



2018/0111(COD)

12.10.2018

AMENDMENTS

158 - 323

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 158
Neoklis Sylikiotis

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 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

Amendment

(b) existing documents held by undertakings **providing services of general interest through a contract with a public sector body** active in the areas defined in Directive 2014/25/EU of the European Parliament and of the Council⁴² and by undertakings acting as public service operators pursuant to Article 2 of Regulation (EC) No 1370/2007 of the European Parliament and of the Council⁴³, 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 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).

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

Amendment 159 **Angelika Niebler**

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 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

Amendment

(b) *publicly accessible* 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.

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, **28.03.2014**, 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).

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).

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.

Or. de

Justification

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

Amendment 160

Sven Schulze, Sabine Verheyen, Angelika Niebler

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 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

Amendment

(b) **publicly accessible** 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.

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).

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).

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.

Or. de

Justification

The decision on the re-use of documents should be at the discretion of the public undertaking itself. No obligation to allow re-use is imposed.

Amendment 161
Adam Gierek

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

Text proposed by the Commission

Amendment

(ba) Member States shall set the appropriate exceptions for documents held by public undertakings with an industrial or commercial nature within the meaning of Article 34 of Directive 2014/25/EU.

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.

Amendment 162

Sven Schulze, Sabine Verheyen, Angelika Niebler

Proposal for a directive

Article 1 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

This Directive in no way affects the protection of individuals with regard to the processing of personal data under the provisions of EU and national law, and in particular does not alter the obligations and rights set out in Regulation (EU) 2016/679 (General Data Protection Regulation).

Or. de

Justification

In order to ensure legal certainty, the reference to the General Data Protection Regulation should be preserved.

Amendment 163
Evžen Tošenovský

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

Text proposed by the Commission

(b) documents held by public undertakings, produced outside the scope of the provision of services in the general interest as defined by law or other binding rules in the Member State;

Amendment

(b) documents held by public undertakings, produced outside the scope of the provision of services in the general interest as defined by law or other binding rules in the Member State, ***documents held by public undertakings having industrial or commercial character, documents held by operators of essential services[1] or documents held by companies whose shares are admitted to trading on a regulated market situated or operating within a Member State[2];***
[1] Directive (EU)2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016,p. 13)
[2] Directive 2004/39 (EC) of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611 (EEC) and 93/6 (EEC) and Directive 2000/12 (EC) of the European Parliament and of the Council and repealing Council Directive 93/22 (EEC) (OJ L 145, 30.4.2004, p. 10)

Or. en

Amendment 164
Jaromír Kohlíček

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

Text proposed by the Commission

Amendment

(b) documents held by public undertakings, produced outside the scope of the provision of services in the general interest as defined by law or other binding rules in the Member State;

(b) documents held by public undertakings, produced outside the scope of the provision of services in the general interest as defined by law or other binding rules in the Member State, ***documents held by public undertakings having industrial or commercial character, documents held by operators of essential services (1) or documents held by companies whose shares are admitted to trading on a regulated market situated or operating within a Member State (2)***

Or. en

Justification

The European Commission proposal of the Article 1 (1b) creates an unequal obligation to public undertakings to transfer their data in comparison with the undertakings owned by the private entities. The inequality is essential in the sectors directly exposed to the competition from the private undertakings (e.g. energy production, trading and sales). This is inconsistent with the principles of equal treatment and fair competition based on the principles laid down in the Treaties. This competitive disadvantage should be mitigated by extension of the possibility to exclude documents held by specific categories of public undertakings with industrial or commercial character, public undertakings providing essential services (e.g. supplying of electricity, gas, heat, water, providing health care) or public undertakings owned by the companies with shares admitted to trading on a regulated market.[1] Directive (EU) 2016/1148 of the European Parliament and of the Council of 6 July 2016 concerning measures for a high common level of security of network and information systems across the Union (OJ L 194, 19.7.2016, p. 13)[1] Directive 2004/39 (EC) of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments amending Council Directives 85/611 (EEC) and 93/6 (EEC) and Directive 2000/12 (EC) of the European Parliament and of the Council and repealing Council Directive 93/22 (EEC) (OJ L 145, 30.4.2004, p. 10)

Amendment 165 **Rolandas Paksas**

Proposal for a directive **Article 1 – paragraph 2 – point b**

Text proposed by the Commission

(b) documents held by public undertakings, produced outside the scope of the provision of services in the general

Amendment

(b) documents held by public undertakings, produced outside the scope of the provision of services in the general

interest as defined by law or other binding rules in the Member State;

interest as defined by law or other binding rules in the Member State *or documents held by public undertakings having industrial or commercial character and documents held by public undertakings active in utility markets exempted from procurement rules under Article 34 of Directive 2014/25/EU;*

Or. en

Amendment 166
Neoklis Sylikiotis

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

Text proposed by the Commission

(b) documents held by public undertakings, produced outside the scope of the provision of services in the general interest as defined by law or other binding rules in the Member State;

Amendment

(b) documents held by public undertakings:
– produced outside the scope of the provision of services in the general interest as defined by law or other binding rules in the Member State;
– *having commercial character within the scope of an activity directly exposed to competition as defined in Article 34 Directive 2014/25/EU;*

Or. en

Justification

The proposal obliges the undertakings in public ownership to provide their data, regardless of whether they are in competition with a private undertaking or not. This is incomprehensible in the light of the principles of equality and fair competition and creates a blatant competitive disadvantage for public undertakings. Therefore, exceptions are necessary for public undertakings directly exposed to competition. The proposed amendment is in coherence with the exemption from the public procurement regime according to Article 34 of the Utilities Directive 2014/25/EU.

Amendment 167
Michal Boni

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

Text proposed by the Commission

(b) documents held by public undertakings, produced outside the scope of the provision of services in the general interest as defined by law or other binding rules in the Member State;

Amendment

(b) documents held by public undertakings, produced outside the scope of the provision of services in the general interest as defined by law or other binding rules in the Member State ***or documents held by public undertakings due to their activities which fall under the definition of operators of essential services according to the NIS directive;***

Or. en

Amendment 168
Dario Tamburrano, Ignazio Corrao

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

Text proposed by the Commission

(b) documents held by public ***undertakings***, produced outside the scope of the provision of services in the general interest as defined by law or other binding rules in the Member State;

Amendment

(b) documents held by public ***service operators***, produced outside the scope of the provision of services in the general interest as defined by law or other binding rules in the Member State;

Or. en

Amendment 169
Paul Rübiger

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

Text proposed by the Commission

Amendment

(ba) documents held by public undertakings having industrial or commercial character and documents

held by public undertakings active in utility markets exempted from procurement rules under Article 34 of Directive 2014/25/EU whose publication would result in discrimination against their owners in competition with private companies, ;

Or. en

Justification

Public undertakings with a competitive orientation should not be disadvantaged compared to private companies, as it would not be compatible with the principles of equal treatment and fair competition.

Amendment 170

Françoise Grossetête

Proposal for a directive

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

Text proposed by the Commission

Amendment

(ba) Member States shall set the appropriate exceptions for documents held by public undertakings with an industrial or commercial nature within the meaning of Article 34 of Directive 2014/25/EU.

Or. en

Amendment 171

Sven Schulze, Sabine Verheyen, Angelika Niebler

Proposal for a directive

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

Text proposed by the Commission

Amendment

(ba) documents held by public undertakings of an industrial or commercial nature within the meaning of

Justification

Public undertakings are often in direct competition with private undertakings, for example in liberalised markets. In order to facilitate fair competition, the documents of such public undertakings should be excluded.

Amendment 172

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 2 – point c

Text proposed by the Commission

(c) documents for which third parties hold intellectual property rights;

Amendment

(c) documents for which third parties hold intellectual property rights ***that would prohibit or restrict re-use;***

Justification

This amendment is inextricably linked to Article 8, Article 10, Recital (18) and amendments thereto, as the definition of re-use includes the “further use of documents within an organisation itself”, and licence conditions can well allow for the re-use of documents for which a third party rightsholder has agreed to the re-use, for example through a license or by waiving intellectual property rights.

Amendment 173

Angelika Niebler

Proposal for a directive

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

Text proposed by the Commission

Amendment

(ca) documents which are essential for the functioning of critical infrastructure within the meaning of Article 2(a) of

Justification

The functions of critical infrastructure need to be maintained. Data from installations or systems which are essential for the maintenance of vital societal functions, health, safety, security or the economic or social wellbeing of people, the disruption or destruction of which would have a significant impact in a Member State, should have been excluded from the scope of the Directive.

Amendment 174
Angelika Niebler

Proposal for a directive
Article 1 – paragraph 2 – point c b (new)

Text proposed by the Commission

Amendment

(cb) documents held by public undertakings of an industrial or commercial nature within the meaning of Article 34 of Directive 2014/25/EU;

Justification

In order to prevent distortions of competition, public undertakings which face direct competition from private companies should not be required to publish their documents.

Amendment 175
Martina Werner, Theresa Griffin, Miapetra Kumpula-Natri, Răzvan Popa

Proposal for a directive
Article 1 – paragraph 2 – point d – indent 1

Text proposed by the Commission

Amendment

– the protection of national security (that is to say, State security), defence, or public security,

– the protection of national security (that is to say, State security), defence, or public security, ***including sensitive critical infrastructure protection information within the meaning of Article 2(d) of***

Justification

Publicly available documents as per Article 1 does not include information on critical infrastructure, such as electricity and gas networks. The amendment is therefore necessary for pressing reasons related to the internal logic of the text.

Amendment 176
Nikolay Barekov

Proposal for a directive
Article 1 – paragraph 2 – point d – indent 1

Text proposed by the Commission

– the protection of national security
(*that is to say, State security*), defence, or
public security,

Amendment

– the protection of national security,
defence, or public security,

Amendment 177
Martina Werner, Eugen Freund, Theresa Griffin, Miapetra Kumpula-Natri, Răzvan Popa

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

Text proposed by the Commission

Amendment

*(da) documents held by institutions
covered by the definition of a critical
infrastructure pursuant to Article 2(a) of
Directive 2008/114/EC;*

Justification

Publicly available documents as per Article 1 does not include information on critical infrastructure, such as electricity and gas networks. The amendment is therefore necessary for pressing reasons related to the internal logic of the text.

