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AMENDMENTS

58 - 157

Draft report

Neoklis Sylikiotis

(PE623.664v01-00)

Re-use of public sector information (recast)

Proposal for a directive

(COM(2018)0234 – C8-0169/2018 – 2018/0111(COD))

Amendment 58

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Title 1

Text proposed by the Commission

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on the re-use of public sector information
(recast)

Amendment

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on ***Open Data and*** the re-use of public
sector information (recast)

Or. en

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 59

Neoklis Sylikiotis

Proposal for a directive

Title 1

Text proposed by the Commission

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on the re-use of public sector information
(recast)

Amendment

Proposal for a
DIRECTIVE OF THE EUROPEAN
PARLIAMENT AND OF THE COUNCIL
on ***Open Data and*** the re-use of public
sector information (recast)

Or. en

Amendment 60

Michal Boni

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) Following the stakeholder consultation and in the light of the Impact Assessment³⁰ 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.

³⁰ SWD(2018) 127.

Amendment

(3) Following the stakeholder consultation and in the light of the Impact Assessment³⁰ 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, the Internet of Things, ***High Performance Cloud Computing and Quantum Technology. Open-source data sets will contribute to rapidly progress and create a new strategy to embrace a new digital technologies, especially AI.***

³⁰ SWD(2018) 127.

Or. en

Amendment 61
Morten Helveg Petersen, Carolina Punset

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) Following the stakeholder consultation and in the light of the Impact Assessment³⁰ 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.

³⁰ SWD(2018) 127.

the legislative framework up to date with the advances in digital technologies, such as Artificial Intelligence and the Internet of Things, *in order to reach the full potential of a well-functioning digital single market and further stimulate innovation;*

³⁰ SWD(2018) 127.

Or. en

Amendment 62
Dario Tamburrano, Ignazio Corrao

Proposal for a directive
Recital 3

Text proposed by the Commission

(3) Following the stakeholder consultation and in the light of the Impact Assessment³⁰ 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.*

³⁰ SWD(2018) 127.

Amendment

(3) Following the stakeholder consultation and in the light of the Impact Assessment³⁰ 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.

³⁰ SWD(2018) 127.

Or. en

Amendment 63
Neoklis Sylikiotis

Proposal for a directive
Recital 4

(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.

(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 undertakings, **providing services of general interest through a contract with a public sector body**, 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).

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).

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).

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).

Or. en

Justification

In order to ensure a level-playing field among all stakeholders, private undertaking providing services of general interest, though a contract, should also be included in the scope of the Directive.

Amendment 64
Morten Helveg Petersen, Carolina Punset

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).

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).

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 and Directive 2007/2/EC of the European Parliament and of the Council ³², ***without prejudice to Regulation (EU) 2016/679.***

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).

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).

Or. en

Amendment 65

Julia Reda

on behalf of the Verts/ALE Group

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).

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).

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(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**, Directive 2007/2/EC of the European Parliament and of the Council³² *and* **Regulation (EU) 2016/679**.

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).

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).

Or. en

(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 41/26, 14.2.2003).)

Justification

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

Amendment 66
Dario Tamburrano, Ignazio Corrao

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).

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).

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 *service operators*, 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).

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).

Or. en

Amendment 67
Julia Reda
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4 a) 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 should therefore be cited here

Amendment 68
Neoklis Sylikiotis

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, ***environmental***, 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 ***society***. ***Member States and public sector bodies shall be able to benefit and received adequate financial support from the Digital Europe Programme or relevant Union funds and programmes aimed at***

digitizing Europe, a wide use of digital technologies or the digital transformation of public administration and public services in their efforts to make data easily available for re-use.

Or. en

Amendment 69

Dario Tamburrano, Ignazio Corrao

Proposal for a directive

Recital 6

Text proposed by the Commission

(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.

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, *environmental*, geographical, weather, *seismicity*, 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.

Or. en

Amendment 70

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 6

Text proposed by the Commission

(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,

Amendment

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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.

political, economic, geographical, **environmental**, 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.

Or. en

Justification

This amendment is related to the proposed categories of High Value Datasets and the changes proposed in relation to Article 13.

Amendment 71

Răzvan Popa, Theresa Griffin, Carlos Zorrinho

Proposal for a directive

Recital 6

Text proposed by the Commission

(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.**

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, **legal**, geographical, weather, tourist, business, patent and **education**. **Providing this information in electronic format allows citizens and businesses to find new ways to use them and create new, innovative products and services.**

Or. en

Amendment 72

Răzvan Popa, Theresa Griffin, Carlos Zorrinho

Proposal for a directive

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6 a) Public sector information
represent an extraordinary source of data that can contribute to improve the digital single market and develop new application for consumers and business. Intelligent data usage, including their processing through artificial intelligence application, can have a transformation effect on all sectors of the economy.

Or. en

Amendment 73

Răzvan Popa, Carlos Zorrinho

Proposal for a directive

Recital 8

Text proposed by the Commission

Amendment

(8) The evolution towards a data-based society influences the life of every citizen in the Community, among other things , by enabling them to gain new ways of accessing and acquiring knowledge.

(8) The evolution towards a data-based **from different domains and activities** society influences the life of every citizen in the Community, among other things , by enabling them to gain new ways of accessing and acquiring knowledge.

Or. en

Amendment 74

Dario Tamburrano, Ignazio Corrao

Proposal for a directive

Recital 8

Text proposed by the Commission

Amendment

(8) The evolution towards a data-based society influences the life of every citizen in the **Community**, among other things , by enabling them to gain new ways of

(8) The evolution towards a data-based society influences the life of every citizen in the **Union**, among other things , by enabling them to gain new ways of

accessing and acquiring knowledge.

accessing and acquiring knowledge.

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes to Recitals 12 and 14.)

Or. en

Justification

Technical amendment on a few points that were not updated by the Commission.

Amendment 75

Răzvan Popa, Theresa Griffin, Carlos Zorrinho

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) One of the principal aims of the establishment of an internal market is the creation of conditions conducive to the development of Union-wide services. Public sector information is *an* important primary material for *digital content* products and services *and* will become an even more important content resource with the development of wireless content services. Broad cross-border geographical coverage will also be essential in this context. Wide possibilities of re-using public sector information should inter alia allow European companies to exploit its potential and contribute to *economic* growth and job creation.

Amendment

(10) One of the principal aims of the establishment of an internal market is the creation of conditions conducive to the development of *some services and products inside the Member States but also at cross-border level of* Union-wide services. Public sector information is important primary material for *a range of* products and services *offered to European citizens such as motor vehicle systems, weather forecasts, financial and insurance services, as well as digital content that* will become an even more important content resource with the development of wireless content services. Broad cross-border geographical coverage will also be essential in this context. Wide possibilities of re-using public sector information should inter alia allow European companies to exploit its potential and contribute to *competitiveness* growth and job creation.

Or. en

Amendment 76

Dario Tamburrano, Ignazio Corrao

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) One of the principal aims of the establishment of an internal market is the creation of conditions conducive to the development of Union-wide services. Public sector information is an important primary material for digital content products and services and will become an even more important content resource with the development of **wireless content services**. Broad cross-border geographical coverage will also be essential in this context. Wide possibilities of re-using public sector information should inter alia allow European **companies** to exploit its potential and contribute to economic **growth** and job creation.

