



EUROPEAN COMMISSION
Information Society Directorate-General

PUBLIC CONSULTATION

Review of the PSI Directive

This document has been prepared by the Commission's services for consultation purposes. It does not in any way prejudge, or constitute the announcement of, any position on the part of the Commission on the issues covered.

Practical information

The consultation is being launched in English with an electronic version of the document. If you have received the document by mail and wish to reply electronically, please go to the website indicated below or send an e-mail to the address given below.

Interested parties are invited to send their comments, suggestions and replies to the following questionnaire to the Commission **by 31st July 2008 at the latest** using one of the following means of communication:

Internet: http://ec.europa.eu/information_society/policy/psi/index_en.htm

E-mail: info-psihelp@ec.europa.eu

Post:

European Commission

Directorate-General for Information Society and Media

Unit E-4 Digital Libraries and Public Sector Information

For the attention of Mr. Javier Hernandez-Ros

Electronic contributions received in reply to the consultation will be published on the Internet at the above-mentioned address. Publication online will be regarded as acknowledgement of receipt of your contribution by the Commission. For replies sent in paper form, an acknowledgement of receipt will be sent within 15 working days of receipt.

If you do not wish your contribution to be made public, please indicate this clearly at the beginning of your reply. In that case, your reply will also not be mentioned in future documents which may refer to this consultation.

If you are replying on behalf of an organisation, please state your name, address and official title in your reply. Any reply on behalf of an organisation which does not state the interests which it represents or the extent to which it is representative of the sector (number of members, size of organisation in relation to the sector to which its members belong) will be regarded as an individual reply and not a collective one.

At the end of the period during which contributions are accepted, after reading and analysing all the replies received, the Commission will prepare a report summarising how the consultation was carried out and the main points emerging. Contributions that you do not wish to be made public will not be mentioned in this document.

Online public consultation

1. Introduction and background

Directive 2003/9 8/EC of Parliament and Council on the re-use of public sector information (PSI)¹ was adopted on 17 November 2003. It regulates the behaviour of public sector bodies when they act in the market by trading information (e.g. geographical, statistical or meteorological data) or making it available for re-use.

The adoption of the Directive has created new opportunities for the content industry in Europe to exploit PSI for added-value information products and services, particularly with cross border effects (navigation systems, meteorological services, etc) and improved the conditions for public sector bodies to widely disseminate, share and allow the re-use of its data.

2. The PSI Directive review

The Directive itself establishes that the Commission will submit a report to the European Parliament and the Council in 2008 on the results of the review of the application of the Directive.

Article 13.2 of the Directive provides that "The review shall in particular address the scope and impact of this Directive, including the extent of the increase in re-use of public sector documents, the effects of the principles applied to charging and the re-use of official texts of a legislative and administrative nature, as well as further possibilities of improving the proper functioning of the internal market and the development of the European content industry." The report shall, as appropriate, be accompanied by proposals for the revision of the relevant provisions of the Directive.

The purpose of this online consultation is to gather information from as many sources as possible, including public sector content holders and commercial and non-commercial re-users (universities, NGOs) on their views on different aspects related to the implementation, impact and scope of the Directive. The results of the online consultation will feed into the debate regarding the review of the Directive.

3. Online public consultation

The consultation is divided into 3 specific sections:

i. Implementation and impact of the Directive

Public organisations produce, collect and store vast amounts of public sector information, ranging from financial and weather data to tourist and traffic information. The Directive on the re-use of PSI aims to streamline the conditions for re-use in order to facilitate the creation of EU-wide information products and services that are based on public sector information, to enhance the re-use market, and to limit distortions of competition. The deadline for the implementation of the PSI Directive was 1 July 2005. All MS have transposed the Directive.

¹ http://ec.europa.eu/information_society/policy/psi/docs/pdfs/directive/psi_directive_en.pdf

ii. Scope of the Directive

Article 13 of the Directive provides that the review will address the scope of the Directive. The Commission will analyse whether cultural establishments, education and research organisations and public service broadcasters ("excluded sectors"), currently out of the scope, ought to be covered by the Directive.

The wide majority of European cultural establishments, education and research organisations and public service broadcasters hold amongst their collections a considerable amount of valuable material. These institutions have a mandate in the wide dissemination and preservation of their content to realise various social (cultural/educational) and economic goals, and are also interested in the potential commercial and non commercial re-use of this material. These institutions have embarked themselves in major digitalisation efforts in order to achieve the above mentioned goals and make full use of the opportunities the new digital environment offers.

The review of the Directive is timely in order to assess whether the currently excluded sectors ought to be brought back in within the remit of the Directive

iii. Looking ahead

For most Member States the transposition of the Directive introduced for the first time legislation on the re-use of public sector information. However, legislation in itself is not enough to realise the full potential of PSI. The current legislation might have its limitations and may need to be reinforced at some stage. A number of Member States have undertaken specific deployment measures to enhance the implementation of the Directive; national PSI portals, stimulations activities, simple redress mechanisms, etc. It is therefore important to identify those deployment measures which have contributed to enhancing PSI re-use and gauge whether these measures could be implemented elsewhere.

4. Questions submitted to the public and all parties interested

As part of this consultation, the Commission would be interested in receiving contributions from the public and all parties interested in response to the following points:

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.
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?

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?
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?

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)?
 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?
7. Other comments