



2018/0111(COD)

26.6.2018

DRAFT OPINION

of the Committee on the Internal Market and Consumer Protection

for the Committee on Industry, Research and Energy

on the proposal for a directive of the European Parliament and of the Council
on the re-use of public sector information (recast)
(COM(2018)0234 – C8-0169/2018 – 2018/0111(COD))

Rapporteur for opinion: Julia Reda

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SHORT JUSTIFICATION

I. Background

Over the last decade and a half, Open Data has evolved and matured to become a concept that is observed at the heart of modern administration. Governments and authorities have embraced the principle that where data *can* be made available for re-use, they *must* be made available.

Following the fundamental right to access to information, the right to access and re-use of public sector data enables citizens to actively participate in their communities. Numerous individuals and initiatives make use of data to create benefits for society. Rather than through rumours or sporadic evidence, they make use of reliable data as a source of information.

In the Commission's evaluation accompanying the recast proposal, the data economy in the European Union was estimated to be worth 300 billion EUR in 2016. In the same year, around 134.000 data businesses existed in the EU.¹

Next to citizens and businesses, administrations themselves benefit from Open Data. While allowing governments and authorities to fulfil their democratic obligations to making their policy and decision processes transparent, embracing Open Data also creates incentives for departments to cooperate more. Data becomes accessible to internal users where they would not have had access before. According to the Commission evaluation, the benefits of making data open from the start by far outweigh any cost for public administration, at a rate of "roughly 26:1 today"².

II. The Rapporteur's position

A. Open by Design and by Default

The access to information is a fundamental right, guaranteed by the Charter of Fundamental Rights of the European Union, in particular Article 11. That is why Member States should make all reasonable efforts to design policies governing the creation of data so that their publication is already foreseen.

Making public sector information accessible and re-usable creates cost for public administration. Already today, the benefits outweigh the costs. By giving thought to the subsequent possibility of publication at the stage of data production, costs could be further reduced, and publication streamlined.

The principle should be called open by design and by default.

B. High Value Datasets

The Commission has identified High Value Datasets to be particularly valuable for economy and society. Opening up High Value Datasets for access is therefore essential to the aim of the recast.

¹ Commission Staff Working Document SWD (2018) 145 final, page 24

² SWD (2018) 145 final, page 27

Therefore, building on experiences in MS, the Directive is amended with a list of categories of high value data and exemplary datasets from areas identified as high-value by the Open Knowledge Foundation¹ and in the G8 Open Data Charter's Technical Annex². The Commission is given delegated powers to update this list and enhance it with concrete datasets that it identifies through public consultations, and by encouraging the public to submit suggestions.

C. Charging

Governments and public administration can charge for data they have commissioned to be produced, produced themselves, or licensed.

The cautious approach in the recast fails to correct the status quo, where large multi-national corporations benefit from public data, while civic initiatives lose out. For example, Google reportedly made a licensing deal for mapping data with the German Federal Agency for Cartography and Geodesy³ that involves a low six-figure yearly fee. Where Google can afford such a fee, the data remain inaccessible and unaffordable for SMEs or competing community-based civil society alternatives like OpenStreetMap⁴ that created detailed maps of the world largely at the hand of volunteers.

As a result, public sector information ends up strengthening the already dominant market position of large multinational companies, while limiting the ability for the development of alternatives.

The possibility for the public sector to charge for data must therefore be further limited. The re-use of data should be free of charge, unless under very narrowly defined circumstances.

D. Open Data Directive

The Directive should not get in the way of MS that already embrace Open Data and release their information in open formats, and under permissive, open licences. It should help those MS that are not yet committed and guide them with steps and methods to be adopted.

It should underscore the European dimension of Open Data, promote the pan-European aggregation of data, and the collaboration across borders.

At the time of the adoption of Directive 2003/98/EC, the term Open Data was not widely known. Today, the situation is different. Open Data as a term is broadly established and used by the Commission and MS. Therefore, the best term to describe what the Directive wants to achieve is Open Data.

The Directive's name should showcase what it can achieve and consequently be renamed the "Open Data Directive".

