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AMENDMENTS

12 - 128

Draft report
Ivailo Kalfin
(PE492.922v01-00)

Amendment of Directive 2003/98/EC on re-use of public sector information

Proposal for a directive
(COM(2011)0877 – C7-0502/2011 – 2011/0430(COD))

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United in diversity

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Amendment 12
Ioannis A. Tsoukalas

Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) Data and information produced by Member States' governments, the public sector and EU institutions and bodies, constitute a vast, diverse and valuable pool of resources that can benefit the knowledge economy.

Or. en

Amendment 13
Ioannis A. Tsoukalas

Proposal for a directive
Recital 2

Text proposed by the Commission

Amendment

(2) Open data policies which encourage the wide availability and re-use of public sector information for private or commercial purposes, with minimal or no legal, technical or financial constraints, can play an important role in kick-starting the development of new services based on novel ways to combine and make use of such information. However, this requires a level playing field at Union level in terms of whether or not the re-use of documents is authorised, which cannot be achieved by leaving it up to the different rules and practices of the Member States or the public bodies concerned.

(2) Open data policies which encourage the wide availability and re-use of public sector information for private or commercial purposes, with minimal or no legal, technical or financial constraints, can play an important role in kick-starting the development of new services based on novel ways to combine and make use of such information, ***stimulate economic growth and promote social engagement.*** However, this requires a level playing field at Union level in terms of whether or not the re-use of documents is authorised, which cannot be achieved by leaving it up to the different rules and practices of the Member States or the public bodies concerned.

Or. en

Amendment 14

Ioannis A. Tsoukalas

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) Allowing re-use of documents held by a public sector body adds value for the re-users, for the end users **and** for the society in general and **in many cases** for the public body itself, by providing feedback from re-users and end users which allows the holder to improve the quality of the information collected.

Amendment

(3) Allowing re-use of **data and** documents held by a public sector body adds value for the re-users, for the end users, for the society in general and for the public body itself, by **promoting transparency and** providing feedback from re-users and end users which allows the holder to improve the quality of the information collected.

Or. en

Amendment 15

Sabine Verheyen, Petra ammerevert, Angelika Niebler, Herbert Reul, Hermann Winkler

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) Directive 2003/98/EC does not **contain** an obligation to allow re-use of documents. The decision whether or not to authorise re-use remains with the Member *Sates* or the public sector body concerned. At the same time, the Directive builds on national rules on access to documents. Some Member States have expressly linked the right of re-use to this right of access, **so that all generally accessible documents are re-usable. In** other Member States, **the link between the two sets of rules is less clear and this is a source of legal uncertainty.**

Amendment

(6) Directive 2003/98/EC does not **justify** an obligation **for Member States** to allow **access to, and** re-use of, **public-sector** documents. The decision whether or not to authorise re-use remains with the Member *States* or the public sector body concerned. **The Directive only harmonises the conditions subject to which documents are made available for re-use.** At the same time, the Directive builds on national rules on access to documents. Some Member States have expressly linked the right of re-use to this right of access, **whereas** other Member States **have legally separated the right of re-use from national rules on access to information and freedom of**

information.

Or. de

Amendment 16

Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) National regulations on access to public documents are based on transparency and freedom of information. In some cases, however, this right is restricted, for example to those who have a particular interest in these documents or in cases in which the documents contain sensitive information relating, for example, to national or public security.

Or. de

Amendment 17

Ivailo Kalfin

Proposal for a directive

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The obligation to make all generally available documents re-usable should be done while guaranteeing the protection of privacy and personal data at Union level in respect with the Union data protection legislation, including in cross-border data reuse, by ensuring the anonymisation of the personal data, where appropriate.

Or. en

Amendment 18

Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive

Recital 6 b (new)

Text proposed by the Commission

Amendment

(6b) Directive 2003/98/EC does not contain an obligation for Member States to digitise analogue material which they have available, or to make it machine-readable in a technologically neutral manner. Public sector bodies may themselves decide what data are to be digitised when and under what conditions.

Or. de

Amendment 19

Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive

Recital 6 c (new)

Text proposed by the Commission

Amendment

(6c) Directive 2003/98/EC applies to documents the supply of which forms part of the public task of the public-sector bodies concerned, as defined by law or by other binding rules in the Member State in question. It should be possible for this public task to be defined for the bodies concerned either in general or from case to case.

Or. de

Amendment 20
Sajjad Karim

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) Directive 2003/98/EC should therefore lay down a clear obligation for Member States to make all generally available documents re-usable. As it constitutes a limitation to the intellectual property rights hold by the authors of the documents, the scope of such a link between the right of access and the right of use should be narrowed to what is strictly necessary to reach the objectives pursued by its introduction. In this respect, taking into account the Union legislation and Member States' and Union's international obligations, notably under the Berne Convention for the Protection of Literary and Artistic Works and the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement), documents on which third parties hold intellectual property rights should be excluded from the scope of Directive 2003/98/EC. If a third party was the initial owner of a document held by libraries (including university libraries), museums and archives that is still protected by intellectual property rights, that document should, for the purpose of this Directive, be considered as a document for which third parties hold intellectual property rights.

Amendment

(7) Taking into account the Union legislation and Member States' and Union's international obligations, notably under the Berne Convention for the Protection of Literary and Artistic Works and the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement), documents on which third parties hold intellectual property rights should be excluded from the scope of Directive 2003/98/EC. If a third party was the initial owner of a document held by libraries (including university libraries), museums and archives that is still protected by intellectual property rights, that document should, for the purpose of this Directive, be considered as a document for which third parties hold intellectual property rights.

Or. en

Amendment 21
Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) Directive 2003/98/EC **should therefore lay down a clear obligation for Member States to make all generally available documents re-usable. As it constitutes a limitation to** the intellectual property rights **held** by the authors of the documents, **the** scope of such a link between the right of access and the right of use should be narrowed to what is strictly necessary to reach the objectives pursued by its introduction. In this respect, taking into account the Union legislation and Member States' and Union's international obligations, notably under the Berne Convention for the Protection of Literary and Artistic Works and the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement), documents on which third parties hold intellectual property rights should be excluded from the scope of Directive 2003/98/EC. If a third party was the initial owner of a document held by libraries (including university libraries), museums and archives that is still protected by intellectual property rights, that document should, for the purpose of this Directive, be considered as a document for which third parties hold intellectual property rights.

Amendment

(7) Directive 2003/98/EC **limits** the intellectual property rights **held** by the authors of the documents. **The** scope of such a link between the right of access and the right of use should **therefore** be narrowed to what is strictly necessary to reach the objectives pursued by its introduction. In this respect, taking into account the Union legislation and Member States' and Union's international obligations, notably under the Berne Convention for the Protection of Literary and Artistic Works and the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement), documents on which third parties hold intellectual property rights should be excluded from the scope of Directive 2003/98/EC. If a third party was the initial owner of a document held by libraries (including university libraries), museums and archives that is still protected by intellectual property rights, that document should, for the purpose of this Directive, be considered as a document for which third parties hold intellectual property rights.

Or. de

Amendment 22

Ioannis A. Tsoukalas

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) Directive 2003/98/EC should therefore

Amendment

(7) Directive 2003/98/EC should therefore

lay down a clear obligation for Member States to make all generally available documents re-usable. As it constitutes a limitation to the intellectual property rights hold by the authors of the documents, the scope of such a link between the right of access and the right of use should be narrowed to what is strictly necessary to reach the objectives pursued by its introduction. In this respect, taking into account the Union legislation and Member States' and Union's international obligations, notably under the Berne Convention for the Protection of Literary and Artistic Works and the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement), documents on which third parties hold intellectual property rights should be excluded from the scope of Directive 2003/98/EC. If a third party was the initial owner of a document held by libraries (including university libraries), museums and archives that is still protected by intellectual property rights, that document should, for the purpose of this Directive, be considered as a document for which third parties hold intellectual property rights.

lay down a clear obligation for Member States, ***as well as the European Union institutions and bodies***, to make all generally available documents re-usable ***and to generate all such future documents with a view of being re-usable***. As it constitutes a limitation to the intellectual property rights hold by the authors of the documents, the scope of such a link between the right of access and the right of use should be narrowed to what is strictly necessary to reach the objectives pursued by its introduction. In this respect, taking into account the Union legislation and Member States' and Union's international obligations, notably under the Berne Convention for the Protection of Literary and Artistic Works and the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement), documents on which third parties hold intellectual property rights should be excluded from the scope of Directive 2003/98/EC. If a third party was the initial owner of a document held by libraries (including university libraries), museums and archives that is still protected by intellectual property rights, that document should, for the purpose of this Directive, be considered as a document for which third parties hold intellectual property rights.

Or. en

Amendment 23
Bendt Bendtsen

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) Directive 2003/98/EC should therefore lay down ***a clear obligation for*** Member States ***to*** make all generally available documents re-usable. As it constitutes a

Amendment

(7) Directive 2003/98/EC should therefore lay down ***that*** Member States make all generally available documents re-usable. As it constitutes a limitation to the

limitation to the intellectual property rights hold by the authors of the documents, the scope of such a link between the right of access and the right of use should be narrowed to what is strictly necessary to reach the objectives pursued by its introduction. In this respect, taking into account the Union legislation and Member States' and Union's international obligations, notably under the Berne Convention for the Protection of Literary and Artistic Works and the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement), documents on which third parties hold intellectual property rights should be excluded from the scope of Directive 2003/98/EC. If a third party was the initial owner of a document held by libraries (including university libraries), museums and archives that is still protected by intellectual property rights, that document should, for the purpose of this Directive, be considered as a document for which third parties hold intellectual property rights.

intellectual property rights hold by the authors of the documents, the scope of such a link between the right of access and the right of use should be narrowed to what is strictly necessary to reach the objectives pursued by its introduction. In this respect, taking into account the Union legislation and Member States' and Union's international obligations, notably under the Berne Convention for the Protection of Literary and Artistic Works and the Agreement on Trade-Related Aspects of Intellectual Property Rights (the TRIPS Agreement), documents on which third parties hold intellectual property rights should be excluded from the scope of Directive 2003/98/EC. If a third party was the initial owner of a document held by libraries (including university libraries), museums and archives that is still protected by intellectual property rights, that document should, for the purpose of this Directive, be considered as a document for which third parties hold intellectual property rights.

