



2018/0111(COD)

27.11.2018

OPINION

of the Committee on Civil Liberties, Justice and Home Affairs

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: Ignazio Corrao

PA_Legam

SHORT JUSTIFICATION

Your rapporteur acknowledges the Commission's proposal for a recast of Directives 2013/37/EU and 2003/98/EC on the re-use of public sector information (PSI). The objective of the proposal is to update existing Directives with a view to facilitating the re-use of public sector information throughout the Union by harmonising the basic conditions that make PSI available to re-users.

The proposal broadens its material scope and seeks to ensure consistency with European Union law, particularly data protection legislation, as well as other Union policies and initiatives, on artificial intelligence or internet of things.

However, your rapporteur considers necessary to reflect properly this internal legal consistency of European Union law to avoid any legal uncertainty between different legal instruments. Particularly, the proposal needs to reflect clearly the interaction between re-use of PSI and compliance with EU data protection law, which applies to any processing of personal data carried out within the framework of this Directive. Moreover, in order to avoid divergent interpretations or understandings of essential concepts for the proper application of this proposal, and which are already used by EU data protection law, your rapporteur considers necessary to introduce in the legislative part of the proposal specific provisions. This is the case, for instance, of the definitions of "personal data" and "anonymous data". Both of them refer to the concepts used by Regulation (EU) 2016/679 (GDPR) and with a clear meaning. In particular, a definition of "anonymous data" is necessary since, in many instances, this concept is understood as referring to "pseudonymous data". However "pseudonymous data" is "personal data" and its processing or use remains subject to the provisions of the GDPR in any circumstances.

Last, in order to address also stakeholders concerns related to the respect of protection of personal data, especially in sectors such as the health sector or other sectors processing "sensitive personal data", your rapporteur considers necessary to provide that, when considering decisions on the scope and conditions for the re-use of documents which contain personal data, the organisations subject to the present Directive, shall perform data protection impact assessments. This would enable them to assess the risks related to the release of personal data into the public domain, taken into account of the conditions for re-use.

In short, the amendments proposed increase the legal quality of the text by ensuring the internal legal consistency between this proposal for re-use of public sector information and the rules on the protection of personal data.

AMENDMENTS

The Committee on Civil Liberties, Justice and Home Affairs 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 1

<i>Text proposed by the Commission</i>	<i>Amendment</i>
Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the re-use of public sector information (recast)	Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on <i>Open Data and</i> the re-use of public sector information (recast)

Justification

Whereas when Directive 2003/98/EC was adopted, the term Open Data wasn't widely known, the situation today is different. 'Open Data' as a term is broadly used by the Commission in its communication (for example, on the Commission's European Data Portal), and also in the explanatory memorandum to this Directive. The term is widely understood and describes to a wider audience the idea behind the technical term "re-use of public sector information".

Amendment 2

Proposal for a directive Recital 3

<i>Text proposed by the Commission</i>	<i>Amendment</i>
(3) Following the stakeholder consultation and in the light of the Impact Assessment ³⁰ results, the Commission considered that action at Union level was necessary in order to address the remaining and emerging barriers to a wide re-use of public sector and publicly-funded information across the Union and to bring the legislative framework up to date with the advances in digital technologies, such as Artificial Intelligence and the Internet of	(3) Following the stakeholder consultation and in the light of the Impact Assessment ³⁰ results, the Commission considered that action at Union level was necessary in order to address the remaining and emerging barriers to a wide re-use of public sector and publicly-funded information across the Union and to bring the legislative framework up to date with the advances in digital technologies, such as Artificial Intelligence and the Internet of

Things.

Things, *High Performance Cloud Computing and Quantum Technology. Open-source data sets will contribute to rapidly progress and create a new strategy to embrace new digital technologies, especially Artificial Intelligence.*

³⁰ SWD(2018) 127.

³⁰ SWD(2018) 127.

Amendment 3

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) The substantive changes introduced to the legal text so as to fully exploit the potential of public sector information for the European economy and society focus on the following areas: the provision of real-time access to dynamic data via adequate technical means, increasing the supply of high-value public data for re-use, including from public undertakings, research performing *organisations and* research funding organisations, tackling the emergence of new forms of exclusive arrangements, the use of exceptions to the principle of charging the marginal cost and the relationship between this Directive and certain related legal instruments, including Directive 96/9/EC³¹ *and* Directive 2007/2/EC of the European Parliament and of the Council³².

³¹ Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996, p. 20).

Amendment

(4) The substantive changes introduced to the legal text so as to fully exploit the potential of public sector information for the European economy and society focus on the following areas: the provision of real-time access to dynamic data via adequate technical means, increasing the supply of high-value public data for re-use, including from public undertakings, research performing *organisations and* research funding organisations, tackling the emergence of new forms of exclusive arrangements, the use of exceptions to the principle of charging the marginal cost and the relationship between this Directive and certain related legal instruments, including Directive 96/9/EC³¹, *Directive 2003/4/EC^{31a}*, Directive 2007/2/EC of the European Parliament and of the Council³² *and Regulation (EU) 2016/679^{32a}*.

³¹ Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996, p. 20).

^{31a} *Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 041*

³² 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) (OJ L 108, 25.4.2007, p.1).

, 14.02.2003 p.26.

³² 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) (OJ L 108, 25.4.2007, p.1).

^{32a} ***Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).***

Justification

Include GDPR reference, corresponding to addition of paragraph 3a to Article 1.

Amendment 4

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.

Justification

The fundamental right to access to information is the foundation of this Directive and should therefore be cited here

Amendment 5

Proposal for a directive Recital 4 b (new)

Text proposed by the Commission

Amendment

(4b) Article 8 of the Charter of Fundamental Rights of the European Union guarantees the right to the protection of personal data and states that such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law and under the control by an independent authority.