Amendment

(10) One of the principal aims of the establishment of an internal market is the creation of conditions conducive to the development of Union-wide services. Public sector information is an important primary material for digital content products and services and will become an even more important content resource with the development of **advanced digital technologies, such as Artificial Intelligence, distributed ledger technologies and the Internet of Things**. Broad cross-border geographical coverage will also be essential in this context. Wide possibilities of re-using public sector information should inter alia allow **all** European **socio-economic actors** to exploit its potential and contribute to economic **prosperity** and job creation, **especially to the benefit of local communities**.

Or. en

Justification

The reference to the development of wireless content services should rather be updated to the most recent advances in digital technology that could highly empower the re-use of PSI, namely AI, IoT and the blockchain. It is vital that such an empowerment is diffused and available to all socio-economic actors that can contribute to the prosperity of the economic system, especially at local level.

Amendment 77

Julia Reda

on behalf of the Verts/ALE Group

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.

Or. en

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 78

Julia Reda

on behalf of the Verts/ALE Group

Dita Charanzová

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

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 **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

internal market and the proper development of the information society in the Community.

the smooth functioning of the internal market and the proper development of the information society in the Community.

Or. en

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 79

Julia Reda

on behalf of the Verts/ALE Group

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 or personal data protection, including where sensitive information related to critical infrastructures are concerned or where information in an individual dataset may not present a risk of identifying 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.***

Or. en

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 80

Dario Tamburrano, Ignazio Corrao

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

Amendment

(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.

development of new services based on novel ways to combine and make use of such information, stimulate economic **prosperity** and promote social engagement.

Or. en

Justification

It seems highly suitable to replace the term 'growth' with 'sustainability', in order to give due consideration to the Union's engagement towards sustainability, the decarbonisation of the economic system and ambitious climate and energy targets.

Amendment 81

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) **Moreover**, without minimum harmonisation at **Community** level, legislative activities at national level, which have already been initiated in a number of Member States in order to respond to the technological challenges, might result in even more significant differences. The impact of such legislative differences and uncertainties will become more significant with the further development of the information society, which has already greatly increased cross-border exploitation of information.

Amendment

(14) Without minimum harmonisation at **Union** level, legislative activities at national level, which have already been initiated in a number of Member States in order to respond to the technological challenges, might result in even more significant differences. The impact of such legislative differences and uncertainties will become more significant with the further development of the information society, which has already greatly increased cross-border exploitation of information.

Or. en

Justification

This amendment is needed because it is inextricably linked to other amendments, in order to maintain the coherence of the text

Amendment 82

Răzvan Popa, Carlos Zorrinho

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 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, ***especially when it comes to cross-border re-use, linguistic differences can make the process difficult.*** 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.

Or. en

Amendment 83

Julia Reda

on behalf of the Verts/ALE Group

Dita Charanzová

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

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.

minimum standards established in this Directive, thus allowing for more extensive re-use.

Or. en

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 84

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Recital new(18)

Text proposed by the Commission

new(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

new(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.

Or. en

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 85

Eugen Freund, Martina Werner

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 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.

Amendment

(19) The Directive ***should not in any way restrict or impair the performance of the statutory tasks of public authorities and other public bodies.*** 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 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.

Or. de

Amendment 86
Neoklis Sylikiotis

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 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.

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. The Directive builds on the existing access regimes in the Member States and does not change the national rules for access to documents. ***Neither does it establish access rights or obligations to publish information. This decision remains at the discretion of the Member States.*** 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.

Or. en

Justification

This amendment clarifies that Member States have sovereignty decision-making powers on access to documents. The Directive governs only what shape exactly the re-use of public documents is to take.

Amendment 87

Julia Reda

on behalf of the Verts/ALE Group

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 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.

Amendment

(19) The Directive lays down an obligation for Member States to make all documents re-usable ***without prejudice*** to the other exceptions laid down in this Directive, ***such as the protection of personal data, 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 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.

Or. en

Justification

Restrictions or exclusion from access on the basis of national law is subject to the possibility of legal recourse and does not a priori justify their exclusion from the application of this Directive.

Amendment 88 **Angelika Niebler**

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 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.

Amendment

(19) The Directive lays down an obligation for Member States to make all documents re-usable ***without prejudice to*** 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. ***Decisions on whether to publish information are left to the discretion of the Member States. The Directive*** 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.

Amendment 89
Michal Boni

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 90
Julia Reda
on behalf of the Verts/ALE Group

Proposal for a directive
Recital 20

Text proposed by the Commission

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.

(20) The Member States often entrust the provision of services in the general interest with entities outside of the public sector. *This Directive should ensure* 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. *This should unlock* the potential for the creation of cross-border services based on documents held by public undertakings that provide services in the general interest.

Or. en

Justification

Public undertakings should be treated the same way as public sector bodies

Amendment 91

Dario Tamburrano, Ignazio Corrao

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

Amendment

(20) Member States often *delegate* the provision of services in the general interest with entities outside of the public sector, *which can be either public or private undertakings*. At the same time, the provisions of the Directive 2003/98/EC apply only to documents held by public sector bodies, while excluding *entities that provide services in the general interest on the basis of a contract of public service delegation* 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,

creation of cross-border services based on documents held by public undertakings that provide services in the general interest.

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.

Or. en

Amendment 92
Jaromír Kohlíček

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) Directive 2003/98/EC should therefore be amended in order to ensure that its provisions can be applied to the re-use of documents produced in the performance of services in the general interest by public undertakings pursuing one of the activities referred to in Articles 8 to 14 of Directive 2014/25/EU of the European Parliament and of the Council³³, as well as by public undertakings acting as public service operators pursuant to Article 2 of Regulation (EC) No 1370/2007 of the European Parliament and the Council on public passenger transport services by rail and by road, public undertakings acting as air carriers fulfilling public service obligations pursuant to Article 16 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community, and public undertakings acting as Community shipowners fulfilling public service obligations pursuant to Article 4 of Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide *services* to maritime transport within Member States (maritime cabotage).

Amendment

(21) Directive 2003/98/EC should therefore be amended in order to ensure that its provisions can be applied to the re-use of documents produced in the performance of services in the general interest by public undertakings pursuing one of the activities referred to in Articles 8 to 14 of Directive 2014/25/EU of the European Parliament and of the Council³³, as well as by public undertakings acting as public service operators pursuant to Article 2 of Regulation (EC) No 1370/2007 of the European Parliament and the Council on public passenger transport services by rail and by road, public undertakings acting as air carriers fulfilling public service obligations pursuant to Article 16 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community, and public undertakings acting as Community shipowners fulfilling public service obligations pursuant to Article 4 of Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide *services* to maritime transport within Member States (maritime cabotage). ***However, the above specified extension of the Directive's scope should***

not apply to public undertakings without any exception. Therefore, public undertakings that operate on highly competitive markets (e.g. energy production, trading and sales), operators of essential services or public undertakings owned by companies whose shares were admitted to trading on a regulated market should be excluded from the scope of the Directive.