Amendment 178

Sven Schulze, Sabine Verheyen, Angelika Niebler

Proposal for a directive

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

Text proposed by the Commission

Amendment

(da) critical infrastructure within the meaning of Article 2(a) of Directive 2008/114/EC;

Or. de

Justification

This concerns exclusion of the re-use of data from installations or systems which are essential for the maintenance of vital societal functions, health, safety, security and the economic or social wellbeing of people, the disruption or destruction of which would have a significant impact in a Member State as a result of the failure to maintain those functions.

Amendment 179

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) documents held by cultural establishments other than libraries, university libraries, museums and archives;

deleted

Or. en

Justification

Libraries in particular undertake efforts to preserve the cultural heritage in the form of out-of-copyright (public domain) works. A blanket exclusion is therefore disproportionate. Further, this amendment is needed for the internal logic of the text and because it is inextricably linked to other admissible amendments.

Amendment 180

Eugen Freund, Martina Werner

Proposal for a directive

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

Text proposed by the Commission

Amendment

– *documents held by installations that fall within the definition of critical infrastructure within the meaning of Article 2(a) of Directive 2008/114/EC;*

Or. de

Justification

Undertakings falling within the definition of critical infrastructure should not be bound by the obligation. The desirability of protecting the position of such undertakings follows from the definition in Article 2(a) of Directive 2008/114/EC. Thus, the relevant installations and systems are those that are vital to the maintenance of important societal functions.

Amendment 181

Michal Boni

Proposal for a directive

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 182
Barbara Kappel

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

Text proposed by the Commission

Amendment

2a. Critical infrastructures defined by the Member States;

Or. en

Amendment 183
Răzvan Popa, Carlos Zorrinho, Theresa Griffin

Proposal for a directive
Article 1 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Amendment

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

This Directive builds on and is without prejudice to access regimes in the Member States. ***This Directive is without prejudice to Regulation (EU) 2016/679 on General Data and does not affect the level of protection of individual with regard to the processing of personal data under the provisions of EU law.***

Or. en

Amendment 184
Dario Tamburrano, Ignazio Corrao

Proposal for a directive
Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. This Directive leaves intact and in no way affects the level of protection of individuals with regard to the processing of personal data under the provisions of Union and national law, and in particular

does not alter the obligations and rights set out in the General Data Protection Regulation^{45a};

^{45a} Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)(OJ L 119, 4.5.2016).

Or. en

Amendment 185

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. This Directive is without prejudice to Regulation (EU) 2016/679 and it does not affect the level of protection of individuals with regard to the processing of personal data in accordance with Union law on personal data protection.

Or. en

Justification

The GDPR should be mentioned in the scope and apply to the whole Directive

Amendment 186

Eugen Freund, Martina Werner

Proposal for a directive

Article 1 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *This Directive in no way affects the protection of individuals with regard to the processing of personal data under the provisions of EU and national law, and in particular does not alter the obligations and rights set out in Regulation (EU) 2016/679 (General Data Protection Regulation).*

Or. de

Justification

In the interests of clarity and legal certainty, the reference to EU data protection rules should be maintained.

Amendment 187

Dario Tamburrano, Ignazio Corrao

Proposal for a directive Article 1 – paragraph 5

Text proposed by the Commission

5. The right for the maker of a database provided for in Article 7(1) of Directive 96/9/EC shall not be exercised **by public sector bodies** in order to prevent or restrict the re-use of **documents** pursuant to this Directive.

Amendment

5. The right for the maker of a database provided for in Article 7(1) of Directive 96/9/EC shall not be exercised in order to prevent or restrict the re-use of **research data and of high value datasets** pursuant to **Articles 10 and 14** of this Directive.

Or. en

Amendment 188

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive Article 1 – paragraph 5

Text proposed by the Commission

Amendment

5. The right for the maker of a database provided for in Article 7(1) of Directive 96/9/EC ***shall not be exercised by public sector bodies in order to prevent or restrict the re-use of documents pursuant to this Directive.***

5. ***Public sector bodies and public undertakings shall not be able to hold*** the right for the maker of a database provided for in Article 7(1) of Directive 96/9/EC.

Or. en

Justification

The sui generis right provided for in Article 7(1) of Directive 96/9/EC should not prohibit re-use

Amendment 189

Dario Tamburrano, Ignazio Corrao

Proposal for a directive

Article 1 – paragraph 6

Text proposed by the Commission

6. This Directive governs the re-use of existing documents held by public sector bodies of the Member States, including documents to which Directive 2007/2/EC of the European Parliament and of the Council⁴⁶ applies.

⁴⁶ 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

6. This Directive governs the re-use of existing documents held by public sector bodies of the Member States, including documents to which Directive 2007/2/EC of the European Parliament and of the Council (***INSPIRE Directive***)⁴⁶ applies. ***Article 6 of this Directive is without prejudice to obligations imposed pursuant Article 17(3) of the INSPIRE Directive.***

⁴⁶ 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 190

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 1 – paragraph 6

Text proposed by the Commission

6. This Directive governs the re-use of existing documents held by public sector bodies *of* the Member States, including documents to which Directive 2007/2/EC of the European Parliament and of the Council⁴⁶ applies.

⁴⁶ 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

6. This Directive governs the re-use of existing documents held by public sector bodies *and public undertakings in* the Member States, including documents to which Directive 2007/2/EC of the European Parliament and of the Council⁴⁶ applies.

⁴⁶ 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

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

Amendment 191

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

1. ‘public sector body’ means the State, regional or local authorities, bodies governed by public law and associations formed by one or several such authorities or one or several such bodies governed by public law;

Amendment

1. ‘public sector body’ means the State, regional or local authorities, bodies governed by public law and associations formed by one or several such authorities or one or several such bodies governed by public law, *as well as public undertakings*;

Or. en

Justification

This amendment is inextricably linked to the introduction of public undertakings, in Article 2(3) and throughout the recast, and other admissible amendments thereto

Amendment 192

Dario Tamburrano, Ignazio Corrao

Proposal for a directive

Article 2 – paragraph 1 – point 3

Text proposed by the Commission

3. 'public *undertaking*' means any undertaking *over* which *the public sector bodies may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it;*

Amendment

3. 'public *service operator*' means any *public or private undertaking or group of such undertakings which provide services of general interest through a contract of public service delegation, acting in the areas defined in Directive 2014/25/EU of the European Parliament and of the Council^{46a}, or as public service operator pursuant to Article 2 of Regulation (EC) No 1370/2007 of the European Parliament and of the Council^{46b}, or as air carrier fulfilling public service obligations pursuant to Article 16 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council^{46c}, or as Community shipowner fulfilling public service obligations pursuant to Article 4 of Council Regulation (EEC) No 3577/92^{46d};*

^{46a} *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).*

^{46b} *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.

^{46c} 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).

^{46d} 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).

(This amendment, which replaces 'public undertaking' with 'public service operator', applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

Justification

The term 'public service operator' (translating 'concessionario di servizio pubblico' under Italian civil law) seems suitable in order to include both public and private undertakings, as defined in this amendment. We are open to discuss a more suitable terminology with the support of the lawyer-linguists.

Amendment 193

Martina Werner, Theresa Griffin, Miapetra Kumpula-Natri

Proposal for a directive

Article 2 – paragraph 1 – point 3

Text proposed by the Commission

3. 'public undertaking' means any undertaking over which the public sector bodies may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it;

Amendment

3. 'public undertaking' means any undertaking over which the public sector bodies may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it.
A dominant influence on the part of the public authorities shall be presumed when

these public sector bodies, directly or indirectly in relation to an undertaking:

- (i) hold the major part of the undertaking's subscribed capital; or*
- (ii) control the majority of the votes attaching to shares issued by the undertakings; or*
- (iii) can appoint more than half of the members of the undertaking's administrative, managerial or supervisory body;*

Or. en

Justification

The term "dominant influence" leaves too much room for interpretation. In order to provide legal certainty, the term "dominant influence" is defined in accordance with Directive 2006/111/EC, from which the definition of a public undertaking in the Commission proposal is also drawn.

Amendment 194

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 2 – paragraph 1 – point 3

Text proposed by the Commission

3. 'public undertaking' means any undertaking over which the public sector bodies may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it;

Amendment

3. 'public undertaking' means any undertaking over which the public sector bodies may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it, ***as well as private companies that perform a service in the general interest under contract with a Member State, regional or local authority, public sector body or public undertaking;***

Or. en

Justification

Private companies that perform a service in the general interest need to be covered.

