

Summary Record of the
18th Meeting of the Public Sector Information Group
26th November 2013, 09:45 – 16:30

Euroforum (EUFO) building
10, rue Robert Stumper, L-2557
LUXEMBOURG

AGENDA

09:45 – 10:00 Welcome and introduction by Chairman

Welcome & main developments – Yvo Volman, Deputy Head of Data Value Chain,
DG CNECT, European Commission

10:00 – 10:30 Revised PSI Directive – main changes

Presentation of the newly adopted text – Szymon Lewandowski, Policy Officer of
Data Value Chain, DG CNECT, European Commission

Questions / Answers

10:30 – 11:15 Transposition of the revised PSI Directive in national law – *Tour de Table I*

11:15 – 11:30 Break

11:30 – 12:30 Transposition of the Directive in national law – *Tour de Table II*

12:30 – 14:00 Lunch

14:00 – 14:30 Transposition of the Directive in national law – *Tour de Table III*

14:30 – 16:30 Consultation on PSI guidelines

1. Welcome & Main Developments

Mr. Yvo Volman welcomed the participants and reviewed the key elements that have taken place in the last months regarding public sector information (PSI); namely the negotiations that ended up in a revised PSI Directive, adopted last June 2013. **Mr. Volman reminded the PSI Group that the new version must be read together with the new recitals (which can be found in the text of the amending Directive) in order to avoid misunderstandings.**

Other developments in the international field were recalled, including the G8 Data Charter, together with the Action Plans made by the G8 members and EU Institutions. The European Council conclusions that underlined the importance of open data in a strong manner were also referred to.

Mr. Volman stressed the importance of initiatives already adopted by the European Commission (EC), such as the Pan-European Data Portal, funding from the Connecting Europe Facility programme that should help in linking together all the national portals; and the recently adopted research programme Horizon 2020, which will include support to projects focusing on the use of open datasets. In addition, he commented initiatives the EC is discussing in specific areas as transports, maritime or environmental data; as the Copernicus programme or Earth Observation Data; among others.

2. Revised PSI Directive – Main changes

Mr. Szymon Lewandowski reviewed the main changes included the revised PSI Directive and reminded the Directive must be transposed into national laws by July 2015.

Main changes:

- Creation of a genuine right to re-use **PSI - reusable by default**. The right to re-use refers to all materials generally accessible and not covered by the exceptions.

[Revised art.3 that now imposes an obligation to allow reuse.]

2. **Charging rule based on the marginal cost** for reproduction, provision and dissemination of the information – full cost recovery possible as exception. This change is needed because we are moving from a system tackling abuse to an open data system.

[Revised art. 6 spells out a new charging principle based on marginal cost. Exceptions to the rule are limited: PSBs required for generating revenue to cover substantial part of their operating cost / Documents for which the PSB is required to generate revenue to cover substantial part, etc.]

3. **Cultural institutions brought within the scope** of the PSI Directive. Archives, Libraries and Museums are included within the scope, under the conditions of the old PSI Directive. The

revised PSI directive expands the material covered (mostly from digitisation projects), but avoids administrative burden and financial problems for the cultural institutions.

[Revised art. 1 e-f (scope) includes documents held by university libraries, libraries, museums and archives. Cultural institutions can charge above marginal costs whilst not being bound by objective, transparent, verifiable criteria. They can also recover cost of preservation and rights clearance and are covered by other exemptions]

4. Increasing **transparency**. New rules put in place a complete framework on transparency requirements for all types of data distribution, in order to give security to potential re-users and minimise the risk of legal dispute over the misapplication.

[Art. 7 has been modified extensively]

5. **New rules on digitisation agreements**. The revised PSI Directive updates the rules on exclusive arrangements for taking into account the wide use of digitisation contracts. This measure has the aim of reassuring the cultural institutions while safeguarding the public interest in access to and re-use of cultural heritage.

[Art. 11 includes new rules on exclusive arrangements on digitisation of cultural heritage: they should not exceed (in general) 10 years / reviewed every 7 years/ PSB should receive a free of charge copy of digitised document]

The revised PSI Directive suggests that Commission may adopt **guidelines in three areas: Licensing, Charging and Datasets**. The 18th Meeting of the Public Sector Information Group has the aim of consulting the member states in this regard. This meeting is part of a broader consultation process launched by the European Commission that also includes a public hearing that took place in the Commission's premises in Luxembourg on the 25.11.2013 and an online survey at 'Your Voice in Europe', where all interested parties were invited to share their views. The online public consultation was open from 30.08.13 to 22.11.2013 and received over 300 submissions. The final objective of the whole consultation process is to contribute to the adoption of a common EU-wide approach to licensing terms, charging practices and the publishing of high-value datasets.

