

LAPSI: the European Thematic Network about the Legal Aspects of Public Sector Information

Which are the main legal obstacles to an effective re-use of Public Sector Information?

Consensus building and policy support at the European level.

The NEXA Center for Internet & Society submitted a proposal for a call related to the implementation of a European thematic network concerning legal aspects of Public Sector Information (PSI). The details of the project were negotiated with the European Commission between the Fall of 2009 and the beginning of 2010. The activities of the project formally started on 22 March 2010. From that date LAPSI has become the acronym for the Thematic Network on Legal Aspects of PSI, financed by the European Commission. The budget of the project (about half a million Euro) is mainly devoted to travel expenses for members to attend workshops and conferences. The NEXA Center administers about 135,000 Euro, which must fund the vast majority of administrative, management, and communication and awareness related activities. The kick-off meeting of the network took place on 25 March, followed by the first working group meetings on 27 March. The project will last 30 months, ending the 21 of September 2012.

1.2.1. Background

Information generated and collected by public sector entities represents a veritable minefield and various studies, as well as a comparison with the US situation, suggest that it might make a much greater contribution to EU economies and societies, if current legal barriers to access and re-use were removed. In this context, the European Commission opened a call for proposals for a thematic network devoted to the policy support and consensus building activities, which could help the removal of such barriers.

1.2.2. Objectives

As a part of an ICT policy support program, the LAPSI project is intended to:

- directly contribute to the i2010 strategy of the European Commission;
- build a network of organizations aiming at being the main European point of reference for legal issues related to PSI;
- address areas that due to legal obstacles would not develop, or

would develop at a slower pace, if left to the current incentive structures of monopolistic operators;

all the above in view of making PSI in Europe more accessible, re-usable and exploitable, namely through analytical work and the diffusion of information in areas of public interest at the Community level.

This approach is intended to benefit all the involved players – the participants of the network and those who will be reached by the dissemination efforts – as well as a set of strategic guidelines intended to help all the stakeholders approach the issues posed by PSI in an effective and forward looking manner.

As far as the subject matter is concerned, the LAPSI project will deal with PSI in the broadest meaning of the expression (including both non-cultural and cultural information). In fact, the network builds on the assumption that adopting an understanding of PSI as narrow as that which was adopted by the 2003/98/EC Directive would fall short of the optimal reach of EU policy in the re-use sector.

As far as implementation and deployment are concerned, the LAPSI project looks for best practices and optimal implementation policies within the current legal framework, taking into special account the experience accumulated in countries which have set up a central agency responsible for PSI. All that keeping in mind the review of the European PSI Directive that will take place in 2012 and building on state-of-the-art knowledge, including that which was documented and organized by the ePSIplus thematic network.

In order to maximize the understanding of the role of legal norms in maintaining and creating barriers to access and re-use, and to seek to minimize or remove such barriers, the LAPSI project will provide a forum for considering the various legal challenges and opportunities related to PSI. The discussions will cover the following issues:

- legal rules that contribute to the creation of legal obstacles to PSI access and re-use:
 - a) private rights granted by Member States (e.g. IPRs, privacy, property rights);
 - b) public law provisions adopted by Member States (e.g. norms on cultural goods or on public procurement);
- legal tools contributing to the promotion of PSI access and re-use :
 - a) private market oriented mechanisms, adopted by Member States or the EU, to counter misuse of rights (e.g. antitrust);

- b) public law provisions in force in Member States (e.g. administrative law, environmental law, tax law, fundamental rights).
- The intersection of these themes presents a number of other issues that will be relevant for discussions within the LAPSI network:
 - a) the consistency between rules concerning output (re-use licenses) and input (rights acquired by PSI-holding entities from employees and independent third party contractors);
 - b) the role of “sharing” in the PSI generation, preservation and dissemination;
 - c) the territorial dimension (including regulatory competition opportunities);
 - d) the principles of re-use pricing.

1.2.3. Results

In order to achieve its intended results, the Network started to organize several different activities, which will eventually include: six thematic seminars, four internal conferences, two public conferences, two primers,¹ two awards,² and one final meeting. The Network already held a kick-off meeting on March 25th, 2010, where the partners had a chance to discuss the general substantive, logistical, and administrative issues of the LAPSI project.

Each type of event that the Network will organize serves different, specific goals and is intended to generate additional value by linking researchers, practitioners and stakeholders, allowing them to learn from each other.

The LAPSI Network brings together partners from leading research institutions as well as other crucial stakeholders from a large number of European jurisdictions (thirteen). Furthermore, thanks to its Advisory Board, the Network will also build strategic relationships with other countries, such as the United States and Switzerland, where significant

¹ A “primer” is here understood as a meeting in which the essentials of the current legal context and the first empirical evidence on the progress at the implementation stage as well as the main open issues are presented to an audience of professionals potentially involved in operational aspect of the sector.

² “Awards” are processes whereby specific experiences of PSI access and re-use are compared and evaluated on the basis of pre-established criteria, to generate a comparative assessments of the costs and benefits and a ranking in accordance with success parameters.

policy discussions are ongoing and have in some regards generated especially beneficial outcomes. Additionally, even though LAPSI gives priority to the legal dimension, its Advisory Board is designed in such a way as to take into account cutting edge experiences in specialized fields such as access and re-use of geographical data. The first Advisory Board virtual meeting took place on March 25th, at the end of the plenary session of the Network. Hence, the first activities of the Network already yielded significant results, in terms of networking and exchange of knowledge.

Additionally, working groups on various research topics were organized, and the first working group meetings were held on March 27th. Certain technological facilities, such as mailing lists, a wiki page, a call conference service and a website have been activated, so that members belonging to these working groups can better communicate and concur to the achievement of the Thematic Network's main objective: the identification and drafting of a set of policy recommendations.

List of participants:

Name of the participant organisation	Country
Politecnico di Torino (Coordinator)	Italy
Facultés Universitaires Notre Dame de la Paix	Belgium
Katolieke Universiteit Leuven	Belgium
University of Masaryk, Faculty of Law	Czech Republic
University of Copenhagen, Faculty of Law	Denmark
University of Tartu, Faculty of Law	Estonia
Westfalian Wilhem's-University of Muenster	Germany
Max Planck Institute for Intellectual Property, Competition and Tax Law	Germany
Ministry of Interior of the Hellenic republic	Greece
Hungarian Association for Geo-Information	Hungary
University of Bocconi, Department of Law	Italy
CSI-Piemonte	Italy
Institute for Information Law	Netherlands

University of Bucharest, Faculty of Law	Romania
Intellectual Property Institute	Slovenia
Information Commissioner	Slovenia
University of Murcia, Faculty of Law	Spain
Universitat Oberta de Catalunya	Spain
City University of London	UK
University of Nottingham, Faculty of Law	UK

The Thematic Network also identified certain interested parties, which the Network will disseminate information to and seek insights from, in various fields complementary to the legal one: ePSIplatform, APORTA, ASITA, PSI Alliance, Open Knowledge foundation. One of the project's goals is to lengthen this list and strengthen its relationships with each of these partners.

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