



2018/0111(COD)

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AMENDMENTS

32 - 141

Draft opinion

Julia Reda

(PE623.902v01-00)

Re-use of public sector information (recast)

Proposal for a directive

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

Amendment 32
Dita Charanzová, Jasenko Selimovic

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) Directive 2003/98/EC of the European Parliament and of the Council²⁸ has been substantially amended. Since further amendments are to be made, that Directive should be recast in the interests of clarity.

²⁸ Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345, 31.12.2003, p. 90).

Amendment

(1) Directive 2003/98/EC of the European Parliament and of the Council²⁸ has been substantially amended^{28a}. Since further amendments are to be made, that Directive should be recast in the interests of clarity.

²⁸ Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information (OJ L 345, 31.12.2003, p. 90).

^{28a} *See Annex I, Part A.*

Or. en

Justification

Technical amendment.

Amendment 33
Dita Charanzová, Jasenko Selimovic

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) The substantive changes introduced to the legal text so as to fully exploit the potential of public sector information for the European economy and society focus on the following areas: the provision of real-time access to dynamic data via adequate technical means, increasing the supply of high-value public data for re-use, including from public undertakings,

Amendment

(4) The substantive changes introduced to the legal text so as to fully exploit the potential of public sector information for the European economy and society focus on the following areas: the provision of real-time access to dynamic data via adequate technical means, increasing the supply of high-value public data for re-use, including from public undertakings,

research performing **organisations and** research funding organisations, tackling the emergence of new forms of exclusive arrangements, the use of exceptions to the principle of charging the marginal cost and the relationship between this Directive and certain related legal instruments, including Directive 96/9/EC³¹ and Directive 2007/2/EC of the European Parliament and of the Council³² .

research performing **organisations and** research funding organisations, tackling the emergence of new forms of exclusive arrangements, the use of exceptions to the principle of charging the marginal cost and the relationship between this Directive and certain related legal instruments, including Directive 96/9/EC³¹, **2003/4/EC^{31a}** and Directive 2007/2/EC of the European Parliament and of the Council³² .

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

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

^{31a} Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41/26, 14.2.2003).

³² Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p.1).

³² Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p.1).

Or. en

Justification

This amendment is needed to for the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 34 **Richard Sulík**

Proposal for a directive **Recital 4**

Text proposed by the Commission

(4) The substantive changes introduced to the legal text so as to fully exploit the potential of public sector information for

Amendment

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

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

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

³² Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p.1).

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

³² Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) (OJ L 108, 25.4.2007, p.1).

Or. en

Amendment 35

Evelyne Gebhardt, Lucy Anderson, Nicola Danti

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) The public sector in the Member States collects, produces, reproduces and disseminates a wide range of information in many areas of activity, such as social, economic, geographical, weather, tourist, business, patent and educational information. Documents produced by

Amendment

(6) The public sector in the Member States collects, produces, reproduces and disseminates a wide range of information in many areas of activity, such as social, economic, geographical, weather, tourist, business, patent and educational information. Documents produced by

public sector bodies of executive, legislative or judicial nature constitute a vast, diverse and valuable pool of resources that can benefit the knowledge economy.

public sector bodies of executive, legislative or judicial nature constitute a vast, diverse and valuable pool of resources that can benefit the knowledge economy **as well as the consumer.**

Or. en

Justification

This amendment is linked to article 10 para 2 of the Directive on the re-use of public sector information.

Amendment 36

Liisa Jaakonsaari, Nicola Danti, Lucy Anderson

Proposal for a directive

Recital 6

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The public sector operates at national, regional and local levels. This amendment is needed in view of the internal logic of the text.

Amendment 37

Liisa Jaakonsaari, Lucy Anderson, Nicola Danti

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information established a minimum set of rules governing the re-use and the practical means of facilitating re-use of existing documents held by public sector bodies of the Member States , including executive, legislative and judicial bodies . Since the adoption of the first set of rules on re-use of public sector information , the amount of data in the world, including public data, has increased exponentially and new types of data are being generated and collected. In parallel, we are witnessing a continuous evolution in technologies for analysis, exploitation and processing of data. This rapid technological evolution makes it possible to create new services and new applications, which are built upon the use, aggregation or combination of data. The rules originally adopted in 2003 and later amended in 2013 no longer keep pace with these rapid changes and as a result the economic and social opportunities offered by re-use of public data risk being missed.