³³ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

³³ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

Or. en

Amendment 93
Evžen Tošenovský

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) Directive 2003/98/EC should therefore be amended in order to ensure that its provisions can be applied to the re-use of documents produced in the performance of services in the general interest by public undertakings pursuing one of the activities referred to in Articles 8 to 14 of Directive 2014/25/EU of the European Parliament and of the Council³³, as well as by public undertakings acting as public service operators pursuant to Article 2 of Regulation (EC) No 1370/2007 of the European Parliament and the Council on public passenger transport services by rail and by road, public undertakings acting as air carriers fulfilling public service

Amendment

(21) Directive 2003/98/EC should therefore be amended in order to ensure that its provisions can be applied to the re-use of documents produced in the performance of services in the general interest by public undertakings pursuing one of the activities referred to in Articles 8 to 14 of Directive 2014/25/EU of the European Parliament and of the Council³³, as well as by public undertakings acting as public service operators pursuant to Article 2 of Regulation (EC) No 1370/2007 of the European Parliament and the Council on public passenger transport services by rail and by road, public undertakings acting as air carriers fulfilling public service

obligations pursuant to Article 16 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community, and public undertakings acting as Community shipowners fulfilling public service obligations pursuant to Article 4 of Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide *services* to maritime transport within Member States (maritime cabotage).

obligations pursuant to Article 16 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community, and public undertakings acting as Community shipowners fulfilling public service obligations pursuant to Article 4 of Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide *services* to maritime transport within Member States (maritime cabotage). ***However, the above specified extension of the Directive's scope should not apply to public undertakings without any exception. Therefore, public undertakings that operate on highly competitive markets (e. g. energy production, trading and sales), operators of essential services or public undertakings owned by companies whose shares were admitted to trading on a regulated market should be excluded from the scope of the Directive.***

³³ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

³³ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

Or. en

Amendment 94

Michał Boni

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) Directive 2003/98/EC should therefore be amended in order to ensure

Amendment

(21) Directive 2003/98/EC should therefore be amended in order to ensure

that its provisions can be applied to the re-use of documents produced in the performance of services in the general interest by public undertakings pursuing one of the activities referred to in Articles 8 to 14 of Directive 2014/25/EU of the European Parliament and of the Council³³, as well as by public undertakings acting as public service operators pursuant to Article 2 of Regulation (EC) No 1370/2007 of the European Parliament and the Council on public passenger transport services by rail and by road, public undertakings acting as air carriers fulfilling public service obligations pursuant to Article 16 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community, and public undertakings acting as Community shipowners fulfilling public service obligations pursuant to Article 4 of Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide *services* to maritime transport within Member States (maritime cabotage).

³³ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

that its provisions can be applied to the re-use of documents produced in the performance of services in the general interest by public undertakings pursuing one of the activities referred to in Articles 8 to 14 of Directive 2014/25/EU of the European Parliament and of the Council³³, as well as by public undertakings acting as public service operators pursuant to Article 2 of Regulation (EC) No 1370/2007 of the European Parliament and the Council on public passenger transport services by rail and by road, public undertakings acting as air carriers fulfilling public service obligations pursuant to Article 16 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community, and public undertakings acting as Community shipowners fulfilling public service obligations pursuant to Article 4 of Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide *services* to maritime transport within Member States (maritime cabotage). ***Due to the critical nature of their activities and to security and notification requirements they have to comply with, the provisions shall not apply to public undertakings where their activities fall under rules governing operators of critical infrastructures including operators of essential services as defined in point (4) of Article 4 of Directive (EU) 2016/1148.***

³³ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

Or. en

Amendment 95

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) Directive 2003/98/EC should therefore ***be amended in order to*** ensure that its provisions can be applied to the re-use of documents produced in the performance of services in the general interest by public undertakings pursuing one of the activities referred to in Articles 8 to 14 of Directive 2014/25/EU of the European Parliament and of the Council³³, as well as by public undertakings acting as public service operators pursuant to Article 2 of Regulation (EC) No 1370/2007 of the European Parliament and the Council on public passenger transport services by rail and by road, public undertakings acting as air carriers fulfilling public service obligations pursuant to Article 16 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community, and public undertakings acting as Community shipowners fulfilling public service obligations pursuant to Article 4 of Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide ***services*** to maritime transport within Member States (maritime cabotage).

³³ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014,

Amendment

(21) Directive 2003/98/EC should therefore ensure that its provisions can be applied to the re-use of documents produced in the performance of services in the general interest by public undertakings pursuing one of the activities referred to in Articles 8 to 14 of Directive 2014/25/EU of the European Parliament and of the Council³³, as well as by public undertakings acting as public service operators pursuant to Article 2 of Regulation (EC) No 1370/2007 of the European Parliament and the Council on public passenger transport services by rail and by road, public undertakings acting as air carriers fulfilling public service obligations pursuant to Article 16 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community, and public undertakings acting as Community shipowners fulfilling public service obligations pursuant to Article 4 of Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide ***services*** to maritime transport within Member States (maritime cabotage).

³³ Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014,

p. 243).

p. 243).

Or. en

Justification

Public undertakings should be treated the same way as public sector bodies

Amendment 96

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 22

Text proposed by the Commission

Amendment

(22) This Directive should not contain an obligation to allow the re-use of documents produced by public undertakings. The decision whether or not to authorise re-use should remain with the public undertaking concerned. Only after the public undertaking has chosen to make a document available for re-use, should it observe the relevant obligations laid down in Chapters III and IV of this Directive, in particular as regards formats, charging, transparency, licences, non-discrimination and prohibition of exclusive arrangements. On the other hand, the public undertaking is not required to comply with the requirements laid down in Chapter II, such as the rules applicable to processing of requests. *deleted*

Or. en

Justification

Public undertakings should be treated the same way as public sector bodies

Amendment 97

Françoise Grossetête

Proposal for a directive

Recital 22

Text proposed by the Commission

(22) This Directive should not contain an obligation to allow the re-use of documents produced by public undertakings. The decision whether or not to authorise re-use should remain with the public undertaking concerned. Only after the public undertaking has chosen to make a document available for re-use, should it observe the relevant obligations laid down in Chapters III and IV of this Directive, in particular as regards formats, charging, transparency, licences, non-discrimination and prohibition of exclusive arrangements. On the other hand, the public undertaking is not required to comply with the requirements laid down in Chapter II, such as the rules applicable to processing of requests.

Amendment

(22) This Directive should not contain an obligation to allow the re-use of documents produced by public undertakings. The decision whether or not to authorise re-use ***of any or all documents, within the scope of this directive***, should remain with the public undertaking concerned. Only after the public undertaking has chosen to make a document available for re-use, should it observe the relevant obligations laid down in Chapters III and IV of this Directive, in particular as regards formats, charging, transparency, licences, non-discrimination and prohibition of exclusive arrangements. On the other hand, the public undertaking is not required to comply with the requirements laid down in Chapter II, such as the rules applicable to processing of requests.

