

LAW 16/2005 of 27th December, on geographical information and the Cartographic Institute of Catalonia.

THE PRESIDENT OF THE GENERALITAT OF CATALONIA

Be it known to all the citizens that the Parliament of Catalonia has passed, and I, in the name of the King, and in accordance with the stipulations of article 32.2 of the Statute of Autonomy for Catalonia have enacted Law 16/2005, of 27th December, on Geographical Information and the Cartographic Institute of Catalonia.

PREAMBLE

Catalonia has a great tradition in the study of land and of geography. This analysis work plays a very important role in the ordered development of the country, the conservation of the environment and the management of the land. As long as the region has been an autonomy, there has been a desire to acquire an in-depth knowledge of the territory which has led to the creation of organisational instruments, specialised in the generation of the information required to enact the powers accepted. Thus, the Community of Catalonia created the Geographical Map Service, which was succeeded by the Mapping Service of the republican Regional Government. Once the Statute of Autonomy came into effect in 1979, Law 11/1982 created the Cartographic Institute of Catalonia, as an autonomous, commercial, industrial and financial organism, attached to the Department of Territorial Policies and Public Works, to cater for the technical aspects of the development of mapping information within the powers of the Regional Government. In light of the experience acquired, Law 6/1997, dated 11th June, changed the legal nature of the Mapping Institute and transformed it into a public law entity whose activities were governed by private laws, in order to achieve a higher degree of efficiency and agility in performing the tasks entrusted to it.

Within this legal framework, the Cartographic Institute of Catalonia has completed an enormous task, which can be seen in the elaboration of the corresponding map sequences and in other directly related activities, such as the management of the Integrated Geodesic Positioning System for Catalonia, interventions in the delimitation of territorial boundaries, the conservation and development of the map library and the photographic library as well as investigating, teaching, divulging and diffusing all the information related to this matter in the appropriate circles. This activity has been carried out within the framework of the responsibilities of the Regional Government regarding mapping and geographical information. These responsibilities were ratified by the Constitutional Court and have always been carried out in collaboration with the competent state organisms.

The resolve of the Mapping Institute in maintaining and maximising quality in the production and generation of geographical and mapping knowledge, in an environment that has undergone drastic changes since the organism came into existence, justifies the need to update and extend its legal framework from new perspectives. The mass use of an ever developing and improving technology, the strategic nature of high level innovation and investigation, the progressive development of European and international standards and the will to maximise efficiency, using standardised processes that facilitate the interoperability of all the information available, are some of the elements to be taken into account when renewing this legal framework.

To have the best mapping and geographical information is an essential requisite to ensure a correct proceeding in the numerous powers of the Catalan administration in territorial matters. For this reason, and as several administrations have responsibilities regarding this mapping and geographical information, it is necessary to go beyond the strictly organisational scope of the Administration of the Regional Government and establish a legal framework which guarantees coherence and maximum efficiency in the actions while respecting the corresponding autonomy. These requirements cannot be met by simply modifying the existing law, so it has been decided to create a new law for the geographic and mapping activity and in particular for the Cartographic Institute of Catalonia, its main instrument in these matters within the Regional Government. Within the framework of this new law, the Institute shall pay special attention to permanently striving for excellence in the tasks entrusted to it, and especially in productive and technological tasks and in divulging its developments and technical and scientific progress in the appropriate places.

In the formal perspective, this law is composed of forty-eight articles, structured in three titles, six additional clauses, two transitory clauses, one overriding clause, and two final clauses. The first title, relating to the general clauses defines the purpose and scope of application of the law and the concepts used in it. The second title regulates the Cartographic Institute of Catalonia, which remains a public entity that basically adjusts its activity to private law and is attached to the Department of Territorial Policies and Public Works. The first chapter of this title specifies the functions and faculties of the Mapping Institute, with particular emphasis on its functions in representing the Regional Government before national, community and international organisms. The second chapter regulates the official nature of mapping and other activities and infrastructures that are directly related to it and establishes the circumstances in which mapping is compulsory for the Regional Government and other public administrations. The third chapter defines the governmental and administrative bodies of the Mapping Institute and regulates its composition and functions. The fourth and fifth chapters refer to the economical and legal nature of the Mapping Institute respectively.

The third chapter deals with inter-administrational relationships and planning in the area of geographical and mapping information. This title is structured in four chapters. The first chapter establishes the principles of action and relationship among the Catalan public administrations and confers on the Regional Government the right to coordinate the mapping activities of the local entities in Catalonia, without prejudice to the recognised autonomy nor to the voluntary collaboration that may be established. This law establishes the objectives that this coordination activity must pursue and determines that it be carried out using two new mechanisms in this area: the Mapping Coordination Commission of Catalonia and the Mapping Plan of Catalonia. The second chapter establishes the nature, composition, functions and working regime of the Coordination Commission and defines it as the main body for collaboration and coordination between the Administration of the Regional Government and local entities in the field of mapping and geographical information. The Mapping Plan of Catalonia is the subject of the third chapter. The objective of this basic instrument of the Regional Government's map planning is to coordinate mapping activities and determine its objectives, and constitute and improve the infrastructure of geographical information in Catalonia and use and coordinate this information with the public policies in the sector which have a territorial projection. The fourth chapter contains the regulation of the Mapping Register

of Catalonia, the main body for information on the mapping and geographical activities of the Administration of the Regional Government and of the local entities in Catalonia. It is attached to the Department of Territorial Policies and Public Works and is directed and managed by the Cartographic Institute of Catalonia. The fifth chapter includes the regulation of the Infrastructure of the Space Data of Catalonia (IDEC) and the sixth chapter closes the title with the regulation of the map library of Catalonia.

TITLE 1

General clauses

Article 1. Purpose and scope of application

1. Within the framework of the powers of the Regional Government, this law establishes the legal regime of the Cartographic Institute of Catalonia, and defines the cases, means and requisites of inter-administrational coordination and collaboration in the area of mapping and geographical information.

