

Contribution consultation PSI Directive (September 2009)

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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 view the Directive is implemented and applied properly in the Netherlands. The Directive was transposed in the Government Information Act and included a general framework for access and re-use of public information. For land information the regime for access and re-use is regulated in the Land Registry Act. The Land Registry Act meets the needs of the scope of the Directive so it was not necessary to alter this act. In fact one of the legal tasks of Kadaster is to support the use, exchange and accessibility of cadastral and topographic information in order to increase economic activities and the transparency of the real estate market.

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 charging policy used by Kadaster is based on a cost recovery principle. The charging policy has not been changed due to implementation of the Directive. Costs for maintaining the cadastre and land registry are covered by registration fees, costs for information delivery are covered by information fees. For topographic mapping, the fees cover both collection/maintenance of the data and information delivery. This will change in the near future due to the introduction of key registrations in the Netherlands when the costs for collection and maintenance of topographic data will be covered by government budgets. Costs for information delivery will continue to be covered by fees. The cost recovery policy allows Kadaster to invest in the quality and functionality of information delivery, also because our customers demand better quality and functionality. Since 2003, the fees for cadastral inquiries have been lowered by 30%, while the number of users has risen from 36.000 to 78.000 and the number of inquiries from 13,5 million to 20,7 million.

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?

No comment

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?

No comment

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)?

In our point of view it is not necessary to establish more measures to optimise the re-use of land information. The current rules make it, for instance, possible that the Kadaster is in consultation with Geo-information companies about collaboration in the field of pricing and services. Therefore we believe that the technical, legal and/or practical rules for accessibility and availability of land information in the Netherlands are sufficient (enough) for re-use of land information within the meaning of the Directive.

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?

We believe that changing the Directive at this moment will not make it more efficient. The rules set out in the Directive established a starting point for Member States to make public information more accessible and available. In our view it takes more time to evolve the ideas and views behind the current Directive. Furthermore the result of the current Directive is that a lot of initiatives for (commercial) re-use derived from it and revision of the Directive at this moment could oppose these initiatives.

Clarification of the Directive would be useful. Guidelines on how to implement or interpret the Directive (for instance: what is a 'document' or how should 'reasonable return on investment be interpreted?') are welcome and would be very helpful.

7. Other comments

No comment