementation of new provisions into the current legal order.

Three types of administrative grounds for the spatial information infrastructure

1. Relying on an understanding of the infrastructure for the spatial information which is in conformity with the INSPIRE Directive (metadata, spatial data sets and spatial date services; network services and technologies, agreements as to common access and use, mechanisms for control and monitoring, processes and established procedures applied or made available),

one can distinguish, within the context of Polish law, three categories of legal Acts which provide a basis for the creation and functioning of this infrastructure.

The first category comprises of the Acts regulating the specific issues of spatial data as an information necessary in the decision making processes realized within the framework of the relevant sectors of administration; the so called "department Acts" (ustawy resortowe) or "resources Acts" (ustawy zasobowe) [Cieślak, Lipowicz, Niewiadomski, Szpor, 2007; Stawecki, 2005]. Within this category, the three main Acts relating to the establishment of the basic resources formulated thematically in the three annexes of the INSPIRE Directive should firstly be noted. The numerous administrative regulations of the different Ministers issued on the basis of the authorization should also be included in these legal Acts.

In Poland, most of the thematic categories of the data mentioned in the first two annexes of the INSPIRE Directive are processed on the basis of two Acts. Firstly, the Act of 17 May 1989 on Geodetic and Cartographic Law [Journal of Laws of the Republic of Poland, (abbreviated henceforth: Dz.U.) 2005 r. No. 240, position 2027 with the amendments] and the administrative regulations to this Act, in particular, the Regulation of the Minister of Internal Affairs and Administration of 17 May 1999 on the Determination of the Kinds of Materials Constituting the State Geodetic and Cartographic Resources, the Mode of their Collecting and Exclusion from the Resources, and also the Access to the Resources [Dz.U. z 1999 No. 49 position 493 with the amendments]. Secondly, the Act of 4 February 1994 Geological and Mining Law [Dz.U. No. 92, position. 880 with the amendments].

The primary Act concerning the legal grounds for the processing of data which is referred to in annex 3 to the INSPIRE Directive is the Environmental Protection Law Act of 27 April 2001 [Dz.U. No. 62, position 627 with the amendments] and, in particular, its second chapter which is entitled "State monitoring of the environment and dissemination of the information in relation to the environment". However, in reference to spatial information, the Environmental Protection Law includes numerous references to other Acts, on the basis of which the spatial information collections are being created, which include, *inter alia*: the Act of 20 July 1991 on the Inspection of Environmental Protection (Dz.U. 2007. No. 44, position 287 with the amendments), the Act of 16 April 2004 on the Nature Protection [Dz. U. No. 92, position 880 with the amendments], the Act of 27 April 2001 on Waste [Dz.U. No. 62, position 628 with the amendments], the Act of 18 July 2001 on Water Law [Dz.U. No. z 2005 position 239 with the amendments], the Act of 21 March 1991 on the Maritime Areas of the Republic of Poland and Maritime Administration [Dz.U. z 2003 r. No. 153, position 1502 with the amendments], the Act of 21 March 1985 on Public Roads [Dz.U. z 2004 r., No. 204, position 2086 with the amendments], the Act of 28 March 2003 on the Railway Transport Services [Dz.U. No. 86, position 789 with the amendments], the Act of 3 July 2002 on Air Law [Dz.U. No. 130, position 1112 with the amendments] or the Act of 27 March 2003 on Spatial Planning and Management [Dz.U. No. 80, position 717 with the amendments]. Furthermore, there are hundreds of Acts and regulations which lay down obligations for the application of spatial data in the execution of administrative issues. An example would be locating an object in space in a different manner (e.g. in 180 legal Acts, the objects are located by the address data) for the purpose of the registration of the issue.