¹ Open Knowledge Foundation (OKFN): Global Open Data Index <https://index.okfn.org/dataset/>

² Cabinet Office: G8 Open Data Charter and Technical Annex <https://www.gov.uk/government/publications/open-data-charter/g8-open-data-charter-and-technical-annex>

³ Bundesamt für Kartographie und Geodäsie <https://www.bkg.bund.de/>

⁴ OpenStreetMap <https://www.openstreetmap.org/>

AMENDMENTS

The Committee on the Internal Market and Consumer Protection calls on the Committee on Industry, Research and Energy, as the committee responsible, to take into account the following amendments:

Amendment 1

Proposal for a directive

Title

Text proposed by the Commission

on re-use of public sector information
(recast)

Amendment

on ***Open Data and*** re-use of public sector
information (recast)

Or. en

Justification

This is inextricably linked to many other amendments, including those to recitals 42, 54 and 59. ‘Open Data’ as a term is broadly used in the explanatory memorandum to this Directive and the recitals. The term describes to a wider audience the idea behind the technical term “re-use of public sector information”.

Amendment 2

Proposal for a directive

Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) The access to information is a fundamental right. The Charter of Fundamental Rights of the European Union (the ‘Charter’) provides that everyone has the right to freedom of expression, including the right to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers.

Or. en

Justification

The fundamental right to access to information is the foundation of this Directive and is inextricably linked to other amendments, including those to Recitals 19, and 27.

Amendment 3

Proposal for a directive

Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) In order to guarantee the fundamental right of access to information and to make data available for re-use in a proactive manner, Member States should design policies governing the creation of data with their publication in mind, incorporating the principle of “open by design and by default”, with regard to all documents falling within the scope of this Directive.

Or. en

Justification

Recital corresponding to changes in recitals (19) and (27).

Amendment 4

Proposal for a directive

Recital 18

Text proposed by the Commission

Amendment

(18) This Directive should apply to documents that are made accessible for re-use when public sector bodies license, sell, disseminate, exchange or give out information. To avoid cross-subsidies, re-use should include further use of documents within the organisation itself for activities falling outside the scope of its

(18) This Directive should apply to documents that are made accessible for re-use when public sector bodies ***commission the production of, or*** license, sell, disseminate, exchange or give out information. To avoid cross-subsidies, re-use should include further use of documents within the organisation itself for

public tasks. Activities falling outside the public task will typically include supply of documents that are produced and charged for exclusively on a commercial basis and in competition with others in the market.

activities falling outside the scope of its public tasks. Activities falling outside the public task will typically include supply of documents that are produced and charged for exclusively on a commercial basis and in competition with others in the market.

Or. en

Justification

Changes are inextricably linked to new Recital (13a) and changes to (19) and (27) in the recast to reflect the proactive manner of making documents available for re-use.

Amendment 5

Proposal for a directive Recital 19

Text proposed by the Commission

(19) The Directive lays down an obligation for Member States to make all documents re-usable ***unless access is restricted or excluded under national rules on access to documents and subject to the other*** exceptions laid down in this Directive. The Directive builds on the existing access regimes in the Member States and does not change the national rules for access to documents. It does not apply in cases in which citizens or companies can, under the relevant access regime, only obtain a document if they can prove a particular interest. At Union level, Articles 41 (right to good administration) and 42 of the Charter of Fundamental Rights of the European Union recognise the right of any citizen of the Union and any natural or legal person residing or having its registered office in a Member State to have access to European Parliament, Council and Commission documents. Public sector bodies should be encouraged to make available for re-use any documents held by them. Public sector

Amendment

(19) The Directive lays down an obligation for Member States to make all documents re-usable ***without prejudice to the*** exceptions laid down in this Directive, ***allowing Member States to restrict or exclude certain documents from access.*** The Directive builds on the existing access regimes in the Member States and does not change the national rules for access to documents. It does not apply in cases in which citizens or companies can, under the relevant access regime, only obtain a document if they can prove a particular interest. At Union level, Articles 41 (right to good administration) and 42 of the Charter of Fundamental Rights of the European Union recognise the right of any citizen of the Union and any natural or legal person residing or having its registered office in a Member State to have access to European Parliament, Council and Commission documents. Public sector bodies should be encouraged to make available for re-use any documents held by them. Public sector bodies should promote

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Or. en

Justification

Restrictions or exclusion from re-use or access on the basis of national law should be among the exceptions in Art. 2. They are also subject to the possibility of legal recourse and does not a priori justify any exclusion from the application of this Directive.