Or. en

Amendment 98

Adam Gierek

Proposal for a directive

Recital 22

Text proposed by the Commission

(22) This Directive ***should*** not contain an obligation to allow the re-use of documents produced by public undertakings. The decision whether or not to authorise re-use ***should*** remain with the public undertaking concerned. Only after the public undertaking has chosen to make a document available for re-use, should it observe the relevant obligations laid down

Amendment

(22) This Directive ***shall*** not contain an obligation to allow the re-use of documents produced by public undertakings. The decision whether or not to authorise re-use ***of any or all documents, within the scope of this directive, shall*** remain with the public undertaking concerned. Only after the public undertaking has chosen to make a document available for re-use, should it

in Chapters III and IV of this Directive, in particular as regards formats, charging, transparency, licences, non-discrimination and prohibition of exclusive arrangements. On the other hand, the public undertaking is not required to comply with the requirements laid down in Chapter II, such as the rules applicable to processing of requests.

observe the relevant obligations laid down in Chapters III and IV of this Directive, in particular as regards formats, charging, transparency, licences, non-discrimination and prohibition of exclusive arrangements. On the other hand, the public undertaking is not required to comply with the requirements laid down in Chapter II, such as the rules applicable to processing of requests.

Or. en

Justification

The recast of the PSI Directive shall not create an obligation for the public undertakings to authorise the re-use of its documents. Public undertakings are increasingly following open data policies but they should be free to decide whether or not to authorise re-use of documents. Moreover the recast has to clarify that authorising re-use for one document does not automatically mean authorisation for re-use of all other documents within the scope of this Directive.

Amendment 99

Dario Tamburrano, Ignazio Corrao

Proposal for a directive

Recital 22

Text proposed by the Commission

(22) This Directive should not contain an obligation to allow the re-use of documents produced by public undertakings. The decision whether or not to authorise re-use should remain with the public **undertaking** concerned. Only after the public **undertaking** has chosen to make a document available for re-use, should it observe the relevant obligations laid down in Chapters III and IV of this Directive, in particular as regards formats, charging, transparency, licences, non-discrimination and prohibition of exclusive arrangements. On the other hand, the public **undertaking** is not required to comply with the requirements laid down in Chapter II, such

Amendment

(22) This Directive should not contain an obligation to allow the re-use of documents produced by public undertakings. The decision whether or not to authorise re-use should remain with the public **service operators** concerned. Only after the public **service operator** has chosen to make a document available for re-use, should it observe the relevant obligations laid down in Chapters III and IV of this Directive, in particular as regards formats, charging, transparency, licences, non-discrimination and prohibition of exclusive arrangements. On the other hand, the public **service operator** is not required to comply with the requirements laid down

as the rules applicable to processing of requests.

in Chapter II, such as the rules applicable to processing of requests.

Or. en

Amendment 100

Răzvan Popa, Carlos Zorrinho

Proposal for a directive

Recital 22

Text proposed by the Commission

(22) This Directive should not contain an obligation to allow the re-use of documents produced by public undertakings. The decision whether or not to authorise re-use should remain with the public undertaking concerned. Only after the public undertaking has chosen to make a document available for re-use, should it observe the relevant obligations laid down in Chapters III and IV of this Directive, in particular as regards formats, charging, transparency, licences, non-discrimination and prohibition of exclusive arrangements. On the other hand, the public undertaking is not required to comply with the requirements laid down in Chapter II, such as the rules applicable to processing of requests.

Amendment

(22) This Directive should not contain an **absolute** obligation to allow the re-use of documents produced by public undertakings. The decision whether or not to authorise re-use should remain with the public undertaking concerned. Only after the public undertaking has chosen to make a document available for re-use, should it observe the relevant obligations laid down in Chapters III and IV of this Directive, in particular as regards formats, charging, transparency, licences, non-discrimination and prohibition of exclusive arrangements. On the other hand, the public undertaking is not required to comply with the requirements laid down in Chapter II, such as the rules applicable to processing of requests.

Or. en

Justification

public undertakings are free to decide to authorise or not the re-use of documents. the recast does not generate any constraints for them.

Amendment 101

Françoise Grossetête

Proposal for a directive

Recital 22 a (new)

Text proposed by the Commission

Amendment

(22 a) Member States should set the appropriate exceptions for documents of public undertakings with an industrial or commercial nature in order to promote the basic objective of fair competition.

Or. en

Amendment 102

Adam Gierek

Proposal for a directive

Recital 22 a (new)

Text proposed by the Commission

Amendment

(22 a) Member States shall set the appropriate exceptions for documents of public undertakings with an industrial or commercial nature in order to promote the basic objective of fair competition.

Or. en

Justification

In liberalised markets, public undertakings are often in direct competition with private undertakings, even when providing services of general interest. In order to allow fair competition, Member States should make sure that appropriate exceptions and safeguards are set in their national law for public undertakings with an industrial or commercial nature. This exception suits the competitive context of this kind of industrial/commercial service of general interest. It is unthinkable that public industrial and commercial companies could share their know-how, innovation and sensitive information with their direct/indirect competitors. The obligations related to the dissemination of databases should not be a competitive disadvantage. It is necessary to maintain a balance in the competitive playing field between the operators providing services of general interest and their competitors.

Amendment 103

Michał Boni

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 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).

Amendment

(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 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), ***as is the consistent provision of data management plans which must be further encouraged.***

Or. en

Amendment 104

Eva Kaili

**Proposal for a directive
Recital 23 a (new)**

Text proposed by the Commission

Amendment

(23 a) Alternative solutions based on distributed ledger technology could be explored so that, through tokenizing data, data subjects can allow to give access to different parts of their data, for pre-defined periods of time and for selected purposes. Such solutions offer access to data while allowing for maximum transparency and giving control back to the data subject. In such a way, in case of misuse of sensitive data or metadata will be traceable based on an e-id and time stamp system. Additionally such a system could allow for data subjects to be rewarded for giving access to data.

Or. en

**Amendment 105
Michal Boni**

**Proposal for a directive
Recital 24**

Text proposed by the Commission

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

(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

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. ***As a result, partially or fully publicly-funded research data should be made open as the default option.*** However, in this context, concerns in relation to privacy, protection of personal data, trade secrets, national ***and public*** security, legitimate commercial interests and to intellectual property rights of third parties should be duly taken into account ***in accordance with the principle "as open as possible, as closed as necessary" in order to focus on encouraging data management as an essential part of research. Where access to data or metadata is restricted, valid reasons for these restrictions on re-use must be communicated to the public.*** 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

Or. en

Amendment 106

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, 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.

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 **data and to data related to preparatory studies for publicly-financed projects**, and ensure that such policies are implemented by all research performing organisations and research funding organisations. **Although** open access policies typically allow for a range of exceptions, **Member states should also ensure that** scientific research **data is** openly available, **by design and by default. Where access to research data is restricted, justified reasons should be published, where appropriate in the metadata.** 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

³⁴ C(2018)2375

Or. en

Amendment 107

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 26

Text proposed by the Commission

(26) This Directive lays down a generic definition of the term ‘document’. It covers any representation of acts, facts or information — and any compilation of such acts, facts or information — whatever its medium (written on paper, or stored in electronic form or as a sound, visual or audiovisual recording). ***The definition of ‘document’ is not intended to cover computer programmes.***

Amendment

(26) This Directive lays down a generic definition of the term ‘document’. It covers any representation of acts, facts or information — and any compilation of such acts, facts or information — whatever its medium (written on paper, or stored in electronic form or as a sound, visual or audiovisual recording). ***Member States should guarantee transparency as regards the methodologies used in measurement, analysis, sampling, and pre-treatment of samples in compiling the documents.***

Or. en

Justification

The usefulness and significance of data depends immensely on which methodologies were used in their compilation.