Justification

Necessary for pressing reasons related to the internal logic of the text in order to ensure its legal consistency.

Amendment 6

Proposal for a directive Recital 6

Text proposed by the Commission

Amendment

(6) The public sector in the Member States collects, produces, reproduces and disseminates a wide range of information in many areas of activity, such as social, economic, geographical, weather, tourist, business, patent and educational information. Documents produced by public sector bodies of executive, legislative or judicial nature constitute a vast, diverse and valuable pool of resources that can benefit the knowledge economy.

(6) The public sector in the Member States collects, produces, reproduces and disseminates a wide range of information in many areas of activity, such as social, economic, geographical, weather, tourist, ***transport***, business, patent and educational information. Documents produced by public sector bodies of executive, legislative or judicial nature constitute a vast, diverse and valuable pool of resources that can benefit the knowledge economy.

Amendment 7

Proposal for a directive Recital 11

Text proposed by the Commission

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

Amendment

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

Justification

This amendment is needed because it is inextricably linked to other amendments on access to documents, including those to Recitals 4, 4a, 27, 32.

Amendment 8

Proposal for a directive Recital 12

Text proposed by the Commission

(12) There are considerable differences in the rules and practices in the Member States relating to the exploitation of public sector information resources, which constitute barriers to bringing out the full economic potential of this key document resource. Practice in public sector bodies in exploiting public sector information continues to vary among Member States . That should be taken into account. Minimum harmonisation of national rules and practices on the re-use of public sector documents should therefore be undertaken, in cases where the differences in national regulations and practices or the absence of clarity hinder the smooth functioning of the internal market and the proper development of the information society in the Community.

Amendment

(12) There are considerable differences in the rules and practices in the Member States relating to the exploitation of public sector information resources, which constitute barriers to bringing out the full economic potential of this key document resource. Practice in public sector bodies in exploiting public sector information continues to vary among Member States. That should be taken into account. Minimum harmonisation of national rules and practices on the **access to and** re-use of public sector documents should therefore be undertaken, in cases where the differences in national regulations and practices or the absence of clarity hinder the smooth functioning of the internal market and the proper development of the information society in the Community.

Justification

Although the re-use of information requires that it be made available for access, this requirement is missing from the recast. These amendments seek to establish basic requirements for the access to information related to its re-use. Therefore this amendment is needed for the internal logic of the text and it is inextricably linked to other admissible amendments.

Amendment 9

Proposal for a directive Recital 13

Text proposed by the Commission

(13) 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, and which promote the circulation of information not only for economic operators but also for the public, 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.

Amendment

(13) **Member States should ensure the creation of data based on the principle of "open by design and by default", with regard to all documents falling in the scope of this Directive, while ensuring a consistent level of protection of public interest objectives, such as public security, including where sensitive information related to critical infrastructures are concerned; and while ensuring the protection of personal data, including where information in an individual data set may not present a risk of identifying or singling out a natural person, but when combined with other available information, could entail such risk.** Open data policies **ensuring the findability, accessibility, interoperability and re-usability (FAIR principles), and encouraging** the wide availability and re-use of public sector information for private or commercial purposes, with minimal or no legal, technical or financial constraints, and which promote the circulation of information not only for economic operators but also for the public, can play an important role in **promoting** the development of new services based on novel ways to combine and make use of such information, stimulate economic growth and promote social engagement. **Interoperability, open standards and open**

data should therefore be implemented at the level of each Member State's administration. At the same time, the Commission should facilitate the cooperation among Member States and support the design, testing, implementation and deployment of interoperable electronic interfaces that will enable more efficient and secure public services.

Justification

Open Data policies are enumerated in Recital (23) of the Commission proposal. The fundamental right to access to information lays the foundation for this directive and thus mandates that Member States proactively take the principle into account so that when a request for information is granted, data need not first be converted into a format that can be published, where possible. Corresponding recital (4a).

Amendment 10

Proposal for a directive Recital 16

Text proposed by the Commission

(16) A general framework for the conditions governing re-use of public sector documents is needed in order to ensure fair, proportionate and non-discriminatory conditions for the re-use of such **information**. Public sector bodies collect, produce, reproduce and disseminate documents to fulfil their public tasks. Use of such documents for other reasons constitutes a re-use. Member States' policies can go beyond the minimum standards established in this Directive, thus allowing for more extensive re-use.

Amendment

(16) A general framework for the conditions governing **access to and** re-use of public sector documents is needed in order to ensure fair, proportionate and non-discriminatory conditions for the re-use of such **documents**. Public sector bodies collect, produce, reproduce and disseminate documents to fulfil their public tasks. Use of such documents for other reasons constitutes a re-use. Member States' policies can go beyond the minimum standards established in this Directive, thus allowing for more extensive re-use.

Justification

Although the re-use of information requires that it be made available for access, this requirement is missing from the recast. These amendments seek to establish basic requirements for the access to information related to its re-use. Therefore this amendment is needed for the internal logic of the text and it is inextricably linked to other admissible

amendments.

Amendment 11

Proposal for a directive

Recital 18

Text proposed by the Commission

(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 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.

Amendment

(18) This Directive should apply to documents that are made **available** 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 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.

Justification

The fundamental right to access to information mandates the principle of ‘open by design’ (Recital 13). Since documents may at a later stage be requested by citizens exercising their fundamental right, and in order to proactively support this, documents should already be designed to be "made accessible for re-use", including at the stage when the production of information is being commissioned by a body.