Amendment 6

Proposal for a directive

Recital 27

Text proposed by the Commission

(27) Public sector bodies are increasingly making their documents available for re-use in a proactive manner, by ensuring online discoverability and actual availability of both metadata and the underlying content. Documents should also be made available for re-use following a request lodged by a re-user. In those cases, the time limit for replying to requests for re-use should be reasonable and in accordance with the equivalent time for requests to access the document under the relevant access regimes. Public undertakings, educational establishments, research performing organisations and research funding organisations should **however** be exempt from this requirement. Reasonable time limits throughout the Union will stimulate the creation of new aggregated information products and services at pan-European level. This is particularly important for dynamic data (including traffic data, satellite data, weather data), the economic value of which depends on the immediate availability of

Amendment

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the information and of regular updates. Dynamic data should therefore be made available immediately after collection, via an Application Programming Interface so as to facilitate the development of internet, mobile and cloud applications based on such data. Whenever this is not possible due to technical or financial constraints, public sector bodies should make the documents available in a timeframe that allows their full economic potential to be exploited. Should a licence be used, the timely availability of documents may be a part of the terms of the licence.

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Or. en

Justification

Exemption on the basis of the relevant access regimes.

Amendment 7

Proposal for a directive Recital 27 a (new)

Text proposed by the Commission

Amendment

(27a) Member States should ensure that data is released under the least restrictive conditions or licensing terms. The Commission should provide guidance on releasing information without, or with minimal restrictions, and provide guidance on the optimal licensing approach for releasing information where obligations laid down in Union or national law require it.

Or. en

Justification

In order to align the order of recitals with the operative text (corresponding Article 8), the new Recital is added here.

Amendment 8

Proposal for a directive Recital 27 b (new)

Text proposed by the Commission

Amendment

(27 b) Where obligations laid down in Union or national law require conditions or licences, Member States should evaluate the compatibility of these obligations , with equivalent or less restrictive open licences, and, where possible, use the more commonly used or more permissive licence or licences. The Commission should provide guidance on the evaluation.

Or. en

Justification

In order to align the order of recitals with the operative text (corresponding Article 8), the new Recital is added here.

Amendment 9

Proposal for a directive Recital 28

Text proposed by the Commission

Amendment

(28) In order to get access to the data opened for re-use by this Directive, the use of suitable and well-designed Application Programming Interfaces (APIs) is needed. An API describes the kind of data can be retrieved, how to do this and the format in which the data will be received. It has different levels of complexity and can mean a simple link to a database to retrieve specific datasets, a web interface, or more complex set-ups. There is general value in re-using and sharing data via a suitable use

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of APIs as this will help developers and start-ups to create new services and products. It is also a crucial ingredient of creating valuable ecosystems around data assets that are often unused. The set-up and use of API needs to be based on several principles: stability, maintenance over lifecycle, uniformity of use and standards, user-friendliness as well as security. For dynamic data, meaning frequently updated data, often in real time, public sector bodies and public undertakings shall make this available for re-use immediately after collection by ways of suitable APIs.

data via a suitable use of APIs as this will help developers and start-ups to create new services and products. It is also a crucial ingredient of creating valuable ecosystems around data assets that are often unused. The set-up and use of API needs to be based on several principles: stability, ***reliability, availability, efficiency***, maintenance over lifecycle, uniformity of use and standards, user-friendliness as well as security. For dynamic data, meaning frequently updated data, often in real time, public sector bodies and public undertakings ***should*** make this available for re-use immediately after collection by ways of suitable APIs.