Or. da

Amendment 24
Sajjad Karim

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) For the purpose of identifying documents the supply of which is an activity falling outside the scope of the public task of the public sector bodies concerned as defined by law or by other binding rules in the Member State, the public task could be defined generally or on a case-by-case basis for individual public sector bodies.

Amendment 25
Silvia-Adriana Țicău

Proposal for a directive
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) Documents in the public domain held by libraries (including university libraries), museums and archives will be presumed to be reusable.

Or. en

Amendment 26
Sajjad Karim

Proposal for a directive
Recital 7 b (new)

Text proposed by the Commission

Amendment

(7b) This Directive should be implemented and applied in full compliance with the principles relating to the protection of personal data in accordance with the Directive 95/46/EC of the European Parliament and the Council of 24 October 1995 on the protection of individuals with regard to the processing of data and of the free movement of such data. In particular, the granting of permission to re-use documents access to which is not restricted by virtue of access regimes in the Member States should respect the restrictions set by national law in compliance with Directive 95/46/EC on processing of personal data contained therein.

Or. en

Amendment 27

Ioannis A. Tsoukalas

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) The scope of application of the Directive is extended to libraries (including university libraries), museums and archives. The Directive does not apply to other cultural institutions, such as operas, ballets or theatres, including the archives that are part of these institutions.

Amendment

(10) The scope of application of the Directive is extended to libraries (including university libraries), museums, **public bodies managing archaeological and cultural sites** and archives. The Directive does not apply to other cultural institutions, such as operas, ballets or theatres, including the archives that are part of these institutions.

Or. en

Amendment 28

Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive

Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) As regards the description, digitisation and presentation of cultural collections, there are numerous cooperation arrangements between libraries (including university libraries), museums, archives and private partners which involve public sector bodies granting exclusive rights of access and commercial exploitation to cooperation partners. Practice has shown that these public-private partnerships can facilitate worthwhile use of cultural collections and at the same time that they accelerate access to the cultural heritage for members of the public. Directive

2003/98/EC should therefore not preclude the conclusion of agreements granting exclusive rights. Moreover, cultural institutions should be free to choose for themselves the partners with which they wish to cooperate, subject to compliance with the principles of transparency and non-discrimination.

Or. de

Amendment 29
Ioannis A. Tsoukalas

Proposal for a directive
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) The European Union institutions and bodies should lead by example in the re-use of public sector information, thus transforming information management across the public sector, promoting best practices and developing innovative technology solutions.

Or. en

Amendment 30
Ioannis A. Tsoukalas

Proposal for a directive
Recital 10 b (new)

Text proposed by the Commission

Amendment

(10b) The application of the Directive is extended to regional governments and local authorities, which constitute a particularly valuable source of public service data.

Or. en

Amendment 31

Ioannis A. Tsoukalas

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) To facilitate re-use, public sector bodies should make documents available through machine readable formats and together with their metadata where possible and appropriate, in a format that ensures interoperability , e.g. by processing them in a way consistent with the principles governing the compatibility and usability requirements for spatial information under Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)²³

Amendment

(11) To facilitate re-use, public sector bodies should make documents available through machine readable formats and together with their metadata where possible and appropriate, **using open standards where possible**, in a format that ensures interoperability , e.g. by processing them in a way consistent with the principles governing the compatibility and usability requirements for spatial information under Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)²³

Or. en

Amendment 32

Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) To facilitate re-use, public sector bodies should make documents available through machine readable formats and together with their metadata where possible and appropriate, in a format that ensures interoperability , e.g. by processing them in a way consistent with the principles governing the compatibility and usability requirements for spatial information under

Amendment

(11) To facilitate re-use, public sector bodies should make documents available through **technology-neutral** machine-readable formats and together with their metadata where possible and appropriate, in a format that ensures interoperability , e.g. by processing them in a way consistent with the principles governing the compatibility and usability requirements

Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)²².

for spatial information under Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)²².

Or. de

Amendment 33
Salvador Sedó i Alabart

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) To facilitate re-use, public sector bodies should make documents available through machine readable formats and together with their metadata where possible and appropriate, in a format that ensures interoperability , e.g. by processing them in a way consistent with the principles governing the compatibility and usability requirements for spatial information under Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)²³

Amendment

(11) To facilitate re-use, public sector bodies should make documents available through ***technology-neutral*** machine readable formats and together with their metadata where possible and appropriate, in a format that ensures interoperability , e.g. by processing them in a way consistent with the principles governing the compatibility and usability requirements for spatial information under Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)²³

Or. en

Amendment 34
Amelia Andersdotter

Proposal for a directive
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) A document should be considered as

a document in a machine readable format if it is in a file format that is structured in such a way that software applications can easily identify, recognise and extract data of interest from it. Data encoded in files that are structured in a machine-readable format are machine-readable data. Machine-readable formats can exist as formal open standards or not. Documents encoded in a file format that limits such automatic processing, because the data cannot or cannot easily be extracted from these documents, should not be considered as documents in machine-readable format. Member States should when appropriate encourage the use of open, machine-readable formats.

Or. en

Amendment 35
Sajjad Karim

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Where charges are made for the re-use of documents, they should in principle be limited to the marginal costs *incurred for their reproduction and dissemination, unless exceptionally justified according to objective, transparent and verifiable criteria*. The necessity of not hindering the normal running of public sector bodies *covering* a substantial part of *the operating cost* relating to the performance of their public task *from the exploitation of their intellectual property rights* should notably be taken into consideration. The burden of proving that charges are cost-oriented and comply with relevant *limits* should lie with the public sector body charging for the re-use of documents.

Amendment

(12) Where charges are made for **supplying and allowing** the re-use of documents, they should in principle be limited to the marginal costs. **However**, the necessity of not hindering the normal running of public sector bodies **that cover** a substantial part of **their costs** relating to the performance of their public task **or any particular activity falling within their public task as well as the normal running of libraries, museums and archives** should notably be taken into consideration. **Those public sector bodies should be allowed to charge higher charges for re-use. The total income from supplying and allowing re-use of documents should not exceed the cost of collection, production, reproduction and dissemination, together with a reasonable**

return on investment. The burden of proving that charges are cost-oriented and comply with relevant *criteria* should lie with the public sector body charging for the re-use of documents.

Or. en

Amendment 36
Salvador Sedó i Alabart

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Where charges are made for the re-use of documents, they should in principle be limited to the marginal costs *incurred for their reproduction and dissemination, unless exceptionally justified according to objective, transparent and verifiable criteria.* The necessity of not hindering the normal running of public sector bodies *covering* a substantial part of *the operating cost* relating to the performance of their public task *from the exploitation of their intellectual property rights* should notably be taken into consideration. The burden of proving that charges are cost-oriented and comply with relevant *limits* should lie with the public sector body charging for the re-use of documents.

Amendment

(12) Where charges are made for *supplying and allowing* the re-use of documents, they should in principle be limited to the marginal costs. *However,* the necessity of not hindering the normal running of public sector bodies *that are required to cover* a substantial part of *their costs* relating to the performance of their public task *as well as the normal running of libraries, museums and archives* should notably be taken into consideration. *Those public sector bodies should be allowed to charge higher charges for re-use. Such charges above marginal costs should be set according to objective, transparent and verifiable criteria and the total income from supplying and allowing re-use of documents should not exceed the cost of collection, production, reproduction and dissemination, together with a reasonable return on investment.* The burden of proving that charges are cost-oriented and comply with relevant *criteria* should lie with the public sector body charging for the re-use of documents.

Or. en

Amendment 37
Sabine Verheyen, Petra Kammerevert

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Where charges are made for the re-use of documents, they should in principle be limited to the marginal costs incurred for their reproduction and dissemination, unless exceptionally justified according to objective, transparent and verifiable criteria. The necessity of not hindering the normal running of public sector bodies covering a substantial part of the operating cost relating to the performance of their public task from the exploitation of their intellectual property rights should notably be taken into consideration. ***The burden of proving that charges are cost-oriented and comply with relevant limits should lie with the public sector body charging for the re-use of documents.***

Amendment

(12) Where charges are made for the re-use of documents, they should in principle be limited to the marginal costs incurred for their reproduction, ***provision*** and dissemination, unless exceptionally justified according to objective, transparent and verifiable criteria. The necessity of not hindering the normal running of public sector bodies covering a substantial part of the operating cost relating to the performance of their public task from the exploitation of their intellectual property rights should notably be taken into consideration.