There are around 270 registers in Poland [statistics made by T. Stawecki (Public Registers. Warszawa 2005), updating this figure for May 2008 is part of an unpublished expertise]. An analysis of the applied identifiers has demonstrated that the legislative practice is not uniform. For instance, the entities entered into the registers happen not only to be characterized by a

full address, but also by a sole indication of their seat or domicile. According to the Civil Code, the domicile and the seat are taken to mean an indication of the City, without the name of the specific street, the number of the house and the postal code [art. 25 and 41 of the Civil Code Act of 23 April 1964, Dz.U. No. 16, position 93 with amendments]. Furthermore, it has been revealed that a requirement for the entry of the individual's PESEL number (Powszechny Elektroniczny System Ewidencji Ludności – General Electronic System of Population Records) is required by the rules/regulations concerning the management of 73 different registers. In the provisions concerning the management of 51 registers, the provision of the REGON (Rejestr Gospodarki Narodowej) number which is given by the National Official Business Register (which exists on the basis of the Act of 29 of June 1995 on the Official Statistics) is obligatory. Apart from the REGON number, the provisions also require the submission of the number from the register of entrepreneurs which is kept under the terms of Act of 20 August 1997 on the National Court Register (Dz.U. 2007. No 168, position. 1186), or the submission of the entrepreneur registry identity number relating to the natural person which is regulated by the Act of 2 July 2004 on the Freedom of Business Activity (Dz.U. 2007. No 155, position. 1095 with the amendments),

The requirement to enter the seat or the domicile, instead of the address, often appears in the registers (183 times the address was indicated, the domicile or the seat was mentioned in 20 registers and in 65 registers, the legislator did not impose the duty to deliver such data). In 80 registers, one can find data different from the address, domicile or the seat types referring to the geoinformation. The shortage of the uniform identifiers concerning the nature and legal persons, as well as the entities derived from the legal personality (defective legal person), is strongly criticized [Oleński, 2006]. Therefore, the establishment of a model of the chosen data which is required is recommended. The fact that 73 registers relating to natural persons contain data relating to that person in the form of the PESEL number, a further 51 require the entry of a REGON number, while in a further 183 registers, the data relating to the spatial location appears in the form of the address, essentially means that the imposition of an obligation to use a uniform identifier for the entities realizing public duties may lead to the automatic correction of the changes in the derivative registers. This would, at the same time, lead to a relief for the interested parties, and would thus simplify the administration processes. Such a change would require the introduction of a ban on the re-collection of the data which has already been collected by another system controlled by the Act.

The majority of these Acts belong to substantive administrative law, which is analyzed and traditionally taught as the legal ground for spatial management and environmental protection or, jointly, spatial arrangement.

2. The second category comprises the Acts regulating, in their entirety, the issues concerning access to information and its limits; namely, the Act of 6 September 2001 on the Access to Public Information [Dz.U. No 112, position 1198 with the amendments], the Act of 29 September 1997 on Personal Data Protection [Dz.U. 2002., Nr. 101, position 926 with the amendments] and the Act of 22 January 1999 on Classified Information Protection [Dz.U. 2005. Nr 196, position 1631 with the amendments]. The importance of the first mentioned Act relates to the fact that a major part of geoinformation is information already in the public domain, and hence, access to this kind of information is unlimited and everybody is entitled to access to such information without the need to justify such access [Fajgielski, 2007]. However, this does not allow for arbitrariness concerning the commercial and non-commercial

use of the accessible data. It should also be noted that a part of the State geoinformation resources have a confidential or classified character, due to their relation to the internal or external security of the State, as well as the protection of natural and environmental resources. There is also another aspect of this regulation that is significant for the geodata related to information that would allow the identification of the natural persons, such as the owner or the holder of the real estate. These belong to the category of the personal data and its processing always requires justification and respect for the legal rules.

3. The third category comprises of the legal Acts which are related to the use of information and communication technologies in the public sector, and, in particular the Act of 18 September 2001 on the Electronic Signature [Dz.U. No. 130, position 1450 with the amendments] and the Act of 17 February 2005 on the Informatization (pol. Informatyzacja, *ger. die Informatisierung, fr. une informatisation*)[1] of Operations of Certain Entities Realizing Public Duties [Dz.U. No. 64, position 565 with the amendments] along with its 17 administrative regulations. This Act refers to the entire State information infrastructure. It is divided into six chapters (inter alia, chapter 2 – Plan of the Informatization of the State and information projects for public use (Informatization: computerization of business, government and the military), Chapter 3 – Tele-information systems used in public administration, public registers and the exchange of electronic information between the public authorities, Chapter 4 – The compatibility assessment of the interface software with the arrangements adopted by the public entities and the supervision of the respect of the provisions of the Act). The Act regulates, among others, the issues of metadata, the interoperability of datasets, tele-information systems, and data-sharing in the internal administration sphere as well as its coordination [Szpor, Martysz, Wojsyk, 2007].

