



32nd Meeting of the Public Sector Information Group

Wednesday, 12 May 2021

Online conference

1. Welcome and update from the European Commission

The meeting was opened by the Commission which briefed the MS experts on the implementation of European Data Strategy of February 2020.

Firstly, the Chair updated participants on the status of the proposal for a Regulation on the European Data Governance (Data Governance Act; DGA¹), which is currently in the Council. He mentioned also the proposal for a Digital Markets Act where data plays crucial role.

Concerning Data spaces, the Chair recalled the Council conclusions of October and informed that the EC has recently been asked to move faster, namely in the field of health. The EP asked for a tourism data space, so there may be more than the original 9 mentioned in the Strategy.

Some other important policy developments in the field of data:

- Revamped industrial strategy – the launch of the European Cloud Alliance;
- Funding programmes – Digital Europe and its work programme is in the process of being finalised. It will support HVDs, data sharing;
- Horizon Europe – also has funds for underlying technologies, like privacy preserving or extreme analytics.

Update on the proposal for a Regulation on the European Data Governance and on the upcoming proposal for a Data Act by the Commission

Data Governance Act – first legislative proposal of November 2020. By creating an overarching horizontal regulatory framework, it aims to foster trust in data sharing. It builds on the GDPR, Free Flow of Data Regulation, Open Data Directive. In the Council, the DE and PT presidency progress was swift, two compromise proposals have been accepted so far. There were two workshops for MS – on intermediaries and on re-use of certain public sector data. In the EP, the lead Committee is ITRE, which published their amendments in March. The ITRE Committee vote is expected before summer and plenary vote in September. The LIBE Committee is also involved, finalising their draft and vote before the summer.

On 10 March, the joint opinion by the European Data Protection Board ('EDPB') and the European Data Protection Supervisor ('EDPS') recommended a number of measures to be taken into account in the DGA.²

Co-legislators are supportive and strive to make the text better, to clarify the interplay with the other legislation. The European Data Innovation Board is seen as a helpful structure.

Data Act, planned for end 2021, will be the last major initiative announced in the Data Strategy. Final rounds of internal validation are ongoing and the public online consultation³ will be launched

¹ Press package : https://ec.europa.eu/commission/presscorner/detail/en/ip_20_2102

² https://edps.europa.eu/press-publications/press-news/press-releases/2021/edpb-edps-adopt-joint-opinion-data-governance-act_en

soon. It should cover: clarify interest in data, usage rights over co-generated data, B2G data sharing, review of parts of the IPR regime.

Update on the Implementing Regulation with a list of High Value Datasets by the Commission

The procedure towards the adoption of the Implementing Regulation is still ongoing, taking some delay on the way. Before its adoption by the Commission, the draft Implementing Regulation still has to be subject to internal and to public consultations and it will be submitted for opinion to the Open Data Committee composed of Member States representatives.

Here is a brief overview of where we are in the procedure:

- Impact assessment – finalised and successfully passing through the internal regulatory scrutiny board – December 2020
- Inter-service consultation – under preparation (waiting for the green light of our hierarchy)
- Online public consultation – will follow the ISC
- Proposal of the list of HVDs to be submitted to the Open Data Committee in Q4 2021
- The Commission will be able to adopt the Implementing Regulation fairly quickly after the opinion of the Open Data Committee is ready. The Parliament and/or Council can object to the proposed implementing act if it exceeds the Commission's powers defined in the initial act. The Commission is then obliged to review its proposed act in the light of this input and decide whether to maintain, amend or withdraw it.

The Commission cannot share any draft legislative document at this stage. However, a request for access to documents led to an informal release of the unpublished study on HVDs and of the draft impact assessment. The applicant posted the documents here: https://www.asktheeu.org/en/request/high_value_dataset_impact_analys#incoming-30453

The results of the impact assessment suggest to be conservative in the categories of mobility, geospatial and company and company ownership data.

In the ensuing discussion, Member States asked about a personal data protection Impact Assessment of the Implementing Regulation containing the list of HVDs. The Commission plans to ask for an EDPS opinion on the draft Implementing Regulation

Another question concerned the direct applicability of the Implementing Regulation and a possible *vacatio legis*. The Commission confirmed that the Implementing Regulation will be directly applicable and that it is expected to leave about one year to Member States to implement its rules and to publish the listed datasets.

The Commission reminded that the Implementing Regulation will only apply to existing documents held by Member States and it will not oblige them to create data sets that they do not have. Slovenia proposed to include also data on energy resources on the HVD list.

Several Member States expressed their interest in more information on the overall intentions and effects of the DGA on the data economy (why are data intermediaries necessary, what is the EU approach on data, etc.), as well as the interplay with the Open Data Directive and the GDPR.

2. The transposition of the Open Data Directive: update from the Member States

Sweden

Implementation: PSI Law will be replaced with a new one.