Amendment 195

Neoklis Sylikiotis

Proposal for a directive

Article 2 – paragraph 1 – point 3

Text proposed by the Commission

3. *'public undertaking' means any undertaking over which the public sector bodies may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it;*

Amendment

3. *'undertaking' means any undertaking (public or private) providing services of general interest, through a contract.*

Or. en

Amendment 196

Dario Tamburrano, Ignazio Corrao

Proposal for a directive

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

Text proposed by the Commission

Amendment

5a. *'personal data' means data as defined in Article 4(1) of the General Data Protection Regulation^{46e};*

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

Amendment 197

Dario Tamburrano, Ignazio Corrao

Proposal for a directive

Article 2 – paragraph 1 – point 6

Text proposed by the Commission

6. 'dynamic data' means documents in an electronic form, ***subject to frequent or real-time updates***;

Amendment

6. 'dynamic data' means documents in an electronic form ***that change often or on a regular basis***;

Or. en

Amendment 198

Răzvan Popa, Carlos Zorrinho

Proposal for a directive

Article 2 – paragraph 1 – point 6

Text proposed by the Commission

6. 'dynamic data' ***means*** documents in an electronic form, ***subject to frequent or real-time updates***;

Amendment

6. 'dynamic data' documents in an electronic form, ***that change often or on a regular basis***;

Or. en

Justification

real-time update is not a clear technical definition

Amendment 199

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 2 – paragraph 1 – point 6 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Justification

API term should be defined within the Directive

Amendment 200

Dario Tamburrano, Ignazio Corrao

Proposal for a directive

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

8. 'high value datasets' means documents the re-use of which is associated with important socio-economic benefits, notably because of their suitability for the creation of value-added services and applications, and the number of potential beneficiaries of the value-added services and applications based on these datasets;

Amendment

8. 'high value datasets' means documents the re-use of which is associated with important socio-economic benefits, notably because of their suitability for the creation of value-added services and applications, and the number of potential beneficiaries of the value-added services and applications based on these datasets, ***and is in line with important objectives of general public interest of the Union or of a Member State pursuant to Article 23(1)(e) of the General Data Protection Regulation^{46f}***;

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

Or. en

Amendment 201

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 2 – paragraph 1 – point 8

Text proposed by the Commission

8. 'high value datasets' means documents the re-use of which is associated with important socio-economic benefits, notably because of their suitability for the creation of value-added services and applications, and the number of potential beneficiaries of the value-added services and applications based on these datasets;

Amendment

8. 'high value datasets' means documents the re-use of which is associated with important ***civic or*** socio-economic benefits, notably because of their suitability for the creation of value-added services and applications, and the number of potential beneficiaries of the value-added services and applications based on these datasets;

Or. en

Justification

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

Amendment 202

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 2 – paragraph 1 – point 9

Text proposed by the Commission

9. 're-use' means the use by persons or legal entities of documents ***held by public sector bodies***, for commercial or non-commercial purposes other than the initial purpose within the public task for which the documents were produced, except exchange of documents between public sector bodies purely in pursuit of their public tasks ;

Amendment

9. 're-use' means the use by persons or legal entities of documents, for commercial or non-commercial purposes other than the initial purpose within the public task for which the documents were produced, except exchange of documents between public sector bodies purely in pursuit of their public tasks ;

Justification

This amendment is inextricably linked to the introduction of public undertakings, in Article 2(3) and throughout the recast, and other admissible amendments thereto.

Amendment 203

Michał Boni

Proposal for a directive

Article 2 – paragraph 1 – point 9 a (new)

Text proposed by the Commission

Amendment

9a. "personal data" means data as defined in Article 4 (1) of Regulation (EU) 2016/679;

Or. en

Amendment 204

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 2 – paragraph 1 – point 14 a (new)

Text proposed by the Commission

Amendment

14a. 'personal data' means data as referred to in Article 4(1) of Regulation (EU) 2016/679.

Or. en

Justification

Amendment corresponding to GDPR paragraph in Article 1(3a).

Amendment 205

Neoklis Sylikiotis

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

Text proposed by the Commission

Amendment

'open data' means data in open formats that can ideally be freely used, re-used and shared by anyone for any purpose.

Or. en

Amendment 206
Julia Reda
on behalf of the Verts/ALE Group
Dita Charanzová

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

Amendment

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

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

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 207
Martina Werner, Theresa Griffin, Miapetra Kumpula-Natri

Proposal for a directive
Article 3 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Clarifies that public undertakings are under no obligation to allow the re-use of documents produced by them, as laid down in recital (22). The amendment is therefore necessary for pressing reasons related to the internal logic of the text.

Amendment 208

Julia Reda

on behalf of the Verts/ALE Group

Dita Charanzová

Proposal for a directive

Article 3 – paragraph 2

Text proposed by the Commission

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

Amendment

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

Justification

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

Amendment 209**Julia Reda**

on behalf of the Verts/ALE Group

Proposal for a directive**Article 3 – paragraph 2 a (new)***Text proposed by the Commission**Amendment*

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

Justification

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

Amendment 210**Eva Kaili****Proposal for a directive****Article 3 a (new)***Text proposed by the Commission**Amendment****Article 3a***

Anonymity of data should be considered as an extra layer of protection and confidentiality. Relative provisions should be put in place to anonymise data by default, when possible. Such procedures should be accompanied by a series of tests serving as a proof of anonymity. Additionally, when public sector data includes personal data, including any transaction data, it should be anonymised by default. When the end user decides not to allow the collection of their data or metadata they should be allowed to use the relative service to the extent possible, while respecting their choice.

Or. en

Amendment 211

Julia Reda

on behalf of the Verts/ALE Group

Dita Charanzová

Proposal for a directive

Chapter 2 – title

Text proposed by the Commission

Amendment

REQUESTS FOR RE-USE

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

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 212

Julia Reda

on behalf of the Verts/ALE Group

Dita Charanzová

Proposal for a directive
Article 4 – title

Text proposed by the Commission

Requirements applicable to the processing of requests for re-use

Amendment

Requirements applicable to the processing of requests for ***access to documents and*** 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 213

Julia Reda

on behalf of the Verts/ALE Group

Dita Charanzová

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

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

Amendment

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

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 214

Michal Boni

Proposal for a directive

Article 4 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 215

Julia Reda

on behalf of the Verts/ALE Group

Dita Charanzová

Proposal for a directive

Article 4 – paragraph 2

Text proposed by the Commission

2. Where no time limits or other rules regulating the timely provision of documents have been established, public sector bodies shall process the request and shall deliver the documents for re-use to the applicant or, if a licence is needed,

Amendment

2. Where no time limits or other rules regulating the timely provision of documents have been established, public sector bodies shall process the request and shall deliver the documents for re-use to the applicant or, if a licence is needed **for**

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

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

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 216 **Michal Boni**

Proposal for a directive **Article 4 – paragraph 2**

Text proposed by the Commission

2. Where no time limits or other rules regulating the timely provision of documents have been established, public sector bodies shall process the request and shall deliver the documents for re-use to the applicant or, if a licence is needed, finalise the licence offer to the applicant within a timeframe of not more than 20 working days after its receipt. This timeframe may be extended by another 20 working days for extensive or complex requests. In such cases the applicant shall be notified within three weeks after the initial request that more time is needed to process it.

Amendment

2. Where no time limits or other rules regulating the timely provision of documents have been established, public sector bodies ***and public undertakings*** shall process the request and shall deliver the documents for re-use to the applicant or, if a licence is needed, finalise the licence offer to the applicant within a timeframe of not more than 20 working days after its receipt. This timeframe may be extended by another 20 working days for extensive or complex requests. In such cases the applicant shall be notified within three weeks after the initial request that more time is needed to process it.

Amendment 217

Julia Reda

on behalf of the Verts/ALE Group

Dita Charanzová

Proposal for a directive

Article 4 – paragraph 3

Text proposed by the Commission

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

Amendment

3. In the event of a negative decision, the public sector bodies shall communicate the *within 20 working days the reasons for refusing, in full or in part, access to or re-use of a document in the form or format requested*, to the applicant on the basis of the relevant provisions of the access regime in that Member State or of the national provisions adopted pursuant to this Directive, in particular points (a) to (g) of Article 1(2) or Article 3. Where a negative decision is based on point (c) of Article 1(2), the public sector body shall include a reference to the natural or legal person who is the rightholder, where known, or alternatively to the licensor from which the public sector body has obtained the relevant material. Libraries, including university libraries, museums and archives shall not be required to include such a reference.

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 218

Michal Boni

**Proposal for a directive
Article 4 – paragraph 3**

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 219

Julia Reda

on behalf of the Verts/ALE Group

Dita Charanzová

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 220

Julia Reda

on behalf of the Verts/ALE Group

Dita Charanzová

Proposal for a directive

Article 4 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

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

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

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

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

a. The designation of information officers,

b. The establishment and maintenance of facilities for the examination of the documents required,

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

(d) public sector bodies inform the public adequately of the rights they enjoy on the basis of this Directive and as a result of existing access to information rules, laid down at national or at Union level, and to an appropriate extent provide information, guidance and advice to this end.

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 221

Dario Tamburrano, Ignazio Corrao

Proposal for a directive

Article 4 – paragraph 5 – introductory part

Text proposed by the Commission

5. The following entities shall not be required to comply with the requirements of this Article:

Amendment

5. The following entities shall not be required to comply with the requirements of this Article, ***unless the request for access or re-use is lodged by a public authority***:

Or. en

Justification

Public authorities should always be allowed to ask for access and re-use of documents held by public service operators and other entities acting in the general interest. In case their request is to be denied, the procedure laid out by this Article should be followed.

Amendment 222

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 4 – paragraph 5 – point a

Text proposed by the Commission

(a) ***public undertakings***;

Amendment

deleted

Or. en

Justification

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

Amendment 223

Michal Boni

Proposal for a directive

Article 4 – paragraph 5 – point a

Text proposed by the Commission

Amendment

(a) *public undertakings;*

deleted

Or. en

Amendment 224

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 5 – paragraph –1 (new)

Text proposed by the Commission

Amendment

-1. Member States shall make all reasonable efforts to ensure that documents to which this Directive applies are up to date, accurate and comparable.

Or. en

Justification

This amendment is needed for legal certainty, the internal logic of the text and it is inextricably linked to other admissible amendments

Amendment 225

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 5 – paragraph 1

Text proposed by the Commission

1. Without prejudice to Chapter V, public sector bodies and public undertakings shall make their documents available in any pre-existing format or language, and, where possible and appropriate, in open and machine-readable format together with their metadata. Both the format and the metadata shall, where possible, comply with formal open standards.

Amendment

1. Without prejudice to Chapter V, public sector bodies and public undertakings shall make their documents available , ***interoperable, readily findable, re-usable by electronic means***, in any pre-existing format or language, and, where possible and appropriate, in open and machine-readable format together with their metadata. Both the format and the metadata shall , where possible, comply with formal open standards.

Or. en

Justification

This amendment is inextricably linked to the introduction of public undertakings, in Article 2(3) and throughout the recast, and other admissible amendments thereto. (e.g. Recital 27).

Amendment 226

Răzvan Popa, Carlos Zorrinho

Proposal for a directive

Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Public sector bodies and public undertakings shall maintain documents referred in paragraph 1 in forms or formats that are accessible by electronic means.

Or. en

Justification

Amendment dictated by the internal logic of the text and inextricably linked with other amendments that have been accepted.

Amendment 227

Michal Boni

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

2. Paragraph 1 shall not imply an obligation for public sector bodies or public undertakings to create or adapt documents or provide extracts in order to comply with that paragraph where this would involve disproportionate effort, going beyond a simple operation.