Amendment 12

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

Amendment

(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, **including situations in which access is restricted or excluded in order to ensure the security of**

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 and encourage re-use of documents, including official texts of a legislative and administrative nature in those cases where the public sector body has the right to authorise their re-use.

the network and information systems pursuant to Directive 2016/1148^{1a} 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 or a part of** 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 and encourage re-use of documents, including official texts of a legislative and administrative nature in those cases where the public sector body has the right to authorise their re-use.

^{1a} Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 1).

Justification

Necessary for pressing reasons related to the internal logic of the proposal. Needed to clarify the relationship and coherence between the PSI Directive and the GDPR and to make clear that the exclusions apply to documents and parts of documents in all cases. Inextricably linked to the amendment to Article 1(2)(g) in order to ensure the internal logic of the proposal.

Amendment 13

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) The Member States often entrust the provision of services in the general interest with entities outside of the public sector while maintaining a high degree of control over such entities. At the same time, the provisions of the Directive 2003/98/EC apply only to documents held by public sector bodies, while excluding public undertakings from its scope. This leads to a poor availability for re-use of documents produced in the performance of services in the general interest in a number of areas, notably in the utility sectors. It also greatly reduces the potential for the creation of cross-border services based on documents held by public undertakings that provide services in the general interest.

Amendment

(20) The Member States often entrust the provision of services in the general interest with entities outside of the public sector while maintaining a high degree of control over such entities. At the same time, the provisions of the Directive 2003/98/EC apply only to documents held by public sector bodies, while excluding public undertakings from its scope. This leads to a poor availability for re-use of documents produced in the performance of services in the general interest in a number of areas, notably in the utility sectors. It also greatly reduces the potential for the creation of cross-border services based on documents held by public undertakings that provide services in the general interest. ***Re-use of data 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 public engagement.***

Amendment 14

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) The volume of research data generated is growing exponentially and has potential for re-use beyond the scientific community. In order to be able to address mounting societal challenges efficiently and in a holistic manner, it has become crucial and urgent to be able to access, blend and re-use data from different sources, as well as across sectors and disciplines. Research data includes statistics, results of experiments, measurements, observations resulting from

Amendment

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fieldwork, survey results, interview recordings and images. It also includes meta-data, specifications and other digital objects. Research data is different from scientific articles reporting and commenting on findings resulting from their scientific research. For many years, the open availability and re-usability of scientific research results stemming from public funding has been subject to specific policy initiatives. Open access policies aim in particular to provide researchers and the public at large with access to research data as early as possible in the dissemination process and to enable its use and re-use. Open access helps enhance quality, reduce the need for unnecessary duplication of research, speed up scientific progress, combat scientific fraud, and it can overall favour economic growth and innovation. Beside open access, data management planning is swiftly becoming a standard scientific practice for ensuring data that is findable, accessible, interoperable and re-usable (FAIR principles).

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Amendment 15

Proposal for a directive Recital 24

Text proposed by the Commission

(24) For the reasons explained above, it is appropriate to set an obligation on Member States to adopt open access policies with respect to publicly-funded research results and ensure that such policies are implemented by all research performing organisations and research funding organisations. Open access policies typically allow for a range of exceptions from making scientific research results openly available. On 17 July 2012, the Commission adopted a Recommendation on access to and preservation of scientific information,

Amendment

(24) For the reasons explained above, it is appropriate to set an obligation on Member States to adopt open access policies with respect to publicly-funded research results and ensure that such policies are implemented by all research performing organisations and research funding organisations. Open access policies typically allow for a range of exceptions from making scientific research results openly available. On 17 July 2012, the Commission adopted a Recommendation on access to and preservation of scientific information,

updated on 25 April 2018³⁴, and describing, among other things, relevant elements of open access policies. Additionally, the conditions, under which certain research results can be re-used, should be improved. For this reason, certain obligations stemming from this Directive should be extended to research data resulting from scientific research activities subsidised by public funding or co-funded by public and private-sector entities. However, in this context, concerns in relation to privacy, protection of personal data, trade secrets, national security, legitimate commercial interests and to intellectual property rights of third parties should be duly taken into account. In order to avoid any administrative burden, such obligations should only apply to such research data that have already been made publicly available by researchers. Other types of documents held by research performing organisations and research funding organisations should continue to be exempt from the scope of application of this Directive.

³⁴ C(2018)2375

Amendment 16

Proposal for a directive Recital 32

Text proposed by the Commission

(32) Charges for the re-use of documents constitute an important market entry barrier for start-ups and SMEs. Documents should therefore be made available for re-use without charges and, where charges are necessary, they should in principle be limited to the marginal costs. In exceptional cases, the necessity of not hindering the normal running of public sector bodies that are required to

updated on 25 April 2018³⁴, and describing, among other things, relevant elements of open access policies. Additionally, the conditions, under which certain research results can be re-used, should be improved. For this reason, certain obligations stemming from this Directive should be extended to research data resulting from scientific research activities subsidised by public funding or co-funded by public and private-sector entities. However, in this context, concerns in relation to privacy, **confidentiality**, protection of personal data, trade secrets, national security, legitimate commercial interests and to intellectual property rights of third parties should be duly taken into account. In order to avoid any administrative burden, such obligations should only apply to such research data that have already been made publicly available by researchers. Other types of documents held by research performing organisations and research funding organisations should continue to be exempt from the scope of application of this Directive.