Amendment

(7) Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information established a minimum set of rules governing the re-use and the practical means of facilitating re-use of existing documents held by public sector bodies of the Member States , including executive, legislative and judicial bodies . Since the adoption of the first set of rules on re-use of public sector information , the amount of data in the world, including public data, has increased exponentially and new types of data are being generated and collected. In parallel, we are witnessing a continuous evolution in technologies for analysis, exploitation and processing of data ***such as Artificial Intelligence, machine learning and Internet of Things***. This rapid technological evolution makes it possible to create new services and new applications, which are built upon the use, aggregation or combination of data. The rules originally adopted in 2003 and later amended in 2013 no longer keep pace with these rapid changes and as a result the economic and social opportunities offered by re-use of public data risk being missed.

Or. en

Justification

To highlight examples of evolving technologies and in view of the internal logic of the text.

Amendment 38

Dita Charanzová, Jasenko Selimovic

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) Allowing re-use of documents held

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Amendment

(11) Allowing ***the accessibility and*** re-

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

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

Or. en

Justification

This amendment is needed to for the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 39

Dita Charanzová, Jasenko Selimovic

Proposal for a directive

Recital 12

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

This amendment is needed for the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 40

Evelyne Gebhardt, Lucy Anderson

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) Open data policies which encourage the wide availability and re-use of public sector information for private or commercial purposes, with minimal or no legal, technical or financial constraints, and which promote the circulation of information not only for economic operators but also for the public, can play an important role in kick-starting the development of new services based on novel ways to combine and make use of such information, stimulate economic growth and promote social engagement.

Amendment

(13) Open data policies which encourage the wide availability and re-use of public sector information for private or commercial purposes, with minimal or no legal, technical or financial constraints, and which promote the circulation of information not only for economic operators but also for the public, can play an important role in kick-starting the development of new services based on novel ways to combine and make use of such information, stimulate economic growth and promote social engagement. ***Thus, public administrations should have open access to government public data by default. In this respect, the ISA2 programme is an opportunity to develop interoperability standards for big data management within public administrations and in their dealings with businesses and citizens.***

Or. en

Justification

This amendment is linked to article 5 para 4 of the Directive on the re-use of public sector information.

Amendment 41

Liisa Jaakonsaari, Nicola Danti, Lucy Anderson

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) Open data policies which encourage the wide availability and re-use of public sector information for private or commercial purposes, with minimal or no legal, technical or financial constraints, and which promote the circulation of information not only for economic operators but also for the public, can play an important role in kick-starting the development of new services based on novel ways to combine and make use of such information, stimulate economic growth and promote social engagement.

Amendment

(13) ***Coupled with strong data protection policies where appropriate,*** open data policies which encourage the wide availability and re-use of public sector information for private or commercial purposes, with minimal or no legal, technical or financial constraints, and which promote the circulation of information not only for economic operators but also for the public, can play an important role in kick-starting the development of new services based on novel ways to combine and make use of such information, stimulate economic growth and promote social engagement.

Or. en

Justification

Open data policies must be coupled with strong data protection policies so as to respect the fundamental right to privacy. This amendment is needed in view of the internal logic of the text.

Amendment 42

Evelyne Gebhardt, Nicola Danti, Lucy Anderson

Proposal for a directive

Recital 14

Text proposed by the Commission

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

Amendment

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

border exploitation of information.

border exploitation of information. ***Thus, interoperability, open standards and open data are not only fundamental in a cross-border context but are also needed at the national, regional and local administrative levels in each Member State.***

Or. en

Justification

This amendment is linked to the internal logic of the text.

Amendment 43

Dita Charanzová, Jasenko Selimovic

Proposal for a directive

Recital 16

Text proposed by the Commission

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

Amendment

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

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.

Amendment 44

Richard Sulík

Proposal for a directive
Recital 19

Text proposed by the Commission

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

Amendment

(19) ***In the absence of harmonisation the level of transparency and access to data of public sector bodies, bodies governed by public law and public undertakings remains within the competence of each Member State. However, once publicly available,*** the Directive lays down an obligation for Member States to make all ***publicly available*** documents re-usable unless access is restricted or excluded under national rules, ***national law including the case-law*** on access to documents and subject to the other exceptions laid down in this Directive. The Directive builds on the existing access regimes in the Member States and does not change the national rules for access to documents. It does not apply in cases in which citizens or companies can, under the relevant access regime, only obtain a document if they can prove a particular interest. At Union level, Articles 41 (right to good administration) and 42 of the Charter of Fundamental Rights of the European Union recognise the right of any citizen of the Union and any natural or legal person residing or having its registered office in a Member State to have access to European Parliament, Council and Commission documents. Public sector bodies should be encouraged to make available for re-use any documents held by them. Public sector bodies should promote and encourage re-use of documents, including official texts of a legislative and administrative nature in those cases where the public sector body has the right to authorise their re-use.