Amendment

2. ***As long as the re-users have any possibility re-use the requested documents***, paragraph 1 shall not imply an obligation for public sector bodies or public undertakings to create or adapt documents or provide extracts in order to comply with that paragraph where this would involve disproportionate effort, going beyond a simple operation.

Or. en

Amendment 228
Neoklis Sylikiotis

Proposal for a directive
Article 5 – paragraph 4

Text proposed by the Commission

4. Public sector bodies ***and public undertakings*** shall ***make*** dynamic data ***available for re-use immediately*** after collection, via suitable Application Programming Interfaces (APIs).

Amendment

4. Public sector bodies shall ***facilitate the immediate re-use of*** dynamic data after collection, via suitable Application Programming Interfaces (APIs). ***To ensure the sustained supply of dynamic data, public sector bodies shall be supported in order to be able to provide a high level of training to their employees dealing with new technologies.***

Or. en

Amendment 229
Julia Reda
on behalf of the Verts/ALE Group

Proposal for a directive
Article 5 – paragraph 4

Text proposed by the Commission

4. Public sector bodies and public undertakings shall make dynamic data available for re-use immediately after collection, via suitable Application Programming Interfaces (APIs).

Amendment

4. Public sector bodies and public undertakings shall make dynamic data available for re-use immediately after collection, ***in real-time and without delay***, via suitable Application Programming Interfaces (APIs).

Or. en

Justification

The usefulness of dynamic data depends on their timely availability, and frequent updates.

Amendment 230

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 5 – paragraph 5

Text proposed by the Commission

5. Where making available documents immediately after collection would exceed the financial and technical capacities of the public sector body or the public undertaking, documents referred to in paragraph 4 shall be made available in a timeframe that does not unduly impair the exploitation of their economic potential.

Amendment

5. Where making available documents immediately after collection ***in real-time and without delay*** would exceed the financial and technical capacities of the public sector body or the public undertaking, documents referred to in paragraph 4 shall be made available in a timeframe that does not unduly impair the exploitation of their economic potential. ***Users shall be notified of the exact timeframe of making documents available and the frequency with which documents are updated.***

Or. en

Justification

The usefulness of dynamic data depends on their timely availability, and frequent updates.

Amendment 231

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 5 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Where applicable, public sector bodies shall reply to requests for information on the methodology used in compiling the documents, in particular the measurement procedures, methods of analysis, sampling, and pre-treatment of samples, used in compiling them, or referring to a standardised and openly available procedure used.

Or. en

Justification

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

Amendment 232

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Application Programming Interfaces

- 1. Whenever a document is made available for re-use to an applicant or when a licence is granted to an applicant, a public sector body or a public undertaking shall also make this document available for re-use through Application Programming Interfaces.**
- 2. Where a public sector body or a**

public undertaking makes documents available for re-use through an API, that body shall give unrestricted access to all users. In particular for real-time information, the public sector body or public undertaking shall also give access to past information. Where obligations for restrictions should exist in Union law, the resulting restrictions shall be justified including the legal basis, and the justification shall be made publicly available.

3. Where an API is used to make documents available, the information it contains shall be of the same scope and extent as when made available by other means.4. Public sector bodies or public undertakings shall develop and document the API and its technical specification using open standards and structured, machine-readable, and open formats.

5. Public sector bodies or public undertakings shall communicate any change to an API's technical specification in advance to users, as soon as possible and no later than 3 months before the change is implemented, except in duly justified urgent cases where the changes must be applied immediately.

6. Public sector bodies or public undertakings shall ensure that the API is consistently accessible, and at a consistent level of quality.

7. Public sector bodies or public undertakings shall make access to the API and its technical specification available under the conditions set out in Articles 5, 6, 7, 8, 9, and 10 of this Directive. Documentation shall be made available free of charge, applying as few formal restrictions and conditions as possible, but in any case under conditions no more restrictive than for the information itself.

Or. en

Justification

The access to dynamic data through APIs introduced in this recast makes further considerations necessary when it comes to requirements to these technical interfaces.

Amendment 233

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 6 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 234

Nikolay Barekov

Proposal for a directive

Article 6 – paragraph 1

Text proposed by the Commission

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

Amendment

1. ***The*** re-use of documents shall be free of charge. ***By way of exception,*** the marginal costs incurred for their reproduction, provision and dissemination, ***data storage,*** and – where applicable –

measures taken to protect commercially confidential information .

anonymisation of personal data and measures taken to protect commercially confidential information *may be recovered by the Member State.*

Or. en

Amendment 235

Martina Werner, Eugen Freund, Miapetra Kumpula-Natri

Proposal for a directive Article 6 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Re-use of documents *may* be free of charge. *However, Member States may provide that* the marginal costs incurred for their reproduction, provision and dissemination, *storage*, and – where applicable – anonymisation of personal data and measures taken to protect commercially confidential information *are recovered.*

Or. en

Amendment 236

Dario Tamburrano, Ignazio Corrao

Proposal for a directive Article 6 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Justification

Data storage and maintenance also have costs, which should be taken in due consideration as far as setting charges limited to marginal costs is concerned.

Amendment 237

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

Amendment 238

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 6 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 239

Sven Schulze, Sabine Verheyen, Angelika Niebler

Proposal for a directive

Article 6 – paragraph 2 – point –a (new)

Text proposed by the Commission

Amendment

(-a) 2a. by way of exception, documents for which the public sector body concerned is required to generate sufficient revenue to cover a substantial part of the costs relating to their collection, production, reproduction and dissemination. Those requirements shall be defined by law or by other binding rules in the Member State. In the absence of such rules, the requirements shall be defined in accordance with common administrative practice in the Member State concerned.

Or. de

Justification

The maintenance and provision of data is time-consuming and resource-intensive. It is therefore necessary and appropriate to make it possible for public sector bodies to generate sufficient revenue to cover the costs incurred thereby. This amendment is necessary for the internal logic of the text and because the amendment is inextricably linked to other admissible amendments. The maintenance and provision of data is time-consuming and resource-intensive. It is therefore necessary and appropriate to make it possible for public sector bodies to generate sufficient revenue to cover the costs incurred thereby. This amendment is necessary for the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 240

Nikolay Barekov

Proposal for a directive

Article 6 – paragraph 2 – point a

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 241

Dario Tamburrano, Ignazio Corrao

Proposal for a directive

Article 6 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

(a) public sector bodies that are required *by law or by other binding rules in the Member State* to generate revenue to cover a substantial part of their costs relating to the performance of their public tasks, *including costs relating to the collection, storage, production, reproduction and dissemination of documents that belong to the scope of application of this Directive;*

Or. en

Amendment 242

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 6 – paragraph 2 – point a

Text proposed by the Commission

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

Amendment

(a) *documents for which the* public sector *body concerned is* required *by national law* to generate *sufficient* revenue to cover *at least 70%* of their costs relating to their *collection, production, reproduction, dissemination.*

Justification

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

Amendment 243**Martina Werner, Miapetra Kumpula-Natri****Proposal for a directive****Article 6 – paragraph 2 – point a***Text proposed by the Commission*

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

Amendment

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

Or. en

Justification

Public sector bodies should be allowed to charge for the re-use of documents if they are required to generate revenue to cover any part of their costs, not just to cover a substantial part. The amendment is linked to other admissible amendments in the text.

Amendment 244**Nikolay Barekov****Proposal for a directive****Article 6 – paragraph 2 – point a a (new)***Text proposed by the Commission**Amendment*

(aa) documents for which the public sector body concerned is required by national law to generate sufficient revenue to cover at least 60% of their costs relating to their collection,

*production, reproduction, dissemination
and data storage.*

Or. en

Amendment 245

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 6 – paragraph 2 – point b

Text proposed by the Commission

Amendment

*(b) libraries, including university
libraries, museums and archives;* *deleted*

Or. en

Justification

Libraries, museums and archives undertake efforts to preserve the cultural heritage in the form of out-of-copyright (public domain) works. Allowing them to charge for the re-use of such documents would counteract their public-interest mission in making public domain materials as widely available as possible.

Amendment 246

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 6 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) public undertakings. *deleted*

Or. en

Justification

Public undertakings should adhere to the principles on charging laid out in this Article.

Amendment 247
Nikolay Barekov

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

3. In the cases referred to in points (a) and (c) of paragraph 2, the total charges shall be calculated according to objective, transparent and verifiable criteria to be laid down by the Member States. The total income from supplying and allowing re-use of documents over the appropriate accounting period shall not exceed the cost of collection, production, reproduction and dissemination, and – where applicable – anonymisation of personal data and measures taken to protect commercially confidential information, together with a reasonable return on investment. Charges shall be calculated in line with the applicable accounting principles .

Amendment

3. In the cases referred to in points (a) and (c) of paragraph 2, the total charges shall be calculated according to objective, transparent and verifiable criteria to be laid down by the Member States. The total income from supplying and allowing re-use of documents over the appropriate accounting period shall not exceed the cost of collection, production, reproduction and dissemination, **data storage** and – where applicable – anonymisation of personal data and measures taken to protect commercially confidential information, together with a reasonable return on investment. Charges shall be calculated in line with the applicable accounting principles .

Or. en

Amendment 248
Martina Werner, Theresa Griffin, Eugen Freund, Miapetra Kumpula-Natri, Răzvan Popa

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

3. In the cases referred to in points (a) and (c) of paragraph 2, the total charges shall be calculated according to objective, transparent and verifiable criteria to be laid down by the Member States. The total income from supplying and allowing re-use of documents over the appropriate accounting period shall not exceed the cost of collection, production, reproduction and

Amendment

3. In the cases referred to in points (a) and (c) of paragraph 2, the total charges shall be calculated according to objective, transparent and verifiable criteria to be laid down by the Member States. The total income from supplying and allowing re-use of documents over the appropriate accounting period shall not exceed the cost of collection, production, **storage**,

dissemination, and – where applicable – anonymisation of personal data and measures taken to protect commercially confidential information, together with a reasonable return on investment. Charges shall be calculated in line with the applicable accounting principles .

reproduction and dissemination, and – where applicable – anonymisation of personal data and measures taken to protect commercially confidential information, together with a reasonable return on investment. Charges shall be calculated in line with the applicable accounting principles .