The EC estimates the adoption of guidelines will take place in mid-2014.

The Commission will assist the member states in the transposition of the new rules throughout 2013 and 2014. This support includes the possibility of meeting in bilateral basis in order to discuss any issue related with the revised PSI Directive.

The key aim of the revised PSI Directive is to have the maximum impact in terms of wider re-use. Therefore, the objective of the guidelines is not to deviate from the text of the Directive but to help forge a common understanding on certain points where more detailed information may be needed.

Mr. Volman reminded the audience that the ECJ is the only authority with the right to interpret the PSI Directive in a binding manner. He then opened the floor for questions.

Questions / Answers

Slovenia asked for a clarification of the second paragraph of art. 3.

Clarification of the EC – There are three scenarios regarding material in cultural institutions:

- Materials for which third parties have rights, which are excluded from the scope of the directive.
- Materials in the public domain: usable for everyone. There is no discretion to allow re-use of public domain material.
- Material on which libraries, museums or other cultural institution have intellectual property rights. For these materials the old regime will still apply.

United Kingdom clarified that public domain materials exist in the UK although 'public domain' as such does not have a legal definition. Normally public domain refers to works on which rights have expired.

Norway questioned about the new possibilities the revised PSI Directive offers to re-users in order to have access to faster review procedures.

On this regard the EC reminded that the presence of independent bodies in the member states for redress was proposed but several member states were opposed to the idea on the grounds of extra administrative burden. Therefore, the current situation is that either a special body or the courts should be in charge of redress.

3. Transposition of the Directive in national law – Tour de table I

Belgium. Key arguments:

Transposition process - Since the revision of the PSI Directive was adopted, the Belgian authorities informed the regional and federal level. At the federal level the implementation of the revised Directive has not gained political importance yet but at the regional level the adaptation to the new requisites is developing very well.

Developments regarding open data:

- Two portals have been created at the federal level. In the coming months Belgium will try to merge them.
- Belgium has also developed a kind of licensing model which gives flexibility to the administration, especially in terms of charging arrangements.

Questions / Answers

Belgium recognized the risk of delays due to the coming elections, although transposition should not be too difficult, as some elements, e.g. the marginal cost, are already included in the current national law.

Croatia.

Transposition process - Croatia is slightly lagging behind as the country is still transposing the old Directive and the re-use of PSI in general is still a fresh topic. However, Croatia plans to transpose the revised PSI Directive by the end of 2014, in order to meet the deadline.

Developments regarding open data - The representative remarked the strong support open data has from the Croatian Public Sector Bodies and the introduction of the Information Commissioner, based on the Slovenian model.

Austria.

Transposition process - The country has created two groups of legal and technical experts that are in close conversations with the *Länder*. A final date for the transposition is now known, although the *Länder* already informed the central government that the transposition timing seems ambitious.

Austria asked for clarification of art. 11: prohibition of exclusive arrangements.

[In Austria up till now there is a closed access regime, being one of the few countries where public authorities still decide about the re-use. The new coalition is talking about the possibility of introducing a new law regarding this situation.]

The EC reminded the importance of the recitals for clarification in points as this one. On digitisation contracts, there are three key principles:

1. Exclusive deals on digitalisation cannot be longer than 10 years, in principle.
2. No retroactivity in this case.
3. Digitalisation agreements cannot be completely open-ended (everlasting). This is the only retroactive provision of the Directive but should be limited to a handful of cases in practice.

Although the EC was open to give an opinion, it emphasized that the only body with capacity or interpreting the directive is the ECJ.

Cyprus.

Transposition process - The country affirms there is political will to go ahead with transposition but the legal landscape is complicated since the new government is also reviewing the rules on access to information. Therefore, there are two processes running in parallel:

- The review of the "access regime".
- The transposition of the revised PSI Directive.

Hopefully both regulations will be passed by the end of 2014.

Denmark.

Transposition process - The administration has drafted an implementing law which is currently scrutinised by the Parliament. It is expected the document would come into force on July 1st, 2014. It is a fairly minimal implementation as it introduces minimal changes to the current law. DK does not foresee any independent authority for redress processes but the courts.