Or. en

Amendment 45
Liisa Jaakonsaari, Lucy Anderson

Proposal for a directive
Recital 19

Text proposed by the Commission

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

Amendment

(19) The Directive lays down an obligation for Member States to make all documents re-usable unless access is restricted or excluded under national rules on access to documents and subject to the other exceptions laid down in this Directive, ***such as on the grounds of protection of personal data or national security***. The Directive builds on the existing access regimes in the Member States and does not change the national rules for access to documents. It does not apply in cases in which citizens or companies can, under the relevant access regime, only obtain a document if they can prove a particular interest. ***This Directive does not set any minimum or maximum data retention obligation, applicable national rules will apply.*** At Union level, Articles 41 (right to good administration) and 42 of the Charter of Fundamental Rights of the European Union recognise the right of any citizen of the Union and any natural or legal person residing or having its registered office in a Member State to have access to European Parliament, Council and Commission documents. Public sector bodies should be encouraged to make available for re-use any documents held by them. Public sector bodies should promote and encourage re-use of documents, including official texts of a legislative and administrative nature in those cases where the public sector body has the right to authorise their re-use.

Or. en

Justification

It is important to emphasise in the recitals that access to documents can be denied on the grounds of protection of personal data or national security, as set out in Article 1. It is also important to highlight, that this Directive does not set any minimum or maximum obligations on Member States to store data, applicable national rules apply. This amendment is needed in view of the internal logic of the text and other admissible amendments.

Amendment 46

Sabine Verheyen, Birgit Collin-Langen, Andreas Schwab

Proposal for a directive

Recital 19

Text proposed by the Commission

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

Amendment

(19) The Directive lays down an obligation for Member States to make all documents re-usable ***without prejudice*** to the exceptions laid down in this Directive. The Directive builds on the existing access regimes in the Member States and does not change the national rules for access to documents. ***Neither does it establish access rights or obligations to publish information. This decision remains at the discretion of the Member States.*** It does not apply in cases in which citizens or companies can, under the relevant access regime, only obtain a document if they can prove a particular interest. At Union level, Articles 41 (right to good administration) and 42 of the Charter of Fundamental Rights of the European Union recognise the right of any citizen of the Union and any natural or legal person residing or having its registered office in a Member State to have access to European Parliament, Council and Commission documents. Public sector bodies should be encouraged to make available for re-use any documents held by them. Public sector bodies should promote and encourage re-use of documents, including official texts of a legislative and administrative nature in those cases where the public sector body has the right to authorise their re-use.

Justification

It should be made clear once again that the Member States have sovereignty decision-making powers on access to documents. The Directive governs only what shape exactly the re-use of public documents is to take. This amendment is necessary for the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 47

Liisa Jaakonsaari, Lucy Anderson

Proposal for a directive**Recital 21***Text proposed by the Commission*

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

Amendment

(21) Directive 2003/98/EC should therefore be amended in order to ensure that its provisions can be applied to the re-use of documents produced in the performance of services in the general interest by public undertakings pursuing one of the activities referred to in Articles 8 to 14 of Directive 2014/25/EU of the European Parliament and of the Council³³, as well as by public undertakings acting as public service operators pursuant to Article 2 of Regulation (EC) No 1370/2007 of the European Parliament and the Council on public passenger transport services by rail and by road, public undertakings acting as air carriers fulfilling public service obligations pursuant to Article 16 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community, and public undertakings acting as Community shipowners fulfilling public service obligations pursuant to Article 4 of Regulation (EEC) No 3577/92 of 7 December 1992 applying the principle of freedom to provide services to maritime transport within Member States (maritime cabotage), ***without creating an obligation for the public undertakings.***

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

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

Or. en

Justification

The recast does not create an on obligation for the public undertakings. Public undertakings are free to decide whether or not to authorise re-use of documents.

Amendment 48

Liisa Jaakonsaari, Lucy Anderson

Proposal for a directive

Recital 22

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The recast does not create an obligation for the public undertakings. Public undertakings are free to decide whether or not to authorise re-use of documents. Authorising re-use for one document does not automatically mean authorisation for re-use of all other documents within the scope of this Directive.