³⁴ C(2018)2375

Amendment

(32) Charges for the **access to and** re-use of documents constitute an important market entry barrier for start-ups and SMEs. Documents should therefore be made available for **access to and** re-use without charges and, where charges are necessary, they should in principle be limited to the marginal costs. In exceptional cases, the necessity of not hindering the normal running of public

generate revenue to cover a substantial part of their costs relating to the performance of their public tasks should be taken into consideration. The role of public undertakings in a competitive economic environment should also be acknowledged. In such cases, public sector bodies and public undertakings should therefore be able to charge above marginal costs. Those charges 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. Where applicable, the costs of anonymisation of personal data or of commercially sensitive information should also be included in the eligible cost. The requirement to generate revenue to cover a substantial part of the public sector bodies' costs relating to the performance of their public tasks or the scope of the services of general interest entrusted with public undertakings does not have to be a legal requirement and may stem, for example, from administrative practices in Member States. Such a requirement should be regularly reviewed by the Member States.

sector bodies that are required to generate revenue to cover a substantial part of their costs relating to the performance of their public tasks should be taken into consideration. The role of public undertakings in a competitive economic environment should also be acknowledged. In such cases, public sector bodies and public undertakings should therefore be able to charge above marginal costs. Those charges 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. Where applicable, the costs of anonymisation of personal data or of commercially sensitive information should also be included in the eligible cost. The requirement to generate revenue to cover a substantial part of the public sector bodies' costs relating to the performance of their public tasks or the scope of the services of general interest entrusted with public undertakings does not have to be a legal requirement and may stem, for example, from administrative practices in Member States. Such a requirement should be regularly reviewed by the Member States.

Justification

Although the re-use of information requires that it be made available for access, this requirement is missing from the recast. These amendments seek to establish basic requirements for the access to information related to its re-use. Therefore this amendment is needed for the internal logic of the text and it is inextricably linked to other admissible amendments

Amendment 17

Proposal for a directive Recital 36

Text proposed by the Commission

Amendment

(36) Ensuring that the conditions for re-use of public sector documents are clear and publicly available is a pre-condition for the development of a Union-wide information market. Therefore all applicable conditions for the re-use of the documents should be made clear to the potential re-users. Member States should encourage the creation of indices accessible on line, where appropriate, of available documents so as to promote and facilitate requests for re-use. Applicants for re-use of documents held by entities other than public undertakings, educational establishments, research performing organisations and research funding organisations should be informed of available means of redress relating to decisions or practices affecting them. This will be particularly important for SMEs which may not be familiar with interactions with public sector bodies from other Member States and corresponding means of redress.

(36) Ensuring that the conditions for ***access to and*** re-use of public sector documents are clear and publicly available is a pre-condition for the development of a Union-wide information market. Therefore all applicable conditions for the ***access to and*** re-use of the documents should be made clear to the potential re-users. Member States should encourage the creation of indices accessible on line, where appropriate, of available documents so as to promote and facilitate requests for re-use. Applicants for ***access to and*** re-use of documents held by entities other than public undertakings, educational establishments, research performing organisations and research funding organisations should be informed of available means of redress relating to decisions or practices affecting them. This will be particularly important for SMEs which may not be familiar with interactions with public sector bodies from other Member States and corresponding means of redress.

Justification

Although the re-use of information requires that it be made available for access, this requirement is missing from the recast. These amendments seek to establish basic requirements for the access to information related to its re-use. Therefore this amendment is needed for the internal logic of the text and it is inextricably linked to other admissible amendments.

Amendment 18

Proposal for a directive Recital 37

Text proposed by the Commission

(37) The means of redress should include the possibility of review by an impartial review body. That body could be an already existing national authority, such as the national competition authority, the national access to documents authority or a

Amendment

(37) The means of redress should include the possibility of review by an impartial review body. That body could be an already existing national authority, such as the national competition authority, ***the national supervisory authority set up***

national judicial authority. That body should be organised in accordance with the constitutional and legal systems of Member States and should not prejudge any means of redress otherwise available to applicants for re-use. It should however be distinct from the Member State mechanism laying down the criteria for charging above marginal costs. The means of redress should include the possibility of review of negative decisions but also of decisions which, although permitting re-use, could still affect applicants on other grounds, notably by the charging rules applied. The review process should be swift, in accordance with the needs of a rapidly changing market.

pursuant to Regulation (EU) 2016/679^{1a}, the national access to documents authority or a national judicial authority. That body should be organised in accordance with the constitutional and legal systems of Member States and should not prejudge any means of redress otherwise available to applicants for **access to and** re-use. It should however be distinct from the Member State mechanism laying down the criteria for charging above marginal costs. The means of redress should include the possibility of review of negative decisions but also of decisions which, although permitting re-use, could still affect applicants on other grounds, notably by the charging rules applied. The review process should be swift, in accordance with the needs of a rapidly changing market.

^{1a} Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

Justification

Although the re-use of information requires that it be made available for access, this requirement is missing from the recast. These amendments seek to establish basic requirements for the access to information related to its re-use. Therefore this amendment is needed for the internal logic of the text and it is inextricably linked to other admissible amendments.

Amendment 19

Proposal for a directive Recital 39

Text proposed by the Commission

(39) In some cases the re-use of

Amendment

(39) In some cases the re-use of

documents will take place without a licence being agreed. In other cases a licence will be issued imposing conditions on the re-use by the licensee dealing with issues such as liability, the proper use of documents, guaranteeing non-alteration and the acknowledgement of source. If public sector bodies license documents for re-use, the licence conditions should be fair and transparent. Standard licences that are available online may also play an important role in this respect. Therefore Member States should provide for the availability of standard licences.

documents will take place without a licence being agreed. In other cases a licence will be issued imposing conditions on the re-use by the licensee dealing with issues such as liability, *the protection of personal data*, the proper use of documents, guaranteeing non-alteration and the acknowledgement of source. If public sector bodies license documents for re-use, the licence conditions should be fair and transparent. Standard licences that are available online may also play an important role in this respect. Therefore Member States should provide for the availability of standard licences.

