

**MINUTES OF THE  
10<sup>TH</sup> MEETING OF THE PUBLIC SECTOR INFORMATION GROUP  
LUXEMBOURG, 21 JUNE 2007**

**1. WELCOME AND INTRODUCTION BY THE CHAIRMAN**

The Chairman, Mr Javier Hernández-Ros, welcomed the members of the Public Sector Information (PSI) Group and participants from the private sector, namely Mr Michael Nicholson from the Locus Association, Mr Nikolaus Futter from EADP – European Association of Directory and Database Publishers, Mr Sandro Gizzi from EUROGI – European Umbrella Organisation for Geographic Information and Mr Rob Davies from MDR Partners (EC's contractor - ePSIplus project).

He stated that the main subject of discussion in the 10<sup>th</sup> PSI Group would be the views of the private sector on PSI re-use. By inviting members from the private sector to join in the discussions of the Group, the Commission wants to open up the existing group to private sector representatives to discuss issues of common public-private interest. The Commission holds the opinion that both private and public sector need to cooperate to be able to understand the challenges before us in order to boost the PSI market.

He then presented the meeting agenda and the topics which would be discussed at the meeting. The first part of the meeting dealt with the views of the private sector on PSI re-use. The second part of the meeting focused on issues related to the transposition and application of the PSI Directive, the Commission's initial ideas for its review in 2008 and on the INSPIRE Directive (Infrastructure for Spatial Information in Europe). The last part dealt with good practices and policies supporting the re-use of PSI.

**VIEWS OF THE PRIVATE SECTOR ON PSI RE-USE: CHALLENGES AND OPPORTUNITIES**

**2. LOCUS ASSOCIATION PRESENTATION**

Mr Nicholson from the Locus Association, UK, firstly presented the association, a non-profit organisation with its members building services based on PSI. The total turnover of its members is over £ 200,000,000. Its purpose is to act as a bridge between the PSI holders and the PSI re-users and as a forum to share knowledge and experience.

He then continued with presenting the challenges the association members encounter as regards PSI re-use. PSI is not only seen as an important component for developing Europe and a good economic opportunity, but also a chance to improve information management for the governments themselves to work efficiently. He underlined the necessity of private and public sector to work together and to face challenges such as what information to collect, how to distribute it, etc.

He wrapped up the presentation by briefly presenting OPSI (UK's Office of Public Sector Information) and its work and a recent complaint in the UK, which tested the development of PSI re-use in the UK and the rules that regulates it. A lot has already been done in the UK in the PSI field, but there are still important challenges that need to be clarified, namely more precise regulations, simplified licences, information about which PSI is available, a robust and swift review process, a level competitive playing field, etc.

*Questions:*

Who set up the organisation? The Locus association was set up by a small group of private companies and was born out of frustration for not being able to re-use PSI. Its main goal is to try to raise awareness on PSI, to influence politicians and thus to place the issues concerning PSI re-use higher on the political agenda.

### **3. EADP PRESENTATION**

Mr Futter, the president of EADP and managing director of Compass-Verlag GmbH, firstly presented the association. It is one of the 5 European bodies representing the publishing industry. It was set up in 1966 and its secretariat is based in Brussels. The association's main role is to represent the industry and its interests notably before the European Institutions. The Association consists of 123 members, with a turnover of over EUR 9 billion in 2006.

Secondly, he highlighted some issues encountered by the PSI re-users in Germany, Sweden, UK and Austria. The bulk of outstanding issues are around competition, licensing, clarity of the regulations and culture of re-use.

At the end of the presentation he briefly presented some court cases in Austria dealing with PSI re-use. He emphasized that most of the PSI re-users are small and medium-sized companies who are in an inferior position in court cases in relation to important public sector bodies as they can not afford long and expensive trials. This is a new topic and the lack of case law on the subject often presents a problem in such court cases as well. Litigation is not the solution. Public sector content holders should take a much more proactive approach in facilitating re-use of its information sources.

### **4. EUROGI PRESENTATION**

Mr Gizzi, from the EUROGI, first presented the organisation. EUROGI brings together the national geographic information (GI) organisations, public and private, and connects them with European Institutions.

He continued by explaining that GI is not only digital maps, moreover, maps represent only a small part of it. He explained that GI is any information which has geographic dimension and can be analysed geographically.

He emphasized that the public sector is often the only supplier of GI and that sometimes the growth of many private businesses depends on PSI. He continued by raising the question of why PSI is not so extensively used? He sees the obstacles in availability of PSI (GI spread among municipalities, not documented), price of GI (often very expensive and as such difficult to obtain by small and medium sized businesses), lack of precise regulations, etc. He welcomed the INSPIRE Directive as an important step forward for GI.

## **PSI DIRECTIVE**

### **5. TRANSPOSITION AND APPLICATION OF THE PSI DIRECTIVE – UPDATE BY MEMBER STATES**

**Austria** informed that transposition would take place through 10 different laws (1 federal and 9 from the Länder). The federal law as well as the laws in 7 Länder (Wien, Kärnten, Vorarlberg, Oberösterreich, Niederösterreich, Tirol and Burgenland) have been notified to the Commission. The legislative process to implement the Directive in the two remaining Länder continues.

**Belgium** informed that a federal law transposing the PSI Directive as well as a series of decrees for the Walloon region, the French and the German communities have already been adopted. The Flemish administration and the Brussels Region have prepared draft decrees.

**Czech Republic** informed that it has adopted the necessary implementation legislation.

**Denmark** informed that it already had adopted the necessary implementation legislation in 2005. Nevertheless, they would prepare and pass complementary legislation before Christmas 2007, following comments of the Commission in relation to the reason for excluding the National Parliament and the Courts in the existing PSI regulations.