2. The clauses of this law are applied without prejudice to the powers conferred on the Government Agencies and the organisms and entities that depend on them.

Article 2 Definitions

1. For the purpose of this law, mapping is understood as being the analogical or digital graphic representation of the earth's surface (earth mapping) or of the ocean beds (hydrographic mapping), within a previously defined and mathematically correct reference framework. Mapping becomes official when effected in accordance with the current legal technical and administrative specifications and inscribed in the Mapping Register of Catalonia. Government Agency mapping is also official, pursuant to Law 7/1986, of 24th January, which details clauses on mapping.

2. For the purpose of this law, topographic mapping is understood as being that which represents the morphology of the terrain, as well as natural or artificial objects with a determined position on the earth's surface, and is official mapping when the corresponding requisites are met. Topographic mapping can be basic or derived and is understood as being:

a) Basic mapping: mapping obtained through direct processes of observing and measuring the earth's surface and is used as a basis and reference for general use as a graphic representation of the terrain.

b) Derived mapping: mapping formed through processes of editing or generalising the topographic information contained in the basic mapping.

3. For the purpose of this law, thematic mapping is understood as being mapping which uses basic and derived mapping as a support and maintains their characteristics, while singling out or developing a specific aspect of the topographical information contained in the mapping itself, or which incorporates specific additional information, and is considered official if it meets the corresponding requisites. The following, among others, are considered as thematic mapping:

a) Aeronautical mapping: mapping which includes the necessary information for aerial navigation.

b) Geological and hydro-geological mapping: mapping which includes information on the morphology, composition and structure of the soil and subsoil and of geological processes.

- c) Hydrological and hydrographic mapping: mapping which describes the static and dynamic features of fluvial and marine areas.
- d) Environmental mapping: mapping which informs of the state of the environment with respect to living beings, the quality of air and the atmosphere, acoustic contamination, light contamination, waste and the characterisation of the landscape.
- e) Forest, agricultural or farm mapping: mapping which includes information on plantations and exploitations of that nature, as well as the potential or aptitude of the terrains for that use.
- f) Statistical mapping: mapping which includes socio-economical information.
- g) Cadastral mapping: mapping which includes the cadastral description of rural and urban properties.
- h) Urban mapping: mapping used to support the preparation of urban planning and management instruments and reflects the classification and qualification of the use of the land and its legal urban regime.
- i) Service mapping: mapping which includes the situation of the distribution networks of the services including water, gas, electrical energy, telephone, telecommunications and other analogous services with their legends and specific technical content.
- j) Other maps that provide a map image of the physical, economical, patrimonial, cultural, transport, risk and social features or similar of the historical evolution of a territory.
- k) Archaeological mapping: mapping that includes the description of archaeological remains in the soil or subsoil.
- l) Weather mapping: mapping that includes the description of the climatic reality of a territory.
- m) Nautical mapping: mapping which includes the necessary information for marine and fluvial navigation.

4. For the purpose of this law, the following are defined:

- a) Geo-referenced data: any information or localised data on the earth's surface using coordinates or any other direct positioning system, or by using directions or any other indirect positioning system.
- b) Mapping and geographical documentation: any type of document that consists of a representation of the territory in any format, with any content and in any form. Mapping documentation includes, among others, all kinds of maps, drawings, aerial photographs, pictures from Earth observation sensors, databases, drafts, field work and graphics. Geographical documentation includes, among others, any kind of archive and collection of a varied nature that is related to geography.
- c) Infrastructure of the Space Data of Catalonia (IDEC): the structure and organisation of the groups of geo-referenced data distributed in various geographical information systems, accessible on the Internet, with a series of standardised protocols and specifications which, as well as data and descriptions or metadata, include search and access technologies for the data, the space services based on these technologies, the regulations for their integration, management and diffusion and the agreements on use among their producers and between them and the users, all under standard regulations which totally guarantee interoperability and the possibility of a shared use of the geo-information and of the space services.
- d) Infrastructure of Geographical Information of Catalonia (IIGC): all the geographical information susceptible to being geo-referenced together with its metadata and the geographical information systems in which they reside.

- e) Interoperability: the capacity of two or more systems to communicate, using and sharing data, processes and services by means of standardised minimum protocols.
- f) Integrated Geodesic Positioning Service of Catalonia (SPGIC): all the permanent geodesic stations, instrumental networks, procedures, data, communications, software, hardware and technical support used to determine coordinates in Catalonia. This system is compatible with national, European or world geodesic networks.
- g) Geographical Information System (SIG): all geo-referenced information, organised in databases, including the methods and tools that facilitate its maintenance and exploitation.

TITLE II

The Cartographic Institute of Catalonia

CHAPTER I

Nature and functions

Article 3. *Nature*

1. The Cartographic Institute of Catalonia is a public entity belonging to the Regional Government, with its own legal status and full capacity to act in fulfilment of its objectives, and whose activity is mainly attached to private law.
2. The Cartographic Institute of Catalonia is governed by this law, by the regulations that it develops and by the general legislation on public companies in the Regional Government, and when applicable, by legislation on public finance and patrimony.

Article 4. *Autonomy and capacity.*

1. The Cartographic Institute of Catalonia has administrative, technical, economical and financial autonomy, its own patrimony and full capacity to act in fulfilment of its objectives, and has the faculty to exercise the necessary administrative powers to perform its functions.
2. The Cartographic Institute of Catalonia, may be the beneficiary of compulsory expropriation, whenever the performance of its functions so require.
3. The Cartographic Institute of Catalonia has the faculty to establish compulsory easement to install signs, in the terms of the legislation that regulates geodesic and geophysical signs.

