

Brussels, 16 October 2008

## Re-use of Public Sector Information: Commission launches infringement proceedings against Poland and Sweden

*The European Commission today launched infringement proceedings against Poland and Sweden for failing to fully implement rules providing common conditions for the re-use of information produced, collected and shared by public bodies in the EU. The Commission is sending letters of formal notice (the first step of an infringement proceeding) to Poland and Sweden for incomplete and incorrect transposition of the EU Directive of 2003 on the re-use of public sector information (the PSI Directive). Both Polish and Swedish legislation fail to fully implement several provisions of the PSI Directive, including those that prohibit exclusive arrangements and discrimination. These are crucial in order to open monopoly markets to competition and guarantee equal conditions for all potential re-users.*

*"Every day European citizens use services based on public sector information, such as car navigation systems, weather forecasts, insurance and financial services," said Viviane Reding, EU Commissioner for information Society and Media. "Common EU rules promote re-use of this raw material for new cross-border products and services. "Only if fully implemented in all Member States, the EU rules on the re-use of public sector information will be able to contribute to economic growth, job creation and better services for all Europeans. This is why the Commission, as guardian of the Treaty, needs to ensure that all Member States fully comply with these rules."*

An infringement case has today been opened against **Poland** because the Commission considers that several key provisions of the PSI Directive have not been transposed into Polish law. These include rules about individuals' rights to re-use certain public sector information, charging for such use, non-discrimination between users, transparency about what information is available for re-use, licensing conditions, prohibition of exclusive arrangements (awarded by public organisations to companies for exploiting public sector information) and processing of requests to re-use the information.

The Commission has also launched infringement proceedings against **Sweden** because a number of crucial provisions of the PSI Directive have not been, or have been incorrectly, transposed into national law. These mainly relate to charging, non-discrimination, prohibition of exclusive arrangements, processing of requests to re-use public sector information and the formats in which it should be made available.

Both Poland and Sweden now have 2 months to reply to the letters of formal notice. If the Commission receives no reply, or if the observations presented by the Member State are not satisfactory, the Commission may decide to issue a reasoned opinion (the second stage in an infringement proceeding) and after that, if the Member State fails to fulfil its obligations, refer the case to the European Court of Justice.

**Background:**

Public sector bodies produce large amounts of information, most of which has commercial potential for re-use as the basis for new products and services such as legal databases providing a one-stop-shop for case law and legislation, or credit rating services. But despite its economic value, much of Europe's PSI is not re-used.

The EU adopted the PSI Directive in 2003 to overcome barriers that limit the re-use of PSI following a Commission proposal ([IP/02/814](#)). The Directive regulates how public sector bodies should make their information available for re-use, and deals with key issues like transparency of what is available and under which conditions, fair competition and non-discrimination between all potential users.

The PSI Directive has created new opportunities for the content industry in Europe. It has improved the conditions for public sector bodies to widely disseminate, share and allow re-use of their data.

The Commission monitors the implementation of the Directive and has already launched 15 infringement cases against Member States failing to implement the Directive in time. In 2007 the European Court of Justice condemned 4 remaining Member States for failure to implement the Directive ([IP/06/1891](#)). All 27 EU Member States have now transposed the Directive into their national laws.

The Commission carries out awareness raising actions and facilitates the exchange of good practices on the re-use of PSI. In June 2008, it launched a public consultation on PSI ahead of a review of the application of the PSI Directive that is currently under preparation ([IP/08/1017](#)).

More information is available at the Commission's PSI Website: [http://europa.eu.int/information\\_society/policy/psi/](http://europa.eu.int/information_society/policy/psi/)

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