

FEP LETTER ON THE GUIDELINES ON RECOMMENDED STANDARD LICENCES DATASETS AND CHARGING FOR THE RE-USE OF PUBLIC SECTOR INFORMATION

The Federation of European Publishers, representing 28 national associations of books and learned journals publishers, has answered the questionnaire on *the Guidelines on recommended standard licences datasets and charging for the re-use of public sector information*. However, considering the limited format of the questionnaire, we wish to add a further comment on the costs that should be covered and what should be considered as a reasonable ROI.

Whereas we believe that the Directive is helpful when providing that the “charges for re-use shall in principle be limited to the marginal costs incurred for their reproduction, provision and dissemination. There are exceptions where full cost recovery is allowed,” namely cultural institutions.

European publishers re-use cultural public sector information as well as many other public sector data. However, currently, there is an unfavorable practice from many cultural institutions to either forbid to photograph public domain works they host or to impose exorbitant prices to use their own photographs or photographers. As a result many publishers are discouraged to use PSI of cultural institutions because of these practices which are contradicting with their public interest mission and access to the widest audience. The European Commission should therefore ensure that the general principle of making public sector information available is effective, whether within cultural institutions or not.

We therefore wish to highlight the need for more transparency and accuracy concerning the costs of public sector organisations, whether they are cultural institutions or not, via the use of proper accounting tools, i.e. cost accounting. The idea would be that these guidelines should clearly encourage public sector bodies to adopt cost accounting systems which would allow the assessment and incorporation of full and complete costs related to the reproduction, provision and dissemination of PSI and avoid cross-subsidisation of the delivery of certain PSI by other activities.

Finally, we believe that the Directive does not authorise, unlike what some of them claim, those cultural institutions to engage in profitable business of re-selling PSI on public domain work. They are exempted from pure marginal costs as foreseen in article 6 but remain limited to a reasonable investment. European publishers would therefore appreciate clarification from the Commission on this point.

Brussels, 22 November