Regarding data catalogue rules, the country has not formulated any national rules or requirements on interoperability as of yet. Denmark asked for inspiration from other countries on this regard.

Greece¹.

Transposition process- It has already started by the competent Ministry of Administrative Reform and E-Governance under a working group of legal and technical experts. The inclusion of the cultural sector under the scope of the revised Directive makes the transposition more complex, with the participation of the relative PS bodies and stakeholders needed, yet this is developing well so as not to exceed the deadlines.

The meeting of the 15th and 16th of October 2013 with the Policy Officer, of the Directorate-General for Communications Networks, Content and Technology, Mr. Malte Beyer-Katzenberger in bilateral basis with the legal and technical experts at the competent Information Development Agency (IDA) in Athens, has been critical and very helpful for special clarifications of the revised Directive.

Developments on open data -the above competent ministry pushes strongly for open data policy in place, by all the PS bodies and local authorities. A new ambitious national open data portal under the initiative of the Prime Minister's office was launched on the 16th of October. data.gov.gr

Estonia.

The relevant law was changed last year and should meet the requirements.

Finland.

Transposition has not started yet. The country has general guidelines for charging PSI already since 2009. There is no great enthusiasm for creating new authorities, so they will give the competence for redress to some existing body.

Developments regarding open data.

- The Ministry of Finance has launched the public data programme for three years, which is closely related with e-government.

¹ Greek representative was unable to attend, the contribution on PSI developments in Greece was therefore provided separately.

- A national open data portal will be launched in February 2014 as part of the public data programme.
- An open data license, as interoperable as possible, is planned for 2014.

Question from the EC: Is there a possibility of creating a new body for redress?

Finland affirmed they are still looking at the possibility. The general feeling is that the PSI competence is too narrow to settle for a new body.

France.

Transposition process - Regarding the settlement of an independent body preview in the revised PSI Directive, there is a mechanism for redress in the country, although its decisions are not legally binding.

The country has launched a new version of their national portal in order to cover the private sector and associations.

Question from the EC: are the decisions taken by the independent body followed through although they are not legally binding?

France does not have statistic data but it admits in some occasions it is necessary to go to Court.

Germany.

The country shares the point of view of the EC and expects it will have soon an open policy in place. Transposition process - The negotiations have already started although the inclusion of the cultural industries under the scope of the revised PSI Directive makes the process more complex as it includes the *Länder* and not only the federal level. Conversations with the *Länder* will start in January 2014.

Developments regarding open data:

- A pilot open data portal was set up in February 2013. Although the country recognized it has been slower than other member states in this field, right now the portal includes 4000 datasets. The input of the *Länder* is especially important so the next step will be to develop common standards for publication. The portal, which will remain as pilot for next year, is going right now through an evaluation process.

Latvia.

The administration operates within the framework of a Strategic Document on Information Society, pushing strongly for open data. Transposition process – Latvia is still at the early stages. The authorities are consulting stakeholders at this point. The final date for the transposition is still unsure as it will depend of the inclusion of the 'heavy subjects' in the process.

Lithuania.

Transposition process - There is an action plan for the transposition. The country has experienced over the past years various reactions towards open data as public sector bodies do not have the same concept of open data than other stakeholders.

Developments regarding open data:

- Lithuania stores high volumes of datasets and needs to make them accessible. Therefore, it needs to prioritize in order to provide sufficient quality to private / public sector.
- Priority: To develop applications for re-users and to acknowledge what re-users need and want. During next year a survey will be launched in order to find this information.
- The country is also experience changes of approach re: charging. Pricing guidelines will be important for the country as the production and distribution costs, together with the dissemination services, are perceived as costly.

Italy.

Transposition process - There are several actors involved in the data movement in Italy (Agency of Digital Italy, Ministry of Communication,...) so different organizations are working on the action plan.

Developments regarding open data.

- An open data action plan was published in October 2013 with the main goal of improving data quantity, quality and availability. For doing so:

Italy has a national open data portal, with more than 6000 datasets, running for two years.

It has developed also another useful infrastructure that allows the creation of links between datasets.

An objective included in the plan is the publication of core datasets: data from the Italian national statistics, elections, national value, legislation and environment. This data is being scanned to be published by the end of 2014.

Malta.

