



EUROPEAN COMMISSION  
Information Society Directorate-General

## **MEMBER STATES CONSULTATION**

### **Review of the PSI Directive**

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## MEMBER STATES CONSULTATION

**Review of the application of Directive 2003/98/EEC on the re-use of public sector information, including the extent of the increase in re-use of public sector documents and the effects of the principles applied to charging.**

*Thank you for dedicating some time to fill in this questionnaire on the scope and impact of Directive 2003/98/EEC on the re-use of public sector information.*

*Should you have any questions on how to fill in this questionnaire , please do not hesitate to contact Juan Pelegrin –<mailto:juan.pelegrin@ec.europa.eu>, +352 430138162*

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*This questionnaire will feed into the Commission review of the application Directive 2003/98/EEC on the re-use of public sector information as provided for in Article 13 of the mentioned Directive.*

## **I. Implementation and impact of the Directive**

### **1. In addition to transposition measures, could you please indicate additional practical/deployment measures (e.g. national portals, asset lists, etc.), that have been taken in your State or by the main Public Sector Content Holders in your country to facilitate the re-use of PSI?**

The main precondition for the promotion of Public Sector Information (PSI) re-use deployment measures that are coordinated at national level is the PSI policy laid down by the Special Assignments Minister for Electronic Government Affairs who has been politically responsible for the implementation of re-use policy in Latvia since 2005.

The Strategy developed by the Secretariat of Special Assignments Minister for Electronic Government Affairs (updated for the period till 2009) forecasts that the PSI re-use will be a policy in the development of information society and innovative IT tools area, the State Information Systems Asset Register development, PSI accessibility.

Public Administration policy development guidelines of Latvia for 2008 – 2013 adopted by the Cabinet of Ministers on 3th June, 2008 forecasts that till 31th December, 2008 there will be drawn up the Draft Strategy for Information Freedom policy implementation which will be linked to PSI development. Until this moment the transposition of Latvia concerning Directive 2003/98/EC on the re-use of public sector information is linked with the amendments to the law on the Freedom of Information:

- effective as from 1 February 2006
- effective as from 14 October 2006.

There are the following Regulations adopted by the Cabinet of Ministers on the implementation of the provisions of Directive 2003/98/EC:

No 338 „Procedures by which exclusive rights are granted and Information regarding the granting of such rights shall be published” adopted in 2007;

No 940 “Regulations regarding Paid Services for the Provision of Information” adopted in 2006;

No 171 “Procedures by which Institutions Place Information the Internet” adopted in 2007.

The Law on State Information Systems (adopted by the Parliament in 2002) and the Regulation of the Cabinet of Ministers on the State Information Systems Registration (2005) provide legal bases for the State Information Systems Asset Register (<https://www.visr.eps.gov.lv/visr>) establishment.

## **2. Do you consider that the Directive has had an impact on the information market in your country? If so, how?**

The Republic of Latvia has included in the national legislation the minimum requirements laid down by the Directive.

The legislation applicable in the Republic of Latvia and the adopted regulation complies with the preconditions set forth by the Directive in regard to re-use, accessibility, openness, the equality of information and the prohibition of the discrimination.

The Provisions of the Directive foster free competition in re-use area and help to reach common understanding of re-use processes across the EU.

There is the necessity for certain Guidelines concerning PSI re-use culture and the examples of the best experience for better understanding the connection between PSIH and information market representatives and various ways how PSI sources are being developed into highly qualified services.

## **3. Has the implementation of the Directive resulted in a revised charging policy by public sector bodies?**

Easy access to pricelists, for example, on the Internet websites, characterizes a transparent approach to the pricing policy in PSI field and should be evaluated as a positive step towards uniform information acquisition principles.

Prices quoted by the Cabinet of Ministers regulations No 940 “Regulations regarding Paid Services for the Provision of Information” adopted in 2006 providing the standard costs for various types of data carriers. The costs of one disc are fixed while the value of the information content might differ considerably. In other cases the prices are determined by regulations adopted by the Cabinet of Ministers individually for each institution.

## **4. What kind of problems do you believe private companies in your country are encountering when wishing to reuse public sector information?**

Latvia presents positive opinion concerning the absence of legal restrictions in the PSI re-use area. There is increasing demand for the services with added value. Many private companies are ready to provide high quality services.