Amendment 108

Julia Reda

on behalf of the Verts/ALE Group

Dita Charanzová

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 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.

Amendment

(27) Public sector bodies are increasingly making their documents available for **access and** re-use in a proactive manner, by ensuring online **findability** 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. **Member States should enable applicants to request documents for access and re-use without having to state an interest. Member States should guarantee that practical arrangements are defined for ensuring that the access and re-use of public-sector information can be exercised effectively, such as the designation of information officers, the establishment and maintenance of facilities for the examination of documents, registers or lists of documents held by public sector bodies or information points, with clear indications of where such documents can be found.** 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. 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 the information and of regular updates. Dynamic data should therefore be made available immediately after collection, **in real-time and without delay** 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.

Or. en

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 109

Dario Tamburrano, Ignazio Corrao

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

Amendment

(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 ***service operators***, educational establishments, research performing organisations and research funding organisations should however be exempt from this requirement, ***unless the request for access or re-use is***

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 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.

lodged by a public authority. 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 *environmental data*, traffic data , satellite data, weather *data*, *seismicity* data), the economic value of which depends on the immediate availability of 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.

Or. en

Justification

Environmental data, e.g. CO2 emissions and concentration, and seismicity data are of particular importance for policy-planning for the prevention of hazards to the safety of Union citizens, public health and the environment.

Amendment 110

Răzvan Popa, Carlos Zorrinho

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***

Amendment

(27) Public sector bodies are increasingly making their documents available for re-use in a proactive manner, ***through open formats that can be machine-readable and in a format that***

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 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.

ensures interoperability, re-use and accessibility. 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 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, ***without any other constraints for the public undertakings.***

Or. en

Justification

public undertakings should not be under any constraints or obligations following this recast

Amendment 111
Michał Boni

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 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.

Amendment

(27) Public sector bodies **and public undertakings** 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. 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 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 **and public undertakings** 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.

Amendment 112
Morten Helveg Petersen

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 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

Amendment

(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. ***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 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

exploited. Should a licence be used, the timely availability of documents may be a part of the terms of the licence.

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.

Or. da

Justification

Spelling mistake in the Danish language version.

Amendment 113

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 28

Text proposed by the Commission

(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 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

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 **structured** web interface, or more complex set-ups. There is general value in re-using and sharing 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

bodies and public undertakings **shall** make this available for re-use immediately after collection by ways of suitable APIs.

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. ***In particular, 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, unless in duly justified urgent cases where changes must be applied earlier. The API should ensure availability, by operating at a steady 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

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.

Amendment 114 **Neoklis Sylikiotis**

Proposal for a directive **Recital 28**

Text proposed by the Commission

(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

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 ***useful***. An API ***means a set of functions, procedures, definitions and protocols for machine-to-machine communication and the seamless exchange of data. APIs should be supported by clear technical***

specific datasets, a web interface, or more complex set-ups. There is general value in re-using and sharing 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, 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.

documentation that is complete and available online. Where possible, open APIs should be used. European or internationally recognised standards protocols should be applied and international standards for datasets should be used where applicable. APIs can have different level 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 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: availability, 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 undertakings should make this available for re-use immediately after collection by ways of suitable APIs and, where relevant, as a bulk download, save for cases where this would impose a disproportionate effort. Assessment of the proportionality of the efforts should take into account the size and operating budget of the public sector body or the undertaking in question.

Or. en

Amendment 115
Barbara Kappel

Proposal for a directive
Recital 28

Text proposed by the Commission

(28) In order to get access to the data

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 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.***

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 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.

Or. en

Amendment 116

Michał Boni

Proposal for a directive

Recital 28

Text proposed by the Commission

(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

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 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.

specific datasets, a web interface, or more complex set-ups. There is general value in re-using and sharing 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, 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 ***which need to be compatible with the FAIR principles.***

Or. en

Amendment 117

Răzvan Popa, Carlos Zorrinho

Proposal for a directive

Recital 28

Text proposed by the Commission

(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 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

Amendment

(28) In order to get access to the data opened for re-use by this Directive, ***it is necessary to ensure access to dynamic data through*** Application Programming Interfaces(***APIs***). 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 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

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.

around data assets *whose potential remains largely unused by the data owners*. 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.

Or. en

Amendment 118

Michał Boni

Proposal for a directive

Recital 30

Text proposed by the Commission

(30) To facilitate re-use, public sector bodies *should*, where possible and appropriate, make documents , including those published on websites, available through open and machine-readable formats and together with their metadata, at the best level of precision and granularity, in a format that ensures interoperability, e.g. by processing them in a way consistent with the principles governing the compatibility and usability requirements for spatial information under Directive 2007/2/EC of the European Parliament and of the Council³⁶ .

³⁶ 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).

Amendment

(30) To facilitate re-use, public sector bodies *and public undertakings*, where possible and appropriate, make documents , including those published on websites, available through open and machine-readable formats and together with their metadata, at the best level of precision and granularity, in a format that ensures interoperability, e.g. by processing them in a way consistent with the principles governing the compatibility and usability requirements for spatial information under Directive 2007/2/EC of the European Parliament and of the Council³⁶ .

³⁶ 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).

Amendment 119**Michal Boni****Proposal for a directive****Recital 31***Text proposed by the Commission*

(31) A document should be considered to be in a machine-readable format if it is in a file format that is structured in such a way that software applications can easily identify, recognise and extract specific data from it. Data encoded in files that are structured in a machine-readable format should be considered to be machine-readable data. Machine-readable formats can be open or proprietary; they can be formal standards or not. Documents encoded in a file format that limits automatic processing, because the data cannot, or cannot easily, be extracted from them, should not be considered to be in a machine-readable format. Member States should where possible and appropriate encourage the use of open, machine-readable formats.

Amendment

(31) A document should be considered to be in a machine-readable format if it is in a file format that is structured in such a way that software applications can easily identify, recognise and extract specific data from it. Data encoded in files that are structured in a machine-readable format should be considered to be machine-readable data. Machine-readable formats can be open or proprietary; they can be formal standards or not. Documents encoded in a file format that limits automatic processing, because the data cannot, or cannot easily, be extracted from them, should not be considered to be in a machine-readable format. Member States should where possible and appropriate encourage the use of open, machine-readable formats. ***Solutions developed by ISA² programme should be taken into account in designing technical methods for re-use of data.***

Amendment 120**Dario Tamburrano, Ignazio Corrao****Proposal for a directive****Recital 32***Text proposed by the Commission*

(32) Charges for the re-use of documents constitute an important market

Amendment

(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 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.

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 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 *service operators* should therefore be able to charge above marginal costs, ***together with a reasonable return on investment***. 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 *service operators* 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.

Or. en

Justification

A reasonable return on investment may be guaranteed in line with the requirements of Article 6.