Justification

Necessary for pressing reasons related to the internal logic of the text in order to ensure its legal consistency.

Amendment 20

Proposal for a directive

Recital 47

Text proposed by the Commission

(47) This Directive is without prejudice and should be implemented and applied in full compliance with Union law relating to the protection of personal data including Regulation (EU) 2016/679 of the European Parliament and of the Council³⁷ and Directive 2002/58/EC of the European Parliament and of the Council³⁸.

Anonymisation is a means to reconcile the interests in making public sector information as re-usable as possible with the obligations under data protection legislation, but comes at a cost. It is appropriate to consider this cost as one of the cost items to be considered as part of the marginal cost of dissemination as defined in Article 6 of this Directive.

Amendment

(47) This Directive is without prejudice and should be implemented and applied in full compliance with Union law relating to the protection of personal data including Regulation (EU) 2016/679 of the European Parliament and of the Council and Directive 2002/58/EC of the European Parliament and of the Council³⁸.

Anonymisation is a means to reconcile the interests in making public sector information as re-usable as possible with the obligations under data protection legislation, but comes at a cost. It is appropriate to consider this cost as one of the cost items to be considered as part of the marginal cost of dissemination as defined in Article 6 of this Directive. *In this regard, anonymous information should mean any information that cannot*

be related, directly or indirectly, alone or in combination with associated data, to a natural person or personal data rendered anonymous in such a manner that a data subject is no longer identifiable. Moreover, when taking decisions on the scope and conditions for the re-use of public sector documents containing personal data, the organisations subject to this Directive should perform data protection impact assessments before making the document public. This should be done in particular for specific sectors routinely dealing with special categories of personal data, such as health sector, or other personal data referred to in Article 9 of Regulation (EU) 2016/679. In order to properly address the concerns related to the necessary protection of personal data such data protection impact assessment should be conducted in accordance with Article 35 of Regulation (EU) 2016/679.

³⁷ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) [...].

³⁸ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201 , 31/07/2002 p. 37).

³⁸ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31/07/2002 p. 37).

Justification

Needed to ensure consistency with the current legislative framework on data protection and to avoid other interpretations of concepts that may refer to other techniques such as pseudonymisation. Furthermore, in line with the recommendations of the European Data Protection Supervisor, the Rapporteur deems it necessary to ensure an impact assessment to ascertain the legitimacy and necessity of publishing personal data in the public domain,

particularly when dealing with certain categories of sensitive data.

Amendment 21

Proposal for a directive

Recital 52

Text proposed by the Commission

(52) Tools that help potential re-users to find documents available for re-use and the conditions for re-use can facilitate considerably the cross-border use of public sector documents. Member States should therefore ensure that practical arrangements are in place that help re-users in their search for documents available for re-use. Assets lists, accessible preferably online, of main documents (documents that are extensively re-used or that have the potential to be extensively re-used), and portal sites that are linked to decentralised assets lists are examples of such practical arrangements.

Amendment

(52) Tools that help potential re-users to find documents available for re-use and the conditions for ***access to and*** re-use can facilitate considerably the cross-border use of public sector documents. Member States should therefore ensure that practical arrangements are in place that help re-users in their search for documents available for re-use. Assets lists, accessible preferably online, of main documents (documents that are extensively re-used or that have the potential to be extensively re-used), and portal sites that are linked to decentralised assets lists are examples of such practical arrangements.

Justification

Although the re-use of information requires that it be made available for access, this requirement is missing from the recast. These amendments seek to establish basic requirements for the access to information related to its re-use. Therefore this amendment is needed for the internal logic of the text and it is inextricably linked to other admissible amendments.

Amendment 22

Proposal for a directive

Recital 62

Text proposed by the Commission

(62) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including the right to privacy (Article 7), the protection of

Amendment

(62) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, including the right to privacy (Article 7), the protection of

personal data (Article 8), the right to property (Article 17) and the integration of persons with disabilities (Article 26) . Nothing in this Directive should be interpreted or implemented in a manner that is inconsistent with the European Convention for the Protection of Human Rights and Fundamental Freedoms.

personal data (Article 8), ***the freedom of expression and information (Article 11)***, the right to property (Article 17) and the integration of persons with disabilities (Article 26) . Nothing in this Directive should be interpreted or implemented in a manner that is inconsistent with the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Justification

Changes corresponding to new Recital (4a).

Amendment 23

Proposal for a directive Recital 62 a (new)

Text proposed by the Commission

Amendment

(62a) The European Data Protection Supervisor delivered an Opinion 5/2018 on 10 July 2018 pursuant to Article 41(2) of Regulation (EC) 45/2001^{1a}.

^{1a} Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data. (OJ L 8, 12.1.2001, p. 1).

Justification

Necessary for pressing reasons related to the internal logic of the text in order to ensure its legal consistency; EU legal text have to comply with legislative technique rules and it must be indicated that the EDPS issued on opinion pursuant to Regulation 45/2001.

Amendment 24

Proposal for a directive Article -1 (new)

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Text proposed by the Commission

Amendment

Article -1

-1. This Directive aims at establishing a regulatory framework governing the right to access to and re-use of public sector information in order to set out basic terms and practical arrangements for its exercise, as well as to promote the use of open data and stimulate innovation in products and services.

Justification

Although the re-use of information requires that it be made available for access, this requirement is missing from the recast. These amendments seek to establish basic requirements for the access to information related to its re-use. Therefore this amendment is needed for the internal logic of the text and it is inextricably linked to other admissible amendments.