Or. en

Justification

Publication on a web interface needs to take into account requirements in Article 5 and provide structured access. APIs require further principles, corresponding new Article 5a and Recital (28a).

Amendment 10

Proposal for a directive Recital 28 a (new)

Text proposed by the Commission

Amendment

(28a) Where a competent body makes information available for re-use through an API, this should follow the principles set out in recital 28. The API should adhere to the principle of stability, meaning that it should consistently work on the same technical specifications. The API should adhere to the principle of reliability so that when changes are made these are communicated well in advance, except in duly justified urgent cases where the changes must be applied immediately. The API should ensure availability by operating at a consistent level of quality.

In order to ensure efficiency, the API's performance and complexity should not significantly vary between when being accessed by the data provider or data producer, or the data user.

Or. en

Justification

New Recital corresponding to new Article 5a and further clarifying the principles set out in Recital (28).

Amendment 11

**Proposal for a directive
Recital 52 a (new)**

Text proposed by the Commission

Amendment

(52a) By making practical arrangements to aggregate datasets at Union level, the Commission and Member States should further simplify the access to datasets, in particular to provide full coverage datasets for the Union for a particular category of data as set out in Annex IIa.

Or. en

Justification

Recital corresponding to Article 9(2): the introduction of high value datasets defined by the Commission through delegated acts in Article 13 requires setting out practical arrangements not only at Member State but also at Union level, Article 9 is thus amended.

Amendment 12

**Proposal for a directive
Recital 58**

Text proposed by the Commission

Amendment

(58) In order to set in place conditions

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supporting the re-use of documents which is associated with important socio-economic benefits having a particular high value for economy and society, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of *the adoption of a* list of high-value datasets among the documents to which this Directive applies, along with the modalities of their publication and re-use. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

supporting the re-use of documents which is associated with important *civic or* socio-economic benefits having a particular high value for economy and society, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in *order to extend the* list of *categories of high value datasets set out in Annex IIa, and to further specify the* high value datasets among the documents to which this Directive applies, along with the modalities of their publication and re-use. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Or. en

Justification

Changes to align the recital with operative text in Article 13.

Amendment 13

Proposal for a directive Recital 59

Text proposed by the Commission

(59) An EU-wide list of datasets with a particular potential to generate socio-economic benefits together with

Amendment

(59) An EU-wide list of datasets with a particular potential to generate *civic or* socio-economic benefits together with

harmonised re-use conditions constitutes an important enabler of cross-border data applications and services. ***In the process leading to the establishment of the list, the Commission should carry out appropriate consultations, including at expert level.*** The list should take into account sectoral legislation that already regulates the publication of datasets, as well as the categories indicated in the Technical Annex of the G8 Open Data Charter and in the Commission's Notice 2014 /C 240/01.

harmonised re-use conditions constitutes an important enabler of cross-border data applications and services. ***Annex IIa provides a list of categories of high value datasets which could be amended by a delegated act. The additional categories for the list should take into account sectoral legislation that already regulates the publication of datasets, as well as the categories indicated in the Technical Annex of the G8 Open Data Charter and in the Commission's Notice 2014 /C 240/01. In the process leading to the identification of additional categories or datasets for the list, the Commission should carry out an impact assessment and appropriate public consultations, including at expert level. For the purposes of the impact assessment, the Commission should carry out public consultations with all interested parties, including competent bodies holding public sector information, users and re-users, applicants for the use and re-use, civil society groups and representative organisations. All interested parties should be given the possibility to submit suggestions to the Commission for additional categories of high value datasets or concrete datasets. The Commission should take these into account, or provide the interested party concerned with reasons for not taking into account the suggestion.***

Or. en

Justification

Changes to correspond with operative text in Article 13 and new Annex IIa.

Amendment 14

**Proposal for a directive
Article 2 – paragraph 1 – point 6 a (new)**

Text proposed by the Commission

Amendment

6a. *'application programming interface' (API) means a well-documented set of functions, procedures, definitions, and protocols for the structured retrieval of information online;*

Or. en

Justification

API term should be defined in the Directive. This amendment is also linked to amendments to Article 5

Amendment 15

Proposal for a directive

Article 2 – paragraph 1 – point 7 a (new)

Text proposed by the Commission

Amendment

7a. *'competent body' means any public sector body, body governed by public law or public undertaking;*

Or. en

Justification

Single term to encompass the various bodies.