Article 5. *Attachment*

1. The Cartographic Institute of Catalonia is attached to the Department of Territorial Policies and Public Works of the Regional Government.
2. The Department of Territorial Policies and Public Works of the Regional Government shall establish the action guidelines for the Cartographic Institute of Catalonia and control the efficiency and effectiveness of its activity.

Article 6. *Functions*

1. The Cartographic Institute of Catalonia has the faculty to exercise the powers of the Regional Government on geodesy and mapping and on the infrastructure of the space data of Catalonia.
2. The functions of the Cartographic Institute of Catalonia are:
 - a) To establish, manage, conserve and improve the physical infrastructure and the technological systems required to construct and manage the Integrated Geodesic Positioning Service of Catalonia and the maintenance of the topographic databases that support it. Within the scope of the powers of the Regional Government, the SPGIC supports the large scale map sequences, territorial and urban planning, rural and urban cadastral, the activity of public work in Catalonia and all similar applicable activities. The SPGIC and its results shall be coordinated with the national and European standards that are applicable in this matter.
 - b) To provide aerial metric image coverage of the territory of Catalonia, with active and passive sensors, and maintain the sensors and the necessary know how and information bases to deal with the geographical and thematic data produced by aerospace teledetection.
 - c) To establish and maintain mapping databases and the mapping sequences derived from them, in accordance with established standards, which support the establishment of urban and territorial sequences. It is necessary to design and produce these sequences in accordance with the clauses of the applicable national and community standards in this matter.
 - d) To intervene in the delimitation of territorial boundaries and provide technical support to the Territorial Delimitation Commission in the framework established by current regulations.
 - e) To elaborate and propose the Mapping Plan of Catalonia, as well as the corresponding modifications and revisions if applicable.
 - f) To promote and permanently support the Mapping Coordination Commission of Catalonia and enforce its agreements, if this does not correspond to each of its members, within the scope of their respective powers.
 - g) To collaborate with those bodies of the Government Agencies that have powers in mapping matters and coordinate and cooperate with the local entities of Catalonia in this aspect.
 - h) To direct and manage the Mapping Register of Catalonia.
 - i) To direct and manage the Map Library of Catalonia.
 - j) To create, structure, diffuse and maintain the infrastructure of the Space Data of Catalonia, in accordance with the national and community standards on space information structures and networks, as well as collaborating with other entities and bodies of the Regional Government in maintaining and permanently improving this infrastructure.
 - k) To elaborate studies, issue reports and prepare suggestions within the scope of its functions, for the various departments of the Regional or National Government, either in response to a request from them or on its own initiative.
 - l) To publish and diffuse mapping products.
 - m) To organise, carry out, direct, supervise and elaborate research, innovation and scientific and technical training programmes within the scope of its actions, either independently or in collaboration with other entities and organisms, especially Catalan universities and other organisations that specialise in mapping services. The performance of this function may be focused on the constitution of or participation in research centres, institutes and networks, participation in scientific technological parks

and in any other activity involving research, teaching or the transfer of technology or knowledge.

- n) To carry out work, tasks and activities commissioned by the Regional Government, its organisms or by public companies and other public administrations.
- o) To participate in the training of personnel working in the government agencies of Catalonia who have to carry out mapping tasks.
- p) To encourage and promote public and private mapping services, and research, teaching and technological development within the mapping area.
- q) To coordinate, within the scope of Catalonia, the enforcement of community and international standards and obligations regarding the Institute's attributed functions.
- r) To carry out any other function attributed to it.

Article 7. Representation functions

1. The Cartographic Institute of Catalonia has the faculty to represent the Administration of the Regional Government in the National Superior Geographic Council and its commissions.
2. Within the scope of its powers, the Cartographic Institute of Catalonia represents the Administration of the Regional Government, when so requested, in national, community and international organisms or forums that admit forms of representation other than national ones, and in other technical and scientific organisms that specialise in geodesic, mapping and other related disciplines.
3. The Cartographic Institute of Catalonia may, if appropriate, designate its own representatives within National delegations in community and international organisms and forums that specialise in its field.

Article 8. Faculties

In order to perform its functions, the Cartographic Institute of Catalonia may:

- a) Subscribe contracts, agreements, arrangements or other contractual documents with other public or private entities or organisms.
- b) Constitute entities or participate in government agency entities or bodies or in other public administration entities with mapping functions, in representation of the Regional Government.
- c) Form and participate in partnerships with other public or private entities, in compliance with its appropriate functions.
- d) Promote the constitution of commercial partnerships, or of any other type, and participate in them together with public or private entities.
- e) Constitute and integrate associations, foundations, private societies, temporary combines, economic interest groups and other entities, of any legal nature, related to the Institute's own activities.

Article 9. Action framework.

1. The lines of activity, service and finance of the Cartographic Institute of Catalonia shall be established in the programme agreement to be subscribed by the Regional Government and the Institute, in accordance with article 23.
2. The programme agreement referred to in article 23 shall determine the services and activities that the Cartographic Institute of Catalonia shall carry out by assignment or on account of the Department of Territorial Policies and Public Works.

3. Without prejudice to the activities referred to in paragraph 2, the Cartographic Institute of Catalonia may advise, support and carry out studies and work upon request or by assignment of other departments, entities or organisms of the Regional Government, and from other public or private persons, by means of the corresponding consideration.

CHAPTER II

Officiality and use of mapping services

Article 10. *Officiality*

1. All mapping elaborated by the Cartographic Institute of Catalonia in compliance with the functions attributed by this law is considered official mapping in the territory of Catalonia. This mapping is registered in the Mapping Register of Catalonia, and if appropriate, in the National Mapping Register. Registration in the latter makes it official in the whole State, in accordance with its legislation.