When assessing all of the 34 themes of spatial data as mentioned in the Directive as a subject of substantive administrative law regulation in Poland, the case of processing a type of data on the basis of the Act is, in fact, difficult to find (statistical units). Some cases exist where one Act (e.g. Geodetic and Cartographic Law Act of 17 May 1989) forms the basis for the processing of data which belongs to multiple thematic categories. Usually however, one thematic category is regulated by several Acts (e.g. transport networks).

It must be emphasised that the implementation of the INSPIRE Directive requires changes to be made in all three of the types of legal Acts discussed above.

Three barriers to the efficient processing of spatial data

1. Metadata The fundamental barrier for the establishment of spatial data information may often arise as a result of a lack of metadata. This is defined as the information describing spatial data sets and spatial data services, which is essential to enable their discovery, inventory and usage. The analysis of Polish spatial data bases from 2007 has demonstrated that this barrier is tangible. Among the themes listed in the first annex of the INSPIRE Directive, only three datasets were in conformity with the 19115 ISO standard (these were transport networks, protected sites, Natura 2000). Two datasets contained metadata which was inconsistent with ISO 19115 (hydrographic division and main water reservoirs). The rest of the datasets

[1]It is more large than eng. computerization.

did not contain the type of metadata as defined by the Directive. In relation to the themes mentioned in the second annex, only three databases contained a metadata which was consistent with ISO, another 4 were inconsistent, while a further 2 did not contain any metadata at all. According to the themes as listed in the third annex, 36 databases did not contain any metadata, 5 contained metadata which was inconsistent with the ISO, and only two contained metadata which was consistent with ISO 19115 [Raport: INSPIRE implementation in Poland, State of Play, Autumn 2007, tab. 1. 20.02.2008; http://www.gugik/w_pages/w_doc/idx.php?loc=69]. In view of the these facts, it appears that the hitherto legal regulation did not improve the standardization of the Polish databases for geoinformation. It is only as recently as 2007 that the profile of the metadata for the geodetic information, which is stored in the centers for geodetic and cartographic documentation (ODGiK) was defined [Raport, 2008]. This created the basis for the establishment of the national metadata profile which is consistent with the ISO 19115, 19119 and 19106, as well as with the implementation rules as laid down in the INSPIRE Directive, and henceforth, the creation of the metadata profile for the geologic data by the Polish Geological Institute.

The prospects for improvement in the current situation is dependant on the Act on Informatization, as well as on one of its executive orders – namely the Regulation of 28 March 2007 on the National Plan of Informatization. One of the projects taken into account in the Plan is the creation of the Georeferential Database of the Topographical Objects as the system of identification and classification of topographical objects. It includes providing them with the unique identifiers at state scale, which are also necessary for interoperability of the systems. This will be the reference system for the thematic, specialized and professional geographical information systems which are necessary for the proper functioning of all departments of the national public administration, realized in 2007 – 2011. Both legal Acts will allow the coordination and financing – either by central State authorities and by the Informatization Council – of the relevant metadata necessary for the public information systems. Both the experience gained in the application of the law, as well as the efficiency in the commissioning of tasks relating to the spatial data standardization to the scientific institutes and scientific networks, will be useful for the improvement of the rules for metadata creation for the entire information infrastructure of the State.

It seems that critically assessed improvements to the information standards and for the adoption of the ISO specifications may be effected by the use of legal instruments which may be relied upon for the commissioning of tasks relating to the standardization and metainformation of scientific institutions (for instance on the basis of the amendment of Articles 12 and 14 of the Act on Informatization).

2. Network services. The efficient processing of spatial data for the sake of information and decision–making processes requires the Member States to establish network services enabling them to discover, view, download and to process spatial data as well as the services which allow spatial data services to be invoked. Access to the services will be provided via an Internet site.