Transposition process - The legal experts have already started working on the transposition.

Developments regarding open data: little progress has been achieved so far. The country is focused on establishing a Data Governmental Council. This new body would operate across all the administration supervising all decisions related to data. Malta strongly believes that without this national authority, the country would be following a fragmented approach to data management that will block the possibility of reaping the full potential of the re-use of public sector information.

Nevertheless, the final decision about creating this new body has not been taken yet.

4. Transposition of the Directive in national law – *Tour de Table II*

Poland.

The country has started working on the transposition and expects to gather different actors and stakeholders. The intention is to have two regulations: one for access and one for re-use.

Regarding reuse, the process will be in line with rules that already exist in the national law, therefore it should not be too complicated.

Poland will not establish an independent body for surveillance or redress.

Romania.

Transposition process - The Central Government has divided the competences on open data between the Ministry of Information and Society and the Prime Minister's Office; which is in charge of the transposition.

The country recognized slow progress with the transposition but important consultations with the civil society have already taken place. Some relevant national actors do not understand the benefits of open data yet and some organizations that should be potentially interested are not.

From a legal perspective there are some issues regarding privacy and copyrights that have not been completely solved and will require extra attention.

Developments regarding open data.

- An open data portal has been open recently, and the plan is to merge all portals in this one, where local authorities can upload their own datasets.
- Romania has created its own license inspired in other member states' models.
- Legal aspects of open data have been discussed. The country has informed public bodies and although the initial barriers have not been overcome yet, they expect public bodies will be more willing to accept open data soon.
- The intention is to link open data initiatives with the public access to data, which is fundamental for citizens. Nevertheless, there are some aspects related to the establishment of an independent body for redress that Romania sees as not applicable in reality. Would the decisions be legally binding? In that case, what would be the role of the Court? These issues need to be solved before proceeding.

Question / Answers

Following a question of the Romanian delegate, the EC reminded that, according to the revised PSI Directive, decisions of the independent body would be binding [New art 4.4]. Behind the whole idea is an assumption that, in general, re-users are likely to give up if they have a problem with accessing to data. They don't want to use the courts as this solution is perceived slow and expensive. Therefore, to have a separate review body with binding decisions might be useful.

Slovakia.

Transposition process - The country is working on an amendment of the Slovak law for information access. The deadline for having a draft for the transposition, which should be adopted in the summer 2014, is March 2014.

- As for open data standards: the Minister of Finance has the competence.
- An open data portal is already functioning (205 datasets already published).

Slovenia.

Transposition process - There are two partner institutions working with PSI: Ministry of Interior (in charge of legislation and counselling) and the Information Commissioner. The national law (Slovenian Freedom of Information) has already provisions for reuse and it implements already the redress mechanism, which is perceived as part of the general administrative procedure.

Developments regarding open data.

- In June 2013 some amendments were adopted and the Slovenian Government welcomed the new rules by presenting the Open Data Portal (Portal Nio) in July 2013.
- An Inter-Ministerial Working Group has been established for preparing the guidelines for the PS bodies, with focus on copyright issues.
- The Government is also preparing the Public Administration Strategy, which includes provisions on activities in the field of public data and re-use of PSI. The full implementation of the Strategy will take place on the second half of 2014.

Question / Answers

EC asked if the Information Commissioner has the capacity of establishing disciplinary measures.

Slovenia: Yes. There are possibilities of fines but those are rarely applied. The decisions are generally respected. There is another important factor to take into account: the redress mechanism is effective but few cases reach this level because the applicants cannot afford to wait until the decision is taken. They just move forward to another business idea. The proactive role of public sector bodies in supplying data for re-use is, thus, really important.

Spain.

Transposition process - The Ministry of Industry is in charge of the transposition. A Working Group has already established a calendar for the process and a first draft. The transposition can be covered

by the central Government and the regional authorities will have the capacity to modify, later on, the basic central law.

Regarding the redress mechanism, Spain will keep the judicial procedures as general redress mechanism for administrative decisions.

Developments regarding open data. Two main elements:

- A promotion and support programme that has been on for four years at the national level and it has led the creation of an open data portal and many regional and local portals.

[The national open data portal which has been active for four years, contains 1500 datasets provided by 120 organizations. In the last two years the portal has received 200.000 visits (81% of them national). The administration is working now on enhancing interoperability]

Federation of catalogues is also in process.

- A new transparency law that increments the number of datasets available for citizens.

