



Re-use of public sector information

The EU public sector information (PSI) market for digital content products and services was estimated to be worth €28 billion in 2008. Opening up greater access had the potential to add €40 billion per annum of further revenue.

The proposed revision to the first PSI directive aims to correct differences arising among Member States, improve access and ensure the effective cross-border use of public sector data.

The first re-use directive

Directive [2003/98/EC](#) on the re-use of public sector information aims to encourage Member States (MS) to make as much data available as possible, by removing major access barriers and harmonising the basic conditions for its re-use. Previously there was only legislation at national level.

The Directive sets minimum rules for the re-use of data and the practical means for re-use of existing documents. Moreover, documents - available electronically where possible - should be re-usable for commercial or non-commercial purposes. The [ePSIplatform](#) (European Public Sector Information) has been set up as a result of the Directive.

Exclusions to access include documents not related to public tasks of the public sector bodies concerned, national security, commercial confidentiality, public service broadcasters, education, cultural and research establishments and documents with third party intellectual property rights.

Problems identified

Two European Commission reviews of the Directive noted insufficient clarity and transparency of PSI re-use rules, unavailable information resources, excessive charges, no level playing field (e.g. unfair competition), insufficient enforcement of re-use provisions and different approaches amongst MS.

Proposed revision

The proposed [Directive](#) tightens the obligations on MS and public sector bodies. Guidance is also given to national authorities.

The aim is to generate EU-wide products and services for cross-border use and to limit market competition distortions.

The proposal would introduce a number of changes:

- the Directive is extended to include sectors currently excluded: cultural, educational and research establishments and public service broadcasters
- a requirement for an independent regulator and a claims/redress mechanism
- the general principle on which data is for re-use is made easier. Now all legally public documents will be re-useable
- the scope of 'public task' is to be defined by legislative means only
- data to be in machine-readable formats
- public sector bodies will now be responsible for proving compliance with the rules in how they charge for data
- charging limit of marginal costs, with exceptions.

EP actions

The ITRE Committee ([rapporteur](#) Ivailo Kalfin, S&D, Bulgaria) reached agreement in trilogue to amend the existing Directive, including:

- data charging to be zero or very low cost, with a few clearly defined exceptions
- claims to regulator to be at a low cost and result in rapid decisions
- limits on scope and duration of exclusive digitisation rights
- the Directive would not apply to university library documents with intellectual property rights or other specific areas such as national security, commercial confidentiality, protection of privacy and personal data
- libraries (including university), museums and archives would have a right to charge above marginal cost, subject to conditions.

Stakeholder reactions

The proposal is considered to take an evolutionary rather than 'bold step' approach to addressing the concerns raised.