The development of network services in the public sector in Poland is weaker than in most of the Member States. The annual survey of the development of the public network services which was commissioned by the European Commission differentiates between the levels of services: informative, sole-direction, double-direction and complete, as well as for front and back office support. Hence it is possible to use the information, which has already

been introduced to the databases of the magistrates, in order to inform the client about the necessity to undertake some particular activity, the automatic filling in of the forms, or the automatic delivery of the service, without the necessity for the client to file a motion. 20 public services have been taken into account, comprising 12 public services, for the citizens, and 8 for enterprise services connected with personal income tax, job placement, social insurance, identity cards, vehicle registration, building permits, public libraries, statistical data, value added tax (VAT), registration of the enterprises, health care, etc. Spatial data is not a separate service, but in order to realize the majority of these services, it is essential. In 2007, the ratio of electronic public services development stood at 76%, whereas in Poland, it was only 53%. The services for entrepreneurs, 84% in Europe but 62% in Poland, were slightly better developed than the services for the citizens, 70% in Europe and 47% in Poland. The indicator concerning full online accessibility of public services amounted to 58 % in the 30 European States examined, whereas the same accessibility amounted to 25% in Poland [The User Challenge. Benchmarking The Supply. Of Online Public Services. 2007]. On the Polish Internet site www.poland.gov.pl. there has been no access at all to any of the public services.

With regard to spatial data, the possibility to discover, view, download and process data from their sets related only to the codes and names of the entities (units) of the TERYT system and the geological datasets of the Polish Geological Institute. The discovery and penetration of them was possible only in relation to the transport network, hydrography, protected areas, elevation, orthofotomaps and, finally, geo-environmental data sets, natural resources sets (MIDAS) as well as the mining areas data sets (ROG) which were held by the Polish Geological Institute.

Within the 24 spatial data themes, no database which would enable the provision of at least one of the spatial data services was mentioned. This concerned 5 themes from the first annex of the INSPIRE Directive relating to geodesy [Raport, 2008]. When the GEOPORTAL.GOV.PL website has been concluded, that will enable access to the majority of the spatial data which is mentioned in annex I of the INSPIRE Directive. The discovery, viewing and downloading of spatial data is also provided by the Regional Data Bank of the Central Statistic Office http://www.stat.gov.pl/bdr/strona and of the Institute of Meteorology and Water Management http://www.imgw.pl/wl/internet/zz/baltyk/baltyk_prognum.html. Discovery and viewing of geo-environmental data sets is also possible on the Geoportal, IKAR http://ikar.pgi.gov.pl/Portal, which is managed by the Polish Geological Institute (addresses of the internet websites of the relevant authorities), the Polish website of the European Ecological Network, Natura 2000, http://natura2000.mos.gov.pl/natura2000/ is managed by the Ministry of the Environment as well as the service of the maps of the State forests (GIS) http://www.lp.gov.pl/mapa. The following voivodeships possess regional and non-governmental geoportals: the Łódź Voivodeship, the Masovian Voivodeship, the Lublin Voivodeship, the Podlaskie Voivodeship, the Pomeranian Voivodeship, the West Pomeranian Voivodeship. The Lesser Poland region and the Wrocław poviat provide a service related to GIS maps. These spatial data services are used by those persons conducting scientific or commercial Activity connected with the use of GIS. [Raport, 2008]. However, a comparison between the above regions demonstrates that data which is important for citizens and entrepreneurs, especially cadastral, is still rarely accessible within the framework of the network services.

The general legal rules for the establishment and exploitation of tele-information systems in the Polish public sector are laid down by the Act on Informatization. They refer to the already existent systems for processing spatial data or to the systems currently being established within the framework of the State Informatization Plan [Szpor, Martysz, Wojsyk, 2007]. According to the National Plan of Informatization, the launch of the majority of services assessed by the European Commission which are provided electronically should be completed by the end of 2008, and in relation to the other services, by the end of 2010 [Monarcha-Matlak, 2008]. The subjective scope of the planned services is very ambitious and exceeds even the EU requirements. The realization of this plan on time seems however to be very difficult.