Spain has also set up a counsel service in order to facilitate the work of public bodies in opening its data.

Bulgaria.

The Ministry of Transport, Information Technology and Communications is dealing with “Digital Bulgaria” National Program where one of the main tasks in the Digital Single Market Pillar is PSI.

Transposition process and open data issues are being coordinated in the Council of Ministers.

Hungary.

Transposition process:

- The country transposed the old PSI Directive last year. The process was difficult and long due to confusion regarding the relevance of the provisions of Access to Information law and its interplay with the PSI Directive.
- Hungary has already done an Impact Assessment (results are expected to be published in a few months) and the transposition is planned for 2015.
- It is very likely that the redress mechanisms will remain the same. The country will not set up a specialized body.

A development regarding open data - The country has established a central portal 10 years ago that has not change much, but maybe it will after the coming elections.

Sweden.

Transposition process

- In Sweden, which also faced an infringement procedure in 2009, the access to available public information is a general rule, as it is never covered by copyrights.
- For the transposition there is a specific Commission in charge which works with a Group of Experts and a dedicated Secretariat. Its report will be submitted by February 2014 and the legislation is planned to come into force in 2015. The Commission works independently of the Ministries in preparing the content.
- Some new provisions will be introduced, at least regarding the cultural institutions.
- Regarding redress mechanisms, in Sweden the re-users that are unhappy have several means of challenging the agencies: Court, Administrative Court (time-consuming but not costly), compensation for damages from the Counsellor of Justice (quite difficult, not really an option).

There are two areas in which the country needs support:

- Charges. The Swedish agencies find difficult to actually assure how they calculate them (even if that is a requirement).
- Support is needed regarding info about data. And this need is extended to for legal and technical advice for the national portal.

Developments regarding open data.

- Since 2009 the country experienced a complete change of culture towards PSI re-use. More interest in open data.
- Overall Sweden shows a pragmatic approach based in small steps.

A portal has been set up by the Innovation Agency.

Conferences and contests have been organised at municipal level.

Grants to private/public projects promoting re-use of data.

Agencies are starting to be proactive.

The EC emphasized the importance of professional training for public servants offered by the University of Stockholm.

Lunch: 12:30 – 14:00

5. Transposition of the Directive in national law – Tour de Table III

Netherlands.

Transposition process - An agreement is expected by the end of January in the Council of Ministers.

Main questions to be tackled:

Redress system.

Definition of “marginal costs” and “substantial part” are under discussion. Future goal: Financial framework on re-use for the entire public sector.

Main developments regarding open data:

- The country has an open data policy since 2011/2013 developed by the Ministry Economic Affairs and Ministry of Environment.
- A new programme is being developed: Open Data Next.
- The extent of re-use is perceived as more important than the amount of datasets. In this regard the country has an interest in knowing what other member states think about the relation between the PSI Directive (passive) and Open Data policy (pro-active) as the Directive does not assure that business will actually make use of data.

The EC emphasized the dialogue between public bodies and companies as essential for securing an outcome that the Directive is aiming at.

United Kingdom.

Transposition process – Strongly supported by the Government.

Main discussions:

- Charging.
- The role of the impartial regulatory body (Impartiality of the organisation / binding decisions)

Developments regarding open data.

- G8 Summit. As G8 host, UK promoted transparency and the adoption of the Open Data Charter. What do we mean by open data? The general term in UK is free of charge and with the minimum restrictions.

- Open Government license widely use in UK and also adapted and used by other countries. A version 2 of the license has just been released (open, interoperable) - PSI use and re-use are heavily promoted.

Portugal.

Transposition of the revised PSI Directive: competence of the Agency for Modernisation.

- Portugal is working on having some extra political support. Main challenge: engagement of the public institutions.
- The law is quite advanced but makes a distinction between commercial and non-commercial uses, which can be a problem.
- Regarding cultural documents, there is some work to update the legal regime.

Developments regarding open data: Portugal has an open data portal running since 2011. Current goal: to reach out to the community and get people involved, for instance through apps competitions.

Norway.

Transposition process:

- The current law is sufficient (apart from regulating on the cultural institutions).
- The courts will be in charge of the redress mechanism.
- Main challenge: convince the Department of Finance that it is interesting to open data – economic study on the topic will come out in March. The study is focus on Geodata, as it is considered the most “difficult sector” in PSI.