Amendment 49

Sabine Verheyen, Birgit Collin-Langen, Andreas Schwab

Proposal for a directive

Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) Documents held by public undertakings should be excluded if 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, in the absence of such rules, in accordance with standard administrative practice; this should apply equally to the documents of public undertakings which are in direct economic competition with private companies in order to promote the basic objective of fair competition.

Or. de

Amendment 50

Liisa Jaakonsaari, Nicola Danti, Lucy Anderson

Proposal for a directive

Recital 27

Text proposed by the Commission

Amendment

(27) Public sector bodies are increasingly making their documents available for re-use in a proactive manner, by ensuring online discoverability and actual availability of both metadata and the underlying content. Documents should also be made available for re-use following a

(27) Public sector bodies are increasingly making their documents available for re-use in a proactive manner, by ensuring online discoverability and actual availability of both metadata and the underlying content. Documents should also be made available for re-use following a

request lodged by a re-user. In those cases, the time limit for replying to requests for re-use should be reasonable and in accordance with the equivalent time for requests to access the document under the relevant access regimes. Public undertakings, educational establishments, research performing organisations and research funding organisations should however be exempt from this requirement. Reasonable time limits throughout the Union will stimulate the creation of new aggregated information products and services at pan-European level. This is particularly important for dynamic data (including traffic data, satellite data, weather data), the economic value of which depends on the immediate availability of the information and of regular updates. Dynamic data should therefore be made available immediately after collection, via an Application Programming Interface so as to facilitate the development of internet, mobile and cloud applications based on such data. Whenever this is not possible due to technical or financial constraints, public sector bodies should make the documents available in a timeframe that allows their full economic potential to be exploited. Should a licence be used, the timely availability of documents may be a part of the terms of the licence.

request lodged by a re-user. In those cases, the time limit for replying to requests for re-use should be reasonable and in accordance with the equivalent time for requests to access the document under the relevant access regimes. Public undertakings, educational establishments, research performing organisations and research funding organisations should however be exempt from this requirement. Reasonable time limits throughout the Union will stimulate the creation of new aggregated information products and services at pan-European level. This is particularly important for dynamic data (including traffic data, satellite data, weather data), the economic value of which depends on the immediate availability of the information and of regular updates. Dynamic data should therefore be made available immediately after collection, via an Application Programming Interface so as to facilitate the development of internet, mobile and cloud applications based on such data. Whenever this is not possible due to technical or financial constraints, public sector bodies should make the documents available in a timeframe that allows their full economic potential to be exploited. Should a licence be used, the timely availability of documents may be a part of the terms of the licence. ***However, there are considerable differences among Member States in this area, with 22 out of 28 Member States using API traffic less than 10 %. In this sense, additional practical support is necessary for many public sector bodies across Europe to move towards web-based use of dynamic data and APIs in general. Consequently, this Directive and the Digital Europe Programme COM(2018) 434 need to be fully consistent with one another.***

Or. en

Justification

It is important to consider that current rates of uptake for APIs differ in the Member States. The Commission has indicated that funding for APIs could be available for Member State public sector bodies through the Digital Europe Programme. Therefore, it is important to make a reference to this programme so that the different policy instruments are fully consistent with one another, also in view of the internal logic of the text.

Amendment 51

Dita Charanzová, Jasenko Selimovic

Proposal for a directive

Recital 27

Text proposed by the Commission

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

Amendment

(27) Public sector bodies are increasingly making their documents available for ***access and*** re-use in a proactive manner, by ensuring online discoverability and actual availability of both metadata and the underlying content. Documents should also be made available for re-use following a request lodged by a re-user. In those cases, the time limit for replying to requests for re-use should be reasonable and in accordance with the equivalent time for requests to access the document under the relevant access regimes. Public undertakings, educational establishments, research performing organisations and research funding organisations should however be exempt from this requirement. Reasonable time limits throughout the Union will stimulate the creation of new aggregated information products and services at pan-European level. This is particularly important for dynamic data (including traffic data, satellite data, weather data), the economic value of which depends on the immediate availability of the information and of regular updates. Dynamic data should therefore be made available immediately after collection ***in real-time and without delay***, via an Application Programming Interface so as to facilitate the development

cloud applications based on such data. Whenever this is not possible due to technical or financial constraints, public sector bodies should make the documents available in a timeframe that allows their full economic potential to be exploited. Should a licence be used, the timely availability of documents may be a part of the terms of the licence.

of internet, mobile and cloud applications based on such data. Whenever this is not possible due to technical or financial constraints, public sector bodies should make the documents available in a timeframe that allows their full economic potential to be exploited. Should a licence be used, the timely availability of documents may be a part of the terms of the licence.