Or. en

Justification

Storage of documents can also cause costs which should be considered in the calculation of charges. Considering that all marginal costs shall be recovered according Article 6(1) this amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 249 **Nikolay Barekov**

Proposal for a directive **Article 6 – paragraph 4**

Text proposed by the Commission

4. Where charges are made by the public sector bodies referred to in point (b) of paragraph 2, the total income from supplying and allowing re-use of documents over the appropriate accounting period shall not exceed the cost of collection, production, reproduction, dissemination, preservation and rights clearance and – where applicable – anonymisation of personal data and measures taken to protect commercially confidential information , together with a reasonable return on investment. Charges shall be calculated in line with the accounting principles applicable to the public sector bodies involved.

Amendment

4. Where charges are made by the public sector bodies referred to in point (b) of paragraph 2, the total income from supplying and allowing re-use of documents over the appropriate accounting period shall not exceed the cost of collection, production, reproduction, dissemination, **data storage**, preservation and rights clearance and – where applicable – anonymisation of personal data and measures taken to protect commercially confidential information , together with a reasonable return on investment. Charges shall be calculated in line with the accounting principles applicable to the public sector bodies involved.

Or. en

Amendment 250

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

Proposal for a directive

Article 6 – paragraph 4

Text proposed by the Commission

4. Where charges are made by the public sector bodies referred to in point (b) of paragraph 2, the total income from supplying and allowing re-use of documents over the appropriate accounting period shall not exceed the cost of collection, production, reproduction, dissemination, preservation and rights clearance and – where applicable – anonymisation of personal data and measures taken to protect commercially confidential information, together with a reasonable return on investment. Charges shall be calculated in line with the accounting principles applicable to the public sector bodies involved.

Amendment

4. Where charges are made by the public sector bodies referred to in point (b) of paragraph 2, the total income from supplying and allowing re-use of documents over the appropriate accounting period shall not exceed the cost of collection, production, reproduction, dissemination, **storage**, preservation and rights clearance and – where applicable – anonymisation of personal data and measures taken to protect commercially confidential information, together with a reasonable return on investment. Charges shall be calculated in line with the accounting principles applicable to the public sector bodies involved.

Or. en

Justification

Storage of documents can also cause costs which should be considered in the calculation of charges. Considering that all marginal costs shall be recovered according Article 6(1) this amendment is necessary for pressing reasons relating to the internal logic of the text.

Amendment 251

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 6 – paragraph 5

Text proposed by the Commission

5. The re-use of high value datasets, the list of which shall be defined in accordance with Article 13, and of research data referred to in point (c) of Article 1(1)

Amendment

5. The re-use of high value datasets, the list of which shall be defined in accordance with Article 13 **and Annex IIa**, and of research data referred to in point (c)

shall be free of charge for the user.

of Article 1(1) shall be free of charge for the user.

Or. en

Justification

Change related to changes to Article 13.

Amendment 252

Martina Werner, Theresa Griffin, Miapetra Kumpula-Natri

**Proposal for a directive
Article 6 – paragraph 5**

Text proposed by the Commission

5. The re-use of high value datasets, the list of which shall be defined in accordance with Article 13, and of research data referred to in point (c) of Article 1(1) shall be free of charge for the user.

Amendment

5. The re-use of high value datasets, the list of which shall be defined in accordance with Article 13 **and Annex IIa**, and of research data referred to in point (c) of Article 1(1) shall be free of charge for the user.

Or. en

Justification

The categories of high-value datasets should be clearly defined in an Annex to the Directive, consequently this Annex should be mentioned along with the referral to Article 13.

Amendment 253

Julia Reda

on behalf of the Verts/ALE Group

**Proposal for a directive
Article 6 – paragraph 5 a (new)**

Text proposed by the Commission

Amendment

5a. Member States shall publish, through electronic means, the list of documents referred to in point (a) of paragraph 2. The prior inclusion of a document in the list shall be a prerequisite

for invoking exceptions referred to in point (a) of paragraph 2.

Or. en

Justification

This amendment is needed to enhance legal certainty for (potential) re-users.

Amendment 254

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States shall publish a list of public sector bodies referred to in point (a) of Article 6(2). *deleted*

Or. en

Justification

Restructuring of the Article in the interest of the objectives of better legal drafting, moving paragraph 3 up to Art 6 paragraph 5a.

Amendment 255

Eva Kaili

Proposal for a directive

Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. When a private company uses public sector data that has acquired from a public authority it shall disclose the intended use(s) and shall provide with a yearly statement declaring the purposes for which the public sector data has been used and providing with information regarding the revenue generated by using

said public sector data. (article)

Or. en

Amendment 256

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

1. ***Public sector bodies and public undertakings shall not make the re-use of documents subject to conditions or a licence, unless required by law.***

Or. en

Justification

Restructuring of the Article in the interest of the objectives of better legal drafting and to add to clarity.

Amendment 257

Nikolay Barekov

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

1. ***Member States shall not make the re-use of documents subject to conditions or a licence, unless the need for such conditions or a licence is non-discriminatory, justified by a public interest objective and proportionate.***

Or. en

Amendment 258
Nikolay Barekov

Proposal for a directive
Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. *In Member States where licences are used, Member States shall ensure that standard licences for the re-use of public sector documents, which can be adapted to meet particular licence applications, are available in digital format and can be processed electronically. Member States shall encourage the use of such standard licences.*

deleted

Or. en

Amendment 259
Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive
Article 8 – paragraph 2

Text proposed by the Commission

Amendment

2. *In Member States where licences are used, Member States shall ensure that standard licences for the re-use of public sector documents, which can be adapted to meet particular licence applications, are available in digital format and can be processed electronically. Member States shall encourage the use of such standard licences.*

2. Where *the re-use of documents is subjected to conditions or a licence*, Member States shall:
(a) ensure that *such conditions or licences do not unnecessarily restrict possibilities for re-use or competition and that data be released under the least restrictive conditions or licensing terms, including the possibility to dedicate documents to the public domain;*
(b) *evaluate whether commonly used, open licences exist that meet those requirements. Member States shall then use the most commonly used and least restrictive compatible licence or licences;*

(c) **encourage the use of** standard **open** licences for the re-use of public sector documents **and ensure that licences** are available in digital **form** and can be **accessed** electronically.

Or. en

Justification

Justification: Restructuring of the Article in the interest of the objectives of better legal drafting and to add to clarity. Further, in the recast, the Commission adds wording on “legal or practical arrangements, ... restricting the availability for re-use of documents” in Article 12(4) as well as on “observing .. relevant obligations .. in particular .. licences” in Recital (22).

Amendment 260

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The Commission and Member States shall 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 shall make practical arrangements to aggregate datasets at Union level.

Or. en

Justification

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

Amendment 261
Neoklis Sylikiotis

Proposal for a directive
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States and public sector bodies shall be able to benefit from relevant Union funds and programmes aimed at digitizing Europe, a wide use of digital technologies and the digital transformation of public administration and public services or facilitating access to technology and knowhow in their efforts to make data easily available for re-use."

Or. en

Amendment 262
Eva Kaili

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall support the availability of research data by adopting national policies and relevant actions aiming at making publicly funded research data openly available ('open access policies'). These open access policies shall be addressed to research performing organisations and research funding organisations.

1. Member States shall support the availability of research data by adopting national policies and relevant actions aiming at making publicly funded research data openly available ('open access policies'). These open access policies shall be addressed to research performing organisations and research funding organisations. ***The EU should guarantee that all researchers funded by the EU funding schemes (ERC, EIT), - whether EU nationals themselves or not - should be obliged to make their research (non-personal data) openly available for re-use in the EU-member states.***

Amendment 263
Michal Boni

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

1. Member States shall support the availability of research data by adopting national policies and relevant actions aiming at making publicly funded research ***data openly available ('open access policies')***. These open access policies shall be addressed to research performing organisations and research funding organisations.

Amendment

1. Member States shall support the availability of research data by adopting national policies and relevant actions aiming at making publicly funded research ***FAIR (findable, accessible, interoperable, re-usable). All partially or fully publicly-funded research data should be made open by default, with any restrictions.*** These open access policies shall be addressed to research performing organisations and research funding organisations.

Amendment 264
Dario Tamburrano, Ignazio Corrao

Proposal for a directive
Article 10 – paragraph 1

Text proposed by the Commission

1. Member States shall support the availability of research data by adopting national policies and relevant actions aiming at making publicly funded research data openly available ('open access policies'). These open access policies shall be addressed to research performing organisations and research funding organisations.

Amendment

1. Member States shall support the availability of research data by adopting national policies and relevant actions aiming at making publicly funded research data ***and data related to preparatory studies of projects financed, in whole or in part, by public funding*** openly available ('open access policies'). These open access policies shall be addressed to research performing organisations and research funding organisations.

Amendment 265
Dario Tamburrano, Ignazio Corrao

Proposal for a directive
Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that research data, including their metadata, shall be open by design and by default. Any conditions restricting access and re-use of such data shall be duly justified and published, through electronic means where possible and appropriate.

Or. en

Amendment 266
Michal Boni

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

Amendment

2. Research data shall be re-usable for commercial or non-commercial purposes under the conditions set out in Chapters III and IV, insofar as they are publicly funded and whenever access to such data is provided through an institutional or subject-based **repository**. In this context, legitimate commercial interests and pre-existing intellectual property rights shall be taken into account. This provision shall be without prejudice to point (c) of Article 1(2).

2. Research data shall be re-usable for commercial or non-commercial purposes under the conditions set out in Chapters III and IV, insofar as they are publicly funded and whenever access to such data is provided through an institutional or subject-based **repositories or other local, national or international data infrastructure**. In this context, legitimate commercial interests, **knowledge transfer activities** and pre-existing intellectual property rights shall be taken into account. This provision shall be without prejudice to point (c) of Article 1(2).