Amendment 25

Proposal for a directive

Article 1 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) documents access to which is excluded or restricted by *virtue of the* access regimes on the grounds of protection of personal data, **and parts of documents accessible by virtue of those regimes** which contain personal data the re-use of which **has been defined by law as being incompatible with the law concerning the protection of individuals with regard to the processing of** personal data;

(g) **documents or parts of** documents access to which is excluded or restricted by access regimes on the grounds of protection of personal data, **or** which contain personal data the re-use of which **could undermine the protection of privacy and integrity of the individual, in particular in accordance with Union legislation regarding** the protection of personal data;

Justification

This amendment follows the EDPS opinion. It is necessary to ensure coherence between this Directive and other Union legislation.

Amendment 26

Proposal for a directive

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

Text proposed by the Commission

Amendment

(ka) documents access to which is restricted by virtue of the access regimes in the Member States, including cases whereby access is restricted or excluded in order to ensure the security of the network and information systems pursuant to Directive 2016/1148;

Justification

Necessary for pressing reasons related to the internal logic of the proposal, legal consistency with other instruments of EU law and national law applicable.

Amendment 27

Proposal for a directive

Article 1 – paragraph 2 – point k b (new)

Text proposed by the Commission

Amendment

(kb) documents held by institutions which are covered by the definition of critical infrastructure as defined by Article 2(a) of Directive 2008/114/EC.

Justification

Necessary for pressing reasons related to the internal logic of the text in order to ensure its legal consistency.

Amendment 28

Proposal for a directive

Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. This Directive leaves intact and in no way affects the level of protection of

individuals with regard to the processing of personal data under Union and national law, and in particular it does not alter any obligations and rights set out in Regulation (EU) 2016/679 and Directive 2002/58/EC.

Justification

Needed to ensure the inextricable link between reuse of public information law and EU Data Protection law, as it is currently provided in Directive 2003/98. It enhances legal consistence. A recital alone is not enough.

Amendment 29

Proposal for a directive

Article 2 – paragraph 1 – point 5 a (new)

Text proposed by the Commission

Amendment

5 a. ‘personal data’ means personal data as defined in Article 4(1) of Regulation (EU) 2016/679;

Justification

Necessary for pressing reasons related to the internal logic of the text in order to ensure its legal consistency. Current PSI Directive 2003/98/EC contains this definition which should be kept.

Amendment 30

Proposal for a directive

Article 2 – paragraph 1 – point 5 b (new)

Text proposed by the Commission

Amendment

5b. ‘anonymous information’ or ‘anonymised information’ means information which does not relate to an identified or identifiable natural person or personal data rendered anonymous in such a manner that the data subject is not or no longer identifiable;

Justification

Needed to ensure legal consistency and avoid other interpretations of the notion of personal data different from the one included in the GDPR. Current PSI Directive 2003/98/EC contains this definition which should be kept.

Amendment 31

Proposal for a directive Article 3 – paragraph 1

Text proposed by the Commission

1. Subject to paragraph 2 Member States shall ensure that documents to which this Directive applies in accordance with 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 to which this Directive applies in accordance with Article 1 shall be **given access to and** re-usable for commercial or non-commercial purposes in accordance with the conditions set out in Chapters III and IV.

Justification

Although the re-use of information requires that it be made available for access, this requirement is missing from the recast. These amendments seek to establish basic requirements for the access to information related to its re-use. Therefore this amendment is needed for the internal logic of the text and it is inextricably linked to other admissible amendments.

Amendment 32

Proposal for a directive Article 3 – paragraph 2

Text proposed by the Commission

2. For documents in which libraries, including university libraries, museums and archives hold intellectual property rights and for documents held by public undertakings, Member States shall ensure that, where the re-use of such documents is allowed, these documents shall be re-usable for commercial or non-commercial purposes in accordance with the conditions

Amendment

2. For documents in which libraries, including university libraries, museums and archives hold intellectual property rights and for documents held by public undertakings, Member States shall ensure that, where the **access to and** re-use of such documents is allowed, these documents shall be **given access to and** re-usable for commercial or non-commercial purposes in accordance with the conditions set out in

Justification

Although the re-use of information requires that it be made available for access, this requirement is missing from the recast. These amendments seek to establish basic requirements for the access to information related to its re-use. Therefore this amendment is needed for the internal logic of the text and it is inextricably linked to other admissible amendments.

Amendment 33

Proposal for a directive

Article 3 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that documents falling within the scope of this Directive are produced and made available for re-use according to the principle of "open by design and by default".

Justification

Although the re-use of information requires that it be made available for access, this requirement is missing from the recast. These amendments seek to establish basic requirements for the access to information related to its re-use. Therefore this amendment is needed for the internal logic of the text and it is inextricably linked to other admissible amendments.

Amendment 34

Proposal for a directive

Article 3 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Member States shall provide that, when taking decisions on the scope and conditions for the re-use of documents, the organisations subject to this Directive, shall perform data protection impact assessments, in particular for specific sectors routinely dealing with special

categories of personal data, such as health sector, or other personal data referred to in Article 9 of Regulation (EU) 2016/679. Such data protection impact assessment shall be carried out in accordance with Article 35 of Regulation (EU) 2016/679.

Justification

Amendment necessary for pressing needs related to the internal logic of the text. Needed to ensure legal consistency of EU law and to guarantee that when personal data are to be made public an impact assessment has previously been conducted to ascertain the lawfulness and the need of publishing personal data in the public domain, account taken of the impact and effects of the publication on data subjects concerned.