Amendment 16

Proposal for a directive

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

Amendment

8. 'high value datasets' means documents the re-use of which is associated with important socio-economic benefits, notably because of their

8. 'high value datasets' means documents the re-use of which is associated with important *civic or* socio-economic benefits, notably because of their

suitability for the creation of value-added services and applications, and the number of potential beneficiaries of the value-added services and applications based on these datasets;

suitability for the creation of value-added services and applications, and the number of potential beneficiaries of the value-added services and applications based on these datasets;

Or. en

Justification

It is necessary to highlight the benefits for society outside of direct and indirect economic benefits.

Amendment 17

Proposal for a directive Article 4 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Whenever a document is made available for re-use to an applicant or when a licence is granted to an applicant, a competent body shall make this document available for re-use to the general public through Application Programming Interfaces and portal sites.

Or. en

Justification

In the recast, Article 5 is amended with a new paragraph 4, requiring the making available of dynamic data through APIs. The requirement to make practical arrangements facilitating the search for documents available for re-use laid down in Article 9 requires an amendment of Article 4 .

Amendment 18

Proposal for a directive Article 5 a (new)

Article 5a

Application Programming Interfaces

- 1. Where a competent body makes information available for re-use through an API, the competent body shall give unrestricted access, including to past information, to all users, without prejudice to obligations laid down in Union law. Such restrictions shall be justified and the justification shall be made publicly available.***
- 2. Competent bodies shall develop and document the API and its technical specification using open standards and structured, machine-readable, and open formats.***
- 3. Competent bodies shall communicate any change to an API's technical specification in advance to users, as soon as possible and no later than 3 months before the change is implemented, except in duly justified urgent cases where the changes must be applied immediately.***
- 4. Competent bodies shall ensure that the API is consistently accessible and at a consistent level of quality.***
- 5. Competent bodies shall make access to the API and its technical specification available under the conditions set out in Articles 5, 6, 7, 8, 9, and 10 of this Directive. Documentation shall be made available free of charge, applying as few formal restrictions and conditions as possible, but in any case under conditions no more restrictive than for the information itself.***

Or. en

Justification

The access to dynamic data through APIs introduced in this recast makes further

considerations necessary when it comes to requirements to these technical interfaces.

Amendment 19

Proposal for a directive

Article 6 – paragraph 2 – point a

Text proposed by the Commission

(a) public sector bodies **that are required to generate revenue to cover a substantial part** of their costs relating to the performance of their public tasks;

Amendment

(a) public sector bodies **whose revenues through individual licencing agreements cover at least 70%** of their costs relating to the performance of their public tasks;

Or. en

Justification

It is recognised in principle that making datasets available free of charge is highly beneficial, both through the changes to paragraph 1 of this Article in the recast, and with the justifications given in the context of introducing the concept of High Value Datasets. This justifies the change to paragraph 2(a) as it raises the ambition of making more datasets available free of charge.

Amendment 20

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

1. Re-use of documents **may** be allowed **without or** with conditions, where appropriate through a licence. **Those** conditions shall not **unnecessarily** restrict possibilities for re-use **and shall not be used to restrict** competition.

Amendment

1. Re-use of documents **shall** be allowed with **as few restrictions and conditions as possible**, where appropriate through a licence **or through dedication to the public domain. Where those conditions apply, they** shall not restrict possibilities for re-use **or** competition.

Or. en

Justification

This amendment is linked to the provisions on “legal or practical arrangements, ... restricting the availability for re-use of documents” in Article 12(4) as well as on “observing .. relevant obligations .. in particular .. licences” in Recital (22).

Amendment 21

**Proposal for a directive
Article 8 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. Member States shall ensure that data be released under the least restrictive conditions or licensing terms. Where obligations laid down in Union or national law require conditions or licences, Member States shall evaluate whether equivalent or less restrictive open licences exist. Member States shall then use the most commonly used or least restrictive licence or licences compatible with those obligations.