Or. en

Amendment 267

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 11 – paragraph 2

Text proposed by the Commission

2. *If* documents are re-used by *a* public sector *body* as input for *its* commercial activities which fall outside the scope of *its* public tasks, the same charges and other conditions shall apply to the supply of the documents for those activities as apply to other users.

Amendment

2. *Where* documents are re-used by public sector *bodies or public undertakings* as input for commercial activities which fall outside the scope of *their* public tasks, the same charges and other conditions shall apply to the supply of the documents for those activities as apply to other users.

Or. en

Justification

This amendment is inextricably linked to the introduction of public undertakings, in Article 2(3) and throughout the recast, and other admissible amendments thereto.

Amendment 268

Martina Werner, Miapetra Kumpula-Natri, Theresa Griffin

Proposal for a directive

Article 12 – paragraph 1

Text proposed by the Commission

1. The re-use of documents shall be open to all potential actors in the market, even if one or more market actors already exploit added-value products based on these documents. Contracts or other arrangements between the public sector bodies or public undertakings holding the documents and third parties shall not grant exclusive rights.

Amendment

1. The re-use of documents shall be open to all potential actors in the market, even if one or more market actors already exploit added-value products based on these documents. Contracts or other arrangements between the public sector bodies or public undertakings holding the documents and third parties shall not grant exclusive rights *where reasonably possible. Existing exemptions pursuant to Article 11 of Directive 2014/24/EU as well as partnerships in the spirit of Article 31*

of Directive 2015/24/EU shall be fully taken into account.

Or. en

Amendment 269

Sven Schulze, Sabine Verheyen, Angelika Niebler

Proposal for a directive

Article 12 – paragraph 1

Text proposed by the Commission

1. The re-use of documents shall be open to all potential actors in the market, even if one or more market actors already exploit added-value products based on these documents. Contracts or other arrangements between the public sector bodies or public undertakings holding the documents and third parties shall not grant exclusive rights.

Amendment

1. The re-use of documents shall be open to all potential actors in the market, even if one or more market actors already exploit added-value products based on these documents. Contracts or other arrangements between the public sector bodies or public undertakings holding the documents and third parties shall *where possible* not grant exclusive rights. *Any existing exemptions from procurement legislation under Article 11 of Directive 2014/24/EU and innovation partnerships as defined in Article 31 of Directive 2014/24/EU shall be taken into account.*

Or. de

Justification

In order to promote innovation, many agreements should still be possible. This amendment is necessary for the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 270

Răzvan Popa, Carlos Zorrinho

Proposal for a directive

Article 12 – paragraph 1

Text proposed by the Commission

1. The re-use of documents shall be

AM\1165640EN.docx

Amendment

1. The re-use of documents shall be

67/103

PE628.688v01-00

open to all potential actors in the market, even if one or more market actors already exploit added-value products based on these documents. Contracts or other arrangements between the public sector bodies or public undertakings holding the documents and third parties shall not grant exclusive rights.

open to all potential actors in the market, even if one or more market actors already exploit added-value products based on these documents. Contracts or other arrangements between the public sector bodies or public undertakings holding the documents and third parties shall not grant exclusive rights *nor any preferential use of the data*.

Or. en

Amendment 271
Nikolay Barekov

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

1. The re-use of documents shall be open to all potential *actors* in the market, even if one or more *market actors* already exploit added-value products based on these documents. Contracts or other arrangements between the public sector bodies or public undertakings holding the documents and third parties shall not grant exclusive rights.

Amendment

1. The re-use of documents shall be open to all potential *users* in the market, even if one or more *users* already exploit added-value products based on these documents. Contracts or other arrangements between the public sector bodies or public undertakings holding the documents and third parties shall not grant exclusive rights.

Or. en

Amendment 272
Julia Reda
on behalf of the Verts/ALE Group

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

1. The re-use of documents shall be open to all potential *actors* in the market, even if one or more *market actors* already

Amendment

1. The re-use of documents shall be open to all potential *users* in the market, even if one or more *users* already exploit

exploit added-value products based on these documents. Contracts or other arrangements between the public sector bodies or public undertakings holding the documents and third parties shall not grant exclusive rights.

added-value products based on these documents. Contracts or other arrangements between the public sector bodies or public undertakings holding the documents and third parties shall not grant exclusive rights.

Or. en

Justification

“Users” instead of “actors” to add to the consistency of the text. This amendment further is inextricably linked to the introduction of public undertakings, in Article 2(3) and throughout the recast, and other admissible amendments thereto.

Amendment 273

Martina Werner, Miapetra Kumpula-Natri

Proposal for a directive

Article 12 – paragraph 2 – subparagraph 1

Text proposed by the Commission

However, where an exclusive right is necessary for the provision of a service in the public interest, the validity of the reason for granting such an exclusive right shall be subject to regular review, and shall, in any event, be reviewed every three years. The exclusive arrangements established after the entry into force of this Directive shall be made publicly available at least two months before their coming into effect. The final terms of such arrangements shall be transparent and made publicly available .

Amendment

However, where an exclusive right is necessary for the provision of a service in the public interest, ***where the holder of the exclusive right is a public company fully or partially owned by the public authority or undertaking in question or where the provision of documents is necessary for the holder of the exclusive right to deliver consultancy services to the public authority or undertaking***, the validity of the reason for granting such an exclusive right shall be subject to regular review, and shall, in any event, be reviewed every three years. The exclusive arrangements established after the entry into force of this Directive shall be made publicly available at least two months before their coming into effect. The final terms of such arrangements shall be transparent and made publicly available .

Or. en

Amendment 274

Răzvan Popa, Carlos Zorrinho

Proposal for a directive

Article 12 – paragraph 4

Text proposed by the Commission

4. Legal or practical arrangements that, without expressly granting an exclusive right, aim at or could reasonably be expected to lead to a restricted availability for re-use of documents by entities other than the third party participating in the arrangement, shall be made publicly available at least two months before their coming into effect. The final terms of such arrangements shall be transparent and made publicly available.

Amendment

4. Legal or practical arrangements that, without expressly granting an exclusive right, aim at or could reasonably be expected to lead to a restricted availability for re-use of documents by entities other than the third party participating in the arrangement, shall be made publicly available at least two months before their coming into effect. The final terms of such arrangements shall be transparent and made publicly available. ***Those legal or practical arrangements shall be subject to regular review by public bodies or public undertakings, and shall, in any event, be reviewed every three years.***

Or. en

Justification

This amendments aims to avoid that legal or practical arrangement have a more advantageous treatment that exclusive arrangement of paragraph 2 and therefore should be submitted to regular review

Amendment 275

Michal Boni

Proposal for a directive

Article 12 – paragraph 4

Text proposed by the Commission

4. Legal or practical arrangements that, without expressly granting an exclusive right, aim at or could reasonably be expected to lead to a restricted

Amendment

4. Legal or practical arrangements that, without expressly granting an exclusive right, aim at or could reasonably be expected to lead to a restricted

availability for re-use of documents by entities other than the third party participating in the arrangement, shall be made publicly available at least two months before their coming into effect. The final terms of such arrangements shall be transparent and made publicly available.

availability for re-use of documents by entities other than the third party participating in the arrangement, shall be made publicly available at least two months before their coming into effect. The final terms of such arrangements shall be transparent and made publicly available *in compliance with competition law within the limits of public security*.

Or. en

Amendment 276
Angelika Niebler

Proposal for a directive
Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

List of high value datasets

- 1. With a view to achieving the objectives of this Directive, the Commission shall adopt the list of high value datasets among the documents to which this Directive applies, together with the modalities of their publication and re-use.*
- 2. These datasets shall be available for free, machine-readable and accessible via APIs. The conditions for re-use shall be compatible with open standard licences.*
- 3. By way of exception, the free availability referred to in paragraph 2 shall not apply to high-value datasets of public undertakings if the impact assessment referred to in Article 13(7) shows that making the datasets available for free will lead to a considerable distortion of competition in the respective markets.*

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

- a. any conditions for re-use;**
- b. formats of data and metadata and technical modalities of their publication and dissemination.**

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

6. The measures referred to in this Article shall be adopted by the Commission by means of a delegated act in accordance with Article 290 of the TFEU and subject to the procedure laid down in Article 14.

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

Or. de

Amendment 277
Françoise Grossetête

Proposal for a directive
Article 13 – title

Text proposed by the Commission

Amendment

List of high value datasets

List of *categories for* high value datasets

Or. en

Amendment 278

Răzvan Popa, Carlos Zorrinho

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 279

Michal Boni

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

Amendment

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

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

the list of high value datasets among the documents to which this Directive applies, together with the modalities of their publication and re-use.

Or. en

Amendment 280

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

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

Amendment 281

Martina Werner, Miapetra Kumpula-Natri, Theresa Griffin

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

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

Amendment

1. With a view to achieving the objectives of this Directive, ***a list of categories for high value datasets is set out in Annex IIa***. The Commission shall adopt the list of high value datasets ***from the categories*** together with the modalities of their publication and re-use.

Or. en

Justification

The definition of a high value dataset should not be left indiscriminately to the Commission. Annex IIa establishes a list of categories from which the Commission may source their list of high-value datasets, in order to provide a frame of reference and foreseeability to the public bodies and undertakings.

Amendment 282

Françoise Grossetête

Proposal for a directive

Article 13 – paragraph 1

Text proposed by the Commission

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

Amendment

1. With a view to achieving the objectives of this Directive, the Commission shall adopt ***a list of categories for high value datasets, and Member States shall set*** the list of high value datasets ***from the categories adopted by the Commission***.

Or. en

Amendment 283

Adam Gierek

Proposal for a directive
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States should set the list of high value datasets from the categories adopted by the Commission.

Or. en

Justification

Member States are best suited to define their own list of high value datasets together with the modalities of their publication and re use. The European Commission's role should be limited to the adoption of a list of categories for high value datasets, allowing Member States to define a list taking into account their local specificities. Obligations must correspond to a given moment and a given location to a social need.

Amendment 284
Adam Gierek

Proposal for a directive
Article 13 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Each Member State shall notify to the Commission the adoption of a list of high value datasets

Or. en

Justification

Member States should set their own list of high value datasets and notify the European Commission.