Other efforts: the Swedish agency for Digital Government has prepared guidelines for the PSI, promoting open by default policies, recommendations for open licences. Work is ongoing on a framework for basic data. The Swedish economic impact assessment of open public sector information high value data:

³ In the meanwhile, published on 3 June 2021 here: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13045-Data-Act-including-the-review-of-the-Directive-96-9-EC-on-the-legal-protection-of-databases-public-consultation_en

<https://www.lantmateriet.se/contentassets/e16a59e08cb744149c878776256560e6/open-data-report-summary-2020-06-04.pdf>

An Open Data Portal, using DCAT-AP 2.0 in national format, is in place.

Spain

It is expected to be a bit late in the transposition. The Open Data Portal has been improving the quality of data and increasing its use.

Slovenia

Draft law is under consultation with stakeholders. Events for the promotion of Open Data have been held, e.g. in relation to the pandemic.

Preparing upgrade of the Open Data Portal.

Romania

The legislative proposal has gone through a public consultation and now it expects inter-governmental approval. It goes beyond the Directive regarding HVDs.

Open Data Portal – a study on the impact of the portal just published, available at <https://data.gov.ro/blog/evaluarea-impactului-portalului-data-gov-ro-si-a-deschiderii-datelor-in-romania>

Portugal

The legislative proposal is expecting approval in the Government.

The Open Data Portal is promoting data re-use through various initiatives. A section has been created where the public can request data.

Poland

Draft new law is in consultations in the Government and should be adopted before summer.

The new Open Data Programme is a 7-year programme, its focus is to build the APIs, develop the portal, open some public registers. Collaboration with local governments and NGOs.

The Netherlands

New law is in consultations in the Government and should be sent to Parliament this year.

Working on a new data strategy. It will take account of the DGA and possible B2G rules.

Malta

A new act will amend the current PSI Act. The Bill was approved in the cabinet and will now go to the Parliament.

The National data strategy is being prepared, looking at all kinds of data held by the public sector and at data infrastructure.

Luxembourg

Draft law is ready, has passed through consultations. Now it is waiting for an opinion of the Conseil d'Etat.

Lithuania

Draft law is in governmental consultations. The plan is to get to the Parliament in May, adoption in June. Lithuania added a few provisions on the HVDs in the draft.

New concept: data opening oriented by demand. First, it is necessary to have a list of available datasets. Working on an automated tool that will access metadata of the existing data and make it available.

The new approach in data opening practice in Lithuania is described here: https://ivpk-my.sharepoint.com/:w:/g/personal/julius_belickas_ivpk_lt/EewCe5S-UvFJqyc1nTuXeYMBqswIAaUFekZy_qS5upokCw?e=4ixCq7

Latvia

The proposed amendment to the Free of Access to Information Act: consultations will be over this week, then it will go to the Government. It mandates the Government to define a list of HVDs.

The new law will implement the Open-by-Default principle. It is also planned to open some documents from the private sector. Company data are very open already.

Italy

The draft legislative decree is now examined by the competent Ministry.

The new Open Data Portal released at the beginning of 2021 improves discoverability.

Ireland

The draft is now with legal advisors; Ireland expects that the transposition deadline will be met.

Ireland is updating the national data strategy. Also, a project has started on assessing the impact of open data in Ireland.

Open Data Portal is providing guidelines for public sector bodies on how publish data on the portal.

Hungary

The Government should soon adopt the draft. The fact that the EU's implementing act on HVDs still does not exist causes issues on the national level.

AI strategy was adopted in September to boost data economy. A new Data Asset Agency will launch a new Open Data Portal.

Germany

The proposal of the data use act is in the Parliament since February after thorough consultations. It is an update to the Open Data legislation and the also to the re-use part of the law. The scope was extended to research data, included Open Data coordinators in public bodies. The Parliament seems to be very ambitious, may even extend scope to private entities.

National Data strategy was published in January 2021.

Heavy discussions on HVDs, a national impact assessment study was published. Germany is happy to share experience in proposing to transpose only the legal consequences of HVDs in the situation when the actual list of HVDs does not exist yet. In the proposal it is referred to the upcoming and probably dynamic list of HVD.

The Open Data Portal developed an Interoperability Test Bed for data validation:

<https://joinup.ec.europa.eu/collection/interoperability-test-bed-repository/solution/interoperability-test-bed/news/test-bed-support-govdatade>

France

France has already notified its transposition. The Prime Minister sent a circular to establish administrators of data in public bodies. Algorithms and source codes should also be made available.

Finland

In early May the draft new law was submitted to the Parliament. Issues concerning data protection and national security. Some issues with the delayed implementing act - full transposition may require another piece of legislation, depending on the implementing act on HVDs.

Open Data Portal is in line with DCAT-AP.

Estonia

New Open Data Portal was launched. Open Data impact assessment was done.