Or. en

Justification

This amendment is linked to the provisions on “legal or practical arrangements, ... restricting the availability for re-use of documents” in Article 12(4) as well as on “observing .. relevant obligations .. in particular .. licences” in Recital (22).

Amendment 22

**Proposal for a directive
Article 9 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. Member States shall ensure that competent bodies provide the Commission with necessary access to all data they make available for re-use to allow for an

aggregation of datasets at Union level, in particular to provide full coverage datasets for the Union for a particular category of data as set out in Annex IIa. The Commission shall make practical arrangements to aggregate datasets at Union level.

Or. en

Justification

The introduction of high value datasets defined by the Commission through delegated acts in Article 13 requires setting out practical arrangements not only on Member State but Union level, Article 9 is thus amended.

Amendment 23

Proposal for a directive Article 13 – paragraph 1

Text proposed by the Commission

1. *With a view to achieving the objectives of this Directive, the Commission shall adopt the list of high value datasets among* the documents to which this Directive applies, together with the modalities of their publication and re-use.

Amendment

1. *Member States shall ensure that the high value datasets, listed in Annex IIa are available for free, machine-readable and accessible for download, and, where appropriate, via APIs. The conditions for re-use shall be compatible with open standard licences. The Commission shall be empowered to adopt delegated acts in accordance with Article 14 in order to extend the list of categories of high value datasets in Annex IIa and in particular to further specify the high value datasets among* the documents to which this Directive applies, together with the modalities of their publication and re-use.

Or. en

Amendment 24

Proposal for a directive Article 13 – paragraph 2

Text proposed by the Commission

2. These datasets shall be available for free, machine-readable and accessible via APIs. The conditions for re-use shall be compatible with open standard licences.

Amendment

deleted

Or. en

Amendment 25

Proposal for a directive Article 13 – paragraph 3

Text proposed by the Commission

3. By way of exception, the free availability referred to in paragraph 2 shall not apply to high-value datasets of public undertakings if the impact assessment referred to in Article 13(7) shows that making the datasets available for free will lead to a considerable distortion of competition in the respective markets.

Amendment

3. By way of exception, the free availability referred to in paragraph 1 shall not apply to high value datasets of public undertakings if the impact assessment referred to in Article 13(7) shows that making the datasets available for free will lead to a considerable distortion of competition in the respective markets. *Moreover, if no less restrictive approach to mitigating such distortion is available, charges shall be calculated without prejudice to Article 6.*

Or. en

Amendment 26

Proposal for a directive Article 13 – paragraph 4 – introductory part

Text proposed by the Commission

4. In addition to the conditions set out in **paragraph 2**, the Commission may define other applicable modalities, in particular

Amendment

4. In addition to the conditions set out in **paragraph 1**, the Commission may define other applicable modalities, in particular

Or. en

Amendment 27

**Proposal for a directive
Article 13 – paragraph 4 – point a**

Text proposed by the Commission

a. any conditions for re-use;

Amendment

a. any conditions for re-use **according to Articles 3 and 8**;

Or. en

Amendment 28

**Proposal for a directive
Article 13 – paragraph 5**

Text proposed by the Commission

5. The selection of datasets for the list referred to in paragraph 1 shall be based on the assessment of their potential to generate socio-economic benefits, the number of users and the revenues they may help generate, and their potential for being combined with other datasets.

Amendment

5. The selection of **additional categories of high value** datasets for the list referred to in paragraph 1 shall be based on the assessment of their potential to generate **civic or** socio-economic benefits, the number of users and the revenues they may help generate, and their potential for being combined with other datasets.

Or. en

Amendment 29

Proposal for a directive Article 13 – paragraph 7

Text proposed by the Commission

7. The Commission shall conduct an impact assessment including a cost-benefit analysis prior to the adoption of *the* delegated act and ensure that the act is complementary to the existing sector based legal instruments with respect to the re-use of documents that belong to the scope of application of this Directive. Where high value datasets held by public undertakings are concerned, the impact assessment shall give special consideration to the role of public undertakings in a competitive economic environment.