Or. de

Amendment 38
Silvia-Adriana Țicău

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) Where charges are made for the re-use of documents, they should in principle be limited to the marginal costs incurred for their reproduction and dissemination, unless exceptionally justified according to objective, transparent and verifiable criteria. The necessity of not hindering the normal running of public sector bodies covering a substantial part of the operating cost relating to the performance of their

Amendment

(12) Where charges are made for the re-use of documents, they should in principle be limited to the marginal costs incurred for their reproduction ***and formatting, ensuring of their interoperability*** and dissemination, unless exceptionally justified according to objective, transparent and verifiable criteria. The necessity of not hindering the normal running of public sector bodies covering a substantial part of

public task from the exploitation of their intellectual property rights should notably be taken into consideration. The burden of proving that charges are cost-oriented and comply with relevant limits should lie with the public sector body charging for the re-use of documents.

the operating cost relating to the performance of their public task from the exploitation of their intellectual property rights should notably be taken into consideration. The burden of proving that charges are cost-oriented and comply with relevant limits should lie with the public sector body charging for the re-use of documents.

Or. ro

Amendment 39
Bendt Bendtsen

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) In relation to any re-use that is made of the document, public sector bodies *may*, where practicable, impose conditions on the re-user, such as acknowledgment of source. *Any licences for the re-use of public sector information should in any case place as few restrictions on re-use as possible.* Open licences available online, which grant wider re-use rights without technological, financial or geographical limitations and relying on open data formats, may also play an important role in this respect. Therefore, Member States should encourage the use of open government licences.

Amendment

(13) In relation to any re-use that is made of the document, public sector bodies *shall*, where practicable, impose conditions on the re-user, such as acknowledgment of source. Open licences available online, which grant wider re-use rights without technological, financial or geographical limitations and relying on open data formats, may also play an important role in this respect. Therefore, Member States should encourage the use of open government licences.

Or. da

Amendment 40
Ioannis A. Tsoukalas

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) In relation to any re-use that is made of the document, public sector bodies may, where practicable, impose conditions on the re-user, such as acknowledgment of source. Any licences for the re-use of public sector information should in any case place as few restrictions on re-use as possible. Open licences available online, which grant wider re-use rights without technological, financial or geographical limitations and relying on open data formats, may also play an important role in this respect. Therefore, Member States should encourage the use of open government licences.

Amendment

(13) In relation to any re-use that is made of the document, public sector bodies may, where practicable, impose conditions on the re-user, such as acknowledgment of source. Any licences for the re-use of public sector information should in any case place as few restrictions on re-use as possible. Open licences available online, which grant wider re-use rights without technological, financial or geographical limitations and relying on open data formats, may also play an important role in this respect. Therefore, Member States should encourage the use of open government licences ***that enable free re-use, including commercial re-use.***

Or. en

Amendment 41
Adina-Ioana Vălean

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) Proper implementation of some of the features of this Directive, such as means of redress, compliance with charging principles and reporting obligations require supervision by ***independent authorities*** competent ***on the re-use of*** public sector ***information***. To ensure consistency between approaches at Union level, coordination between ***the independent authorities*** should be encouraged, particularly through exchange of information on best practices and data re-use policies.

Amendment

(14) Proper implementation of some of the features of this Directive, such as means of redress, compliance with charging principles and reporting obligations require supervision by ***a competent impartial body, entitled to review any*** public sector ***body's decision on re-use***. To ensure consistency between approaches at Union level, coordination between ***these bodies*** should be encouraged, particularly through exchange of information on best practices and data re-use policies.

Or. en

Amendment 42

Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Proper implementation of some of the features of this Directive, such as means of redress, compliance with charging principles and reporting obligations require **supervision** by independent authorities competent on the re-use of public sector information. To ensure consistency between approaches at Union level, coordination between the independent authorities should be encouraged, particularly through exchange of information on best practices and data re-use policies.

Amendment

(14) Proper implementation of some of the features of this Directive, such as means of redress, compliance with charging principles and reporting obligations require **review** by authorities competent on the re-use of public sector information. **Member States have a responsibility to make appropriate national authorities responsible for this review.** To ensure consistency between approaches at Union level, coordination between the independent authorities should be encouraged, particularly through exchange of information on best practices and data re-use policies.

Or. de

Justification

The establishment of an independent regulatory authority would be contrary to the efforts of the Member States to reduce bureaucracy and consolidate budgets and would encroach to an unnecessary degree upon Member States' powers of self-organisation.

Amendment 43

Béla Kovács

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) Since the objective of this Directive, namely to facilitate the creation of Union-wide information products and services

Amendment

(15) Since the objective of this Directive, namely to facilitate the creation of Union-wide information products and services

based on public sector documents, to ensure the effective cross-border use of public sector documents by private companies for added-value information products and services, and to limit distortions of competition on the Union market, cannot be sufficiently achieved by Member States and can therefore, in view of the intrinsic pan-European scope of the proposed action, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the Functioning of the European Union. In accordance with the principles of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

based on public sector documents, to ensure the effective cross-border use of public sector documents by private companies, ***focusing on small and medium enterprises***, for added-value information products and services, and to limit distortions of competition on the Union market, cannot be sufficiently achieved by Member States and can therefore, in view of the intrinsic pan-European scope of the proposed action, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the Functioning of the European Union. In accordance with the principles of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives

Or. en

Amendment 44
Amelia Andersdotter

Proposal for a directive
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Documents and works, including audio and audiovisual productions, produced by public service broadcasters and other bodies or their subsidiaries for the fulfilment of a public service broadcasting remit should as a principle be re-usable. The possibility of accessing and re-using such publicly funded documents would be particularly beneficial to stimulate production of derivative creative content and would allow a future lifecycle for works that are held in public broadcasters' archives.

Or. en

Amendment 45
Ioannis A. Tsoukalas

Proposal for a directive
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) Each member state shall make public service information easily available through a central point of access, such a national PSI portal, thus ensuring that datasets are easy to find and exploit both nationally and across-borders. The European Commission shall create a central European repository of its own public service information that should also act as a gateway to national PSI portals.

Or. en

Amendment 46
Adina-Ioana Vălean

Proposal for a directive
Recital 17

Text proposed by the Commission

Amendment

(17) It is necessary to ensure that the Member States (see recital 19) report to the Commission on the extent of the re-use of public sector information, the conditions under which it is made available, and the work of the ***independent authority***. To ensure consistency between approaches at Union level, coordination between the ***independent authorities*** should be encouraged, particularly through exchange of information on best practices and data re-use policies.

(17) It is necessary to ensure that the Member States (see recital 19) report to the Commission on the extent of the re-use of public sector information, the conditions under which it is made available, and the work of the ***impartial body***. To ensure consistency between approaches at Union level, coordination between the ***impartial bodies*** should be encouraged, particularly through exchange of information on best practices and data re-use policies.

Or. en

Amendment 47

Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) The Commission should assist the Member States in implementing the Directive in a consistent way by ***giving guidance***, particularly on charging and calculation of costs, on recommended licensing conditions and on formats, after consulting interested parties.

Amendment

(18) The Commission should assist the Member States in implementing the Directive in a consistent way by ***making proposals***, particularly on charging and calculation of costs, on recommended licensing conditions and on formats, after consulting interested parties.

Or. de

Amendment 48

Adina-Ioana Vălean

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) The Commission ***should*** assist the Member States in implementing the Directive in a consistent way by giving guidance, particularly on charging and calculation of costs, on recommended licensing conditions and on formats, after consulting interested parties.

Amendment

(18) The Commission ***may*** assist the Member States in implementing the Directive in a consistent way by giving guidance, particularly on charging and calculation of costs, on recommended licensing conditions and on formats, after consulting interested parties.

Or. en

Amendment 49

Sajjad Karim

Proposal for a directive

Article 1 – point 1 – point 1 a (new)

Directive 2003/98/EC
Article 1 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(1a) In paragraph 2, point (b) is replaced by the following:

"(b) documents for which third parties hold intellectual property rights, including documents held by a university library in which the university holds intellectual property rights;".

Or. en

Justification

This amendment is intended to clarify that the directive does not apply to documents held by a library which forms part of the university which holds the intellectual property right (IPR) in the document. A university and its libraries may constitute a single legal entity. Without amendment, the exclusion of documents subject to third-party IPR would not apply where a library holds the document but the IPR is held by the university because the university would not be a separate (i.e., third) party.

Amendment 50
Amelia Andersdotter

Proposal for a directive
Article 1 – point 1 a (new)
Directive 2003/98/EC
Article 1 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(1a) In paragraph 2, point (d) is deleted.

Or. en

Amendment 51
Adina-Ioana Vălean

Proposal for a directive
Article 1 – point 1 – point 2

Directive 2003/98/EC
Article 1 – paragraph 2 – point e

Text proposed by the Commission

‘(e) documents held by educational and research establishments, ***such as research facilities***, including, ***where relevant***, organisations established for the transfer of research results, schools and universities (except university libraries in respect of documents other than research documents protected by third party intellectual property rights) and ;’

Amendment

“(e) documents held by educational and research establishments, including organisations established for the transfer of research results, schools and universities (except university libraries in respect of documents other than research documents protected by third party intellectual property rights) and ;”

Or. en

Amendment 52
Sajjad Karim

Proposal for a directive
Article 1 – point 1 – point 2 a (new)
Directive 2003/98/EC
Article 1 – paragraph 2 – point e a (new)

Text proposed by the Commission

Amendment

(2a) In paragraph 2, the following point is inserted after point (e):

“(ea) documents held by archives, museums or libraries (including university libraries) of a particularly sensitive religious nature or that involve traditional knowledge;”

Or. en

Justification

It has to be ensured that cultural establishments which hold materials of a particularly sensitive religious nature or on traditional knowledge are able to treat the reuse of such materials ethically.

