

**MINUTES OF THE**  
**9<sup>TH</sup> MEETING OF THE PUBLIC SECTOR INFORMATION GROUP**  
**LUXEMBOURG, 28 NOVEMBER 2006**

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

The Chairman, Mr Javier Hernández-Ros, welcomed the members of the Public Sector Information (PSI) Group and in particular the new representatives from Romania, which is to become a Member State as of 1 January 2007.

He stated that the transposition of the PSI Directive provisions had been completed by the majority of Member States. The focus now was on implementation for maximizing the impact of the Directive and other actions undertaken for supporting the PSI re-use.

He then presented the meeting agenda and the topics which would be discussed at the meeting.

The first part of the 9th meeting focused on progress on the transposition and application of the PSI Directive in Member States and on the recent Commission Decision on the re-use of Commission information. The second part of the meeting dealt with complaints lodged to the Commission and in some Member States, and the third part with good practices and policies supporting PSI re-use.

**PSI DIRECTIVE AND COMMISSION DECISION ON THE RE-USE OF COMMISSION INFORMATION**

**2. UPDATE BY MEMBER STATES ON THE STATE OF PLAY OF THE TRANSPOSITION OF THE DIRECTIVE**

**Austria** informed that the transposition would take place through 10 different laws (1 federal and 9 from the *Länder*). The federal law as well as the laws in 4 *Länder* (Wien, Kärnten, Vorarlberg, Oberösterreich) has been notified to the Commission. The legislative process to implement the remaining Directive in the *Länder* continued.

**Belgium** informed that the transposition would take place at federal level through a federal law and an *arrêté royal*. An interdepartmental working group has been set up at Federal level in order to prepare a modification of the federal law on the transparency of administrative documents. A draft law has been submitted to Parliament.

In addition action is to be taken at regional level.

Two Walloon decrees implementing the PSI Directive would soon be adopted.

In the French Community a preliminary draft decree has been adopted by the Government and submitted to the *Conseil d'Etat*.

The German Community is also preparing a draft decree implementing the Directive.

**Cyprus** informed that it has adopted the necessary implementation legislation. The next step is to build a PSI portal (asset list).

**Denmark** informed that it has adopted the necessary implementation legislation. Their objective is easy availability of information. There is also an open issue on the law that might go through some revision in 2007.

**Finland** informed that it has adopted necessary implementation legislation. They were working on a study about the impact of the PSI Directive which will be finished next year.

**Germany** will transpose the Directive by Federal legislation. The implementation law is expected to enter into force by the end of 2006.

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

**Hungary** informed that it has adopted the necessary implementation legislation. They also informed that they have set up a central PSI portal maintained by the Ministry of Economics and Transport.

**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).

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

**Lithuania** informed that it has adopted the necessary implementation legislation and set up a central PSI register. A first complaint has been lodged.

**Malta** informed that it has adopted the necessary implementation legislation by a circular.

**Portugal** informed that the draft implementation law has been submitted to the Parliament. It is expected to enter into force in February 2007.

**Romania** informed that the draft law has been prepared and was about to be adopted in December 2006.

**Slovakia** informed that the PSI Directive has been transposed and that the Commission has been notified. As regards practical implementation they have not encountered any major problems. They are working on the central PSI portal which is under construction and it is estimated to become fully operational by the end of 2008.

**Slovenia** informed that it has adopted necessary implementation legislation. In July 2006 Slovenia set up a portal with a central catalog of available PSI.

In **Spain** a new law on re-use is to be submitted to Parliament in beginning of 2007. A study has been carried out on the impact of re-use in the framework of the AVANZA programme.

**Sweden** informed that it has adopted implementation legislation. They are working on PSI guidelines for public sector bodies and on a study about the impact of the PSI Directive in Sweden.

The **U.K.** informed that it has adopted necessary implementation legislation. The OFT (Office of Fair Trading) has undertaken a detailed analysis on the general effects and implications of the PSI Directive, focusing on how the market operates and on competitions issues. The report is expected to be published on 6 December 2006. Use of licences is rising, with over 11.000 in place. The first detailed complaint was analyzed by OPSI.

### **3. PRESENTATION OF COMMISSION DECISION 2006/291/EC, EURATOM, ON THE RE-USE OF COMMISSION INFORMATION (by Ms Meri Rantala, European Commission)**

Ms Meri Rantala presented the Commission Decision on the Re-use of Commission Information, adopted in April 2006, which applies the principles of the PSI Directive in certain areas. The Commission provisions go well beyond the Directive in the field of charging where only marginal costs of dissemination are allowed.

Firstly, she presented the background and policy reasons which underlin the adoption of the Commission Decision. She continued the presentation by explaining what kind of Commission information is covered by the Decision and by presenting the main provisions of the Decision. She concluded the presentation by explaining what the Decision meant in practice for the Commission and what would be its next steps.

#### *Questions and answers:*

- What kind of licensing system does the Commission use to allow re-use? The Commission recommends to its services to allow re-use with as few conditions as possible using disclaimers or other forms of legal notice. Nevertheless, licences can be used if so decided by a certain service.
- Information on the EurLex and Eurostat Websites can be obtained free of charge and without issuing a licence. Why does the Publications Office (EurLex) and Eurostat then issue licences in certain cases? The Publications Office and Eurostat both issue licences only in specific cases of commercial re-use and can charge for it when a re-user asks for a special service (e.g. Eurlex), otherwise the information is available free of charge on the Websites.
- Does the Commission Decision cover research results co-financed by the Commission? No, it does not. Results of research co-financed by the Commission in the framework of its research programmes belong to contractors (third parties) and are as such covered by third party intellectual property rights and excluded from the scope of the Decision.