**Estonia** informed that it has adopted the necessary implementation legislation.

**Finland** informed that it has adopted the necessary implementation legislation. They have set a working group to support the ePSIplus work to promote PSI re-use in Finland. They were working on a study about the impact of the PSI Directive which will be finished next year.

**Germany** informed that it adopted the necessary implementation legislation in December 2006.

**Hungary** informed that it has adopted the necessary implementation legislation. They did not have any feedback neither from private nor public sector bodies regarding PSI

re-use after the implementation of the PSI Directive provisions. For that reason, they are carrying out a survey on the state of play in the field of PSI in Hungary.

**Ireland** informed that it has adopted the necessary implementation legislation. It stressed the need for additional efforts on awareness and promotion of re-use (supply and demand).

**Italy** and **Latvia** informed that they have adopted the necessary implementation legislation.

In May 2007 the Latvian Government adopted a Regulation on exclusive deals for PSI re-use. The Regulation enables public institutions to allow exclusive deals if they are primarily agreed by the Cabinet of Ministers.

**Malta** informed that in 2006 the Office of the Prime Minister issued Circular No. 31/2006 to Ministries, Government Departments and Public Sector Entities relative to administrative measures concerning the re-use of PSI. In February 2007, the Maltese authorities issued subsidiary legislation in the form of a Legal Notice No. 20/2007 entitled Re-Use of Public Sector Information Order, 2007 as part of the European Union Act, Chapter 460 of Malta's domestic legislation. This Legal Notice was published on the [Official] Government Gazette of Malta Issue No. 18,033 of 9th February 2007.

**Portugal** informed that a working group has been set up by the Ministry of Justice, Ministry of Economy and Ministry of Finances. It is expected that implementation will take the form of an amendment to the existing "access" legislation. The Bill has been approved by the Council of Ministers and is currently being debated in the Parliament. Approval expected in 2007.

**Slovenia** informed that it has adopted necessary implementation legislation. The law on access to Information of Public Character from 2003 has been amended to include provisions on re-use of PSI. The relevant by-law was accepted in the same year and Slovenia is considering reviewing it in 2007.

**Spain** informed that a basic law would be adopted for application at all territorial levels of the State. A working group has been established by representatives of the five ministries involved, with the Ministry of Culture in the lead. A draft law has been submitted to the Parliament, expected to be approved by the end of the year.

**Sweden** informed that it has adopted necessary implementation legislation. A manual for public sector bodies guiding them on the implementation of the PSI Directive has been prepared. A committee established by the Swedish Government would look into relationships between public and private sector as regards PSI re-use.

The **U.K.** informed that it has adopted the necessary implementation legislation. There were a lot of initiatives for supporting the public sector to comply with the legislation and some reviews on PSI re-use notably by the Office of Fair Trade. OPSI was shortly to publish a review on implementations of the PSI regulations in the UK.

## **6. THE INSPIRE DIRECTIVE**

Mr Hans Dufourmont, from EUROSTAT (EC), first presented the INSPIRE initiative. Stakeholders from the national GI and spatial information organisations initiated the need for a common European law regulating the sharing and re-use of GI.

He stressed that the essence of the Directive is sharing the GI and spatial data between the national public bodies for the purposes of executing public tasks in the field of environment. The INSPIRE Directive builds on and complements the PSI Directive in the GI sector.

In the third part of the presentation he presented different parts of the Directive and a timeline for implementation of the provisions.

## **7. PRESENTATION ON THE REVIEW OF THE PSI DIRECTIVE IN 2008**

Due to the lack of time this point of the agenda could not be covered. The presentation would be published on the Commissions PSI Website  
[http://ec.europa.eu/information\\_society/policy/psi/index\\_en.htm](http://ec.europa.eu/information_society/policy/psi/index_en.htm).

## **GOOD PRACTICES AND POLICIES SUPPORTING THE RE-USE OF PSI**

## **8. PRESENTATION OF THE ePSIplus PROJECT**

Mr Davies first presented the ePSIplus project, team and organisation of work. He encouraged the participants of the 10th PSI Group meeting to visit the project's Website on <http://www.epsiplus.net>. The Website provides access to a wide range of knowledge emerging in this field, across all EU member states, of key interest to public and private sector stakeholders, together with an opportunity to engage in the debate on key issues.

Secondly, he presented the state of the play of the project - previous and forthcoming national meetings.

In the third part of the presentation he presented their early findings about the directive and its implementation, namely on the subjects of the quality of transposition, scope, response time to obtain PSI, appeal procedures, formats, pricing, reasonable return on the investment as a key element of the changes, licensing, etc.

He wrapped up the presentation by stating that more validation and evidence is needed to review the PSI market in the European Union after the PSI Directive. And finally, he challenged the participants by raising the question of what to do to truly boost the PSI re-use market (improving public sector leadership, a revised PSI Directive?).

## **9. OTHER ISSUES AND WRAP UP BY CHAIRMAN**

At the end of the meeting, the chairman stressed that "evidence, facts and figures" are needed in order to review the European re-use market and to decide about future

steps. He appealed to participants to help collect information to be able to do that. He held the opinion that good examples (national project champions) are needed to motivate stakeholders – both public and private organisations – to do more towards improving the PSI market.

He then presented briefly the Commission's working plan for 2007 in the field of PSI. The Commission will continue gathering and structuring information for the review of the PSI Directive. The review would answer the questions about how the PSI Directive has been transposed in Member States, where are the challenges, what needs to be done in the future, on what level and by whom to improve the PSI market in the EU. The review will be drafted by 1 July 2008 according to article 13 of the PSI Directive.

He then thanked the participants for their active involvement.

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