Amendment 53
Ioannis A. Tsoukalas

Proposal for a directive
Article 1 – point 1 – point 3
Directive 2003/98/EC
Article 1 – paragraph 2 – point f

Text proposed by the Commission

‘(f) documents held by cultural establishments, other than libraries, museums and archives;’

Amendment

“(f) documents held by cultural establishments, other than libraries, museums, **public bodies managing archaeological and cultural sites**, and archives;”

Or. en

Amendment 54
Salvador Sedó i Alabart

Proposal for a directive
Article 1 – point 1 – point 3 a (new)
Directive 2003/98/EC
Article 1– paragraph 3

Text proposed by the Commission

Amendment

(3a) In Article 1, paragraph 3 is replaced by the following:

“3. This Directive builds on and is without prejudice to access regimes in the Member States.”

Or. en

Amendment 55
Ivailo Kalfin

Proposal for a directive
Article 1 – point 1 – point 5 a (new)
Directive 2003/98/EC
Article 1– paragraph 5 a (new)

Text proposed by the Commission

Amendment

"5a. Public bodies should ensure that access to and re-use of public sector information comply with the Union data protection legislation."

Or. en

Amendment 56

Amelia Andersdotter

Proposal for a directive

Article 1 – point 1 a (new)

Directive 2003/98/EC

Article 2 – paragraph 1

Text proposed by the Commission

Amendment

1a. In Article 2 paragraph 1 is replaced by the following:

"1. 'public sector body' means the State, regional or local authorities, bodies governed by public law and associations formed by one or several such authorities or one or several such bodies governed by public law and other undertakings entrusted with the operation of services of general economic interest (SGEI);"

Or. en

Justification

This extension has particular relevance, including as regards public transport and health information.

Amendment 57

Amelia Andersdotter

Proposal for a directive

Article 1 – point 1 b (new)

Directive 2003/98/EC
Article 2 – paragraph 2 – point a

Text proposed by the Commission

Amendment

1b. In Article 2 paragraph 2, point (a) is replaced by the following:

"(a) established for the specific purpose of meeting needs in the general interest, not having exclusively an industrial or commercial character; and".

Or. en

Amendment 58
Amelia Andersdotter

Proposal for a directive
Article 1 – point 1 c (new)
Directive 2003/98/EC
Article 2 – paragraph 3 – point a

Text proposed by the Commission

Amendment

1c. In Article 2 (Definitions) paragraph 3, point (a) is replaced by the following:

(a) any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording, including software source code);

Or. en

Amendment 59
Salvador Sedó i Alabart

Proposal for a directive
Article 1 – point 2
Directive 2003/98/EC
Article 2 – point 6

Text proposed by the Commission

6. “machine-readable” means that digital documents are **sufficiently** structured **for** software applications **to identify reliably individual statements of fact and their internal structure.**

Amendment

6. "machine-readable" means that digital documents are structured **so that** software applications **can, in a technology-neutral manner, extract individual data which are of interest.**

Or. en

Amendment 60

Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive

Article 1 – point 2

Directive 2003/98/EC

Article 2 – point 6

Text proposed by the Commission

(6) 'machine-readable' means that digital documents are **sufficiently** structured **for** software applications **to identify reliably individual statements of fact and their internal structure.'**

Amendment

(6) 'machine-readable' means that digital documents are structured **so that** software applications **can, in a technology-neutral manner, extract individual data which are of interest.'**

Or. de

Amendment 61

Adina-Ioana Vălean

Proposal for a directive

Article 1 – point 2

Directive 2003/98/EC

Article 2 – point 6

Text proposed by the Commission

6. “machine-readable” means that digital **documents are sufficiently structured for** software applications **to identify** reliably individual statements of fact and their

Amendment

6. “machine-readable” means that **a digital document is structured in such a way that** software applications **can** reliably **identify** individual statements of fact and their

internal structure.

internal structure.

Or. en

Amendment 62

Amelia Andersdotter

Proposal for a directive

Article 1 – point 2 a (new)

Directive 2003/98/EC

Article 2 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

2a. In Article 2 the following paragraph is added:

"6a. undertakings entrusted with the operation of services of general economic interest are defined by Commission Decision of 28 November 2005 on the application of Article 106(2) Treaty on the functioning of the European Union to state aid in the form of public service compensation granted to certain undertakings entrusted with the operation of services of general economic interest. The documents subject to this directive are the documents strictly connected to the operation of services of general economic interest."

Or. en

Justification

Definition according to EU law.

Amendment 63

Silvia-Adriana Țicău

Proposal for a directive

Article 1 – point 2 a (new)

Directive 2003/98/EC
Article 2 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

2a. In Article 2 the following paragraph is added:

6a. "generally accessible documents" means documents that are accessible under the national rules on access to documents. This includes, where applicable, documents held by private organisations carrying out a public task.

Or. en

Amendment 64
Amelia Andersdotter

Proposal for a directive
Article 1 – point 2 b (new)
Directive 2003/98/EC
Article 2 – paragraph 6 b (new)

Text proposed by the Commission

Amendment

2b. In Article 2 the following paragraph is added:

"6b. "formal standard" means a standard which has been codified in written form, detailing specifications for the requirements on how to make interoperable software for the management of files."

Or. en

Amendment 65
Amelia Andersdotter

Proposal for a directive
Article 1 – point 2 c (new)
Directive 2003/98/EC

Article 2 – paragraph 6 c (new)

Text proposed by the Commission

Amendment

2c. In Article 2 the following paragraph is added:

"6c. "open format" means that the format's specification is maintained by a not-for-profit organisation the membership of which is not contingent on membership fees; its ongoing development occurs on the basis of an open decision-making procedure available to all interested parties; the format specification document is available freely; the intellectual property of the standard is made irrevocably available on a royalty-free basis."

Or. en

Amendment 66

Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive

Article 1 – point 3

Directive 2003/98/EC

Article 3 – paragraph 1

Text proposed by the Commission

Amendment

(1) Subject to paragraph (2) Member States shall ensure that documents referred to in Article 1 shall be re-usable for commercial or non-commercial purposes in accordance with the conditions set out in Chapters III and IV.

(1) Subject to paragraph (2) Member States shall ensure that documents **of public sector bodies** referred to in Article 1 shall be re-usable for commercial or non-commercial purposes in accordance with the conditions set out in Chapters III and IV, **provided that the documents concerned are of types classified as accessible under the rules which exist in the Member States regarding access to public sector information. Where possible, these documents shall be disseminated in technology-neutral, machine-readable**

form.

Or. de

Amendment 67
Salvador Sedó i Alabart

Proposal for a directive
Article 1 – point 3
Directive 2003/98/EC
Article 3 – paragraph 1

Text proposed by the Commission

(1) Subject to paragraph (2) Member States shall ensure that documents referred to in Article 1 shall be re-usable for commercial or non-commercial purposes in accordance with the conditions set out in Chapters III and IV.

Amendment

(1) Subject to paragraph (2) Member States shall ensure that documents *of public sector bodies* referred to in Article 1 shall be re-usable for commercial or non-commercial purposes in accordance with the conditions set out in Chapters III and IV.

Or. en

Amendment 68
Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive
Article 1 – point 3
Directive 2003/98/EC
Article 3 – paragraph 2

Text proposed by the Commission

(2) For documents for which libraries (including university libraries), museums and archives have intellectual property rights, Member States shall ensure that, where the re-use of documents is allowed, these documents shall be re-usable for commercial or non-commercial purposes in accordance with the conditions set out in Chapters III and IV.

Amendment

(2) For documents for which libraries (including university libraries), museums and archives have intellectual property rights, Member States shall ensure that, where the re-use of documents is allowed, these documents shall be re-usable for commercial or non-commercial purposes in accordance with the conditions set out in Chapters III and IV, *provided that the*

documents concerned are of types classified as accessible under the rules which exist in the Member States regarding access to public-sector information. Where possible, these documents shall be disseminated in technology-neutral, machine-readable form.

Or. de

Amendment 69

Sajjad Karim

Proposal for a directive

Article 1 – point 4 – point 2 – introductory part

Directive 2003/98/EC

Article 4 – paragraph 4

Text proposed by the Commission

Amendment

(2) *At the end of paragraph 4, the following wording is added:*

(2) *Paragraph 4 is replaced by the following:*

Or. en

Amendment 70

Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive

Article 1 – point 4 – point 2

Directive 2003/98/EC

Article 4 – paragraph 4

Text proposed by the Commission

Amendment

‘The means of redress shall include the possibility of review by an *independent* authority *that is vested with specific regulatory powers regarding the re-use of public sector information and whose decisions are binding upon the public sector body concerned.*’

‘The means of redress shall include *a reference to* the possibility of review by an authority *in the Member States.*’

Justification

The establishment of an independent regulatory authority would be contrary to the efforts of the Member States to reduce bureaucracy and consolidate budgets and would encroach to an unnecessary degree upon Member States' powers of self-organisation.

Amendment 71
Sajjad Karim

Proposal for a directive
Article 1 – point 4 – point 2
 Directive 2003/98/EC
 Article 4 – paragraph 4

Text proposed by the Commission

The means of redress shall include the possibility of review by an **independent** authority **that is vested with specific regulatory powers** regarding the re-use of public sector **information** and whose decisions **are binding upon** the public sector body concerned.

Amendment

Any decision on re-use shall contain a reference to the means of redress in case the applicant wishes to appeal the decision. The means of redress shall include the possibility of review by an **impartial review body, such as the national competition authority, the national access to documents authority or the national judicial authority, that has the authority to investigate complaints** regarding the re-use of public sector **documents** and whose decisions **must be considered by** the public sector body concerned.