In 2008, the electronic platform of the public administration services (E-PUAP) was launched. It appears that it is possible to substitute the National Evidence of the Tele-information Systems and Public Registers, as foreseen in the Informatization Law, with the Polish Information Infrastructure Portal, which would be interconnected with the department websites through the Geoportal. However, the scope of entities able to take advantage of the network offer is limited, taking into consideration the fact that less than half of Polish citizens use a computer with Internet access. The attractiveness of the use of the network services by those who have the skills to do so, as well as the access to the technical facilities, has radically decreased since the new obligation was imposed. This is because of the requirement for the use of a safe electronic signature, which is verified by a certificate issued by the competent and economic entities dealing with administration matters which are introduced by the Act on electronic signature and the Code of Administrative Procedure. This difficulty consists of a safety measure which requires the issue of a qualified certificate. The replacement of this expensive and burdensome requirement by the simple and costless form of approval of the authenticity of the given statement requires an urgent change to be made to the relevant legal provisions. Such a change should ensure that Directive 2003/98/WE of the European Council and the European Parliament dated 17 November 2003 concerning the re-use of the public sector information is also duly implemented.

3. Charges. According to the INSPIRE Directive, the Member States shall eliminate all currently existing obstacles for the common use of data which arise as a result of any charges imposed. In Poland, the charges constitute the essential obstacle for efficient spatial data processing as well. Such high charges for access to spatial data are commonly justified by excessive costs for the maintenance of the public registers and their informatization. At the same time, as a result of such high charges, the registers are often used exclusively within the departments.

Sometimes, a new, independent and specialised register is created instead of the modernization and extension of the existing register. Furthermore, the high charges for access to and the use of the State Geodetic and Cartographic Resources, which is imposed on the local and regional authorities, are the reason for a serious dysfunction in the area of spatial planning and development, as well as in the area of the crisis management.

The Act on Informatization introduces a general rule, according to which access to the registers in the public sphere is free of charge. According to Art. 15 of this Act, the entity responsible for the operating of the public register must provide the entity performing the public duties with free access to the collected data within the scope necessary for the realization the mentioned duties. In order to fulfill the instruction included in Art. 15 § 3 of the Act on

Informatization, the Council of Ministers has issued the Regulation on the Methods, the Scope and the Procedure of Making the Data Stored in the Public Register Available dated 27 September 2005. However, this manner of regulation has proven to be inefficient and has not brought about any changes to the status quo due to several factors.

The principle of free access to the registration data in the internal sphere of the administration has not been realised due to the form of the legal Act. The administrative regulation to this Act has appeared to be inefficient and did not bring any important changes due to several factors. In practice, the principle of free access to the registration data in the internal sphere of administration does not give rise to additional expenses, but gives rise to a form of postponement (rearrangement) of the public funds. However, it faces strong resistance from the relevant central authorities. It should also be noted that the implementation of this principle requires a review of the Act on Informatization, which automatically would annul the provisions on the charges of the "resources Acts" and their administrative regulations. Simultaneously, limits to access to information with regard to legally protected secrets would also have to be imposed. The above-mentioned secret data is currently specified by the general provisions referring to the other Acts and, in addition, these provisions are not entirely clear. It is also highly recommended to amend the Act on Access to Public Information. In relation to this Act one should regulate the use of public information sets for commercial purposes, in order to ensure that the 2003/98/WE Directive of the European Council and the European Parliament dated 17 November 2003 concerning the matter of the re-application of information in the public sector is also duly implemented, as well as the question of the conclusion of license agreements for the use of public information sets for non-commercial purposes.

The three trends in the implementation of the new provisions into the legal system

The assignment of the character of the legal principle to the principle of well-balanced development has already indicated the integrating view. According to this view, the spatial management and environment protection constitute two aspects of realization of this principle and the spatial objects constitute the auxiliary criterion to specify the scope of the Spatial Planning and Arrangement Law [Szpor, 1998]. The INSPIRE Directive also confirms the accuracy of the integrationist view, in which all spatial objects form the subject matter of complex legal regulation. However, in the process for the transposition of the Directive into the national legal system, it is essential to take into consideration that of the necessity that cohesive regulation refers to spatial planning, and not just to spatial information. Therefore, the postulates as to modify the provisions relating to the spatial information recourses regulated in the sector Acts, such as: Geodetic Law, Geological and Mining Law or Law on Environment Protection, should be assessed from the perspective of the improvement of the decision processes. In order to increase the efficiency of the regulation of processing of spatial data, it is also necessary to amend certain legal Acts which regulate the general principles for access to public information, as well as personal and classified data protection. The third trend of changes concerns the relevant provisions relating to the use of the informatics and communication technologies in the public sector, which, in Poland, are included mainly in the Act on the Informatization of the activity of the entities realizing the public duties and also in

