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**ePSIplus Conference "PSI Re-use: Which  
Action Next?"**

**Brussels, 13 June 2008**

**Re-use of Public Sector Information:  
Change, Growth and Transformation**

Ladies and Gentlemen,

- It is a great pleasure and opportunity to address the Commission's views on re-use of public sector information to you, who are the main actors in this field.
- I will talk about
  - **PSI** re-use being a **story of opportunities**,
  - about **barriers and challenges** in order to fully exploit PSI
  - and finally, I will address what we believe is a **way forward** and the role the Commission will play in this.

## **1. PSI: story of opportunities and process of change**

- One could say that we are currently witnessing a metamorphosis process. We are in a situation where an ugly, boring little thing, called PSI, is metamorphosing itself into something *colourful, beautiful, attractive and graciously big*, which by no means any longer can pass unnoticed.
- We can see a change taking place in many respects. The **internet** has changed the way how we live and communicate. It has dropped the cost of web-based services close to zero. **On-line tools** and **new devices** would make PSI accessible for almost anyone, at the click of a mouse. The information markets have changed, fundamentally and for good, and offer huge opportunities.

- This goes along with a change of the **power and value of information**. Take geographical information, car navigation systems. They are one of the fastest growing areas of consumer electronics. Nokia paid to Navteq, the world's biggest digital mapmaker, almost € 6 billion. Teleatlas is another example of great size. There are powerful GI services offered for free on-line. Who would have thought 10 years ago of services which are in everyday use now?
- As a consequence, we have to **reconsider how to assess the value of information**. This should not only concern the *immediate financial income* from *selling* the information, but also a *wider economic value* of boosting commercial activity, job-creation and increased tax revenues. Information obviously has also other than just financial values. The *societal benefits* of making e.g. legal information publicly available, I claim, outweighs by far the financial benefits of selling it.
- This reassessment has already led in some cases to free and open information policies. As a result, re-use has exploded. An example from the **Commission** is the major change regarding its own re-use policy. 10 years ago EU statistics, legislation, case-law and translations were all "locked up" and released only after cumbersome, lengthy and costly licensing procedures. Now this information is openly and transparently available to anyone, on-line and for free.

- But, barriers still exist to fully exploit PSI. A lot of information remains locked up in the public sector.

## 2. Barriers and challenges

- This brings me to the second topic, concerning **barriers and challenges**. The barriers are many-fold. In some cases public sector information is **too hard to find**, there is **uncertainty of what exists** in the first place, it **takes too long** to obtain the information and the **format** in which the information is provided can be difficult to re-use or can repeatedly or unexpectedly change.
- In many cases there are also **clashing economic interests** between public sector bodies and private re-users. This is particularly the case if public sector content holders themselves provide commercial services based on PSI, in a monopoly position or in direct competition with private operators. This can lead to a marked reluctance of public sector bodies to let competitors enter and operate in the same market. **Competition** issues are a key concern in this respect. They concern **cross-subsidies, licensing conditions, charging and exclusive agreements**.
- Re-users have indicated deplorable examples of licensing negotiations lasting for months or even years, with a highly uncertain outcome and remarkably anti-competitive clauses. There are still too many cases where one company has been

vested with the exclusive right to disseminate public sector information, barring the market to any potential competitors. In another example the public sector body receives significant public funding for providing e.g. weather information. If this data is sold under such conditions that private re-users would rather not accept it and create their own, parallel, weather stations, as it happened, I would say this is not only anti-competitive behaviour, but waste of public money.

- Public sector bodies need to respect their legal and moral obligations. The above-mentioned practices can drastically limit re-use and competition and require significant and unnecessary investment of time, effort and money by companies. This is detrimental not only for businesses but also for consumers, who have less choice and possibly a low quality/price ratio, and for the image of the public sector. More generally, this hinders the growth and competitiveness of innovative European information markets. I will not say that in the US all is different and better, you all know it, but a lot is better.
- One of the main challenges is the **change of mindset**. This applies first of all to **public sector bodies**, some of which fail to realise the economic potential of the information they hold, are reluctant to let private operators re-use the information or

want to collect and re-use the information themselves, e.g. by extending too far their "public task" functions.

- But it also applies to private **re-users**. Indeed, the Commission is often contacted by re-users who orally complain about practices in the Member States. However, when it comes to lodging formal complaints or submitting written evidence, the action becomes scarce. I would like to emphasise that the Commission is the guardian of the EU treaties and takes any measures necessary to ensure correct implementation of the PSI Directive. However, in order to act, the Commission needs well documented evidence.