Amendment 285
Julia Reda
on behalf of the Verts/ALE Group

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

Or. en

Justification

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

Amendment 286

Răzvan Popa, Carlos Zorrinho

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

Amendment

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

2. High Value Data set listed in Annex II shall be available for free, machine-readable and accessible via APIs. The conditions for re-use shall be compatible with open standard licences. The Commission shall be empowered to adopt delegated acts in accordance with article 14 to supplement the list of high Value data sets together with the conditions and modalities of their publication and re-use.

Or. en

Amendment 287

Adam Gierek

Proposal for a directive
Article 13 – paragraph 2

Text proposed by the Commission

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

Amendment

2. *The modalities of publication and re-use of high value datasets shall be defined by Member States.*

Or. en

Justification

This amendment is needed to for the internal logic of the text and because the amendment is inextricably linked to other admissible amendments. Member States should set their own list of high value datasets together with the modalities of their publication and re use.

Amendment 288
Răzvan Popa, Carlos Zorrinho

Proposal for a directive
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. *For the purposes of paragraph 2, the Commission shall carry out a public consultation with stakeholders and all interested parties and shall take into account potential effects on competition where public undertakings operate in competitive markets.*

Or. en

Amendment 289
Neoklis Sylikiotis

Proposal for a directive
Article 13 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The high value datasets may include a comprehensive selection of permissible formats for each type of data and technical modalities of dissemination.

Or. en

Justification

It is important to underline that the public sector and the undertakings will have the right to select from a broad list of open, machine-readable standard formats for each type of data.

Amendment 290

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 13 – paragraph 3

Text proposed by the Commission

Amendment

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

Or. en

Justification

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

Amendment 291

Michal Boni

Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

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

Amendment

3. By way of exception, the free availability referred to in paragraph 2 shall not apply to high-value datasets of public undertakings if the impact assessment referred to in Article 13(7) shows that making the datasets available for free will lead to a considerable distortion of competition in the respective markets. ***In the process of conducting Impact Assessment, a national competition authority, competent on a respective market of Member State, might be consulted.***

Or. en

Amendment 292
Françoise Grossetête

Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 293
Julia Reda
on behalf of the Verts/ALE Group

Proposal for a directive
Article 13 – paragraph 4

Text proposed by the Commission

Amendment

- 4. In addition to the conditions set out in paragraph 2, the Commission may define other applicable modalities, in particular**
- a. any conditions for re-use;**
 - b. formats of data and metadata and technical modalities of their publication and dissemination.**

deleted

Or. en

Justification

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

Amendment 294

Julia Reda

on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

- a. any conditions for re-use;**

deleted

Or. en

Justification

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

Amendment 295

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 13 – paragraph 4 – point b

Text proposed by the Commission

Amendment

b. formats of data and metadata and technical modalities of their publication and dissemination. ***deleted***

Or. en

Justification

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

Amendment 296

Răzvan Popa, Carlos Zorrinho

Proposal for a directive

Article 13 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

ba. The Commission may adapt the conditions for re-use of data when these could represent a competitive disadvantage in the provision of the service by the public undertaking.

Or. en

Amendment 297

Michal Boni

Proposal for a directive
Article 13 – paragraph 5

Text proposed by the Commission

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

Amendment

5. The selection of the list **of categories** referred to in paragraph 1 shall be based on the assessment of their potential to generate socio-economic benefits, the number of users and the revenues they may help generate, and their potential for being combined with other datasets. ***The provided list in Annex Ia is not exhaustive and may be expanded through delegated act, where appropriate;***

Or. en

Amendment 298

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive
Article 13 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The definition of High Value Datasets are essential to the aim of this Directive. The Commission should therefore start off with a list of categories of datasets recognised as important by the legislator, that it can amend and enhance with concrete datasets. The list is added in Annex Ia and thus requires changes to the measures in this Article. Interested

parties should be consulted and should have the possibility to actively contribute to the processes of amending the categories and finding concrete datasets.

Amendment 299

Răzvan Popa, Carlos Zorrinho

Proposal for a directive

Article 13 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 300

Françoise Grossetête

Proposal for a directive

Article 13 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 301

Martina Werner, Theresa Griffin, Miapetra Kumpula-Natri

Proposal for a directive
Article 13 – paragraph 5

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

Added innovation, since the primary goal of this recast is to facilitate innovation. At the same time, socio-economic benefits should be significant in order for datasets to qualify as high-value.

Amendment 302
Barbara Kappel

Proposal for a directive
Article 13 – paragraph 6

Text proposed by the Commission

6. The measures referred to in this Article shall be adopted by the Commission by means of **a delegated** act in accordance with Article **290** of the TFEU and subject to the procedure laid down in Article 14.

Amendment

6. The measures referred to in this Article shall be adopted by the Commission by means of **an implementing** act in accordance with Article **291** of the TFEU and subject to the procedure laid down in Article 14.

Or. en

Amendment 303
Dario Tamburrano, Ignazio Corrao

Proposal for a directive
Article 13 – paragraph 7

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 304

Françoise Grossetête

Proposal for a directive

Article 13 – paragraph 7

Text proposed by the Commission

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

Amendment

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

Or. en

Amendment 305
Michal Boni

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

Text proposed by the Commission

Amendment

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

Or. en

Amendment 306
Julia Reda
on behalf of the Verts/ALE Group

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

Text proposed by the Commission

Amendment

7a. For the purposes of paragraph 7, the Commission shall carry out public consultations with all interested parties, including public sector bodies, public undertakings, data users and re-users, research organisations, civil society groups, and representative organisations. All interested parties shall be given the possibility to submit suggestions to the Commission for additional categories of high value datasets or concrete datasets.

The Commission shall take these into account, or provide the interested party with reasons for not taking into account the suggestion.

Or. en

Justification

The definition of High Value Datasets are essential to the aim of this Directive. The Commission should therefore start off with a list of categories of datasets recognised as important by the legislator, that it can amend and enhance with concrete datasets. The list is added in Annex Ia and thus requires changes to the measures in this Article.

Interested parties should be consulted and should have the possibility to actively contribute to the processes of amending the categories and finding concrete datasets.

Amendment 307

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

Proposal for a directive

Article 13 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. For the purpose of adopting the list of high value datasets, the Commission shall carry out a public consultation with all interested stakeholders including in particular public sector bodies, public undertakings and social partners.

Or. en

Justification

Stakeholders should be involved in defining high-value datasets.

Amendment 308

Angelika Niebler

Proposal for a directive

Article 14

Article 14

deleted

Exercise of the delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.***
- 2. The power to adopt delegated acts referred to in Article 13 shall be conferred on the Commission for a period of five years from [date of entry into force of the Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.***
- 3. The delegation of power referred to in Article 13 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.***
- 4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.***
- 5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.***
- 6. A delegated act adopted pursuant to Article 13 shall enter into force only if***

no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. de

Amendment 309
Barbara Kappel

Proposal for a directive
Article 14

Text proposed by the Commission

Amendment

Article 14

deleted

Exercise of the delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.*
- 2. The power to adopt delegated acts referred to in Article 13 shall be conferred on the Commission for a period of five years from [date of entry into force of the Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.*
- 3. The delegation of power referred to in Article 13 may be revoked at any time by the European Parliament or by*

the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

6. A delegated act adopted pursuant to Article 13 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Or. en

Amendment 310
Barbara Kappel

Proposal for a directive
Article 14 – title

Text proposed by the Commission

14 *Exercise of the delegation*

Amendment

14 *1. The power to adopt implementing acts is conferred on the*

Commission subject to the conditions laid down in this Article.2. When adopting implementing acts, the examination procedure as laid down in Article 5 of the Regulation (EU) No. 182/2011 applies and the Commission is supported by a Committee in accordance with this Regulation.

3. If the Committee cannot take a decision as laid down in Article 5 of the Regulation (EU) No. 182/2011, the Commission may not adopt the implementing act.

Or. en

Amendment 311

Eugen Freund, Martina Werner

Proposal for a directive

Article 14 – paragraph 2

Text proposed by the Commission

2. The power to adopt *delegated* acts referred to in Article 13 shall be conferred on the Commission for a period of five years from [date of entry into force of the Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

Amendment

2. The power to adopt *implementing* acts referred to in Article 13 shall be conferred on the Commission for a period of five years from [date of entry into force of the Directive]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. *In preparing implementing acts, rights to participate in decision-making shall be respected and the financial and human resources required for the effective exercise of such rights shall be provided; the European social partners shall be involved in the preparatory process.*

Or. de

Justification

The delegation of power to the Commission enabling it to issue delegated acts listing data that must be made available completely freely (cf. Article 13(2)) goes too far. Delegated acts circumvent the essential role of the European Parliament and the Council in the ordinary legislative procedure and for this reason are not transparent. Implementing acts provide greater opportunities for scrutiny and involvement in decision-making than delegated acts.

Amendment 312

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 14 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 13 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **two** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **two** months at the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to Article 13 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **three** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **three** months at the initiative of the European Parliament or of the Council.

Or. en

Justification

In order to allow for proper preparation, the period should be extended

Amendment 313

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 16 – paragraph 1

Text proposed by the Commission

1. ***No sooner than four years*** after the date of transposition of this Directive, the Commission shall carry out an evaluation of this Directive and present a Report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. The evaluation shall be conducted according to the Commission's better regulation Guidelines⁴⁷. Member States shall provide the Commission with the information necessary for the preparation of that Report

⁴⁷ SWD (2017)350

Amendment

1. ***[By 36 months*** after the date of transposition of this Directive] ***and at the latest every five years thereafter***, the Commission shall carry out an evaluation of this Directive and present a Report on the main findings to the European Parliament, the Council and the European Economic and Social Committee. The evaluation shall be conducted according to the Commission's better regulation Guidelines⁴⁷. Member States shall provide the Commission with the information necessary for the preparation of that Report

⁴⁷ SWD (2017)350

Or. en

Justification

The evaluation should be timely.