2. Any mapping elaborated by other administrations or other persons in Catalonia, be they public or private, is also considered official in this territory, when all of the following requisites are fulfilled:

a) The mapping has been elaborated in accordance with the standards and regulations established by the Mapping Coordination Commission of Catalonia.

b) It has been registered in the Mapping Register of Catalonia, and if appropriate, in the National Mapping Register.

c) It is maintained sufficiently updated and available for potential users, in accordance with the minimum standards and regulations of quality established by the Mapping Coordination Commission of Catalonia.

3. Mapping elaborated by the competent organisms of Government Agencies is considered official in Catalonia, in the terms established in national legislation.

4. The coordinates established by the Integrated Geodesic Positioning Service are considered official, when taken from the stations and networks that compose it, as are the data, information and results gathered or obtained using this service, as long as the procedures established by the SPGIC are followed.

Article 11. *Uses*

1. Officially registered mapping and official geographical information are of mandatory use for all Catalan administrations for the creation of new mapping.

2. Officially registered mapping and official geographical information are of mandatory use in enforcing powers of the Regional Government, and within the framework of these powers, in enforcing powers attributed to local entities and to other public entities in Catalonia, when said enforcement has to use or is based on mapping or geographical information.

3. Mapping registered officially in Catalonia may be used by Government Agencies, as long as it is not registered in the National Mapping Register.

Article 12. *Effects.*

1. The Cartographic Institute of Catalonia must inform the competent mapping entities and bodies of the official existing mapping and geographical information, together with its basic characteristics.
2. The Cartographic Institute of Catalonia reports annually to the Mapping Coordination Commission of Catalonia on the actions and incidences that have taken place in this area.
3. A regulation must be established to govern the conditions of access, including economical conditions, to the officially registered mapping and geographical information.

CHAPTER III

Organisation

Article 13. *Bodies*

1. The governing and administrative bodies of the Cartographic Institute of Catalonia are:
 - a) The Governing Board
 - b) Management
2. For functional purposes, the Cartographic Institute of Catalonia is structured into subsections, units, laboratories and services which are determined in its functional organisation chart.

Article 14. *Governing Board*

1. The Governing Board is the superior associated body for the government, management and control of the Cartographic Institute of Catalonia.
2. The Governing Board comprises:
 - a) Chairman or chairwoman.
 - b) Vice-chairman or vice-chairwoman.
 - c) Board members
 - d) Secretary.
3. The chairman or chairwoman is the counsellor from the Department of Territorial Policies and Public Works.
4. The vice-chairman or vice-chairwoman is the person named by the chairman or chairwoman from among the rest of the members of the Governing Board.
5. The members of the Governing Board are:
 - a) Ten people in representation of the Regional Government, four of whom are designated by the Department of Territorial Policies and Public Works and the other six by departments determined by the Government.
 - b) Four people in representation of the local entities in Catalonia, designated by their representative entities.

- c) Two people designated by the chairman or chairwoman of the Governing Board from among people of recognised prestige within the field of action of the Cartographic Institute of Catalonia.
- d) One person representing the Institute of Catalan Studies.
- e) The director of the Cartographic Institute of Catalonia.
- f) The director of the competent organism in geological matters.
- g) Two people, named by the chairman or chairwoman of the Governing Board from among the heads of the various bodies of the Cartographic Institute of Catalonia, as proposed by the director.
- h) A person representing the Catalan universities, proposed by the Inter-University Council of Catalonia.

6. The Governing Board may, through its chairman or chairwoman, invite the Government Agencies to appoint a representative of their own to the board.

7. The secretary is designated by the Governing Board following a proposal by the chairman or chairwoman. This position may be filled by a persona who is not a member of the board and shall attend meetings with a right to speak but not to vote.

8. The Governing Board may agree to create advisory counsellors as appropriate in order to comply with the tasks that this law attributes to the Cartographic Institute of Catalonia.

Article 15. *Functions of the Governing Board*

1. The Governing Board has the widest range of faculties regarding the government, management and control of the Cartographic Institute of Catalonia.

2. The Governing Board shall:

- a) Approve the draft contract for the action, investment and finance programme and the exploitation and capital budget.
- b) Approve the proposal for a programme agreement between the Cartographic Institute of Catalonia and the Regional Government, as well as any update.
- c) Approve the annual accounts and the final budget settlement for the year.
- d) Approve the project for the Mapping Plan of Catalonia.
- e) Approve the functional organisation chart of the units and laboratories of the Cartographic Institute of Catalonia, at the proposal of their director.
- f) Propose the adoption of standards and take note of the reports issued by the Cartographic Institute of Catalonia relating to legal standards and regulations that directly affect the Institute or the mapping activity in Catalonia.
- g) Establish the economic criteria to carry out studies, prepare reports or other types of actions or, if appropriate, for the sale of its products.
- h) Authorise the Cartographic Institute of Catalonia to constitute or participate in public or private bodies, organisms or entities, of any legal nature.
- i) To know of, debate and adopt the corresponding agreements in the rest of the Cartographic Institute of Catalonia's own activities submitted by the chairman or chairwoman of the Governing Board or by the director of the Institute.
- j) To be informed by the administration of the resources that make up the patrimony of the Cartographic Institute of Catalonia.
- k) Other attributions conferred upon it.

Article 16. *Working Regime of the Governing Board*

1. The working of the Governing Board is governed by the rules that it agrees upon within the legal framework that is applicable to it, and when something is not specifically regulated, the current legislation for associated bodies of the Administration of the Regional Government is applicable.
2. The Governing Board shall hold ordinary meetings at least three times a year, and extraordinary meetings whenever the chairman or chairwoman so decide or when half or more of all the members so request.
3. In order to consider the Governing Board as validly constituted, the presence of at least half of the members plus one is required at the first call. For the second call, the quorum is reached with the presence of the chairman or chairwoman or the vice-chairman or vice-chairwoman, two members in representation of the Administration of the Regional Government and two members in representation of the local entities.
4. The agreements adopted by the Governing Board are reached by a majority of the members present, except in those specific cases that require a qualified majority.
5. The agreements adopted by the Governing Board shall be reflected in the minutes of their meetings. The minutes shall be approved by the chairman or chairwoman and signed by the secretary to be filed with their corresponding number.
6. The secretary shall record the minutes of the meetings and certify the agreements adopted. Both are authorised with his/her signature.