Amendment 121

Julia Reda

on behalf of the Verts/ALE Group

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 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*

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 *or*, where charges are necessary, they should in principle be limited to the marginal costs *as referred to in the Commission's Notice 2014 /C 240/01*. In exceptional cases, the necessity of not hindering *the performance of the public tasks and* the normal running of public sector bodies that are required to generate revenue to cover *at least 70 % of the* costs relating to the *costs relating to the collection, production, reproduction and dissemination of documents, falling within the scope of this Directive* 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, 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 *at least 70%* of the costs should be

may stem, for example, from administrative practices in Member States. Such a requirement should be regularly reviewed by the Member States.

regularly reviewed by the Member States.

Or. en

Justification

The amendment is required to reflect changes to Article 6.

Amendment 122

Michał Boni

Proposal for a directive

Recital 33

Text proposed by the Commission

(33) Libraries, museums and archives should also be able to charge above marginal costs in order not to hinder their normal running. In the case of such public sector bodies the total income from supplying and allowing re-use of documents over the appropriate accounting period should not exceed the cost of collection, production, reproduction, dissemination, preservation and rights clearance, 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. For the purpose of libraries, museums and archives and bearing in mind their particularities, the prices charged by the private sector for the re-use of identical or similar documents could be considered when calculating a reasonable return on investment.

Amendment

(33) Libraries, museums and archives should also be able to charge above marginal costs in order not to hinder their normal running. In the case of such public sector bodies the total income from supplying and allowing re-use of documents over the appropriate accounting period should not exceed the cost of collection, production, reproduction, dissemination, preservation and rights clearance, 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. For the purpose of libraries, museums and archives and bearing in mind their particularities, the prices charged by the private sector for the re-use of identical or similar documents could be considered when calculating a reasonable return on investment. ***Such charges above marginal costs should be set according to transparent, traceable and verifiable criteria.***

Or. en

Amendment 123

Julia Reda

on behalf of the Verts/ALE Group

Dita Charanzová

Proposal for a directive

Recital 36

Text proposed by the Commission

(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.

Amendment

(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.

Or. en

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 124
Michał Boni

Proposal for a directive
Recital 36

Text proposed by the Commission

(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.

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 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 *and Start-ups* which may not be familiar with interactions with public sector bodies from other Member States and corresponding means of redress.

Or. en

Amendment 125
Julia Reda
on behalf of the Verts/ALE Group
Dita Charanzová

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 national judicial authority. That body should be organised in accordance with the constitutional and legal systems of Member States and should not prejudice 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.

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 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 prejudice 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.

Or. en

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 126

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 39

Text proposed by the Commission

(39) ***In some cases the*** re-use of

Amendment

(39) ***Member States should ensure*** re-

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.*

use of documents will take place without *conditions. Where necessary and justified by a public interest objective, Member States may impose conditions, where appropriate through a licence*, dealing with issues such as liability, the proper use of documents, guaranteeing non-alteration and the acknowledgement of source, *while guaranteeing that the least restrictive conditions or licensing terms apply, including the possibility of dedicating documents to the public domain.* If public sector bodies license documents for re-use, the licence conditions should be fair and transparent. *Member States should in particular evaluate the compatibility of these obligations with the principle of proportionality to ensure that such licences or conditions do not unnecessarily restrict possibilities for re-use or competition. Member States should also encourage the use of standard open licences for the re-use of public sector documents and ensure that such licences are available in digital format and can be processed electronically. Open licences available online, which grant wider re-use rights without technological, financial or geographical limitations and relying on open data formats, should play an important role and should eventually become common practice across the Union. The Commission should provide guidance on recommended standard licences and licensing approaches.*

Or. en

Justification

Language on using licences is found in e.g. Article 12(4) and Recital (22). In order to align the order of recitals with the operative text (corresponding Article 8), the changes are needed here.

Amendment 127

Răzvan Popa, Carlos Zorrinho

Proposal for a directive
Recital 40

Text proposed by the Commission

(40) If the competent authority decides to no longer make available certain documents for re-use, or to cease updating these documents, it should make these decisions publicly known, at the earliest opportunity, via electronic means whenever possible.

Amendment

(40) If the competent authority decides to no longer make available certain documents for re-use, or to cease updating these documents, it should make these decisions publicly known, at the earliest opportunity, via electronic means whenever possible ***and using an EU official language for informing the users in other states.***

Or. en

Amendment 128
Françoise Grossetête

Proposal for a directive
Recital 41

Text proposed by the Commission

(41) Conditions for re-use should be non-discriminatory for comparable categories of re-use. This should, for example, not prevent the exchange of information between public sector bodies free of charge for the exercise of public tasks, whilst other parties are charged for the re-use of the same documents. Neither should it prevent the adoption of a differentiated charging policy for commercial and non-commercial re-use.

Amendment

(41) Conditions for re-use should be non-discriminatory for comparable categories of re-use. This should, for example, not prevent the exchange of information between public sector bodies free of charge for the exercise of public tasks, whilst other parties are charged for the re-use of the same documents. Neither should it prevent the adoption of a differentiated charging policy for commercial and non-commercial re-use, ***and the adoption of a differentiated licencing and charging policy when an economic player wishes to re-use documents in specific commercial conditions.***

Or. en

Amendment 129

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 42

Text proposed by the Commission

Amendment

(42) In relation to any re-use that is made of the document, public sector bodies may impose conditions, where appropriate through a licence, such as acknowledgment of source and acknowledgment of whether the document has been modified by the re-user in any way. Any licences for the re-use of public sector information should in any event place as few restrictions on re-use as possible, for example limiting them to an indication of source. Open licences available online, which grant wider re-use rights without technological, financial or geographical limitations and relying on open data formats, should play an important role in this respect. Therefore, Member States should encourage the use of open licences that should eventually become common practice across the Union. *deleted*

Or. en

Justification

Language on using licences is found in e.g. Article 12(4) and Recital (22). In order to align the order of recitals with the operative text (corresponding Article 8), the changes are needed here and inextricably linked to other admissible amendments.

Amendment 130

Dario Tamburrano, Ignazio Corrao

Proposal for a directive

Recital 47

Text proposed by the Commission

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 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.

(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. ***It is appropriate to consider the re-use of high value data sets as in line with the objectives of general public interest of the Union or of a Member State pursuant to Article 23(1)(e) of the Regulation (EU) 2016/679 of the European Parliament and of the Council, including the Union's commitment towards the decarbonisation of the economy and the new energy and climate targets.***

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).

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).

Or. en

Amendment 131
Michał Boni

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.

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

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

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).

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).

Or. en

Amendment 132

Morten Helveg Petersen, Carolina Punset

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.

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

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 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 *within the rules and obligations to protect personal data* 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.

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).

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).

Or. en

Amendment 133

Julia Reda

on behalf of the Verts/ALE Group

Dita Charanzová

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 **access to and** 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. **Such practical arrangements can include** 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.

Or. en

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 134

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 52 a (new)

Text proposed by the Commission

Amendment

(52 a) The Commission and the Member States should ensure that public sector bodies and public undertakings 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 should make practical arrangements to aggregate datasets at Union level.

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 on Member State but Union level, Article 9 is thus amended.