## **COMPLAINTS**

### **4. PRESENTATION ON UK COMPLAINT PROCEDURE (by Ms Helen Munson and Mr Jim Wretham, OPSI - Office of Public Sector Information, UK)**

In the first part of his presentation Mr Jim Wretham presented a general framework of the complaint procedure in the UK. In the second part Ms Helen Munson presented the first complaint case in the UK, involving the Ordnance Survey (UK Mapping agency). OPSI's report on this complaint is publicly accessible on the Website <http://www.opsi.gov.uk/>.

#### *Questions and answers:*

- What have been the reactions of the complainant and the Ordnance Survey? Both parties have appealed. OPSI is now working closely with the Ordnance Survey to improve its work with reference to PSI re-use.
- Are the OPSI's decisions formally legally binding for the public sector body in the UK? No, they are not formally legally binding. Any of the parties can appeal against their decisions and can pursue the matter through the Courts.
- What is the legal status of an Information Fair Trader Scheme; is it legally binding for public sector bodies in the UK? It is linked to the delegation of authority. It is not a legal scheme although it carries important political weight.

### **5. PRESENTATION ON COMPLAINTS LODGED AT THE EUROPEAN COMMISSION (by Ms Meri Rantala, European Commission)**

Ms Meri Rantala gave a presentation on complaints lodged to the European Commission in the case where a Member State has violated its treaty obligations.

Firstly she explained what a complaint was, who could complain to the Commission, what could one complain about and how. She continued with presenting Commission procedures regarding complaints, time frame, complainant's rights and some statistical data concerning complaints lodged to the European Commission in the past years. Finally she stated that the Commission had received one complaint in 2006.

#### *Questions and answers:*

- Has the complainant the right to withdraw the complaint at any stage? Yes. The main objective of infringement procedures, which in certain cases are triggered by a complainant, is to persuade a Member State to comply with Community legislation and not to take it to the Court of Justice (which does not happen so often).

### **6. PRESENTATION ON A SLOVENIAN CASE STUDY – REQUEST FOR RE-USE OF JUDICIAL INFORMATION (by Mr Aleš Petrič, Office of Information Commissioner, Slovenia)**

Mr Aleš Petrič presented a case study – a complaint case concerning re-use of PSI (judicial information) in Slovenia, lodged with the Slovenian Supreme Court and later appealed to the Slovenian Information Commissioner. He presented the Information

Commissioner's competences in dealing with complaints, the applicant seeking access to re-use (Slovenian private IT company), and the application's details, comprising a request for the entire electronic version of the companies register database, as well as the electronic versions of sixteen different electronic databases containing the entirety of records of several types of court disputes, spanning the fields of tort, administrative, civil, commercial and labour law. Finally he presented the Commissioner's decision and both parties' appeals to the Administrative court.

*Questions and answers:*

- Does the fact that the office's competences cover both access and re-use cause any difficulties and/or does this represents a conflict of interests? It does cause complexities since "access cases" differ from "re-use cases" but no conflicts of interests. Naturally, re-use is limited in certain cases simply because the information is not accessible in the first place.

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

### **7. PRESENTATION ON THE MEPSIR STUDY (by Mr Javier Hernandez-Ros, European Commission)**

Mr Javier Hernandez-Ros presented the results of the MEPSIR study (Measuring the European PSI Resources) conducted for the European Commission by the HELM Corporation. He presented the objectives of the study, time frame, actors, methodology and main results. According to the study it can be said that the Directive is already having positive consequences in levelling the playing field. It is seen by many players on both sides as a good first step towards a more open environment, while it also recognises that much needs to be done to fully realise this openness in practice. He concluded the presentation by explaining the Commission's next steps as regards the measuring of the PSI resources in the European Union.

### **8. PRESENTATION ON PSI NAVIGATOR (by Mr Dumrath and Mr Dusollier, Dumrath & Fassnacht, Germany)**

Mr Dumrath and Mr Dusollier first of all presented the Dumrath & Fassnacht company. Then they presented the pilot project PSI Navigator funded by the European Commission under the eContent programme - the actors involved in the pilot project, its objectives and the outcome of the project.

At the end of the presentation Mr Dumrath appealed to the European Commission to look closely into the technical needs/technical standards for the PSI search engine(s) at the European level, with a view to facilitating broader PSI re-use.

### **9. PRESENTATION ON ePSIplus PROJECT (by Mr Rob Davies, MDR Partners, UK)**

Mr Rob Davies presented the ePSIplus project, a thematic portal funded by the European Commission under the eContentplus programme – the background, the actors involved, thematic areas of the project and its objectives.

ePSIplus is setting out to provide a one-stop shop for key information on PSI re-use across Europe including news, reports, legal cases, good practices and benchmarking on the progress of legislation by means of a country scorecard, all searchable by thematic area, country and free text terms.

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

The Chairman, Mr Javier Hernandez-Ros, concluded that much has been done in the last year in the European Union by players on both sides (public and private organisations) to support PSI re-use, but a lot of work still lies ahead of us to really exploit the potential of public information. He also pointed out that it is important to work closely with the private sector (re-users of PSI) that could push the public sector (PSI producers and holders) to do more to support the re-use of PSI.

The Chairman explained that the Commission would continue to support Member States in their efforts to implement and apply the Directive and is particularly interested in measuring the impact of the Directive in the Member States.

The next meeting of the PSI Group will be organised in approximately 6 months, sometime in May 2007.

Andrej Osterman

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