Although the number of re-users has grown together with the understanding of the need and usefulness of such information, the increase of the number of market participants is still very little, i.e, just a few important participants in the major of fields. In the result of this, the services and the demand develop despite the fact that the changes in the scope of the market are not very significant, as

well as in most cases the competitors have been operation for long time and are aware of specific services of each other. Another problem is that most of the data language is independent and Information market for above mentioned reason is small.

The business representatives have the intent to operate over the borders of Latvia, and to expand the dissemination of public sector information by overcoming the demographic and territorial indicators of the Republic of Latvia. There have been named various examples of the best practice, out of which Lursoft's contribution was pointed out most frequently. In order to develop the international cooperation, the differences in legislation may hinder the cooperation and business development, due to the fact that each country has its own traditions and provisions concerning PSI re-use practice.

For the development of the service (for example, for consolidated versions of legislative acts) a significant problem is the lack of legal force concerning information provided by PSI re-use private companies.

## **II. Scope of the Directive**

### **5. Would it be appropriate to include cultural establishments, education and research organisations and public service broadcasters, within the scope of the Directive?**

Mostly yes. It will be possible to make the final decision when detailed assessment of the influence on the cultural establishments, education and research organizations and public service broadcasters will be made within the scope of the Directive.

### **6. What would be the impact and societal benefits of including these sectors within the scope of the Directive? What are the problems these excluded sectors may encounter should they be included within the scope of the Directive?**

Until now the re-use of the above mentioned sectors information really exists without common understanding of processes. We need to stimulate growing information market with political support, unified standards for exchange of technical data and metadata. If these excluded sectors be included within the scope of the Directive, there might arise the problems concerning the copyright restrictions and the provisions of the pricing regulation.

## **III. Looking ahead**

**7. What technical, organisational, legal and practical measures could be established by national administrations and/or at European level to optimise the re-use of PSI (e.g. efficient dispute settlement mechanisms)?**

*Some future objectives at national level:*

- training provided to civil servants of PSI holders;
- practical initiatives to create asset registries or other PSI infrastructures supporting re-use;
- definition of responsible authorities;
- organizing of informative campaigns (booklets, educating campaigns), providing explanations of terms and definitions and bringing forward examples of successful experience;
- broader information about availability of redress for re-users through legal channels (such as Competition Legislation);
- there must be developed uniform standards for the pricing policy. The prices should be oriented towards the average final costs for preparation of information that is calculated for the basic unit of information. Regular re-user studies and studies of the customer satisfaction of each institution will help to forecast the number of prospective information re-users in order to determine the average final costs.

*At EU level:*

- annual PSI Directive implementation status reports provided by EU member states to the Commission;
- consultations of the participants on PSI re-use industry via PSI Alliance;
- support of cross-border PSI infrastructures at European level;
- provision regulation for free and open competition of PSI market, not – for information freedom.
- in the scope of new information society benchmarking framework beyond 2010 would be necessary to forecast the content applications re-use monitoring as indicator of the development in the production of ICTs, ICT take-up by individuals, businesses and the public sector, as well as its economic and social impact.

**8. Should legislative amendments be introduced in the Directive to make it more efficient? If so, which ones and why? Would guidelines on proper implementation and application of the Directive be useful?**

Extension of the scope of Directive 2003/98/EC to cultural institutions, education and research organizations and public service broadcaster (Article 1) establishing a minimum set of rules governing the re-use in the above mentioned PSI areas.

The development of cross-border guidance for PSI re-use at the level of sectors.

**9. Additional comments**

Study commissioned by the Secretariat of Special Assignments Minister for Electronic Government Affairs of Latvia “Public Sector Information Re-use in Latvia” (2007) [http://www.epsiplus.net/reports/psi\\_re\\_use\\_summary\\_study\\_latvia](http://www.epsiplus.net/reports/psi_re_use_summary_study_latvia) provide information about PSI re-use in Latvia and got feedback for useful discussions in the scope of National Meeting organized in the framework of ePSIplus project on 25th January, 2008 “Towards the 2008 review of the Directive 2003/98/EC on the re-use of public sector information.”

Study “Public Sector Information Re-use in Latvia” and National Meeting in the framework of ePSIplus provided PSI holders for the governmental sector of Latvia, private re-use companies and associations point of view concerning implementation and impact of the Directive in Latvia as the feedback for this questionnaire.

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of Latvia*

*12 September 2008*