



Proposal for the revision of the PSI Directive & Cultural institutions

16.10.2012



Open (public data): why does it matter for Europe?

- 1. Untapped business and economic opportunities:** data is the new gold; possible direct and indirect gains of €140bln across the EU27
- 2. Better governance and citizen empowerment:** open data increases transparency, citizen participation and administrative efficiency and accountability
- 3. Addressing societal challenges:** data can enhance sustainability of health care systems; essential for tackling environmental challenges
- 4. Accelerating scientific progress:** e-science essential for meeting the challenges of the 21st century in scientific discovery and learning.



Open Data Strategy measures

Composed of three complementary strands:

- i. Regulatory measures and soft law measures – **revision of the PSI Directive and of Commission decision on re-use of its own information**
- ii. Financing and support measures: **Stimulating R&D&I in open data, creation of data portals; support from Connecting Europe Facilities and Horizon 2020 (2014-2020)**
- iii. Experience sharing between the Member States

Revision of the Directive – main proposed changes

1. Creation of a genuine right to re-use public data: all public data not covered by an exception is to be re-usable
2. **Limited extension of scope** ⇒ application of the minimal set of rules of the 2003 Directive with **additional safeguards**
3. **Independent supervision** required
4. **Charging** rules are amended:
 - **charges** shall be limited to the **marginal costs** of reproduction and dissemination (**does not apply to cultural institutions**)
 - In **exceptional cases** public bodies may at **maximum recover costs** and claim a **reasonable return on investment** if duly **justified**
 - **Burden of proving compliance** with charging rules shifts to public bodies
5. **Invitation for public bodies to** make their documents available in a **machine-readable format** and together with their metadata **where possible and appropriate**



Revision of the Directive Cultural Institutions under the proposed regime (I)

1. The proposed **obligation to make accessible material available for re-use**:
 - applies to libraries, museums and archives only insofar as the accessible documents are in the **public domain**;
 - does not apply to copyright-protected material of the cultural institutions brought within the scope – material only re-usable after discretionary decision of the institution to allow re-use

2. The proposed rules on default **charging at marginal costs** and on exceptional charging above this level, including the requirement to submit proposed charges to an independent authority:
 - **do not apply to** libraries, museums and archives brought within the scope;
 - libraries, museums and archives will be **able to charge more than marginal costs, without prior justification**
 - libraries, museums and archives will be subject to the existing maximum charge of cost recovery with reasonable return on investment.



Revision of the Directive Cultural Institutions under the proposed regime (II)

3. Other principles of the Directive:

- MS will have to define the public tasks of cultural institutions by legislation (not administrative practice);
- Cultural institutions will have to respect the rules on non-discrimination;
- The proposed reversed burden of proof will apply to the cultural institutions
- Cultural institutions will make their material available in machine readable format together with their metadata **where possible and appropriate**

4. Cultural institutions benefit from:

- a specific transitional period for eliminating exclusive agreements
- **exclusive agreements for digitisation** will benefit from the exception foreseen in the current Directive in accordance with general rules on exclusivity – relevance of the **Recommendation of the Commission**
- exemption from obligation to indicate third party IPR holders

Revision of the Directive – Where are we now?

Sept 2012	CY Presidency CWGs (7 + 20 +27 Sept)	
17-18/09/ 2012	IMCO – vote opinion	
17-18/09/2012	JURI – vote opinion (tbc)	
17-18/09/2012	ITRE – Consideration of draft report	
27/09/2012	ITRE – deadline for tabling amendments	
28/09/2012	ITRE – deadline for sending AMs to translation	
Sept-Nov 2012	Technical meetings	
Oct 2012	CY Presidency CWGs (4 +11 +16 +25 Oct)	CY Presidency CWGs (4 +11 +16 +25 Oct)
8-9/10/2012	ITRE – consideration of amendments	
Oct 2012	Coreper for mandates	
09-10/10/2012	CoR vote on opinion (tbc.)	
5/11/2012	ITRE - Indicative vote (negotiating mandate)	
Nov 2012	Triology	CY Presidency CWGs (8 +15 +22 +29 Nov)
28-29/11/2012	ITRE – final vote (tbc)	
Dec 2012 - Jan 2013	6 weeks Jurist/linguist	
05/12/2012	Coreper I (tbc.) – Agenda for Council	Coreper I (tbc.) – Agenda for Council
05/12/2012	Coreper I (tbc.) – Preparation substance for Council	Coreper I (tbc.) – Preparation substance for Council
12/12/2012	Coreper I (tbc.) – Preparation substance for Council	Coreper I (tbc.) – Preparation substance for Council
10-13/12/2012	EP Plenary vote (tbc)*	
28-29/11/2012	ITRE – final vote (tbc)	/

Thank you for your attention!