Developments regarding open data:

- The country has established an Expert Group for discussing definitions, guidelines, technicalities and act as big data supporters.
- The national open data portal is not very developed yet. Work is in progress to improve metadata.
- Work on updating the Norwegian Open Licence is also under way.
- As in other countries the atmosphere regarding PSI is becoming more positive. Currently, even mapping authorities are releasing data free of charge.

The EC asked Sweden to circulate the results of the report on economic aspects of PSI, once available.

Luxembourg.

Transposition process:

- Luxembourg is currently undergoing a profound political change

- It is not possible to know yet which Ministry will be in charge of open data and the transposition of the revised PSI Directive. But the current plan is to prepare the law in 6 months in order to have a year for adopting it.

Developments regarding open data: The country expects a change with regard to approach on transparency and open data. Work has begun on the future open data portal, although more budget is needed.

Following a request from Luxembourg for best practices in opening up data and creating a right momentum among public institutions, the EC noted that such an initiative could be of a great help to other MS also, and proposed that delegates send their comments about the best practices in their countries together with comments to the minutes of the current meeting. The suggestion was welcomed by all participants.

6. Consultation on PSI guidelines

The EC reminded that the Guidelines will try to find a middle way between two main positions: the countries that need detailed guidance on what should be done and the ones that already have developed their working methods and procedures, seeing guidelines as a set of general principles to follow.

Mr Daniele Rizzi (EC) reminded that the Impact assessment (IA) prior to the revision of the PSI Directive indicated the need for legislative action coupled with soft law measures.

Guidelines: the revised PSI Directive (recital 36) calls on the EC to issue guidelines in order to assist the MS in the implementation of the new rules.

The EC started a consultation process, divided in three initiatives, in order to analyse the views of all interested parties.

- Online consultation.
- Public hearing.
- Meeting of the PSI Group.

Overview of the results of the online survey:

As the results have not been deeply analysed, only general figures were presented during the meeting.

The online survey received almost 300 submissions and all sectors and opinions are represented. Majority of submissions came from citizens and public authorities.

Regarding consequences of defining datasets as 'core':

- Overall, an even distribution of opinions.

- Slight majority in favour of machine-readability and quality-guarantee as the main desired features of core datasets.
- Value for both commercial and non-commercial re-use seen as equal criteria to identify core datasets.

As to charging:

- Low support for Telecoms, Archiving and maintenance cost to include in marginal cost.
- Cost recovery charging – similar comments on all elements.
- Clear support for calculation of costs on database or organisational level.
- Acceptable level of reasonable return on investment in the lowest ranges.
- Support towards the publishing of re-use revenue.

Concerning licensing:

- Even distribution of preferences with regard to license, disclaimer or no conditions at all.
- Acknowledge of attribution and of modification most in line with the Directive.
- Confused feedback with regard to black-listed conditions.
- CC favoured as standard license.
- Machine-readability and common terms key for interoperability.

Feedback on the Public Hearing held on 25th November 2013, which gathered 42 participants:

Datasets:

General consensus on high value datasets

Alignment with G8 Open Data Charter

"Raw data"

Easy to obtain is key

Personal data to be addressed (aggregation, anonymize)

Examples of cost savings, applications, benefits

General consensus on high value datasets

Charging:

Revenues from charging are often marginal with respect to overall turnover (ex. 0.0018%), incomes lower than administrative cost needed to process invoices.

But great differences in member states.

Potential differences in national/federal vs. local level (more dependent on revenues)

Differentiate raw data and basic services (free of charge), from value added services, long term partnership, reliability through SLAs (fair pricing).

Charging may be more relevant for specific domains (spatial data).

Marginal cost is a recognized concept, no need to specify further.

Charges must be accountable and transparent.

Effective redress procedure is vital.

Licensing:

Simplification, interoperability are must-be.

Complex conditions for re-use but licence terms not enforced.

Examples of modular licenses for different user groups

Open licensing – re-use licensing.

Need to differentiate the API (services) ToS from the content licensing part.

Legally define PSI as public domain regime plus registry for 'copyrighted' PSI

Do not reinvent the wheel (CC Zero /by)

Where possible (frameworks) store licences at a permanent location rather than associated to datasets.

Resolve the Cultural Heritage Right at the legislative level.

The meeting moves forward in order to discuss the three topics one by one.