Article 17. *Director*

1. The director of the Cartographic Institute of Catalonia is named by the Government at the proposal of the counsellor from the Department of Territorial Policies and Public Works.
2. The director of the Cartographic Institute of Catalonia has the following responsibilities:
 - a) To direct the activity of the Cartographic Institute of Catalonia in line with the guidelines established by the Governing Board.
 - b) To apply and enforce the agreements of the Governing Board.
 - c) To promote and propose to the Governing Board the technical and administrative policy that it has to inform about the planning and management of activities, specifically in the action plans and the programme agreement established with the Regional Government.
 - d) To administer, coordinate, manage, inspect and control all premises, installations, activities and services of the Cartographic Institute of Catalonia.
 - e) To manage the personnel of the Cartographic Institute of Catalonia.
 - f) To order and authorise expenses and payments.
 - g) To carry out other tasks delegated or requested by the Governing Board or its chairman or chairwoman, as well as those attributed to him/her by way of rules and regulations
3. By delegation of the chairman or chairwoman, the director of the Cartographic Institute of Catalonia assumes representation of the Institute and enters agreements and arrangements on its behalf with other entities or organisms, and informs the Governing Board accordingly.

Article 18. *Subsections, units and laboratories*

1. With the authorisation of the director, the Cartographic Institute of Catalonia is structured in subsections, units and laboratories.
2. The subsections carry out functions under the orders of the director and they direct the units and laboratories that depend on them.
3. The units are groups of people and resources of the Cartographic Institute of Catalonia which are assigned specific objectives and planning according to their specialised knowledge.
4. The laboratories are groups of people and resources of the Cartographic Institute of Catalonia which are focused on the development of applied knowledge and in accordance with the Institute's general planning, act in cooperation with the units that generate the products and services.
5. If appropriate, the applied research laboratories may be considered as research entities and therefore, can participate in any kind of research programme in any of the fields that correspond to them, in accordance with the rules and bases of said programmes.
6. The director may agree on the performance of technical audits on the units and laboratories led by people or institutions of recognised prestige in their specific fields of action.

Chapter IV

Economic regime

Article 19. Economic resources

1. The Cartographic Institute of Catalonia's resources are:
 - a) The allocation assigned in the budgets of the Regional Government.
 - b) Those derived from return on its own assets or those attached to it.
 - c) Income obtained from studies or work carried out in accordance with its functions or from the sale of its products and services.
 - d) Return derived from participations in or income from consortiums, societies or other entities in which it intervenes, in accordance with the stipulations of this law.
 - e) Subsidies, transfers, contributions or allocations from public or private individuals, entities or organisms.
 - f) All those resources not included in this section that can be attributed legally or by way of regulation.
2. The Cartographic Institute of Catalonia may also subscribe to credit or loan operations or any other type of debt or borrowing, in accordance with the stipulations of the current legislation.

Article 20. Patrimonial regime

1. The patrimony of the Cartographic Institute of Catalonia is made up of the assets belonging to it, of those attached to it and of those acquired in virtue of any deed for the direct or indirect performance of the functions attributed by this law.

2. Management of the patrimony shall comply with the stipulations established for this type of entity in the legislation for Catalan public companies and, when applicable, by the legislation on patrimony.

Article 21. *Budgetary regime*

The budget of the Cartographic Institute of Catalonia is annual and is subject to the clauses applicable to the budgets of public companies that must adjust their activity to private law, in accordance with the regulating legislation of the statute of the public company, and where applicable, with that of public finances in Catalonia.

Article 22. *Financial control regime*

The Cartographic Institute of Catalonia is subjected to financial control by means of audits, in accordance with the clauses of the legislation on public financing.

Article 23. *Programme-agreement*

1. The Cartographic Institute of Catalonia shall subscribe an agreement with the Regional Government, through the Department of Territorial Policies and Public Works and following reports from the departments of the Presidency and of Economy and Finances. This agreement shall include, as a minimum, the clauses included in article 53 of legislative Decree 3/2002 of 24th December, which approves the consolidated text of the Law of public finances in Catalonia, or the precept that may replace it, and the definition of the objectives to be attained, the expected results to be obtained from its management and the monitoring and control instruments to be used on the activity.
2. The duration of the agreement shall be four years, without prejudice to an annual updating in accordance with the projected budget or objectives.

CHAPTER V

Article 24. *Legal regime*

1. The Cartographic Institute of Catalonia subjects its activity in external affairs of a general nature to the regulations of civil, commercial and labour law that are applicable, except in those cases that involve the exercise of public powers.

Article 25. *Personnel*

1. Relationships between the Cartographic Institute of Catalonia and its personnel are governed by labour law.
2. The selection of personnel for the Cartographic Institute of Catalonia shall be carried out in accordance with the principles of merit and capacity and with publicity, within budgetary limits.

Article 26. *Contracting*

1. Contracting at the Cartographic Institute of Catalonia is governed by the legislation on public administration contracts.

2. The faculty attributed by contracting legislation to contracting bodies corresponds to the chairman or chairwoman of the Governing Board of the Cartographic Institute of Catalonia.
3. The chairman or chairwoman may delegate the faculty of exercising the functions of the contracting body in the director, with the Governing Board's approval.

Article 27. Acts and appeals

1. Those acts dictated by the bodies of the Cartographic Institute of Catalonia in exercising its administrative powers are considered as administrative acts.
2. Appeals may be made to the counsellor of the Department of Territorial Policies and Public Works against the resolutions of the Cartographic Institute of Catalonia that are submitted to administrative law.
3. The extraordinary appeal for revision shall be filed to the same body that has dictated the disputed act.
4. Appeals prior to the exercise of civil action are filed to the counsellor of the Department of Territorial Policies and Public Works. Appeals prior to the exercise of labour actions are filed to the director of the Cartographic Institute of Catalonia.