Amendment 135

Dario Tamburrano, Ignazio Corrao

Proposal for a directive

Recital 53

Text proposed by the Commission

Amendment

(53) This Directive is without prejudice to Directive 2001/29/EC of the European Parliament and of the Council³⁹ and Directive 96/9/EC of the European Parliament and of the Council⁴⁰. It spells out the conditions within which public sector bodies can exercise their intellectual property rights in the internal information market when allowing re-use of

(53) This Directive is without prejudice to Directive 2001/29/EC of the European Parliament and of the Council³⁹ and Directive 96/9/EC of the European Parliament and of the Council⁴⁰. It spells out the conditions within which public sector bodies can exercise their intellectual property rights in the internal information market when allowing re-use of

documents. In particular, where public sector bodies are holders of the right provided for in Article 7(1) of Directive 96/9/EC, they should not exercise it in order to prevent or restrict the re-use of data contained in databases.

³⁹ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.6.2001, p. 10).

⁴⁰ 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).

documents. In particular, where public sector bodies are holders of the right provided for in Article 7(1) of Directive 96/9/EC, they should not exercise it in order to prevent or restrict the re-use of data contained in databases. ***The right provided for in Article 7(1) of Directive 96/9/EC should not be exercised for preventing or restricting the re-use of high value datasets and of research data contained in databases.***

³⁹ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.6.2001, p. 10).

⁴⁰ 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).

Or. en

Amendment 136

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 53

Text proposed by the Commission

(53) This Directive is without prejudice to Directive 2001/29/EC of the European Parliament and of the Council³⁹ and Directive 96/9/EC of the European Parliament and of the Council⁴⁰. It spells out the conditions within which public sector bodies can exercise their intellectual property rights ***in the internal information market when allowing re-use of documents***. In particular, ***where*** public sector bodies ***are*** holders of the right

Amendment

(53) This Directive is without prejudice to Directive 2001/29/EC of the European Parliament and of the Council³⁹ and ***the provisions relating to copyright and its enforcement of*** Directive 96/9/EC of the European Parliament and of the Council⁴⁰. It spells out the conditions within which public sector bodies can exercise their intellectual property rights. In particular, public sector bodies ***should not qualify as*** holders of the right provided for in Article

provided for in Article 7(1) of Directive 96/9/EC, *they should not exercise it in order to prevent or restrict the re-use of data contained in databases.*

7(1) of Directive 96/9/EC.

³⁹ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.6.2001, p. 10).

³⁹ Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.6.2001, p. 10).

⁴⁰ 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).

⁴⁰ 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).

Or. en

Justification

This amendment contains wording corresponding to and therefore inextricably linked with Article 1(5).

Amendment 137

Dario Tamburrano, Ignazio Corrao

Proposal for a directive

Recital 55

Text proposed by the Commission

(55) It is necessary to ensure that the Member States *monitor* the extent of the re-use of public sector information, the conditions under which it is made available *and the redress practices.*

Amendment

(55) It is necessary to ensure that the Member States *report to the Commission* the extent of the re-use of public sector information, the conditions under which it is made available, *the use and availability of Application Programme Interfaces and national open access policies and related actions that are adopted and undertaken.*

Or. en

Justification

National reporting on the use and availability of APIs, and on the implementation of this Directive broadly speaking, is necessary to increase the diffusion of these useful tools.

Amendment 138

Răzvan Popa, Carlos Zorrinho

Proposal for a directive

Recital 57

Text proposed by the Commission

(57) One of the principal aims of the establishment of the internal market is the creation of conditions conducive to the development of Union-wide services. Libraries, museums and archives hold a significant amount of valuable public sector information resources, in particular since digitisation projects have multiplied the amount of digital public domain material. These cultural heritage collections and related metadata are a potential base for digital content products and services and have a huge potential for innovative re-use in sectors such as learning and tourism. Other types of cultural establishments (such as orchestras, operas, ballets and theatres), including the archives that are part of those establishments, should remain outside the scope because of their ‘performing arts’ specificity and the fact that almost all of their material is subject to third-party intellectual property rights and would therefore remain outside the scope of that Directive.

Amendment

(57) One of the principal aims of the establishment of the internal market is the creation of conditions conducive to the development of Union-wide services, ***to which all citizens should have access.*** Libraries, museums and archives hold a significant amount of valuable public sector information resources, in particular since digitisation projects have multiplied the amount of digital public domain material. These cultural heritage collections and related metadata are a potential base for digital content products and services and have a huge potential for innovative re-use in sectors such as learning and tourism. Other types of cultural establishments (such as orchestras, operas, ballets and theatres), including the archives that are part of those establishments, should remain outside the scope because of their ‘performing arts’ specificity and the fact that almost all of their material is subject to third-party intellectual property rights and would therefore remain outside the scope of that Directive.

Or. en

Amendment 139

Angelika Niebler

Proposal for a directive
Recital 58

Text proposed by the Commission

Amendment

(58) In order to set in place conditions 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.

deleted

Or. de

Amendment 140
Eugen Freund, Martina Werner

Proposal for a directive
Recital 58

Text proposed by the Commission

Amendment

(58) In order to set in place conditions 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.***

(58) In order to set in place conditions 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 291 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. 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. ***When preparing implementing acts, rights to participation in decision-making must be respected and the financial and human resources needed for the effective exercise of such rights must be provided. The European social partners must be involved in the preparatory process.***

Or. de

Justification

These additions are intended to ensure effective stakeholder consultation.

Amendment 141

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 58

Text proposed by the Commission

(58) In order to set in place conditions supporting the re-use of documents which

Amendment

(58) In order to set in place conditions 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.

is associated with important **civic or** socio-economic benefits having a particular high value for economy and society, **a list of categories of high value datasets is included in Annex IIa**. 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 **extending the list of categories of high value datasets set out in Annex IIa, and in particular to further specify the specific** 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 correspond with operative text in Article 13

Amendment 142
Barbara Kappel

Proposal for a directive
Recital 58

Text proposed by the Commission

Amendment

(58) In order to set in place conditions 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.

(58) In order to set in place conditions 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 *implementing* acts in accordance with Article 291 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.

Or. en

Amendment 143
Angelika Niebler

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 harmonised re-use conditions constitutes an important enabler of cross-border data applications and services. In the process

Amendment

deleted

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.

Or. de

Amendment 144

Julia Reda

on behalf of the Verts/ALE Group

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 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.

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. ***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 /C240/01. ***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 carryout public consultations with all interested parties, including public sector***

bodies, public undertakings, data users and re-users, research organisations, 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.

Amendment 145
Barbara Kappel

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 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***.

Amendment

(59) An EU-wide list of datasets with a particular potential to generate socio-economic benefits together with harmonised re-use conditions constitutes an important enabler of cross-border data applications and services. ***For the purpose of adopting delegated acts***, the Commission ***shall conduct*** appropriate ***public*** consultations. ***All interested parties, including competent bodies holding public sector information, users and re-users, applicants for the use and re-use and representative organisations, shall have the possibility to submit proposals for additional data-sets to the Commission. The Commission takes these into account, or provides the interested party concerned with reasons for rejecting the suggestion. In the course of preparation co-***

determination rights as well as the financial and personal resources to effectively make use of those rights are granted to the European social partners.

The list should take into account *the protection of critical infrastructures as well as* sectoral legislation that already regulates the publication of datasets, as well as the categories indicated in the Commission's Notice 2014 /C 240/01.