Justification

The term 'impartial body' is more appropriate to the regulatory circumstances of different Member States than "independent authority". The term 'binding' has particular legal and resource implications that would be disproportionate. The introduction of binding powers requires greater scrutiny during transposition and the need to establish a further appeals mechanism which implies significant cost and legal implications which are disproportionate and unjustified.

Amendment 72
Béla Kovács

Proposal for a directive
Article 1 – point 4 – point 2
Directive 2003/98/EC
Article 4 – paragraph 4

Text proposed by the Commission

The means of redress shall include the possibility of review by an independent authority that **is vested with specific** regulatory powers regarding the re-use of public sector information and whose decisions are binding upon the public sector body concerned.

Amendment

The means of redress shall include the possibility of review by an independent authority that **has** regulatory powers regarding the re-use of public sector information and whose decisions are binding upon the public sector body concerned.

Or. en

Amendment 73
Adina-Ioana Vălean

Proposal for a directive
Article 1 – point 4 – point 2
Directive 2003/98/EC
Article 4 – paragraph 4

Text proposed by the Commission

The means of redress shall include the possibility of review by an **independent authority** that is vested with specific regulatory powers regarding the re-use of public sector information and whose decisions are binding upon the public sector body concerned.

Amendment

The means of redress shall include the possibility of review by an **impartial body** that is vested with specific regulatory powers regarding the re-use of public sector information and whose decisions are binding upon the public sector body concerned.

Or. en

Amendment 74
Amelia Andersdotter

Proposal for a directive

Article 1 – point 5

Directive 2003/98/EC

Article 5 – paragraph 1

Text proposed by the Commission

(1) In paragraph 1, the words ‘through electronic means’ are replaced by ‘in machine-readable format and together with their metadata.’.

Amendment

(1) In paragraph 1, the words ‘through electronic means’ are replaced by ‘in machine-readable format and together with their metadata, ***both of which in so far as possible should comply with open, formal standards.***’.

Or. en

Amendment 75

Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive

Article 1 – point 5

Directive 2003/98/EC

Article 5 – paragraph 1

Text proposed by the Commission

1. In paragraph 1, the words ‘through electronic means’ are replaced by ‘in machine-readable format and together with their metadata.’.

Amendment

1. Paragraph 1 is replaced by the following:

'1. 'Public sector bodies shall make their documents available in the pre-existing formats or languages and, where possible and appropriate, in technology-neutral, machine-readable format and together with their metadata. This shall not imply an obligation for public sector bodies to create, digitise or adapt documents or render them machine-readable in a technology-neutral manner in order to comply with the request, nor shall it imply an obligation to provide extracts from documents where this would involve disproportionate effort, going beyond a

simple operation.'

Or. de

Amendment 76
Silvia-Adriana Țicău

Proposal for a directive
Article 1 – point 5
Directive 2003/98/EC
Article 5 – paragraph 1

Text proposed by the Commission

(1) *In* paragraph 1, *the words ‘through electronic means’ are replaced by* ‘in machine-readable format *and* together with their metadata.’.

Amendment

(1) *Article 5, paragraph 1 is replaced by the following:*

Public sector bodies shall make their documents available in any pre existing format or language and where possible and appropriate, in machine-readable format based on open standards together with their metadata. Documents created after entry into force of this Directive shall in principle be made available in machine readable format. This shall not imply an obligation where the adaptation of existing documents, including the provision of extracts, would involve disproportionate effort, according to transparent, objective and verifiable criteria.

Or. en

Amendment 77
Silvia-Adriana Țicău

Proposal for a directive
Article 1 – point 6 – point 1
Directive 2003/98/EC
Article 6 – paragraph 1

Text proposed by the Commission

1. *Where* charges are made for the re-use of documents, the total amount charged by public sector bodies shall be limited to the marginal costs incurred for their reproduction and dissemination.

Amendment

1. ***Documents will be made available at zero cost wherever possible.*** *Where* charges are made for the re-use of documents, the total amount charged by public sector bodies shall be limited to the marginal costs incurred for their reproduction and dissemination.

Or. en

Amendment 78
Sajjad Karim

Proposal for a directive
Article 1 – point 6 – point 1
Directive 2003/98/EC
Article 6 – paragraph 1

Text proposed by the Commission

1. Where charges are made for the re-use of documents, the total amount charged by public sector bodies shall be limited to the marginal costs incurred for their reproduction and dissemination.

Amendment

1. Where charges are made for the re-use of documents, the total amount charged by public sector bodies shall be limited to the marginal costs incurred for their ***collection, production,*** reproduction and dissemination.

Or. en

Justification

The omission of “collection” and “production” in this provision is inconsistent with the costs that may be incurred in this field. Proposed amendment makes for consistency with Article 6(4).

Amendment 79
Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive
Article 1 – point 6 – point 1
Directive 2003/98/EC
Article 6 – paragraph 1

Text proposed by the Commission

(1) Where charges are made for the re-use of documents, the total amount charged by public sector bodies shall be limited to the marginal costs incurred for their reproduction and dissemination.’

Amendment

(1) Where charges are made for the re-use of documents, the total amount charged by public sector bodies shall be limited to the marginal costs incurred for their reproduction, **provision** and dissemination.

Or. de

Amendment 80
Salvador Sedó i Alabart

Proposal for a directive
Article 1 – point 6 – point 1
Directive 2003/98/EC
Article 6 – paragraph 1

Text proposed by the Commission

1. Where charges are made for the re-use of documents, the total amount charged by public sector bodies shall be limited to the marginal costs incurred for their reproduction and dissemination.

Amendment

1. Where charges are made for the re-use of documents, the total amount charged by public sector bodies shall be limited to the marginal costs incurred for their reproduction, **provision** and dissemination.

Or. en

Amendment 81
Béla Kovács

Proposal for a directive
Article 1 – point 6 – point 1
Directive 2003/98/EC
Article 6 – paragraph 2

Text proposed by the Commission

2. In exceptional cases, in particular

Amendment

deleted

where public sector bodies generate a substantial part of their operating costs relating to the performance of their public service tasks from the exploitation of their intellectual property rights, public sector bodies may be allowed to charge for the re-use of documents over and above the marginal costs, according to objective, transparent and verifiable criteria, provided this is in the public interest and subject to the approval of the independent authority referred to in Article 4(4), and without prejudice to paragraphs 3 and 4 of this Article.

Or. en

Justification

The paragraph is loosely defined. The term "exceptional cases" do not give any explanation. Moreover as public sector bodies may be allowed to charge for re-use of documents over and above the marginal costs" could lead to additional and prohibited costs to SMEs.

Amendment 82

Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive

Article 1 – point 6 – point 1

Directive 2003/98/EC

Article 6 – paragraph 2

Text proposed by the Commission

(2) In exceptional cases, in particular where public sector bodies generate a substantial part of their operating costs relating to the performance of their public service tasks from the exploitation of their intellectual property rights, public sector bodies may be allowed to charge for the re-use of documents over and above the marginal costs, according to objective, transparent and verifiable criteria, provided this is in the public interest and

Amendment

(2) Paragraph 1 shall not apply to:

subject to the approval of the independent authority referred to in Article 4(4), and without prejudice to paragraphs 3 and 4 of this Article.'

(a) exceptional cases in which public sector bodies need to make a profit in order to cover a large part of the costs they have incurred in carrying out their public remit;

(b) libraries (including university libraries), museums and archives.

Or. de

Justification

In the event of commercial re-use, public sector bodies should be permitted to levy charges which cover costs in order to meet the outlay incurred in forwarding the data and so avoid deleterious effects on the quality of public-sector information and on capacity to invest. To some extent, libraries (including university libraries), museums and archives have to finance their own operations. If this revenue were lost, large deficits would arise in the Member States' budgets for culture.

Amendment 83 **Salvador Sedó i Alabart**

Proposal for a directive
Article 1 – point 6 – point 1
Directive 2003/98/EC
Article 6 – paragraph 2

Text proposed by the Commission

2. In exceptional cases, in particular where public sector bodies generate a substantial part of their operating costs relating to the performance of their public service tasks from the exploitation of their intellectual property rights, public sector bodies may be allowed to charge for the re-use of documents over and above the marginal costs, according to objective, transparent and verifiable criteria, provided this is in the public interest and

Amendment

2. Paragraph 1 shall not apply to the following:

subject to the approval of the independent authority referred to in Article 4(4), and without prejudice to paragraphs 3 and 4 of this Article.

(a) Public sector bodies that are required to generate revenue to cover a substantial part of the costs of collection, production, reproduction and dissemination of documents.

(b) Libraries (including university libraries), museums and archives.

Or. en

Amendment 84
Sajjad Karim

Proposal for a directive
Article 1 – point 6 – point 1
Directive 2003/98/EC
Article 6 – paragraph 2

Text proposed by the Commission

2. In exceptional cases, in particular where public sector bodies generate a substantial part of their **operating** costs relating to the performance of their public service tasks **from the exploitation of their intellectual property rights**, public sector bodies may be allowed to charge for the re-use of documents over and above the marginal costs, according to objective, transparent and verifiable criteria, provided this is in the public interest and subject to the approval of the independent authority referred to in Article 4(4), and without prejudice to paragraphs 3 and 4 of this Article.

Amendment

2. Paragraph 1 shall not apply to public sector bodies **that** generate **revenue to cover** a substantial part of their costs relating to the performance of their public tasks **or any particular activity falling within their public tasks. This exclusion shall be applied** without prejudice to paragraph 4 of this Article.