Amendment

7. The Commission shall conduct an impact assessment including a cost-benefit analysis prior to the adoption of *a* delegated act and ensure that the act is complementary to the existing sector based legal instruments with respect to the re-use of documents that belong to the scope of application of this Directive. Where high value datasets held by public undertakings are concerned, the impact assessment shall give special consideration to the role of public undertakings in a competitive economic environment.

Or. en

Amendment 30

Proposal for a directive Article 13 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. For the purposes of paragraph 7, the Commission shall carry out public consultations with all interested parties, including competent bodies holding public sector information, users and re-users, applicants for the use and re-use, civil society groups, and representative organisations. All interested parties shall be given the possibility to submit suggestions to the Commission for additional categories of high value datasets or concrete datasets. The Commission shall take these into account, or provide the interested party with reasons for not taking into account the

suggestion.

Or. en

Justification

The definition of High Value Datasets are essential to the aim of this Directive. The Commission should therefore start off with a list of categories of datasets recognised as important by the legislator, that it can amend and enhance with concrete datasets. The list is added in Annex IIA and thus requires changes to the measures in this Article. Interested parties should be consulted and should have the possibility to actively contribute to the processes of amending the categories and finding concrete datasets.

Amendment 31

**Proposal for a directive
Annex IIA (new)**

Text proposed by the Commission

Amendment

ANNEX IIA

List of high value datasets

<i>Category</i>	<i>Examples of Datasets</i>
<i>Administrative Divisions</i>	<i>Administrative divisions, such as regions, districts, municipalities or other administrative units, delineated for the purpose of administration by the Member States</i>
<i>Business Registers</i>	<i>Company and business registers (lists of registered companies, legal form, ownership and management data, registration identifiers, balance sheets, etc.)</i>
<i>Elections for public offices</i>	<i>Full results of all electoral contests for public office by constituency, district or other relevant administrative division; including majorities and minorities, as well as registered, invalid, spoilt votes, and further polling station data</i>
<i>Environmental data: Air Quality</i>	<i>Detailed concentration of air pollutants, especially those established to being harmful or suspected to be harmful to human and animal health, as well as for other organisms; including location information</i>
<i>Environmental data: Water Quality</i>	<i>Detailed measurement data on the quality of water, measured at the source, in particular but not restricted to water designated for the use in food systems; including</i>

	<i>location information</i>
<i>Government Budget</i>	<i>Planned expenditure for past and upcoming years, on all levels of government</i>
<i>Government Spending</i>	<i>Detailed records of government spending on all levels of government, at transaction level, including ongoing expenditure and subsidies</i>
<i>Land Ownership</i>	<i>Mapping data on boundaries of lots/parcels of land, including land registry data</i>
<i>National Law</i>	<i>Legislative, regulatory and administrative measures;</i>
	<i>Draft measures, including procedural information related to their adoption;</i>
	<i>Measures which have been amended, repealed or are no longer in force</i>
	<i>Accompanying documents, such as explanatory statements, impact assessments, opinions of advisory bodies and voting records</i>
	<i>Case law</i>
<i>Locations</i>	<i>Detailed geospatial information for locations, postcodes and zip codes</i>
<i>Maps</i>	<i>Geographic mapping data including routes, paths, roads or other traffic routes, stretches of water, elevation and altitude/height; at least at a scale of 1:20.000 (1cm = 200m)</i>
<i>Meteorological: Weather forecast</i>	<i>Weather forecasts of temperature, precipitation, wind and atmospheric pressure; aggregated by location</i>
<i>Meteorological: Weather observation</i>	<i>Weather observation data; aggregated by location</i>
<i>Procurement</i>	<i>Past and current tenders and awards on all levels of administration, aggregated by office, in all states (e.g. open, closed, cancelled)</i>
<i>Statistics</i>	<i>National, regional and local statistics on demographic and economic indicators, e.g. Gross Domestic Product (GDP), unemployment, population</i>

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