



18.7.2018

NOTICE TO MEMBERS

(19/2018)

Subject: 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))

The Interinstitutional agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts¹ requires a consultative working party of the legal services of Parliament, the Council and the Commission to consider any Commission proposal for recasting.

Please find attached the Consultative Working Party's opinion on the above proposal.

The Committee on Legal Affairs intends to state its views on the opinion at its meeting on 3 September 2018.

Annex

¹ OJ C 77, 28.3.2002, p. 1.



CONSULTATIVE WORKING PARTY
OF THE LEGAL SERVICES

Brussels, 12 July 2018

OPINION

FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT THE COUNCIL THE COMMISSION

Proposal for a Directive of the European Parliament and of the Council on the re-use of public sector information (recast) COM(2018) 234 final of 25.4.2018 - 2018/0111(COD)

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 23 and 31 May 2018 for the purpose of examining the aforementioned proposal submitted by the Commission.

At those meetings¹, an examination of the proposal for a Directive of the European Parliament and of the Council recasting Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information resulted in the Consultative Working Party's establishing, by common accord, as follows.

1. The following should have been marked with the grey-shaded type generally used for identifying substantive changes:
 - in recital 7, the adding of the words '*and later amended in 2013*';
 - in recital 8, the replacement of the words '*data-based society*' with '*information and knowledge society*';
 - in recital 12, the deletion of the word '*traditional*';
 - in recital 13, the deletion of the last sentence;
 - in recital 26, the deletion of the words '*in line with developments in the information society*';
 - in recital 27, the adding of the words '*satellite data, weather data*';
 - the deletion of the entire text of current recital 14 of Directive 2003/98/EC;
 - in recital 47, the adding of the words '*and Directive 2002/58/EC of the European Parliament and of the Council*';
 - in recital 54, the replacement of the words '*online Public Sector Information scoreboard*' with the words '*online Open Data Maturity Report*';

¹ The Consultative Working Party worked on the basis of the English language version of the proposal, being the master-copy language version of the text under discussion.

- the replacement of the current wording of Article 4(5) of Directive 2003/98/EC with a new wording;
 - in Article 5(1), the adding of the initial words '*Without prejudice to Chapter V*';
 - in Article 7(1), the deletion of the words '*held by public sector bodies*';
 - in Article 7(2), the deletion of the words '*public sector body in question shall indicate at the outset which*' and the replacement of the words '*public sector body*' with the words '*holder of documents*'.
2. In recitals 8, 12 and 14, the word '*Community*' should be replaced by '*Union*'.
 3. In the reference box preceding recital 56, the indication '*2013/37/EU recital 29*' should have read '*2013/37/EU recital 36*'.
 4. In Article 15(1), first subparagraph, the words '*forthwith inform*' (replaced by the words '*immediately communicate the text of those measures to*') should have been marked with 'double strikethrough'.
 5. The current wording of Article 13(1) of Directive 2003/98/EC should have been entirely marked with 'double strikethrough'. The proposed wording for Article 16(1) should have been entirely marked with the grey-shaded type generally used for identifying substantive changes.
 6. The proposal submitted by the Commission should have comprised two annexes on recast, referred to as '*Annex I*' and '*Annex II*' in recital 65 and in Article 17.

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier act with those substantive amendments, that the proposal contains a straightforward codification of the existing legal text, without any change in its substance.

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