Amendment 35

**Proposal for a directive
Chapter 2 – title**

Text proposed by the Commission

Amendment

REQUESTS FOR RE-USE

**ACCESS TO DOCUMENTS AND
REQUESTS FOR RE-USE**

Justification

Although the re-use of information requires that it be made available for access, this requirement is missing from the recast. These amendments seek to establish basic requirements for the access to information related to its re-use. Therefore this amendment is needed for the internal logic of the text and it is inextricably linked to other admissible amendments.

Amendment 36

**Proposal for a directive
Article 4 – title**

Text proposed by the Commission

Amendment

Requirements applicable to the processing of requests for re-use

Requirements applicable to the processing of requests for **access to documents and** re-use

Justification

Although the re-use of information requires that it be made available for access, this requirement is missing from the recast. These amendments seek to establish basic requirements for the access to information related to its re-use. Therefore this amendment is needed for the internal logic of the text and it is inextricably linked to other admissible amendments.

Amendment 37

Proposal for a directive Article 4 – paragraph 1

Text proposed by the Commission

1. Public sector bodies shall, through electronic means where possible and appropriate, process requests for re-use and shall make the document available for re-use to the applicant or, if a licence is needed, finalise the licence offer to the applicant within a reasonable time that is consistent with the time-frames laid down for the processing of requests for access to documents.

Amendment

1. Public sector bodies shall, through electronic means where possible and appropriate, process requests for ***access to documents or for their*** re-use and shall make the document available for re-use to the applicant or, if a licence is needed ***for re-use***, finalise the licence offer to the applicant within a reasonable time that is consistent with the time-frames laid down for the processing of requests for access to documents.

Justification

Although the re-use of information requires that it be made available for access, this requirement is missing from the recast. These amendments seek to establish basic requirements for the access to information related to its re-use. Therefore this amendment is needed for the internal logic of the text and it is inextricably linked to other admissible amendments.

Amendment 38

Proposal for a directive Article 4 – paragraph 2

Text proposed by the Commission

2. Where no time limits or other rules regulating the timely provision of documents have been established, public sector bodies shall process the request and

Amendment

2. Where no time limits or other rules regulating the timely provision of documents have been established, public sector bodies shall process the request and

shall deliver the documents for re-use to the applicant or, if a licence is needed, finalise the licence offer to the applicant within a timeframe of not more than 20 working days after its receipt. This timeframe may be extended by another 20 working days for extensive or complex requests. In such cases the applicant shall be notified within three weeks after the initial request that more time is needed to process it.

shall deliver the documents for re-use to the applicant or, if a licence is needed **for re-use**, finalise the licence offer to the applicant **as soon as possible or, at the latest**, within a timeframe of not more than 20 working days after its receipt. This timeframe may be extended by another 20 working days for extensive or complex requests. In such cases the applicant shall be notified **as soon as possible, and in any case** within three weeks after the initial request that more time is needed to process it **and of the reasons for it**.

Justification

Although the re-use of information requires that it be made available for access, this requirement is missing from the recast. These amendments seek to establish basic requirements for the access to information related to its re-use. Therefore this amendment is needed for the internal logic of the text and it is inextricably linked to other admissible amendments.

Amendment 39

Proposal for a directive Article 4 – paragraph 3

Text proposed by the Commission

3. In the event of a negative decision, the public sector bodies shall communicate **the grounds for refusal** to the applicant on the basis of the relevant provisions of the access regime in that Member State or of the national provisions adopted pursuant to this Directive, in particular points (a) to (g) of Article 1(2) or Article 3. Where a negative decision is based on point (c) of Article 1(2), the public sector body shall include a reference to the natural or legal person who is the **rightholder**, where known, or alternatively to the licensor from which the public sector body has obtained the relevant material. Libraries, including university libraries, museums and archives shall not be required to include such a reference.

Amendment

3. In the event of a negative decision, the public sector bodies shall communicate **within 20 working days the reasons for refusing, in full or in part, access to or re-use of a document in the form or format requested**, to the applicant on the basis of the relevant provisions of the access regime in that Member State or of the national provisions adopted pursuant to this Directive, in particular points (a) to (g) of Article 1(2) or Article 3. Where a negative decision is based on point (c) of Article 1(2), the public sector body shall include a reference to the natural or legal person who is the **right holder**, where known, or alternatively to the licensor from which the public sector body has obtained the relevant material. Libraries, including

university libraries, museums and archives shall not be required to include such a reference.

Justification

Although the re-use of information requires that it be made available for access, this requirement is missing from the recast. These amendments seek to establish basic requirements for the access to information related to its re-use. Therefore this amendment is needed for the internal logic of the text and it is inextricably linked to other admissible amendments.

Amendment 40

**Proposal for a directive
Article 4 – paragraph 3 a (new)**

Text proposed by the Commission

Amendment

3a. Member State shall draw up a publicly accessible list of criteria on the basis of which the body concerned may decide how to handle requests.

Justification

Although the re-use of information requires that it be made available for access, this requirement is missing from the recast. These amendments seek to establish basic requirements for the access to information related to its re-use. Therefore this amendment is needed for the internal logic of the text and it is inextricably linked to other admissible amendments.

Amendment 41

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

Text proposed by the Commission

Amendment

4. 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 with the appropriate expertise, such as the national competition

4. 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 with the appropriate expertise, such as the national competition

authority, the national access to documents authority or a national judicial authority, whose decisions are binding upon the public sector body concerned.

authority, the national *supervisory authority set up in accordance with Article 51 of Regulation (EU) 2016/679, the national* access to documents authority or a national judicial authority, whose decisions are binding upon the public sector body concerned.

Justification

Necessary for pressing reasons to ensure EU legal consistency. EU DPAs are competent authorities to deal with cases relating to compliance with data protection law. GDPR endows DPAs with appropriate powers of enforcement and redress for breaches of data protection law and cover this situation. See AM to recital 37.