Amendment 314
Neoklis Sylikiotis

Proposal for a directive
Article 16 – paragraph 2

Text proposed by the Commission

2. The evaluation shall in particular address the scope and impact of this Directive, including the extent of the increase in re-use of public sector documents to which this Directive applies, the effects of the principles applied to charging and the re-use of official texts of a legislative and administrative nature, the re-use of documents held by other entities than public sector bodies, the interaction between data protection rules and re-use possibilities, as well as further possibilities of improving the proper functioning of the

Amendment

2. The evaluation shall in particular address the scope and ***the socio-economic*** impact of this Directive, including the extent of the increase in re-use of public sector documents to which this Directive applies, ***especially by SMEs, the impact of the high values datasets***, the effects of the principles applied to charging and the re-use of official texts of a legislative and administrative nature, the re-use of documents held by other entities than public sector bodies, the interaction between data protection rules and re-use

internal market and the development of the European data economy .

possibilities, as well as further possibilities of improving the proper functioning of the internal market and the development of the European data economy *and the impact on the labour market.*

Or. en

Amendment 315

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 16 – paragraph 2

Text proposed by the Commission

2. The evaluation shall in particular address the scope *and* impact of this Directive, including the extent of the increase in re-use of public sector documents to which this Directive applies , the effects of the principles applied to charging and the re-use of official texts of a legislative and administrative nature, the re-use of documents held by other entities than public sector bodies, the interaction between data protection rules and re-use possibilities, as well as further possibilities of improving the proper functioning of the internal market and the development of the European data economy .

Amendment

2. The evaluation shall in particular address the scope, *civic and socio-economic* impact of this Directive, including the extent of the increase in re-use of public sector documents to which this Directive applies , *the impact of high value datasets*, the effects of the principles applied to charging and the re-use of official texts of a legislative and administrative nature, the re-use of documents held by other entities than public sector bodies, *the availability and the use of APIs*, the interaction between data protection rules and re-use possibilities, as well as further possibilities of improving the proper functioning of the internal market and the development of the European data economy .

Or. en

Justification

This amendment is inextricably linked to the introduction of High Value Datasets in the recast and amendments thereto, further, they have been introduced in particular because of their civic and socio-economic benefits, therefore these should be highlighted.

Amendment 316
Răzvan Popa, Carlos Zorrinho

Proposal for a directive
Article 16 – paragraph 2

Text proposed by the Commission

2. The evaluation shall in particular address the scope and impact of this Directive, including the extent of the increase in re-use of public sector documents to which this Directive applies , the effects of the principles applied to charging and the re-use of official texts of a legislative and administrative nature, the re-use of documents held by other entities than public sector bodies, the interaction between data protection rules and re-use possibilities, as well as further possibilities of improving the proper functioning of the internal market and the development of the European data economy .

Amendment

2. The evaluation shall in particular address the scope and impact of this Directive, including the extent of the increase in re-use of public sector documents to which this Directive applies , the effects of the principles applied to charging and the re-use of official texts of a legislative and administrative nature, the re-use of documents held by other entities than public sector bodies, the ***extension of the access request provisions of this Directive to public undertakings*** the interaction between data protection rules and re-use possibilities, as well as further possibilities of improving the proper functioning of the internal market and the development of the European data economy .

Or. en

Amendment 317
Dario Tamburrano, Ignazio Corrao

Proposal for a directive
Article 16 – paragraph 2

Text proposed by the Commission

2. The evaluation shall in particular address the scope and impact of this Directive, including the extent of the increase in re-use of public sector documents to which this Directive applies , the effects of the principles applied to charging and the re-use of official texts of a legislative and administrative nature, the re-use of documents held by other entities

Amendment

2. The evaluation shall in particular address the scope and ***socio-economic*** impact of this Directive, including the extent of the increase in re-use of public sector documents to which this Directive applies , the effects of the principles applied to charging and the re-use of official texts of a legislative and administrative nature, the re-use of

than public sector bodies, the interaction between data protection rules and re-use possibilities, as well as further possibilities of improving the proper functioning of the internal market and the development of the European data economy .

documents held by other entities than public sector bodies, the *availability and use of APIs, the* interaction between data protection rules and re-use possibilities, as well as further possibilities of improving the proper functioning of the internal market and the development of the European data economy .

Or. en

Amendment 318

Dario Tamburrano, Ignazio Corrao

Proposal for a directive

Article 16 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall submit a report every 3 years to the Commission on the availability of public sector information for re-use, the conditions under which it is made available, including the use and availability of APIs, and the national open access policies and relevant actions.

Or. en

Amendment 319

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Article 16 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where appropriate, the report referred to in paragraph 1 shall be accompanied by relevant proposals.

Or. en

Justification

The Commission is encouraged to accompany evaluations with relevant proposals.

Amendment 320

Michal Boni

Proposal for a directive

Annex I a (new)

Text proposed by the Commission

Amendment

Category:

- Geospatial data

Examples of Datasets: Postcodes, national and local maps (cadastral, topographic, marine, administrative boundaries, etc.)

- Earth observation and Environment

Examples of Datasets: Space and in situ data (monitoring of weather, land and water quality, energy consumption, emission levels, etc.)

- Transport data

Examples of Datasets: Public transport timetables (all modes of transport) at national, regional and local levels, road works, traffic information, etc.

- Statistics

Examples of Datasets: National, regional and local statistical data with main demographic and economic indicators (GDP, age, health, unemployment, income, education, etc.)

- Companies

Examples of Datasets: Company and business registers (lists of registered companies, ownership and management data, registration identifiers, balance sheets, etc.)

Or. en

Justification

The list added at Annex is the same list as recommended by the European Commission following extensive consultation in its 2014 Guidelines to Member States of priority datasets for release.

Amendment 321

Julia Reda

on behalf of the Verts/ALE Group

Proposal for a directive

Annex II a (new)

Text proposed by the Commission

Amendment

List of high value datasets

Budget and Spending: Past, planned, and ongoing expenditure and subsidies at transaction level (detailed records of spending on all levels of government, law courts and consumer protection authorities)

Companies: Company and business registers (lists of registered companies, legal form, ownership and management data, registration identifiers, balance sheets)

Crime and Justice: Statistics on criminal investigations (e.g. reports filed, cases opened, applications rejected; court statistics (e.g. cases opened, cases rejected, results in sentences, acquittals, instances, judgements on appeals, length of proceedings); deals with the prosecution; life after sentencing (e.g. prison and conditional sentences, monetary fines; Definitions of groups of crime; Litigious civil and commercial cases, in particular on money laundering (e.g. cases opened, cases rejected, results in sentences, acquittals, instances, judgement on appeals, length of proceedings)Administrative decisions by consumer protection authorities (incl. e.g. length of proceedings)Use of Information

and Communication Technology (ICT) between courts and lawyers;

Earth observation and environment:

Space and in situ data: meteorological: weather forecasts (e.g. temperature, precipitation, wind and atmospheric pressure), weather observation data, air, land, and water quality: (detailed concentration of pollutants, especially those established or suspected of being harmful to human and animal health, as well as for other organisms; quality of water, measured at the source, in particular but not restricted to water designated for the use in food systems), energy consumption, emission levels

Elections for public offices: Full results of all electoral contests for public office by constituency, district or other relevant administrative division; including majorities and minorities, as well as registered, invalid, spoilt votes, and further polling station data

Geospatial data: Spatial data subject to Directive 2007/2/EC (INSPIRE), including postcodes, national and local maps (cadastral, topographic, marine, administrative boundaries, at a scale of at least 1:20.000 (1cm ~ 200m))

National Law: Legislative, regulatory and administrative measures; Draft measures, including procedural information related to their adoption; Measures which have been amended, repealed or are no longer in force; Accompanying documents, such as explanatory statements, impact assessments, opinions of advisory bodies and voting records; Case law.

Public procurement: Past and current tenders and awards on all levels of administration, aggregated by office, in all states (e.g. open, closed, cancelled)

Statistics: National, regional and local statistical data with main demographic and economic indicators (GDP, age, unemployment, income, education); democracy and rule of law indicators (e.g.

perceived independence of courts and judges among the general public and companies, reasons for perceived lack of independence among the general public and companies); perceived corruption among the general public and companies, reasons for perceived corruption among the general public and companies
Transport: Public transport timetables (all modes of transport) at national, regional, local levels, and cross-border; delays in public transport (all modes of transport); public transport usage data (including from surveys on the potential usage); road works, or works on other public transport infrastructure; traffic information (in real time where available)

Or. en

Justification

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

Amendment 322

Răzvan Popa, Carlos Zorrinho

Proposal for a directive

Annex II a (new)

Text proposed by the Commission

Amendment

List of high values datasets (new)

1. Transport data

Public transport timetables of all modes of transport, information on public works and state of transport network including traffic information.

2. Geospatial Data -

Postcodes, national and local maps including cadastral, topographic, marine, administrative boundaries

3. Earth observation and environment

Space and situ data including monitoring of weather, land and water quality, energy consumption, emission levels

4. Statistics -

National, regional and local statistical data with main demographic and economic indicators -(GDP, age, unemployment, income, education)

5. Companies - Company and business registers including list of registered companies, ownership and management data, registration identifiers

6. Maps

geographic mapping data, including routes, access ways, roads or other ways of traveling

7. Meteorological data

weather forecasts, rain, wind and atmospheric pressure

Or. en

Amendment 323

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

Proposal for a directive

Annex II a (new)

Text proposed by the Commission

Amendment

List of categories for high value datasets

1. Geospatial Data - Examples of datasets - Postcodes, national and local maps (cadastral, topographic, marine, administrative boundaries)

2. Earth observation and environment - Examples of datasets - Space and situ

data (monitoring of weather, land and water quality, energy consumption, emission levels)

3. Statistics - National, regional and local statistical data with main demographic and economic indicators (GDP, age, unemployment, income, education)

4. Companies - Company and business registers (list of registered companies, ownership and management data, registration identifiers)

5. Budget and Spending - Examples of datasets - planned and ongoing expenditure and subsidies, records of spending

6. Public procurement - Past and current tenders

Or. en

Justification

Establishes a list of categories from which the Commission can adopt the list of high-value datasets in order to provide a clearly defined scope. The amendment is inextricably linked to other admissible amendments in the text.