DATASETS

Spain. Key points:

- Spain established a general license for open data that would act in favour of reusing. The Spanish regulation puts forward a model that in practice is the one being used.
- The regulation of 2011 also included the principle that any published data is reusable by default.
- It also includes a mandate for working on interoperability. Certain technical standards are imposed on all public bodies by law.

Denmark. Key points:

- Denmark opens data that have been requested by re-users. Therefore the practice so far is to be reactive rather than proactive (general approach). Nevertheless when it is clear some datasets are going to be more valuable, the country opens them directly and finances format adjustments.
- Denmark encourages the public bodies to publish data in the form they have it (raw).
- Close contacts are sought with re-users and individual developers, in order to be able to know what is required.
- It is necessary to show the benefit to everyone involved. Community building is essential.

Netherlands supports Denmark's views.

Spain thinks the general experience with promoting re-use is similar in different countries and underlines that the biggest difficulty is to correctly identify re-users. Once this is done, requirements regarding data themes, formats and standards will follow easily.

LICENCING

Norway.

- An Open License was developed two years ago (RLON). It is a voluntary license in order to make it easier for the PS bodies to redistribute information.
- To prepare the licence, the authorities held a public hearing and asked people what they expected and needed.

Two major players (Meteorological institute and mapping authorities) asked for English version of the licence.

License is easy to use but re-users commented the lack of detail and said it oversimplifies some aspects - signal that the sector is professionalizing.

- G8 charter is more about transparency than innovation. If you want economic development, companies have to be able to reach data fast. In the digital service market if the data is not available when it should, the sector dies.

The EC asked the member states what they think makes a good license and how important interoperability is.

Norway and UK: Interoperability was very important but developing a national licence was preferable to using standard ones due to bigger national impact on re-use.

Sweden: has the feeling that often there is nothing to license; public domain should be free and open. Licensing should cover only what is strictly necessary.

Slovenia: there is a lack of a facility similar to a legal deposit, which could work as a proof of the original. Open data portals should provide that. We should have a license that refers to a stable location; It is an aspect that sooner or later will be discussed in order to find a common implementation because this is also part of the interoperability.

Netherlands: From the Government's perspective, some organisations are afraid data might be not properly released but licensing is not a solution. A better solution is to have a good content description in open data portals. If content description is not enough, Netherlands recommend a declaration on terms for re-use.

Finland: The country uses creative commons rules, and wants to know which countries that don't have a national rule would be open to use CC.

EC remark: if you do not use CC licenses, perhaps try to use a national licence which is interoperable with them.

Germany.

- People may find strange the country has 8 + 1 licenses for spatial data, but this model has been developed to answer the re-users needs.
- On the other hand, the German open data portal is developing a simpler license that has not been applied yet.
- The country hopes that soon both versions would be compatible.
- Regarding charging Germany clarifies that although during the public hearing presentation of the German re-use charging model was provided (by Wikimedia Deutschland) as cost-inefficient, this image maybe true for the federal level but not for the Lander and local levels.

CHARGING

Denmark.

- DK experienced some controversy regarding licenses and finally created their own. Reasons:

The UK model was great but not available in Danish

Denmark needed to have right over the license (for subsequent modifications).

- Concerning charging – complicated process. In January 2011 the Ministry of Finance decided it was not possible to disseminated free of charge. Three months later, nevertheless, it changed its opinion. Most public sector data is now available free of charge. This is based on solid economic grounds.

Lithuania.

How can we manage potential problems linked to particular institutions 'exploiting' the exceptions within the PSI Directive?

EC: The Directive gives minimal rule and, at any point, the member states are allowed to go further. It is at this level when the legislation of the country is vital in order to promote open data policies much stronger than the PSI Directive itself.

Spain.

Spain asked the EC how the Directive affects the EU institutions.

EC: In 2006 already, a Commission Decision was adopted to cover all Commission information. It was updated in 2011 and is very much in favour of open data. This decision, however, does not apply to the other institutions although we are trying to extend it now to all EU bodies and agencies.

Wrapping up

The EC affirms that after concluding the consultation process, it will work now on a text that will try to take into account as many wishes, recommendations and opinions as possible. It also stresses that its services are available for any consultation and support with regard to the transposition process

Finally, EC reminds the member states that the minutes of this meeting will be circulated in 2 weeks for feedback within a week. The EC asks member states to include with the feedback their short comments on best practices with regard to the transposition process and PSI re-use in general.