the Act on electronic signatures. The necessity of effecting parallel and complex changes in these three types of legal bases for spatial information is undisputed. However, it is not clear which means for the implementation of the new regulations into the legal system is optimal. It is possible to allocate the provisions that change all of the department Acts in the scope necessary for the implementation of the INSPIRE Directive in the review of one of the department Acts or in separate Acts. The second solution has been proposed, for example, in RFN at federal level. In Poland, the second solution would require harmonization with the Informatization law in order to avoid discrepancies and repetition, as well as the isolation of the spatial information infrastructure from the State information infrastructure. There is also a third option, which essentially allows for the easier achievement of the cohesion of the regulation. As a result of the passing of the Act on *the amendments to the Act on Informatization and to the provisions of the other Acts relating to the state spatial infrastructure*, it is possible to supplement the additional provisions, necessary for the reason of the Directive, for Informatization Act, and to introduce provisions amending the other Acts.

In the first half of 2008, two legislative processes were simultaneously undertaken in relation to the particular department Acts, to the personal data Act, to the Informatization Act and to the Act on access to public information. Work was also undertaken on a separate new Act on spatial information infrastructure. The difficulty in coordinating the department projects has been highlighted, amongst other difficulties, in the works of the special task group of the Council of Ministers Committee for Informatization and Communication which is responsible for the elimination of the procedural barriers in e-Administration. The establishment of the duty to enclose the evaluation of the results for the State information infrastructure, together with the already required evaluation of their financial consequences within the framework of the regulation of the Prime Minister on the principles of the legislative technique, [Warylewski, 2003] would certainly favor cohesion of the legal provisions.

Summary

Spatial information is being used in many decisive processes in relation to both administration and State economy. It traditionally constitutes the grounds for the decisions which are made at local, regional and State level. The globalization of economic activity, as well as integration within the European Union induce, in the twenty first century, the making of more decisions by the Community authorities. Furthermore, these decisions exceed the area of the geographical dimensions of any one State, and their information grounds are the result of the integration for the data from many Member States. This has prompted the Community institutions to legislate in the form of the INSPIRE Directive, which essentially obliges the standardization and computerization of spatial information resources within the EU. However, the provisions referring to spatial information infrastructure should constitute an integral element in the regulation of the whole State information structure, and refer to the resources and information processes in the Community, State, regional and local systems. It is only then that the process concerning the Europeanization of administrative law will mean an increase in the cohesion and the effectiveness of national regulation, and not just superficial changes retaining the pathologies of the administration.