Or. en

Justification

In some Member States the number of bodies that have to generate revenue by reproducing public sector information is substantial. This formulation provides more clarity than the one proposed by the European Commission. Limitations are described in paragraph 4 of this Article.

Amendment 85

Ivailo Kalfin

Proposal for a directive

Article 1 – point 6 – point 1

Directive 2003/98/EC

Article 6 – paragraph 2

Text proposed by the Commission

2. In exceptional cases, *in particular* where *public sector bodies generate* a substantial part of their *operating costs relating to the performance of their public service tasks from the exploitation of their intellectual property rights, public sector bodies may be allowed to charge for the re-use* of documents *over and above the marginal costs, according to objective, transparent and verifiable criteria*, provided this is in the public interest and *subject to the approval of the independent authority referred to in Article 4(4)*, and without prejudice to paragraphs 3 and 4 of this Article.

Amendment

2. In exceptional cases, *public sector bodies*, where *PSI revenues form* a substantial part of their *operational budget, may be expressly permitted by the independent authority to charge over and above the marginal cost for the costs of collection, production, reproduction and/or dissemination* of documents. *These exceptions should be granted by the independent authority on a case-by-case basis*, provided this is in the public interest and *according to objective, transparent and verifiable criteria*, and without prejudice to paragraphs 3 and 4 of this article, *and shall be reviewed every three years*.

Or. en

Amendment 86

Adina-Ioana Vălean

Proposal for a directive

Article 1 – point 6 – point 1

Directive 2003/98/EC

Article 6 – paragraph 2

Text proposed by the Commission

2. In exceptional cases, in particular where public sector bodies generate a substantial part of their operating costs relating to the performance of their public service tasks from the exploitation of their intellectual property rights, public sector bodies may be allowed to charge for the re-use of documents over and above the marginal costs, according to objective, transparent and verifiable criteria, provided this is in the public interest and subject to the approval of the **independent authority** referred to in Article 4(4), and without prejudice to paragraphs 3 and 4 of this Article.

Amendment

2. In exceptional cases, in particular where public sector bodies generate a substantial part of their operating costs relating to the performance of their public service tasks from the exploitation of their intellectual property rights, public sector bodies may be allowed to charge for the re-use of documents over and above the marginal costs, according to objective, transparent and verifiable criteria, provided this is in the public interest and subject to the approval of the **impartial body** referred to in Article 4(4), and without prejudice to paragraphs 3 and 4 of this Article.

Or. en

Amendment 87

Franck Proust

Proposal for a directive

Article 1 – point 6 – point 1

Directive 2003/98/EC

Article 6 – paragraph 2

Text proposed by the Commission

2. ***In exceptional cases, in particular where*** public sector bodies generate a substantial part of their operating costs relating to the performance of their public service tasks from the exploitation of their intellectual property rights, public sector bodies may be allowed to charge for the re-use of documents over and above the marginal costs, according to objective, transparent and verifiable criteria, provided this is in the public interest and subject to the approval of the **independent** authority referred to in Article 4(4), and without prejudice to paragraphs 3 and 4 of this Article.'

Amendment

2. Where public sector bodies generate a substantial part of their operating costs relating to the performance of their public service tasks from the exploitation of their intellectual property rights, public sector bodies may be allowed to charge for the re-use of documents over and above the marginal costs, according to objective, transparent and verifiable criteria, provided this is in the public interest and subject to the approval of the authority referred to in Article 4(4), and without prejudice to paragraphs 3 and 4 of this Article.

Amendment 88
Salvador Sedó i Alabart

Proposal for a directive
Article 1 – point 6 – point 1
Directive 2003/98/EC
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. Notwithstanding paragraphs 1 and 2, libraries (including university libraries), museums and archives may charge over and above the marginal costs for the re-use of documents they hold.

deleted

Amendment 89
Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive
Article 1 – point 6 – point 1
Directive 2003/98/EC
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

(3) Notwithstanding paragraphs 1 and 2, libraries (including university libraries), museums and archives may charge over and above the marginal costs for the re-use of documents they hold.'

deleted

Amendment 90
Franck Proust

Proposal for a directive
Article 1 – point 6 – point 1
Directive 2003/98/EC
Article 6 – paragraph 3

Text proposed by the Commission

3. Notwithstanding paragraphs 1 and 2, libraries (including university libraries), museums and archives may charge over and above the marginal costs for the re-use of documents they hold.’

Amendment

3. Notwithstanding paragraphs 1 and 2, libraries (including university libraries), museums and archives may charge over and above the marginal costs for the re-use of documents they hold.’ ***These charges shall be fixed on the basis of objective, transparent and verifiable criteria, subject to the approval of the authority referred to in Article 4(4). The authority shall take the flexibility of these establishments into account when establishing their tariff structure.***

Or. fr

Amendment 91
Sabine Verheyen, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive
Article 1 – point 6 – point 2
Directive 2003/98/EC
Article 6 – paragraph 4

Text proposed by the Commission

2. The existing text of Article 6 becomes paragraph 4.

Amendment

2. The existing text of Article 6 becomes paragraph 4 ***and shall read as follows:***
‘4. Where charges as referred to in paragraph 2 are made, the total charges should be set in accordance with objective, transparent and variable criteria, and the total income from supplying and allowing re-use of documents shall not exceed the cost of collection, production, reproduction, provision and dissemination, together with a reasonable return on investment. Charges as referred to in paragraphs 1 and 2 should be cost-oriented over the

appropriate accounting period and calculated in line with the accounting principles applicable to the public sector bodies involved.'

Or. de

Amendment 92
Sajjad Karim

Proposal for a directive
Article 1 – point 6 – point 2
Directive 2003/98/EC
Article 6 – paragraph 4

Text proposed by the Commission

Amendment

(2) The existing text of Article 6 becomes paragraph 4.

(2) The existing text of Article 6 becomes paragraph 4 ***amended in the following way:***

Where charges are made under paragraphs 2 and 3, the total income from supplying and allowing re-use of documents shall not exceed the cost of collection, production, reproduction and dissemination, together with a reasonable return on investment. Charges should be cost-oriented over the appropriate accounting period and calculated in line with the accounting principles applicable to the public sector bodies involved.

Or. en

Justification

The charges referred to relate to those made under paragraphs 2 and 3 (and hence not limited to marginal costs). In this case, as is clear from paragraph 4, charges are subject to two key requirements: total income must not exceed the cost of collection, production, reproduction and dissemination, together with a reasonable return on investment; and they must be cost oriented over the appropriate accounting period.

Amendment 93
Salvador Sedó i Alabart

Proposal for a directive
Article 1 – point 6 – point 2
Directive 2003/98/EC
Article 6 – paragraph 4

Text proposed by the Commission

(2) The existing text of Article 6 becomes paragraph 4.

Amendment

(2) Where charges are made under paragraph 2, the total charges shall be set according to objective, transparent and verifiable criteria and the total income from supplying and allowing re-use of documents shall not exceed the cost of collection, production, reproduction, dissemination, preservation and rights clearance, together with a reasonable return on investment. Charges should be cost-oriented over the appropriate accounting period and calculated in line with the accounting principles applicable to the public sector bodies involved

Or. en

Amendment 94
Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive
Article 1 – point 6 – point 2 a (new)
Directive 2003/98/EC
Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

2a. The following paragraph shall be inserted after paragraph 4:

‘4a. Member States shall appoint a national authority which is suitable and possesses the right expertise to review compliance with the criteria for calculating charges referred to in

paragraph 4.'

Or. de

Amendment 95
Salvador Sedó i Alabart

Proposal for a directive
Article 1 – point 6 – point 2 a (new)
Directive 2003/98/EC
Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

(2 a) The following paragraph shall be inserted :

"4a. Member States shall designate the appropriate body or appropriate bodies, other than the public sector body itself, competent to lay down the criteria for charging above marginal costs as laid out in paragraph 4."

Or. en

Amendment 96
Salvador Sedó i Alabart

Proposal for a directive
Article 1 – point 6 – point 3
Directive 2003/98/EC
Article 6 – paragraph 5

Text proposed by the Commission

Amendment

(3) A new paragraph 5 is added:
The burden of proving that charges comply with this Article shall lie with the public sector body charging for re-use.

deleted

Or. en

Amendment 97

Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive

Article 1 – point 6 – point 3

Directive 2003/98/EC

Article 6 – paragraph 5

Text proposed by the Commission

Amendment

‘The burden of proving that charges comply with this Article shall lie with the public sector body charging for re-use.’

deleted

Or. de

Amendment 98

Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive

Article 1 – point 7

Directive 2003/98/EC

Article 7

Text proposed by the Commission

Amendment

(7) In Article 7 (Transparency), the *words ‘over and above the marginal costs or’ are inserted after ‘calculation of charges’.*

(7) In Article 7 (Transparency), the *third sentence is replaced by the following:*

‘The public sector body in question shall also indicate which factors will be taken into account in the calculation of charges as referred to in Article 6.’

Or. de

Amendment 99

Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive

Article 1 – point 8 – point 1

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Directive 2003/98/EC
Article 8 – paragraph 1

Text proposed by the Commission

‘Public sector bodies may allow re-use without conditions or may impose conditions, **such as indication of source**, where appropriate through a licence. These conditions shall not unnecessarily restrict possibilities for re-use and shall not be used to restrict competition.’

Amendment

‘1. Public sector bodies may allow re-use **of documents** without conditions or may impose conditions, where appropriate through a licence **dealing with relevant issues**. These conditions shall not unnecessarily restrict possibilities for re-use and shall not be used to restrict competition.’

