



EUROPEAN COMMISSION
IMPACT ASSESSMENT BOARD

Brussels,
D(2011)

Opinion

Title

DG INFSO - Impact Assessment on: Proposal for a Directive of the European Parliament and the Council amending Directive 2003/98/EC on the re-use of public sector information

(draft version of 27 July 2011)

(A) Context

Public sector bodies collect, produce, reproduce and disseminate data to fulfil their public tasks. Use of such data for other reasons constitutes a re-use of public sector information (PSI). Directive 2003/98/EC on the re-use of public sector information harmonised the basic re-use conditions across the EU and removed major barriers to re-use in the internal market. In 2008 the Commission carried out the review of the application of the Directive and concluded that further review should be carried out by 2012, when more evidence on the impact, effects and application of the Directive would be available. This impact assessment focuses on whether, in the light of developments in the market for re-use of PSI, there is a need to amend the provisions of the PSI Directive.

(B) Overall assessment

While the report presents an adequate level of analysis, it should be further improved in some aspects. Firstly, it should clarify the context of the proposal and improve the problem definition. Secondly, the report should enhance the presentation of policy options by providing in the main text all the relevant information related to their substance. Thirdly, the report should be clearer about the expected costs for PSI holders, and should clarify the links to environmental policies. Finally, monitoring and evaluation arrangements should be improved.

(C) Main recommendations for improvements

(1) Clarify the context of the proposal and improve the problem definition. The report should clarify why the review of the PSI Directive initially envisaged for 2012 has been advanced, and should better explain how the situation as regards the PSI re-use has evolved since the previous review in 2008. It should be clearer about the main shortcomings of the current Directive, and should systematically substantiate each of the identified problems with available evidence and stakeholder input. The report should also better demonstrate the relevance of identified problems for the functioning of the internal market, for instance by indicating the scale and the importance of the cross-border use of PSI-based products and services.

(2) Improve the presentation of options and better assess subsidiarity. The report should provide in the main text all the relevant information on policy options, including a clear description of the sectors covered and a thorough assessment of their substance and of subsidiarity and proportionality. In particular, when describing the soft law measures, the report should make clear which provisions of the Directive will be accompanied by additional guidance, and indicate the substance of this guidance. For legislative measures, the report should better justify the extension of the scope of the Directive to the cultural sector, particularly in terms of subsidiarity and proportionality. It should further enhance the discussion of options related to different charging methods, and be clearer about the modalities of the envisaged marginal pricing method.

(3) Enhance the assessment of impacts. The report should provide more information as regards the expected implementation costs for PSI holders stemming from the foreseen policy measures, such as the extension of the scope of the Directive to the cultural sector, linking the re-use to accessibility, or the obligation to appoint an independent regulatory authority to ensure enforcement of re-use provisions. It should make clear whether the costs are likely to be more important for some type of PSI holders, sectors or Member States, and add evidence and/or examples for additional sectors with different cost and demand structures. It should discuss for the various sectors to what extent different pricing mechanisms have an impact on the re-use of PSI. Finally, the report should also explain whether changes to environmental legislation related to the access to information would be required to ensure consistency with the revised PSI Directive.

(4) Improve the monitoring and evaluation arrangements. The report should define core progress indicators related to specific/operational objectives and should provide a broad outline of possible monitoring and evaluation arrangements.

Some more technical comments have been transmitted directly to the author DG and are expected to be incorporated in the final version of the impact assessment report.

(D) Procedure and presentation

The report should better reflect the stakeholders' views, indicating clearly the positions of different stakeholders' groups (such as PSI content holders or re-users) and explaining how they have been taken into account or why they have been dismissed.

(E) IAB scrutiny process	
Reference number	2011/INFSO/006
External expertise used	No
Date of Board Meeting	31 August 2011