A. Context, problem definition

(i) What is the political context of the initiative?
(ii) How does it relate to past and possible future initiatives, and to other EU policies?
(iii) What ex-post analysis of the existing policy has been carried out and what results are relevant for this initiative?

The Digital Agenda for Europe lists the revision of the PSI Directive among its key actions. Governments can stimulate content markets by making public sector information available on transparent, effective and non-discriminatory terms. This is an important source of potential growth of innovative online services. The re-use of these information resources has been partly harmonised, but additionally public bodies must be obliged to open up data resources for cross-border applications and services. The essential role of public data as a basis for new information services and products is now more widely recognised than in 2002, when the Commission made its proposal for the Directive.

The Commission reviewed the application of the PSI Directive in 2009 (Communication on Re-use of Public Sector Information – Review of Directive 2003/98/EC, 7.5.2009, COM(2009)212 final). It concluded that progress has been made since the adoption of the Directive but that big barriers still exist. A further review was foreseen by 2012, together with legislative amendments where appropriate.

What are the main problems which this initiative will address?

Although progress in PSI re-use has been made since the adoption of the PSI Directive, the full potential of PSI remains still largely underexploited in Europe, and further steps by the MS and public sector bodies should be undertaken to unlock it. Problems cited by stakeholders concern high prices, unfair competition in the market by public sector bodies, restrictive licensing conditions, lack of transparency, practical problems to identify public sector information resources, lack of machine readable formats, and lack of awareness about the problems and opportunities. An open consultation of interested parties on issues to be addressed has been launched on 9 September 2010 and is open until 30 November 2010.

Who will be affected by it?

Products and services based wholly or partly on PSI (e.g. GPS, weather forecasts, financial and insurance services) generate new businesses and jobs and give consumers more choice and more value for money. Public sector content has a central role in the digital age as a driver of economic activity.

Key stakeholders include in particular Member States, national administrations and public sector bodies, market players, industry organisations, consumers and citizens at large.

(i) Is EU action justified on grounds of subsidiarity?
(ii) Why can Member States not achieve the objectives of the proposed action sufficiently by themselves? (Necessity Test)
(iii) Can the EU achieve the objectives better? (Test of EU Value Added)

PSI re-use is already regulated at Community level by the PSI Directive. Possible further action would build on this legislation. Different national rules can hinder the development of such products and services and block economic opportunities. Forstering them at Community level contributes to the growth of the internal market.
### B. Objectives of the initiative

**What are the main policy objectives?**

Stimulate content markets by facilitating re-use of PSI. Open up data resources for cross-border applications and services. Limit distortions of competition on the Community market.

**Do the objectives imply developing EU policy in new areas?**

No

### C. Options

(i) **What are the policy options being considered?**

(ii) **What legislative or 'soft law' instruments could be considered?**

(iii) **How do the options respect the proportionality principle?**

The options could range from

1) the do nothing option (i.e. no changes to the PSI Directive), to

2) "soft law" instruments such as Commission guidance / recommendations regarding the interpretation or application of some of the provisions of the PSI Directive (e.g. on charging and licensing conditions) and good practices, awareness raising and practical measures facilitating re-use, to

3) legislative measures. These could range from technical amendments to the Directive, for instance clarifying some of the provisions (e.g. definitions), to substantial changes reflecting an ambitious strategy and policy approach, which could lead to a new instrument replacing the current Directive (possible issues to be considered could include i.a. expanding the scope of the Directive to the currently excluded sectors, changing the general principle on re-use and/or the charging provisions).

4) In addition, any of these options could be accompanied by driving and dynamic proactive measures ("data.eu") pushing for the opening up of the wealth of public sector information resources.

The options will be analysed and developed more in detail after the stakeholders will have had the opportunity to contribute to the open consultation which will end on 30 November 2010.

Proportionality is one of the criteria to be applied when assessing the options.

### D. Initial assessment of impacts

**What are the benefits and costs of each of the policy options?**

Depending on the options to be considered, the main long-term impacts would be expected to be better availability of public sector information for re-use and more innovative cross-border services and applications using this data resource, resulting in economic growth and job-creation. If public sector information was for instance decided to be made generally available for free or at marginal costs, data would be more widely available and accessible for re-use purposes; this may have an impact on the revenues of public sector bodies (decrease in some cases) and on overall tax revenues (increase in some cases following more economic activity). The benefits and costs of each of the policy options to be identified will be evaluated more in detail as part of the impact assessment associated with legislative proposals, if any.

**Could any or all of the options have significant impacts on (i) simplification, (ii) administrative burden and (iii) on relations with other countries, (iv) implementation arrangements? And (v) could any be difficult to transpose for certain Member States?**

The more stringent the options would be, the more one could expect growth in terms of re-use and new innovative services and applications. On the other hand, the more likely it would also be that they have an impact i.a. on administrative burden, implementation arrangements or transposition. The specific analysis for each of the options will be part of the impact assessment associated with possible legislative proposals.

**Will an IA be carried out for this initiative and/or possible follow-up initiatives? (ii) When will the IA start? (iii) When will you set up the IA Steering Group and how often will it meet? (iv) What DGs will be invited?**

Yes, an IA will be carried out. Preparatory work is starting. An IA Steering Group has been set up in August 2010 including the SG, LS, DG COMP, DIGIT, EAC, ENTR, ENV, JUSTICE, MARKT, RTD; it will meet again early 2011.
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<tr>
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<th>Question</th>
<th>Answer</th>
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<tr>
<td>(i)</td>
<td>Is any of options likely to have impacts on the EU budget above €5m?</td>
<td>No</td>
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<td>(ii)</td>
<td>If so, will this IA serve also as an ex-ante evaluation, as required by the Financial regulation? If not, provide information about the timing of the ex-ante evaluation.</td>
<td>No</td>
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<td>E. Evidence base, planning of further work and consultation</td>
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<td>(i)</td>
<td>What information and data are already available? Will existing impact assessment and evaluation work be used?</td>
<td>A Communication on the review of the application of the PSI Directive was issued in 2009. Various studies on re-use of PSI, i.a. in specific sectors, have been carried out. The ePSIplatform (<a href="http://www.epsiplatform.eu/">http://www.epsiplatform.eu/</a>) provides wide ranging PSI data across the EU. Further data will be gathered through networking and studies. New studies on the costs and benefits of the different charging policies implemented by Public Sector Bodies in Europe, on PSI and the Cultural Sector, and on the potential market value of PSI in Europe are to be completed externally by Spring 2011. A press release was issued on the launch of the open consultation on the review of the PSI Directive.</td>
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<td>(ii)</td>
<td>What further information needs to be gathered, how will this be done?</td>
<td>An on-line stakeholders' consultation is currently on-going (<a href="http://ec.europa.eu/yourvoice/ipm/forms/dispatch?form=psidirective2010">http://ec.europa.eu/yourvoice/ipm/forms/dispatch?form=psidirective2010</a>). It was launched on 9 September and is open until 30 November 2010. All interested parties (including governments, public sector content holders, commercial and non-commercial re-users and other interested parties) are invited to contribute to it. A previous consultation of Member States and stakeholders was organised in May 2008.</td>
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<td>(iii)</td>
<td>What is the timing for the procurement process &amp; the contract for any external contracts that you are planning?</td>
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<td>(iv)</td>
<td>Is any particular communication or information activity foreseen?</td>
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<td>If so, what, and by when?</td>
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