Or. en

Amendment 146

Dario Tamburrano, Ignazio Corrao

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 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.

Amendment

(59) An EU-wide list of datasets with a *particularly high* potential to generate 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, *and should be fully in line with the objectives of general public interest of the Union, including the Union's commitment towards the decarbonisation of the economy and the new energy and climate targets.*

Or. en

Amendment 147

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 60

Text proposed by the Commission

(60) In view of ensuring their maximum impact and to facilitate re-use, the high-value datasets should be made available for re-use with minimal legal restrictions and at no cost. They should also be published via Application Programming Interfaces, whenever the dataset in question contains dynamic data.

Amendment

(60) In view of ensuring their maximum impact and to facilitate re-use, the high-value datasets should be made available for re-use with minimal legal restrictions and at no cost. ***High value datasets should be published at Union level to promote findability and facilitate access.*** They should also be published via Application Programming Interfaces, whenever the dataset in question contains dynamic data.

Or. en

Justification

Changes to correspond with operative text in Articles 9 and 13.

Amendment 148

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 60 a (new)

Text proposed by the Commission

Amendment

(60 a) The High Value Datasets identified within the categories listed in Annex IIa have the potential to generate civic or socio-economic benefits, and advance fundamental societal and democratic tasks. In order to further the goals of transparency, accountability, compliance, efficiency and fair competition, it is necessary to include datasets from among categories such as business registers, budget and government spending, crime and justice, elections for

public offices, national law, procurement, and statistics. To encourage innovative services and products, to stimulate sustainable growth, and to contribute to high consumer protection standards, including by taking into account factors that have no immediate economic value, such as education, environment, or healthcare, it is necessary to include datasets from among the categories of earth observation and environmental data, geospatial data, as well as transport.

Or. en

Justification

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

Amendment 149

Julia Reda

on behalf of the Verts/ALE Group

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 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.

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 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.

Or. en

Justification

Changes corresponding to new Recital (4a).

Amendment 150

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Recital 63

Text proposed by the Commission

(63) The Commission should carry out an evaluation of this Directive. Pursuant to paragraph 22 of the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016⁴¹, that evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures.

⁴¹ OJ L123, 12.5. 2016, p1.

Amendment

(63) The Commission should carry out an evaluation of this Directive ***36 months after its transposition***. Pursuant to paragraph 22 of the Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making of 13 April 2016⁴¹, that evaluation should be based on the five criteria of efficiency, effectiveness, relevance, coherence and EU value added and should provide the basis for impact assessments of possible further measures. ***Following the evaluation, the Commission could, where necessary, present relevant proposals.***

⁴¹ OJ L123, 12.5. 2016, p1.

Or. en

Justification

For the purpose of legal clarity and timeliness, the transposition period is mentioned here. The Commission is also encouraged to accompany evaluations with relevant proposals.

Amendment 151

Julia Reda

on behalf of the Verts/ALE Group

Dita Charanzová

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

Text proposed by the Commission

Amendment

-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.

Or. en

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 152
Sven Schulze, Sabine Verheyen, Angelika Niebler

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

Text proposed by the Commission

Amendment

(a) **existing** documents held by public sector bodies of the Member States;

(a) **publicly accessible** documents held by public sector bodies of the Member States;

Or. de

Justification

The power to decide which documents are made accessible or not should remain at the discretion of the public authorities, in accordance with the principle of subsidiarity.

Amendment 153
Angelika Niebler

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

Text proposed by the Commission

(a) *existing* documents held by public sector bodies of the Member States;

Amendment

(a) *publicly accessible* documents held by public sector bodies of the Member States;

Or. de

Justification

It should be at the discretion of the public authorities to determine which documents are to be made available.

Amendment 154

Martina Werner, Eugen Freund, Theresa Griffin, Miapetra Kumpula-Natri

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

Text proposed by the Commission

(a) *existing* documents held by public sector bodies of the Member States;

Amendment

(a) *publicly accessible* documents held by public sector bodies of the Member States;

Or. en

Justification

The Directive should provide a legal framework for the distribution of documents which are publicly accessible. Therefore the amendments is necessary for pressing reasons relating to the internal logic of the text.

Amendment 155

Neoklis Sylikiotis

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

Text proposed by the Commission

Amendment

(a) **existing** documents held by public sector bodies of the Member States;

(a) **publicly accessible** documents held by public sector bodies of the Member States;

Or. en

Justification

This amendment clarifies that the directive does not grant access rights to public data, referring to Art. 1 para 3 it builds on access regimes in the Member States. Therefore, only those documents that have been made accessible should fall within the scope of the directive.

Amendment 156
Rolandas Paksas

Proposal for a directive
Article 1 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) **existing documents held by public undertakings active in the areas defined in Directive 2014/25/EU of the European Parliament and of the Council⁴² and by public undertakings acting as public service operators pursuant to Article 2 of Regulation (EC) No 1370/2007 of the European Parliament and of the Council⁴³, public undertakings acting as air carriers fulfilling public service obligations pursuant to Article 16 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council⁴⁴, and public undertakings acting as Community shipowners fulfilling public service obligations pursuant to Article 4 of Council Regulation (EEC) No 3577/92⁴⁵.** **deleted**

⁴² *Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94,*

28.3.2014, p. 243).

⁴³ *Regulation (EC) No. 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70.*

⁴⁴ *Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast) (Text with EEA relevance) (OJ L 293, 31.10.2008, p. 3–20).*

⁴⁵ *Council Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage) (OJ L 364, 12.12.1992, p. 7–10).*

Or. en

Justification

The Commission's proposal obliges public undertakings to transfer data regardless of whether these public undertakings are exposed to competition from the private sector or not. This appears inconsistent with the principles of equal treatment and fair competition laid down in the Treaties.

Amendment 157

Dario Tamburrano, Ignazio Corrao

Proposal for a directive

Article 1 – paragraph 1 – point b

Text proposed by the Commission

(b) *existing* documents held *by public undertakings active in the areas defined in Directive 2014/25/EU of the European Parliament and of the Council⁴² and by public undertakings acting as public service operators pursuant to Article 2 of Regulation (EC) No 1370/2007 of the*

Amendment

(b) documents held *and made publicly accessible by* public service operators *defined in Article 2(3) of this* Regulation;

European Parliament and of the Council⁴³ , public undertakings acting as air carriers fulfilling public service obligations pursuant to Article 16 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council⁴⁴ , and public undertakings acting as Community shipowners fulfilling public service obligations pursuant to Article 4 of Council Regulation (EEC) No 3577/92⁴⁵ .

⁴² Directive 2014/25/EU of the European Parliament and of the Council of 26 February 2014 on procurement by entities operating in the water, energy, transport and postal services sectors and repealing Directive 2004/17/EC (OJ L 94, 28.3.2014, p. 243).

⁴³ Regulation (EC) No. 1370/2007 of the European Parliament and of the Council of 23 October 2007 on public passenger transport services by rail and by road and repealing Council Regulations (EEC) Nos 1191/69 and 1107/70.

⁴⁴ Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast) (Text with EEA relevance) (OJ L 293, 31.10.2008, p. 3–20).

⁴⁵ Council Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage) (OJ L 364, 12.12.1992, p. 7–10).

Or. en