### **3. Commission action to promote re-use of PSI**

- I would now like to say a few words about **Commission action** to promote re-use of PSI. The PSI Directive introduced for the first time a PSI re-use policy throughout the Community. It has been in force for four years and the implementation has just been completed by all Member States, merely a month ago. It took some time, but it is there now.
- Despite the fact that the Directive was implemented belatedly by many Member States, we see indeed already some **positive results**. The change e.g. in Belgian legislation from preventing to promoting commercial re-use of PSI, is of course a condition sine qua non for a change of mindset.

That happened. In the Netherlands exclusive arrangements have been phased out. Special redress or mediation mechanisms have been put in place in the UK, France and Slovenia. Key initiatives to cut charges have been taken by major public sector bodies e.g. in Austria and Spain regarding mapping and statistical data. However, **a lot of work still remains in the Member States** - a long way to go still.

- In addition to coordination, awareness-raising and co-funding activities to promote re-use, the Commission is carefully monitoring the implementation of the Directive in the Member States. It is currently carrying out conformity checking of notified national measures. It provides technical assistance to Member States in view of ensuring correct implementation. It has launched several infringement procedures, which recently lead to four judgements of the Court of Justice. It also investigates complaints. One area that the Commission will particularly scrutinise in the coming months concerns exclusive arrangements, the general prohibition of which becomes fully applicable from the beginning of next year.
- In accordance with the PSI Directive, the Commission is also carrying out this year a **review** of the Directive. The review will particularly address the scope and impact of the Directive. An on-line consultation of stakeholders has recently been launched. It is open until 31 July. I would like to

invite and encourage all interested parties to contribute to it. Member States are simultaneously being consulted in the framework of the PSI expert Group. The results of these consultations will be published on the Commission's internet site.

- Finally, the Commission has introduced through a Commission decision a **re-use policy** which applies to documents that the **Commission** itself holds. In this way, the Commission does as it asks Member States to do. Following the change in policy towards a more re-use friendly and open environment, the volume of users and user satisfaction resources have exploded. Examples include Commission translations (some 1 million sentences in 22 languages and 253 language combinations, particularly interesting e.g. for machine translation purposes), Eurostat's statistical data with 1 million monthly visitors, and the legal Eurlex database with almost 700 000 pages viewed daily on the website. The Commission is also simplifying its licensing practices for re-use.

#### **4. Way forward and options for the future**

- I would now like to move to the last point: the **way forward and options for the future**. Today's challenge is how to better unlock the economic potential of PSI.

- **Enhanced enforcement and application** of the PSI Directive by Member States is crucial in this respect. One notable example is exclusive agreements, which the Commission will monitor particularly closely.
- Legislation provides a good basic framework. However, in order to maximise re-use, additional **pro-active deployment measures by Member States** are essential. Examples of such measures are establishment of bodies responsible for PSI, ensuring that supply meets demand, simple and non-discriminatory licenses or no licences at all, no charges or only marginal costs, effective means of redress and mediation, coordination, awareness-raising and exchange of good practices.
- The review of the PSI Directive offers a good opportunity to analyse current problems and the way forward. One option to consider is **new legislation**, e.g. through amendment of the PSI Directive. There are pros and cons. It may be too early taking into account e.g. late and recent implementation experience. The Commission would need solid evidence if it was to propose such measures.
- We are now at a **decisive point**. The PSI Directive is legislation for which the results take time to fully emerge. The key elements to make PSI re-use a powerful motor for growth and wealth are within our reach, and we are called to accelerate the process.

- Essential elements in this respect are **mindset and political will** in the Member States. Member States need to take proactive measures to promote re-use. The private sector needs to contribute to the change by grasping the potential, fighting for its case and bringing forth to the Commission factual evidence. The Commission is there to help.

## **Conclusions**

- Let me conclude as follows: a major change is taking place and time has come to recognise this and to adapt to it. This is an inevitable process. Legislation and political will accelerate this process.
- The Commission has initiated Community-wide PSI legislation. It is watching how it is being applied by the Member States and will act against those who violate it.
- Member States that decide to act quickly and decisively will reap the benefits in terms of economic growth and new and better services.
- Finally, I would like to remind you all that an on-line consultation on the PSI Directive is open. I expect that you all contribute to it and tell us what measures you are taking and what Member States, re-users and the Commission could do to improve PSI re-use across Europe.

Thank you.