Or. de

Amendment 100
Lena Kolarska-Bobińska

Proposal for a directive
Article 1 – point 8 – point 1
Directive 2003/98/EC
Article 8 – paragraph 1

Text proposed by the Commission

Public sector bodies may allow re-use without conditions or may impose conditions, such as indication of source, where appropriate through a licence. These conditions shall not unnecessarily restrict possibilities for re-use and shall not be used to restrict competition.

Amendment

“1. Public sector bodies may allow re-use without conditions **for non-commercial use** or may impose conditions, such as indication of source, where appropriate through a licence. **When used for commercial purposes, a minimum condition of the indication of source shall be required.** These conditions shall not unnecessarily restrict possibilities for re-use and shall not be used to restrict competition.”

Or. en

Justification

When public data is used for commercial products, this should be cited in the supporting documentation, e.g. noting that public mapping data is use in a private car navigation system. Companies should be required to make this information know, in the manual or EULA, so

consumers are aware of that not all data used is proprietary. Requiring the indication of the source of data in no way limits its use.

Amendment 101
Bendt Bendtsen

Proposal for a directive
Article 1 – point 8 – point 1
Directive 2003/98/EC
Article 8 – paragraph 1

Text proposed by the Commission

‘Public sector bodies may allow re-use **without conditions or may impose conditions, such as** indication of source, where appropriate through a licence. These conditions shall not unnecessarily restrict possibilities for re-use and shall not be used to restrict competition.’

Amendment

‘Public sector bodies may allow re-use **by requiring** indication of source, where appropriate through a licence. These conditions shall not unnecessarily restrict possibilities for re-use and shall not be used to restrict competition.’

Or. da

Amendment 102
Silvia-Adriana Țicău

Proposal for a directive
Article 1 – point 9
Directive 2003/98/EC
Article 9

Text proposed by the Commission

Member States shall ensure that practical arrangements facilitating the cross-lingual search for documents available for re-use are in place, such as asset lists of main documents with relevant metadata, accessible preferably online and in machine-readable format, and portal sites that are linked to decentralised asset lists.

Amendment

Member States shall ensure that practical arrangements facilitating the cross-lingual search for documents available for re-use are in place, such as asset lists of main documents with relevant metadata, accessible preferably online and in machine-readable format, and portal sites that are linked to decentralised asset lists.

This shall not imply an obligation for public sector bodies to create or adapt documents in order to comply with the

request, nor shall it imply an obligation to provide extracts from documents where this would involve disproportionate effort, going beyond a simple operation.

Or. en

Amendment 103

Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive

Article 1 – point 9

Directive 2003/98/EC

Article 9

Text proposed by the Commission

Member States shall *ensure that* practical arrangements *facilitating the cross-lingual search* for documents available for re-use *are in place*, such as asset lists of main documents with relevant metadata, accessible preferably *online and* in machine-readable format, and portal sites that are linked to *decentralised* asset lists.’

Amendment

Member States shall *make* practical arrangements *to facilitate searches* for documents available for re-use *throughout the Union*, such as asset lists of main documents with relevant metadata, accessible preferably in *technology-neutral*, machine-readable format, and portal sites that are linked to asset lists.’

Or. de

Justification

It is worthwhile to introduce cross-lingual search functions, and they are already provided voluntarily. However, in view of the financial situation of the public sector, introducing a general requirement always to provide such search options in other European languages as well would entail disproportionately high costs.

Amendment 104

Salvador Sedó i Alabart

Proposal for a directive

Article 1 – point 9

Directive 2003/98/EC

Article 9

Text proposed by the Commission

Member States shall **ensure** that practical arrangements **facilitating** the cross-lingual search for documents available for re-use **are in place**, such as asset lists of main documents with relevant metadata, accessible preferably **online and** in machine-readable format, and portal sites that are linked to **decentralised** asset lists.

Amendment

Member States shall **facilitate** that practical arrangements **for** the cross-lingual search for documents available for re-use, such as asset lists of main documents with relevant metadata, accessible preferably in **technology-neutral**, machine-readable format, and portal sites that are linked to asset lists

Or. en

Amendment 105
Sajjad Karim

Proposal for a directive
Article 1 – point 9
Directive 2003/98/EC
Article 9

Text proposed by the Commission

Member States shall **ensure that** practical arrangements facilitating the **cross-lingual** search for documents available for re-use **are in place**, such as asset lists of main documents with relevant metadata, accessible **preferably** online and in machine-readable format, and portal sites that are linked to decentralised asset lists.

Amendment

Member States shall **make** practical arrangements facilitating the search for documents available for re-use such as asset lists of main documents with relevant metadata, **preferably** accessible online and in machine-readable format, and portal sites that are linked to decentralised asset lists.

Or. en

Justification

Commission proposal to introduce 'cross-lingual' causes some concerns about the resource implications and practicalities of implementation.

Amendment 106
Salvador Sedó i Alabart

Proposal for a directive
Article 1 – point 9 a (new)
Directive 2003/98/EC
Article 9 a (new)

Text proposed by the Commission

Amendment

9a. The following article is inserted:

"Article 9a

In order to contribute to a consistent implementation of this Article, the Commission may adopt guidelines with a list of recommended datasets available for re-use."

Or. en

Amendment 107
Salvador Sedó i Alabart

Proposal for a directive
Article 1 – point 9 a (new)
Directive 2003/98/EC
Article 11 – paragraph 2

Text proposed by the Commission

Amendment

9a. In Article 11, paragraph 2 is replaced by the following:

'2. Notwithstanding paragraph 1, where an exclusive right is necessary for the provision of the service in the public interest, the validity of the reason that justified the authorization of the exclusive right will have to be reconsidered every year, except in those cases in which the inversion involves a pay-back superior to the year in which it will have to be reconsidered at least every three years. The exclusive arrangements established after the entry into force of this Directive shall be transparent and made public.'

Or. en

Amendment 108

Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive

Article 1 – point 9 a (new)

Directive 2003/98/EC

Article 11 – paragraph 2

Text proposed by the Commission

Amendment

9a. Article 11(2) is replaced by the following:

‘2. Notwithstanding paragraph 1, where an exclusive right is necessary for the provision of a service in the public interest, the validity of the exclusive rights arrangement shall be subject to regular review, and shall, in any event, be reviewed every four years. The exclusive arrangements established after the entry into force of this Directive shall be subject to the principle of transparency and shall be made public by the public sector bodies concerned.’

Or. de

Amendment 109

Franck Proust

Proposal for a directive

Article 1 – point 9 a (new)

Directive 2003/98/EC

Article 11 – paragraph 2

Text proposed by the Commission

Amendment

9a. In Article 11 (Prohibition of exclusive arrangements), the following sentence is added at the end of paragraph 2:

"Nevertheless, where the exclusive right relates specifically to the digitisation of

data and information of a cultural nature, it shall be reviewed at intervals of no more than ten years."

Or. fr

Justification

Initial experience has shown the process of digitisation to be long and costly. The cases in question are specific cases ones, and there is hence a need to extend the duration of these exclusive agreements in order to give scope for competition to ensure quality in the provision of this general interest service.

Amendment 110
Salvador Sedó i Alabart

Proposal for a directive
Article 1 – point 9 b (new)
Directive 2003/98/EC
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

9b. In Article 11, the following paragraph is inserted:

'2a. Notwithstanding paragraph 1, where an exclusive right is granted in connection with the commercial exploitation which is necessary in order to digitise cultural collections, the commercial exploitation shall not continue for longer than seven years. During this period, the exclusive right need not be reviewed. The exclusive arrangements established after the entry into force of this Directive shall be transparent and made public. Where an exclusive right relating to the preferential commercial exploitation necessary to digitise cultural resources exists, the public sector body shall be provided with a copy of the digitised cultural resources as part of that agreement, and any term of that agreement shall be void in so far as it purports to restrict the re-use, after the

termination of the agreement, of a digital copy of a cultural resource that was in the public domain before the agreement was made.'

Or. en

Amendment 111

Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive

Article 1 – point 9 b (new)

Directive 2003/98/EC

Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

9b. In Article 11 the following paragraph is added:

'2a. Notwithstanding paragraph 1, where an exclusive right is granted in connection with the commercial exploitation which is necessary in order to digitise cultural collections, the commercial exploitation shall not continue for longer than seven years. During this period, the exclusive right may not be reviewed. Under the terms of the exclusive rights agreement, public sector bodies shall receive a copy of the digitised cultural collection and may make it publicly available for further use after the expiry of the agreement. The exclusive arrangements established after the entry into force of this Directive shall be transparent and made public.'

Or. de

Amendment 112

Amelia Andersdotter

Proposal for a directive
Article 1 – point 9b (new)
Directive 2003/98/EC
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

9b. The following paragraph is added to Article 11:

"2a. Notwithstanding paragraphs 1 and 2, where an exclusive right is granted in connection with commercial exploitation which is necessary in order to digitise cultural collections, the exclusive agreement shall not in general continue for longer than five years. The exclusive arrangements established after the entry into force of this Directive shall be transparent and made public. Where an exclusive right relating to the preferential commercial exploitation necessary to digitise cultural resources exists, the public sector body shall be provided with a copy of the digitised cultural resources as part of that agreement, and any term of that agreement shall be void in so far as it purports to restrict the re-use, after the termination of the agreement, of a digital copy of a cultural resource that was in the public domain before the agreement was made."