Or. en

Justification

This amendment is needed to for the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 52

Richard Sulík

Proposal for a directive

Recital 27

Text proposed by the Commission

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

Amendment

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

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

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Or. en

Justification

A decision to exempt certain establishments from requirement to make documents available for re-use following a request by a re-user should be left to Member States. This amendment is needed in view of the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 53

Richard Sulík

Proposal for a directive

Recital 28

Text proposed by the Commission

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

Amendment

(28) In order to get access to the data opened for re-use by this Directive, the use of suitable and well-designed **interoperable** Application Programming Interfaces (APIs) is needed. An API describes the kind of data can be retrieved, how to do this and the format in which the data will be received. It has different levels of complexity and can mean a simple link to a database to retrieve specific datasets, a

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

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

Or. en

Amendment 54

Dita Charanzová, Jasenko Selimovic

Proposal for a directive

Recital 28

Text proposed by the Commission

(28) In order to get access to the data opened for re-use by this Directive, the use of suitable and well-designed Application Programming Interfaces (APIs) is needed. An API describes the kind of data can be retrieved, how to do this and the format in which the data will be received. It has different levels of complexity and can mean a simple link to a database to retrieve specific datasets, a web interface, or more complex set-ups. There is general value in re-using and sharing data via a suitable use of APIs as this will help developers and start-ups to create new services and products. It is also a crucial ingredient of creating valuable ecosystems around data assets that are often unused. The set-up and use of API needs to be based on several

Amendment

(28) In order to get access to the data opened for re-use by this Directive, the use of suitable and well-designed Application Programming Interfaces (APIs) is needed. An API describes the kind of data can be retrieved, how to do this and the format in which the data will be received. It has different levels of complexity and can mean a simple link to a database to retrieve specific datasets, a web interface, or more complex set-ups. There is general value in re-using and sharing data via a suitable use of APIs as this will help developers and start-ups to create new services and products. It is also a crucial ingredient of creating valuable ecosystems around data assets that are often unused. The set-up and use of API needs to be based on several

principles: stability, maintenance over lifecycle, uniformity of use and standards, user-friendliness as well as security. For dynamic data, meaning frequently updated data, often in *real time*, public sector bodies and public undertakings shall make this available for re-use immediately after collection by ways of suitable APIs.

principles: stability, maintenance over lifecycle, uniformity of use and standards, user-friendliness as well as security. For dynamic data, meaning frequently updated data, often in *real-time*, public sector bodies and public undertakings shall make this available for re-use immediately after collection by ways of suitable APIs.

(Should not be put to the vote)

Or. en

Justification

Technical Amendment

Amendment 55

Richard Sulík

Proposal for a directive

Recital 28 a (new)

Text proposed by the Commission

Amendment

(28a) As Member States can have their own APIs, operating systems and frameworks, ensuring interoperability of APIs used according to the Directive is crucial. In order to ensure interoperability of APIs, especially in the categories of information falling under High value datasets, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the adoption the minimum criteria and standards for APIs.

Or. en

Justification

This amendment is needed in view of the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 56

Sabine Verheyen, Birgit Collin-Langen, Andreas Schwab

Proposal for a directive

Recital 31

Text proposed by the Commission

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

Amendment

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

Or. de

Amendment 57

Liisa Jaakonsaari, Nicola Danti, Lucy Anderson

Proposal for a directive

Recital 32

Text proposed by the Commission

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

Amendment

(32) ***Heterogeneous practices in terms of charging persists not only between Member States, but also between public bodies within the same Member State.*** Charges for the re-use of documents ***negatively affect the extent of public sector information re-use by*** start-ups and SMEs. Documents should therefore be made available for re-use without charges

public sector bodies that are required to generate revenue to cover a substantial part of their costs relating to the performance of their public tasks should be taken into consideration. The role of public undertakings in a competitive economic environment should also be acknowledged. In such cases, public sector bodies and public undertakings should therefore be able to charge above marginal costs. Those charges should be set according to objective, transparent and verifiable criteria and the total income from supplying and allowing re-use of documents should not exceed the cost of collection, production, reproduction and dissemination, together with a reasonable return on investment. Where applicable, the costs of anonymisation of personal data or of commercially sensitive information should also be included in the eligible cost. The requirement to generate revenue to cover a substantial part of the public sector bodies' costs relating to the performance of their public tasks or the scope of the services of general interest entrusted with public undertakings does not have to be a legal requirement and may stem, for example, from administrative practices in Member States. Such a requirement should be regularly reviewed by the Member States.