TITLE III

Inter-administrative relations and planning

CHAPTER I

Collaboration and coordination

Article 28. Principles of action

The public administrations of Catalonia that have mapping services shall adapt their actions and relationships to the principles of institutional loyalty, efficiency, effectiveness, no duplicity and reciprocal cooperation, assistance and information in order to better carry out their activities.

Article 29. Collaboration

The Cartographic Institute of Catalonia and local entities may use all the legally established techniques to facilitate collaboration among public entities, and especially by requesting and sending information relating to the mapping activities that they carry out and subscribing to cooperation agreements.

Article 30. Coordination

1. The Government has the faculty to coordinate mapping and related geographical information activities carried out by local entities in Catalonia, without prejudice to the autonomy they have recognised and to the voluntary collaboration that is established.
2. The coordination of mapping activities has the following objectives:
 - a) To guarantee coherence, avoid duplicities and maximise efficiency in the performance of mapping activities.
 - b) To determine the general objectives and the basic priorities of mapping production in Catalonia.

c) To have a quality mapping and space data related geographical information infrastructure.

d) To establish and diffuse the rules and standards established in Article 10.

e) To agree and apply the technological standards that make it possible to achieve the maximum interoperability of the mapping systems and information of the different administrations.

3. Coordination is executed through the Mapping Coordination Commission of Catalonia and the Mapping Pan for Catalonia and is adjusted to the determinations established by municipal and local legislation.

4. Local entities exercise their faculty, if appropriate, for programming, planning, ordering and executing mapping activities within their powers, in the framework of the clauses established by this law.

CHAPTER II

Mapping Coordination Commission of Catalonia

Article 31. Nature and objectives

1. The Mapping Coordination Commission of Catalonia is the basic body for meetings, collaboration and coordination between the Administration of the Regional Government and local entities involved in mapping and related geographical information.

2. The Commission advises the Government and guarantees the participation of the local entities in exercising the faculty of coordinating mapping and related geographical information.

3. The Commission is attached to the Department of Territorial Policies and Public Works.

Article 32. Composition

1. The Mapping Coordination Commission of Catalonia is presided over by the counsellor of the Department of Territorial Policies and Public Works.

2. The Commission is formed by twenty six members, including the chairman or chairwoman and the vice-presidency.

3. The Commission has two vice-chairpersons. The first vice-chairperson is the director of the Cartographic Institute of Catalonia. The second vice-chairperson is one of the people representing the local entities in the Commission and is determined by agreement.

4. Apart from the presidency and vice-presidency, the representation of the Regional Government is comprised of the following members:

a) A person representing the Department of Agriculture, Livestock and Fisheries.

b) A person representing the Department of Economics and Finance.

c) A person representing the Department of Government and Public Administration.

d) A person representing the Department of Environment and Housing.

e) A person representing the Department of Home Affairs.

f) A person representing the Department of Universities, Research and Information Society.

g) A person representing the Department of Work and Industry

- h) Three people representing the Department of Territorial Policies and Public Works, including the competent organism for geology and geophysics.
- i) A person representing the Cartographic Institute of Catalonia.

5. Of the thirteen members representing the local entities there shall be one representing the City Hall of Barcelona, one representing the Community of Municipalities of Barcelona, one representing each of the local territorial entities with functions of municipal cooperation and assistance and the rest shall be evenly distributed among the most representative municipal entities.

6. The chairman or chairwoman of the Commission shall designate a secretary from the people working in the administrations represented. The secretary shall attend the meetings with a right to speak but not to vote and shall exercise the functions appropriate to the position.

7. The Commission may extend invitations to their meetings to people representing state organisms that are competent in mapping and geographical information, members of entities representing professional associations or academics related with mapping and other people who are accredited in these fields.

Article 33. *Functions*

The Mapping Coordination Commission of Catalonia has the following functions:

- a) To make sure that the relationship between the public administrations of Catalonia that carry out mapping and related geographical information activity is adjusted to the principles established by this law and to resolve any incidence that may arise.
- b) To issue a report on the Mapping Plan of Catalonia project, as well as on its modifications or revisions, after they have been approved by the Governing Board of the Cartographic Institute of Catalonia.
- c) To establish the rules and standards to be applied in elaborating the maps.
- d) To make sure that the objectives and priorities of the mapping activity in Catalonia are being met.
- e) To make proposals to the Government about adopting other coordinating measures that it considers necessary.
- f) To issue a report on the procedure of elaborating the clauses of the Regional Government in the area of mapping and related geographical information.
- g) To make sure that rules and regulations are diffused and adhered to, to check the updates and availability referred to in Article 10 and to keep informed about the management of the Mapping Register of Catalonia.

Article 34. *Working*

- 1. The Mapping Coordination Commission of Catalonia shall hold meetings at least twice a year and also whenever the chairman or chairwoman or half of its members so request.
- 2. Agreements are reached with a majority vote of the members. In case of a tie, the chairman or chairwoman's vote shall be decisive.
- 3. The Cartographic Institute of Catalonia permanently supports the Commission.

CHAPTER III

Mapping plan of Catalonia

Article 35. Purpose, nature and scope of territorial application

1. The Mapping plan of Catalonia is the basic instrument for the planning of mapping and related geographical information in the Regional Government and its purpose is to determine the objectives and coordination of the mapping activities, the constitution and permanent improvement of the infrastructure of geographical information in Catalonia and the use and coordination of this information with the public policies in the sector with a territorial impact.
2. The Mapping plan of Catalonia has the nature of and performs the functions of the coordination plan for the sector set forth by municipal and local legislation and must be adjusted to the specific clauses established therein.
3. The scope of application of the Mapping plan of Catalonia is the whole of Catalonia. If specific criteria do not concur to the contrary, the clauses and development of the Plan shall be adjusted to the scope of application of the partial territorial plans established by regulation on territorial policy.