Amendment 42

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

Text proposed by the Commission

Amendment

4a. For the purposes of this Article, Member States shall ensure that:

(a) support is granted in seeking access to documents;

(b) lists of public sector bodies are publicly accessible; and

(c) practical arrangements are defined for ensuring that the right of access to documents and their re-use of public-sector information can be exercised effectively, such as:

i. the designation of information officers;

ii. the establishment and maintenance of facilities for the examination of the documents required;

iii. registers or list of documents held by public sector bodies or information points, with clear indications of where such documents can be found;

(d) public sector bodies inform the public adequately of the rights they enjoy on the basis of this Directive and as a result of

existing access to information rules, laid down at national or at Union level, and to an appropriate extent provide information, guidance and advice to this end.

Justification

Although the re-use of information requires that it be made available for access, this requirement is missing from the recast. These amendments seek to establish basic requirements for the access to information related to its re-use. Therefore this amendment is needed for the internal logic of the text and it is inextricably linked to other admissible amendments.

Amendment 43

Proposal for a directive Article 5 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

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

Justification

Necessary for pressing reasons related to the internal logic of the text in order to ensure its legal consistency.

Amendment 44

Proposal for a directive Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. Re-use of documents shall be free of charge ***or limited to the marginal costs incurred for their reproduction, provision and dissemination , and – where applicable – anonymisation of personal data and measures taken to protect***

1. ***Access to and*** re-use of documents shall be free of charge.

commercially confidential information .

Justification

Restructuring of the Article in the interest of the objectives of better legal drafting. Although the re-use of information requires that it be made available for access, this requirement is missing from the recast. These amendments seek to establish basic requirements for the access to information related to its re-use. Therefore this amendment is needed for the internal logic of the text and it is inextricably linked to other admissible amendments.

Amendment 45

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

Text proposed by the Commission

Amendment

1a. By way of exception, the marginal costs incurred for their reproduction, provision and dissemination, and – where applicable– anonymisation of personal data and measures taken to protect commercially confidential information may be recovered by the Member States.

Justification

Restructuring of the Article in the interest of the objectives of better legal drafting

Amendment 46

**Proposal for a directive
Article 6 – paragraph 2 – introductory part**

Text proposed by the Commission

Amendment

2. By way of exception, paragraph 1 shall not apply to the following:

2. Member States may decide not to apply paragraph 1 ***and 1a*** to the following:

Justification

Necessary for pressing reasons related to the internal logic of the text in order to ensure its legal consistency.

Amendment 47

Proposal for a directive Article 7 – paragraph 1

Text proposed by the Commission

1. In the case of standard charges for the re-use of documents , any applicable conditions and the actual amount of those charges, including the calculation basis for such charges, shall be pre-established and published, through electronic means where possible and appropriate.

Amendment

1. In the case of standard charges for the re-use of documents ***or parts of documents***, any applicable conditions and the actual amount of those charges, including the calculation basis for such charges, shall be pre-established and published, through electronic means where possible and appropriate.

Justification

Necessary for pressing reasons related to the internal logic of the proposal and to AM tabled to refer to documents or parts of documents.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Re-use of public sector information (recast)	
References	COM(2018)0234 – C8-0169/2018 – 2018/0111(COD)	
Committee responsible Date announced in plenary	ITRE 28.5.2018	
Opinion by Date announced in plenary	LIBE 28.5.2018	
Rapporteur Date appointed	Ignazio Corrao 9.7.2018	
Discussed in committee	11.10.2018	27.11.2018
Date adopted	27.11.2018	
Result of final vote	+: 34 –: 2 0: 0	
Members present for the final vote	Asim Ademov, Martina Anderson, Heinz K. Becker, Malin Björk, Caterina Chinnici, Daniel Dalton, Rachida Dati, Cornelia Ernst, Tanja Fajon, Romeo Franz, Kinga Gál, Sylvie Guillaume, Dietmar Köster, Barbara Kudrycka, Cécile Kashetu Kyenge, Juan Fernando López Aguilar, Roberta Metsola, Claude Moraes, József Nagy, Péter Niedermüller, Ivari Padar, Judith Sargentini, Giancarlo Scottà, Branislav Škripek, Traian Ungureanu, Bodil Valero, Udo Voigt, Josef Weidenholzer, Kristina Winberg, Tomáš Zdechovský	
Substitutes present for the final vote	Carlos Coelho, Ignazio Corrao, Pál Csáky, Miriam Dalli, Innocenzo Leontini	
Substitutes under Rule 200(2) present for the final vote	Reimer Böge	

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

34	+
ECR	Daniel Dalton, Kristina Winberg
EFDD	Ignazio Corrao
ENF	Giancarlo Scottà
GUE/NGL	Martina Anderson, Malin Björk, Cornelia Ernst
PPE	Asim Ademov, Heinz K. Becker, Reimer Böge, Carlos Coelho, Pál Csáky, Rachida Dati, Kinga Gál, Barbara Kudrycka, Innocenzo Leontini, Roberta Metsola, József Nagy, Traian Ungureanu, Tomáš Zdechovský
S&D	Caterina Chinnici, Miriam Dalli, Tanja Fajon, Sylvie Guillaume, Dietmar Köster, Cécile Kshetu Kyenge, Juan Fernando López Aguilar, Claude Moraes, Péter Niedermüller, Ivari Padar, Josef Weidenholzer
VERTS/ALE	Romeo Franz, Judith Sargentini, Bodil Valero

2	-
ECR	Branislav Škripek
NI	Udo Voigt

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention