

Dear madam, Dear Sir,

Please find the Paris Company Registrars and Clerks of the Commercial Court Office's contribution to the European Commission's consultation on the implementation of the PSI directive at national level.

In case conferences on the topic are organized, we would like to express our interest in attending and participating.

Here are our answers to the Commission's questions :

i. Implementation and impact of the Directive

1. In your opinion, has the Directive been properly implemented and applied in your country and beyond? If so, please indicate ways in which public sector bodies are contributing to facilitating access and re-use of their information. If not so, please give indications on what kind of problems you are encountering when wishing to reuse public sector information.

In our opinion, the directive has been properly implemented and applied in France since all national bodies in our field, which is "company data information", sell licences of their data bases, with up dates, and in the electronic version required.

National public entities in the field of company information are :

- INSEE (National Institute of statistics) which is in charge of the national data base of activities, professionnals, trading companies, non profit companies, individuals and so on, as well as statistics
- INPI (National Institute for Intellectual Property) which is mainly in charge of the national data bases of trade marks, companies.

These two entities receive directly from local offices all the information their store in their data bases and sell this information at tranparent prices in the appropriate format to anyone interested.

2. Has the implementation of the Directive resulted in a revised charging policy by public sector bodies? If so, has this had any impact, e.g. on the volume of information downloaded, number of hits, number of re-users registered, etc?

The implementation of the directive generated important evolution in France. It generated the development or the creation of a lot of private data bases companies mostly working on line which dynamise the market of information. These new companies are numerous, we can cite : www.infobilan.fr <<http://www.infobilan.fr>> ; www.manageo.fr <<http://www.manageo.fr>> ; www.societe.com <<http://www.societe.com>> ; www.bilangrattuit.com <<http://www.bilangrattuit.com>> ; www.verif.fr <<http://www.verif.fr>> ; lesechos.fr, etc.

ii. Scope of the Directive

3. In your opinion would it be appropriate to include cultural establishments, education and research organisations and public service broadcasters, within the scope of the Directive?

It would not be appropriate to include cultural, research and education organisations in the directive, because those live out of the documents they produce and such a measure would be bound to weaken they

efficiency, thus reducing the amount and the quality of the information they produce.

4. 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?

Considering that public information is free because it is produced by a public entity is too simplified to be generalised. A lot of public sector entities are self funded and live out of the information they produce. Depriving them from such revenues would have the effect of making them literally go bankrupt which would mean preventing them from producing public information and therefore killing the information market.

As an example, the French National Geographic Institute (IGN) is an administrative public body in charge of collecting geographic information. It is only state funded up to 55% of its budget, the IGN having to generate the remaining 45% through its commercial activity. Depriving the IGN from the revenue it gets from its commercial activity would deprive the Institute of the capacity to achieve its public assignment and ultimately deprive the general public, the state and the private companies interested in the the IGN's information of the PSI needed as a basis to their own business.

iii. Looking ahead

5. 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)?

It would be first important to check which entities are self funded and which one are state funded. Therefore, only the state funded entities should be concerned by the directive. Each of the latters should have to appoint a person in charge of implementing the directive and producing annual reports on the topic.

6. 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?

Legislative amendments would concern the points dealt with in answer 5 :

- only state funded administrations and public entities should comply to the directive
- public entities and administrations which are state funded should appoint a person in charge of the implementation of the directive and produce annual report on the results of the measuses enforced to comply with the directive.

Best regards,

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