Article 36. Content

1. In general terms, the Mapping plan of Catalonia shall contain:
 - a) The analysis of the available official mapping and of its level of quality and updating.
 - b) The basic characteristics of the organisation, working and use of the infrastructure of geographical information in Catalonia, specifically the infrastructure of the Space Data of Catalonia.
 - c) The description of the status of the Integrated Geodesic Positioning System of Catalonia and the determination of its areas for improvement.
 - d) Measures taken to promote the public and private mapping services, as well as investigation, technological development, training and divulgation in the mapping field.
 - e) Any other data or study considered to be of interest.
2. In order to fulfil its coordinating functions, and in addition to paragraph 1, the Mapping Plan of Catalonia shall contain:
 - a) The list of local entities and, if appropriate, of other individuals, that carry out mapping activities in Catalonia, with an estimation of the typology and the degree of activity and resources invested.
 - b) The determination of objectives, priorities and minimum levels of quality, updating, availability and interoperability of the mapping activity and related geographical information presided over by the administrations of Catalonia.
 - c) The general action bases for programming, financing and executing coordinated activities.

Article 37. Drafting and Approval

1. The drafting and formulation of the Mapping Plan of Catalonia and its modifications or revisions correspond to the Department of Territorial Policies and Public Works, on the basis of the proposal presented by the Cartographic Institute of Catalonia and the report issued by the Mapping Coordination Commission of Catalonia.

2. The approval of the Mapping Plan of Catalonia and its modifications or revisions corresponds to the Government, by decree. Approval requires a period of institutional consultation which covers a six month period and a non-extendable period for public information of one month, during which time it is necessary to request reports from the departments of the Regional Government that are affected, from the local entities and other competent administrations, corporations and public organisms.

3. The Department of Territorial Policies and Public Works shall encourage maximum participation from public and private individuals who carry out mapping activities in the drafting and formulation of the Plan. It shall also facilitate access to its content to those interested, both before and after approval. It is necessary to encourage this participation by using information and communication technologies and it is subject to the legislation applicable to the access of the general public to administrative information and to the use of technical means by the Administration.

Article 38. *Updating*

1. The Department of Territorial Policies and Public Works shall update the studies and data relating to the Plan, through the Cartographic Institute of Catalonia and the Mapping Coordination Commission of Catalonia.

2. The updating referred to in the previous paragraph is not considered as a modification or revision of the Plan.

CHAPTER IV

Mapping Register of Catalonia

Article 40. *Creation and objective*

1. The Mapping Register of Catalonia is created as the basic organism for mapping and related geographical information of the Administration of the Regional Government and of the local entities of Catalonia, attached to the Department of Territorial Policies and Public Works.

2. Mapping registered in the Register is considered official. Mapping that is not considered official can also be inscribed, in a different section or with the corresponding indications. The Register's information is public and this information shall preferably be treated and diffused via computer, electronic or teleprocessing means. In accordance with the principle of interoperability, and as far as the available technical means allow it, this information shall be integrated in a coordinated manner into the infrastructure of the Space Data of Catalonia.

Article 41. *Purpose and inscription procedure.*

1. The mapping and geographic information that has to be included in the Register, the inscription procedure and its effects are established by regulation.

2. The registration of the results or products of mapping and geographic information activities requires that the Cartographic Institute of Catalonia check the suitability of the results or products with respect to the applicable rules and standards.

3. Registration in the Mapping Register of Catalonia determines the official nature of the mapping and geographic information in the whole of Catalonia.

Article 42. *Administration and management*

1. The administration and management of the Mapping Register of Catalonia corresponds to the Cartographic Institute of Catalonia, under the supervision of the Department of Territorial Policies and Public Works. The Cartographic Institute of Catalonia must also report to the Mapping Coordination Commission of Catalonia.
2. The Cartographic Institute of Catalonia, in its capacity as responsible body for the Mapping Register of Catalonia, shall encourage its communication with other mapping registers and especially with those that depend on competent national organisms.
3. The organisation and working of the Mapping Register of Catalonia is established by regulation.

Article 43. *Use*

1. Access to the information contained in the Register is available to the departments of the Regional Government, local entities, other interested administrations and people or legal entities that so request.
2. Access to and use of the information contained in the Register is established by regulation.

CHAPTER V

The Infrastructure of the Space Data of Catalonia

Article 44. *Inspiring Principles*

The Infrastructure of the Space Data of Catalonia is based on the general principles of non-duplication, easy access and the shared use of the geo-information to standardise the use of the following information:

- a) Referenced geographic information; includes the Referenced Geodesic System, the geo-referenced geographical names, the official administrative units and their delimitations, properties and their cadastral reference and postal addresses, altimeter data, transport, installations, transport networks and infrastructures, hydrography and the description of the surface of the terrain and of the nearest coastline area.
- b) Basic thematic data; data relating to physical space, society and the population, specially protected or regulated areas, air and the climate, biodiversity and ecosystems, natural resources, geology, natural and technological risks, urban land and the areas that could be affected by new urban development.
- c) Anything that could be considered necessary to know the territory.

Article 45. *Interoperability*

1. The geographic information integrated in the Infrastructure of the Space Data of Catalonia must be interoperable.
2. In order to ensure the interoperability of the different systems of integrated geographic information in the Infrastructure of the Space Data of Catalonia, and their interoperability with external users, technological development shall comply with the established specifications, in accordance with current international standards.

Article 46. *Support centre for the Infrastructure of the Space Data of Catalonia*

1. The Support Centre is created for the Infrastructure of the Space Data of Catalonia, as a technical apparatus and basic organism to promote, exploit and maintain the Infrastructure of the Space Data of Catalonia, in order to diffuse the geo-space information and the services applied to it, and to make it accessible and shareable.
2. The Support Centre is considered a unit of the Cartographic Institute of Catalonia, which is administered according to the guidelines and policies defined in the Mapping Plan for Catalonia.

Article 47. Organisation and working.

1. The basic characteristics of the organisation, working and use of the Infrastructure of the Geographic Information of Catalonia, and specifically the Infrastructure of the Space Data of Catalonia are contained in the Mapping Plan for Catalonia.
2. The adequate mechanisms for the Mapping Coordination Commission of Catalonia to supervise the working and, if appropriate, act as a subsidiary for the resolution of issues that may arise from the development of the Infrastructure of Space Data of Catalonia, shall be established by regulation.

CHAPTER VI

The Map Library of Catalonia

Article 48. Purpose

1. The purpose of the Map Library of Catalonia, as a unit of the Cartographic Institute of Catalonia, is to gather, conserve, preserve and diffuse mapping and geographic documentation, especially with relation to Catalonia.
2. In order to achieve the purpose described in paragraph 1, the functions of the Map Library of Catalonia are:
 - a) To gather and collect the mapping and geographic documentation generated by the Cartographic Institute of Catalonia or which comes from donations, acquisitions, exchanges or any other way that is permitted by law. It shall also gather the necessary information for the use and study of this documentation with a support library and newspaper archive. To this effect, the office of the National Book Catalogue shall send the Map Library of Catalonia a copy of all work received should they be maps or drawings or any map product.
 - b) To act as the Documentation Centre for the Cartographic Institute of Catalonia.
 - c) To make sure that the mapping and geographic documentation is conserved in the most adequate conditions and to carry out the necessary actions to safeguard them for future generations and to contribute to the mapping and geographic patrimony of Catalonia.
 - d) To make all the mapping and geographic documentation available to the general public either directly or remotely, by describing, cataloguing and reproducing as necessary; to introduce the technologies that make it possible to better conservation conditions, and to facilitate the consultation, manipulation, reproduction and transmission of all existing documentation.
 - e) To contribute to the establishment of rules for describing and cataloguing in the fields that refer to the intrinsic characteristics of the mapping and geographic documentation and to its diffusion among the institutions of Catalonia.

f) To diffuse the mapping and geographic collection of the Map Library of Catalonia and to promote the elaboration of studies and investigations based on the documentation, as well as the history of matters related to mapping and the world of map libraries. To contribute to this diffusion by organising exhibitions, editing publications and facsimiles and organising courses and seminars.

g) To participate in national and international organisms related to the purpose of the Map Library of Catalonia when entrusted by the Government to represent the historical mapping of Catalonia and to collaborate in the technical progress of the organisations in the various fields of study of mapping and geographic documentation.

First additional clause. *Constitution of the Mapping Coordination Commission of Catalonia*

The Mapping Coordination Commission of Catalonia shall be constituted within six months of this law coming into effect.

Second additional clause. *Term for completion of the elaboration of the Mapping Plan for Catalonia.*

Once the Mapping Coordination Commission of Catalonia has been constituted, the Cartographic Institute of Catalonia shall start work on elaborating the proposal for the Mapping Plan for Catalonia within six months.

Third additional clause. *Gender perspective in associated bodies.*

In designating representatives for the Governing Board and for the Mapping Coordination Commission of Catalonia care must be taken to maintain gender equality criteria.

Fourth additional clause. *Staff at the Cartographic Institute of Catalonia*

Staff at the Cartographic Institute of Catalonia are governed by the stipulations of the first, second and third transitory clauses of Law 6/1997 dated 11th June which modified Law 11/1982 of 8th October, creating the Cartographic Institute of Catalonia.

Fifth additional clause. *References to the Department of Territorial Policies and Public Works.*

The references in this law to the Department of Territorial Policies and Public Works are understood to be made to the competent department in this matter although its name may change.

Sixth additional clause. *Agreements with professional colleges*

Agreements shall be established with the affected professional colleges to facilitate management of the Mapping Register of Catalonia.

First transitory clause. *Establishing rules and standards.*

It is the faculty of the Cartographic Institute of Catalonia to establish the rules and standards referred to in article 10.2.a) and c) if they have not been approved by the Mapping Coordination Commission of Catalonia.

Second transitory clause. *Representation of the local entities with functions of municipal cooperation and assistance.*

For the purpose of the clauses of article 32.5, the representation of each of the local entities with functions of municipal cooperation and assistance is understood to correspond to existing bodies or to those that will exist in the future as a result of the new territorial organisation of Catalonia.

Overriding clause.

The following rules are repealed:

- a) Law 11/1982, of 8th October, creating the Cartographic Institute of Catalonia.
- b) Law 6/1997 of 11th June, modifying Law 11/1982 of 8th October, with the exception of the first, second and third clauses.
- c) Decree 88/1988, of 28th March, approving the Regulation of the Cartographic Institute of Catalonia.
- d) Any other clause that contradicts this law.

First final clause. *Mapping Coordination Commission of Catalonia*

The Government is authorised to amplify or adapt by regulation the composition of the Mapping Coordination Commission of Catalonia in accordance with the changes that may arise in the territorial organisation of Catalonia or in the organisation, structure and naming of the departments of the Regional Government.

Second final clause. *Rules development*

The Government and the counsellor of the Department of Territorial Policies and Public Works are authorised to dictate the necessary rules to develop and execute this law.

Therefore, I order all citizens who are affected by this law to cooperate in complying with it and all the affected courts and authorities to enforce it.

Palace of the Regional Government of Catalonia, 27th December 2005.

JOAQUIN NADAL I FARRERAS
President of Territorial Policies
and Public Works

PASCUAL MARAGALL I MIRA
President