Data stewardship is in the focus. New national DCAT-AP is being developed. Data governance strategies were published. There is also a project on increasing data availability.

Transposition: the plan is to include language resources in the HVD list. We could not do the proper impact assessment, since the HVD implementing act is still not available. Hence, it is difficult to get decision makers on board in time. Otherwise we may not be able to adopt the Directive.

Denmark

The transposition goes on well – Parliament has adopted the law and it will be in force by 1 July.

Czechia

The proposal is ready to amend the Free of Access to Information Act; it has been approved by the Government and is now entering the Parliament. A delay is possible due to October elections.

The cadastre authority aims to reduce number of datasets on the Open Data Portal, given that the cadastre data are currently broken down into hundreds of thousands of datasets.

Cyprus

The draft law has been approved by the Government and is now in the Parliament. Elections in June will hopefully not affect the process.

A data impact study is now under preparation, to be ready in May.

Bulgaria

The draft law went through a difficult process, since it combines the Free of Access to Information Act and re-use issues. We work on impact assessment and public consultations. Elections took place in April, another election will follow in June, which cause a little delay.

Works are ongoing on improving the quality of the data on the Open Data Portal, including dynamic data. Also: priority data have been listed. Survey on HVDs will be ready in September.

Belgium

First draft of the last was discussed internally. It will still need to go through the Council of State, Government and Parliament, so Belgium will be late.

Belgium makes data available under the CC0 licence.

Austria

Draft law has been finalised after the consultations and will go to the cabinet soon. There have been difficulties in assessing the impact of HVDs, namely geospatial data. Some Länder have also finished their proposals, so Austria strives to ensure a harmonised approach across the country.

Austria considers an upgrade of the Open Data Portal. It could include data from NGOs and the private sector.

Consultations have been held with the Ministry for Science on a national research data policy, which will soon be published.

Switzerland

Switzerland is working on a legal basis for open data. Looking also at publishing private sector data in public interest.

Norway

Transposition is ongoing. Data is a hot topic, so it attracts more attention.

The Open Data Portal contains data of the whole public sector. Norway reflects on publishing also some private sector data.

3. Update on Open Data activities supporting actions

- The draft work programme 2021-2022 of the Digital Europe Programme was presented by the Commission, in particular for what concerns the continuation of the support to open data policies (European Data Portal, High Value Datasets, Data Spaces deployment).
In the ensuing discussion, it was clarified that the Gaia-X programme should be a good basis for building the data space for manufacturing. Also, the Green Deal data space can be considered as environmental data space, while the European Open Science Cloud (EOSC) could also count as another European data space.
- The European Data Portal beyond 2021: data.europa.eu was presented. “data.europa.eu”, started at the beginning of 2021, is the merger of the formerly separated European Data Portal, harvesting European public open data portals, and the EU-Open Data Portal, making available datasets generated by EU institutions and bodies. The web site is now cataloguing more than 1.3 million public datasets from the EU and MS level, making them accessible in a harmonised and multilingual interface.
- The Open Data Maturity Report 2021 was presented, showing in particular the slight adjustments made to the 2020 questionnaire and reminding the scheduled milestones from data collection and validation to publication, planned as usual towards the end of 2021. The Commission and the contractors charged of the data collection and report elaboration thanked the participants for their excellent and committed participation in the exercise.
- The DCAT-AP metadata standard and its current and foreseen use was presented. Data re-users need data.europa.eu to discover data across borders and EU institutions, so that metadata homogenisation is very important. The DCAT-AP standard was created by the EU for this purpose; it is an open standard for catalogue metadata, free for re-use, supported by mainstream

data portal software such as CKAN. Even if data.europa.eu can accept other metadata standards, all Member States are invited to converge on DCAT-AP, or to use DCAT-AP country-specific application profiles.

DCAT-AP compliance is one of the elements we use to measure the quality of national portals' metadata. The official validation tool was created by SEMIC, the maintainers of the standard, and is available at <https://data.europa.eu/mqa/shacl-validator-ui/>. The Metadata Quality Assurance (MQA) tool implemented in the EDP/data.europa.eu uses the SEMIC validation tool to measure the % of datasets that passes the test.

- The Publications Office of the EU presented the EUOpenDataDays 2021. The event will take place on 23-25 November 2021, combining the EU DataViz conference and the EUDatathon competition. Its aim is to bring the benefits of open data and its reuse to the EU public sector. The event will be online and participation will be free. Theme of the event is: Shaping our future with open data. The Members of the PSI group were invited to promote the event and National Open Data portals to join as partners.

4. Wrap up and conclusions

The chair thanked the participants and announced that the next meeting would take place in autumn 2021, hopefully in the Commission's premises in Luxembourg. The discussion on the High Value Datasets will be the subject of a meeting of the Open Data Committee, to be held as soon as a stable draft version of the legal act will be ready for discussion.