Or. en

Amendment 113
Ivailo Kalfin

Proposal for a directive
Article 1 – point 9b (new)
Directive 2003/98/EC
Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

9b. The following paragraph is added to

Article 11:

"2a. Where an exclusive right relates to preferential commercial exploitation necessary to digitise cultural resources, the period of such preferential exploitation shall not exceed 10 years and will not be subject to review. Such exclusive arrangements, established after the entry into force of this Directive, shall be transparent and made public. Where an exclusive right relating to the preferential commercial exploitation necessary to digitise cultural resources exists, the public sector body shall be provided with a copy of the digitised cultural resources as part of that agreement. Every digital copy shall be made freely available for public use at the end of the exclusive rights' agreement.

Or. en

Amendment 114
Salvador Sedó i Alabart

Proposal for a directive
Article 1 – point 10
Directive 2003/98/EC
Article 11 – paragraph 3

Text proposed by the Commission

10. In Article 11 (Prohibition of exclusive arrangements), the following *sentence is added* at the end of *paragraph 3*:

‘However, such arrangements involving cultural establishments and university libraries shall be terminated at the end of the contract or in any case not later than 31 December 20XX [6 years after entry into force of the Directive].’

Amendment

10. In Article 11 (Prohibition of exclusive arrangements) *paragraph 3 is replaced by* the following:

"3. Existing exclusive arrangements that do not qualify for the exception under paragraph 2 shall be terminated at the end of the contract or in any case not later than 31 December 2008. As for existing arrangements involving libraries (including university libraries), museums and archives, only arrangements concluded after 1 January 2012 shall be subject to the limitations of duration

pursuant to this Directive."

Or. en

Amendment 115

Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive

Article 1 – point 10

Directive 2003/98/EC

Article 11 – paragraph 3

Text proposed by the Commission

(10) *In* Article 11 (Prohibition of exclusive arrangements), ***the following sentence is added at the end of paragraph 3:***

‘However, such arrangements involving cultural establishments and university libraries shall be terminated at the end of the contract or in any case not later than 31 December 20XX [6 years after entry into force of the Directive].’

Amendment

(10) ***Paragraph 3 of*** Article 11 (Prohibition of exclusive arrangements) ***shall read as follows:***

‘3. Existing exclusive arrangements that do not qualify for an exception under paragraph 2 shall be terminated at the end of the contract or in any case not later than 31 December 2008. Such arrangements concerning libraries (including university libraries), museums and archives which do not qualify for an exception under paragraph 2 or paragraph 2a shall be terminated at the end of the contract or in any case not later than 31 December 20XX [10 years after entry into force of the Directive].’

Or. de

Amendment 116

Adina-Ioana Vălean

Proposal for a directive

Article 1 – point 10 – Introductory part

Directive 2003/98/EC

Article 11 – paragraph 3

Text proposed by the Commission

Amendment

10. In Article 11 (Prohibition of exclusive arrangements), the following *sentence is added at the end of paragraph 3*:

10. In Article 11 (Prohibition of exclusive arrangements), the following *paragraph 2a is inserted and paragraph 3 is replaced by the following*:

Or. en

Amendment 117
Adina-Ioana Vălean

Proposal for a directive
Article 1 – point 10
Directive 2003/98/EC
Article 11 – paragraph 3

Text proposed by the Commission

Amendment

10. In Article 11 (Prohibition of exclusive arrangements), the following sentence is added at the end of paragraph 3:

deleted

However, such arrangements involving cultural establishments and university libraries shall be terminated at the end of the contract or in any case not later than 31 December 20XX [6 years after entry into force of the Directive].

Or. en

Amendment 118
Salvador Sedó i Alabart

Proposal for a directive
Article 1 – point 10
Directive 2003/98/EC
Article 11 – paragraph 3

Text proposed by the Commission

Amendment

10. In Article 11 (Prohibition of exclusive arrangements), the following sentence is

deleted

added at the end of paragraph 3:

However, such arrangements involving cultural establishments and university libraries shall be terminated at the end of the contract or in any case not later than 31 December 20XX [6 years after entry into force of the Directive].

Or. en

Amendment 119
Sajjad Karim

Proposal for a directive
Article 1 – point 10
Directive 2003/98/EC
Article 11 – paragraph 3

Text proposed by the Commission

However, such arrangements involving cultural establishments and university libraries shall be terminated at the end of the contract or in any case not later than 31 December 20XX [6 years after entry into force of the Directive].

Amendment

Existing arrangements involving libraries (including university libraries), museums and archives, shall only be subject to the limitations of duration pursuant to this Directive if they were concluded following the entry in force of this Directive.

Or. en

Justification

It has to be clear which „cultural establishments” are meant in this Article. It has to be also ensured that existing public private partnerships are not detrimentally affected.

Amendment 120
Ivailo Kalfin

Proposal for a directive
Article 1 – point 10
Directive 2003/98/EC
Article 11 – paragraph 3

Text proposed by the Commission

"However, such arrangements involving cultural establishments and university libraries shall be terminated at the end of the contract ***or in any case not later than 31 December 20XX [6 years after entry into force of the Directive].***"

Amendment

"However, such arrangements involving cultural establishments and university libraries shall be terminated at the end of the contract."

Or. en

Amendment 121
Adina-Ioana Vălean

Proposal for a directive
Article 1 – paragraph 1 – point 10
Directive 2003/98/EC
Article 11 – paragraph 3

Text proposed by the Commission

‘However, such arrangements involving cultural establishments and university libraries shall be terminated at the end of the contract or in any case not later than 31 December 20XX [6 years after entry into force of the Directive].’

Amendment

As for existing arrangements involving libraries (including university libraries), museums and archives, only arrangements concluded after 1 January 2012 shall be subject to the limitations of duration pursuant to this Directive.

Or. en

Amendment 122
Adina-Ioana Vălean

Proposal for a directive
Article 1 – point 10 a (new)
Directive 2003/98/EC
Article 11 – paragraph 3a (new)

Text proposed by the Commission

Amendment

10a. In Article 11, the following paragraph is added:

"(3a) Notwithstanding paragraph 1, where an exclusive right relates to preferential commercial exploitation necessary to digitise cultural resources, the period of such preferential exploitation shall not exceed in general seven years and need not be subject to review. The exclusive arrangements established after the entry into force of this Directive shall be transparent and made public. Where an exclusive right relating to the preferential commercial exploitation necessary to digitise cultural resources exists, the public sector body shall be provided with a copy of the digitised cultural resources as part of that agreement, and any term of that agreement shall be void in so far as it purports to restrict the re-use, after the termination of the agreement, of a digital copy of a cultural resource that was in the public domain before the agreement was made."

Or. en

Amendment 123

Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive

Article 1 – point 12 – introductory part

Directive 2003/98/EC

Article 13 – paragraph 1

Text proposed by the Commission

(12) In Article 13 (Review) the date of 1 July 2008 is replaced by [**3 years after *the transposition date***] and the following paragraph is added:

Amendment

(12) In Article 13 (Review) the date of 1 July 2008 is replaced by [**5 years after *entry into force***] and the following paragraph is added:

Or. de

Amendment 124
Bendt Bendtsen

Proposal for a directive

Article 1 – point 12

Directive 2003/98/EC

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

12. In Article 13 (Review) the date of 1 July 2008 is replaced by [3 years after the transposition date] **and the following paragraph is added:**

‘Member States shall submit a yearly report to the Commission on the extent of the re-use of public sector information, the conditions under which it is made available and the work of the independent authority referred to in article 4(4).’

Amendment

12. In Article 13 (Review) the date of 1 July 2008 is replaced by [3 years after the transposition date].

Or. da

Amendment 125
Ioannis A. Tsoukalas

Proposal for a directive

Article 1 – point 12

Directive 2003/98/EC

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Member States shall submit a yearly report to the Commission on the extent of the re-use of public sector information, the conditions under which it is made available and the work of the independent authority referred to in article 4(4).

Amendment

Member States shall submit a yearly report to the Commission on the extent of the re-use of public sector information, the conditions under which it is made available and the work of the independent authority referred to in article 4(4). ***The Commission shall publish yearly a relevant scoreboard including performance indicators for the re-use of public sector information.***

Or. en

Amendment 126

Sabine Verheyen, Petra Kammerevert, Angelika Niebler, Herbert Reul, Markus Pieper, Hermann Winkler

Proposal for a directive

Article 1 – point 12

Directive 2003/98/EC

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

‘Member States shall submit a **yearly** report to the Commission on the extent of the re-use of public sector information, the conditions under which it is made available and the work of the **independent** authority referred to in article 4(4).’

Amendment

‘Member States shall submit a report to the Commission **every two years** on the extent of the re-use of public sector information, the conditions under which it is made available and the work of the authority referred to in article 4(4).’

Or. de

Justification

It is not clear what purpose compulsory annual reporting would serve, as no changes are likely to occur within a single year in the factors which would be subject to the reporting requirement, and it would impose a disproportionate additional burden on public bodies.

Amendment 127

Adina-Ioana Vălean

Proposal for a directive

Article 1 – point 12

Directive 2003/98/EC

Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Member States shall submit a yearly report to the Commission on the extent of the re-use of public sector information, the conditions under which it is made available and the work of the **independent authority** referred to in article 4(4).

Amendment

Member States shall submit a yearly report to the Commission on the extent of the re-use of public sector information, the conditions under which it is made available and the work of the **impartial body** referred to in article 4(4).

Or. en

Amendment 128
Silvia-Adriana Țicău

Proposal for a directive
Article 2 – paragraph 1

Text proposed by the Commission

(1) Member States shall adopt and publish, by **18** months at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

Amendment

(1) Member States shall adopt and publish, by **12** months at the latest, the laws, regulations and administrative provisions necessary to comply with this Directive. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive.

Or. ro