References

Geodetic and Cartographic Law Act of 17 May 1989 (Dz.U. 2005. No. 240, position 2027 with the amendments).
Act of 21 March 1991 on the Maritime Areas of the Republic of Poland and Maritime Administration (Dz.U. 2003. No. 153, position 1502 with the amendments).
Act of 20 July 1991 on the Inspection of Environmental Protection (Dz.U. 2007. No. 44, position 287 with the amendments).
Geological and Mining Law Act of 4 February 1994 (Dz.U. No. 92, position. 880 with the amendments).
Act of 20 August 1997 on the National Court Register (Dz.U. 2007. No 168, position. 1186).
Act of 29 September 1997 on the Personal Data Protection (Dz.U. 2002., No. 101, position 926 with the amendments).
Act of 22 January 1999 on Classified Information Protection (Dz.U. 2005. No 196, position 1631 with the amendments).
Environmental Protection Law Act of 27 April 2001 (Dz.U. 2006. No.129, position 902 with the amendments.
Act of 6 September 2001 on the Access to the Public Information (Dz.U. No 112, position 1198 with the amendments).
Act of 18 September 2001 on the Electronic Signature (Dz.U. No. 130, position 1450 with the amendments).
Act of 27 April 2001 on Waste [Dz.U. No. 62, position 628 with the amendments.
Water Law Act of 18 July 2001 [Dz.U. No. z 2005 position 239 with the amendments].
Air Law Act of 3 July 2002 [Dz.U. No. 130, position 1112 with the amendments].
Act of 27 March 2003 on Spatial Planning and Arrangement (Dz.U. No. 80, position 717 with the amendments).
Act of 2 July 2004 on the Freedom of Business Activity (Dz.U. 2007. No 155, position. 1095 with the amendments.
Act of 17 February 2005 on the Informatization of Operations of Certain Entities Realizing the Public Duties (Dz.U. No. 64, position 565 with the amendments).
Cieślak Z., Lipowicz I., Niewiadomski Z., Szpor G.,2007: Prawo administracyjne. [Administrative Law] Ed. 3 LexisNexis. Warszawa.
Civil Code Act of 23 April 1964, (Dz.U. No. 16, position 93 with the amendments).
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) 2007/2/WE 32007L0002, Dz.Urz. UE L 108, 25.04.2007.
Fajgielski P., 2007: Informacja w administracji publicznej. [Information in the Public Administration]. Prescom. Wrocław.
Monarcha-Matlak A., 2008: Obowiązki administracji w komunikacji elektronicznej. [Administration Duties In the Electronic Communication], Wolters Kluwer. Warszawa.
Oleński J., 2006: Infrastruktura informacyjna państwa w globalnej gospodarce. [Infrastructure for the Information of the State In the Global Economy], Ed. UW. Warszawa.
Raport: INSPIRE implementation in Poland, State of Play, Autumn 2007, 20.02.2008; http://www.gugik/w_pages/w_doc/idx.php?loc=69]
Stawecki T., 2005: Rejestry publiczne [Public Registers]. Ed. UW. Warszawa.
Szpor G., 1998: Informacja w zagospodarowaniu przestrzennym. Zagadnienia administracyjnoprawne [Information in the Territorial Arrangement. Administrative-legal Problems], Ed. UŚ Katowice.
Szpor G., Martysz C., Wojsyk K., 2007: Ustawa o informatyzacji działalności podmiotów realizujących zadania publiczne. Komentarz. [Act of 17 February 2005 on the Computerization of the Activities of the Entities Realizing the Public Duties. Commentary] Wolters Kluwer. Warszawa.
The User Challenge. Benchmarking The Supply. Of Online Public Services. 7th Measurement September 2007. Prepared by: Capgemini. For: European Commission http://www.ec.europa.eu/information_society/eeurope/i2010/docs/benchmarking/egov
Warylewski J. (red.), Bąkowski T., Bielski P., Kaszubowski K., Kokoszczyński M., Stelina J., Wierczyński G., 2003: Zasady techniki prawodawczej. Komentarz [The Principles of the Legislative Technique. Commentary]. Ed. ABC Warszawa.

Abstract

Thirty four spatial data themes, as referred to in 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), are the subject of administrative regulation in each Member State of the European Union. The Provisions relating to spatial data are usually found in numerous legal acts. A good example is Poland, where one can identify over one hundred acts and regulations which are concerned with spatial information. The dispersion of these provisions is one of the reasons for their incoherence. The implementation process of the INSPIRE Directive can essentially contribute to making the law more coherent which would, consequently, ensure its increasedeffectiveness. The Directive itself may well become the catalyst for the Europeanisation of the national administrative law.

Streszczenie

34 tematy danych przestrzennych, o których mowa w Dyrektywie 2007/2/EC z 14 marca 2007 roku ustanawiającej infrastrukturę informacji przestrzennej w UE (INSPIRE), stanowią we wszystkich państwach członkowskich UE przedmiot regulacji administracyjnoprawnej. Przepisy odnoszące się do danych przestrzennych są z reguły rozproszone w wielu aktach prawnych. Przykładem może być Polska, gdzie wymienić można ponad 100 ustaw i rozporządzeń dotyczących informacji przestrzennej. Rozproszenie regulacji jest jedną z przyczyn jej niespójności. Okazją do zwiększania spójności regulacji, a w konsekwencji jej skuteczności jest proces implementacji dyrektywy INSPIRE, który jest zarazem katalizatorem europeizacji krajowego prawa administracyjnego.

dr hab. Grażyna Szpor, prof. UKSW
grazyna.szpor@gmail.com