or where charges are *made*, they should be limited to the marginal costs ***relating to the collection, production, reproduction, dissemination, storage and where applicable, anonymisation of certain documents for re-use***. In exceptional cases, the necessity of not hindering the normal running of public sector bodies that are required to generate revenue to cover a substantial part of their costs relating to the performance of their public tasks should be taken into consideration. The role of public undertakings in a competitive economic environment should also be acknowledged. In such cases, public sector bodies and public undertakings should therefore be able to charge above marginal costs. Those charges should be set according to objective, transparent and verifiable criteria and the total income from supplying and allowing re-use of documents should not exceed the cost of collection, production, reproduction and dissemination, together with a reasonable return on investment. Where applicable, the costs of anonymisation of personal data or of commercially sensitive information should also be included in the eligible cost. The requirement to generate revenue to cover a substantial part of the public sector bodies' costs relating to the performance of their public tasks or the scope of the services of general interest entrusted with public undertakings does not have to be a legal requirement and may stem, for example, from administrative practices in Member States. Such a requirement should be regularly reviewed by the Member States.

Or. en

Justification

Charges for recouping marginal costs, as set out in article 6, are allowed under this Directive so this should be clearly stated in the Recital.

Amendment 58

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) Charges for the re-use of documents constitute an important market entry barrier for start-ups and SMEs. Documents should therefore be made available for re-use without charges and, where charges are necessary, they should in principle be limited to the marginal costs. In exceptional cases, the necessity of not hindering the normal running of public sector bodies that are required to generate revenue to cover a substantial part of their costs relating to the performance of their public tasks should be taken into consideration. The role of public undertakings in a competitive economic environment should also be acknowledged. In such cases, public sector bodies and public undertakings should therefore be able to charge above marginal costs. Those charges should be set according to objective, transparent and verifiable criteria and the total income from supplying and allowing re-use of documents should not exceed the cost of collection, production, reproduction and dissemination, together with a reasonable return on investment. **Where applicable**, the costs of anonymisation of personal data or of commercially sensitive information should also be included in the eligible cost. The requirement to generate revenue to cover a substantial part of the public sector bodies' costs relating to the performance of their public tasks or the scope of the services of general interest entrusted with public undertakings does not have to be a legal requirement and may stem, for example, from administrative practices in Member States. Such a requirement should be regularly reviewed by the Member States.

Amendment

(32) Charges for the re-use of documents constitute an important market entry barrier for start-ups and SMEs. Documents should therefore be made available for re-use without charges and, where charges are necessary, they should in principle be limited to the marginal costs. ***Marginal costs are the extra costs for the digitisation, storage and management of documents, as well as the costs for digital mass storage, the additional effort to render data machine readable and the extra burden for infrastructure measures.*** In exceptional cases, the necessity of not hindering the normal running of public sector bodies that are required to generate revenue to cover a substantial part of their costs relating to the performance of their public tasks should be taken into consideration. The role of public undertakings in a competitive economic environment should also be acknowledged. In such cases, public sector bodies and public undertakings should therefore be able to charge above marginal costs. Those charges should be set according to objective, transparent and verifiable criteria and the total income from supplying and allowing re-use of documents should not exceed the cost of collection, production, reproduction and dissemination, together with a reasonable return on investment. The costs of anonymisation of personal data or of commercially sensitive information should also be included in the eligible cost. The requirement to generate revenue to cover a substantial part of the public sector bodies' costs relating to the performance of their public tasks or the scope of the services of general interest entrusted with public undertakings does not have to be a legal requirement and may

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

Or. de

Justification

This amendment is necessary for the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 59

Richard Sulík

Proposal for a directive

Recital 32

Text proposed by the Commission

(32) Charges for the re-use of documents constitute an important market entry barrier for start-ups and SMEs. Documents should therefore be made available for re-use without charges and, where charges are necessary, they should in principle be limited to the marginal costs. In exceptional cases, the necessity of not hindering the normal running of public sector bodies that are required to generate revenue to cover a substantial part of their costs relating to the performance of their public tasks should be taken into consideration. ***The role of public undertakings in a competitive economic environment should also be acknowledged.*** In such cases, public sector bodies and public undertakings should therefore be able to charge above marginal costs. Those charges should be set according to objective, transparent and verifiable criteria and the total income from supplying and allowing re-use of documents should not exceed the cost of collection, production, reproduction and dissemination, together with a reasonable return on investment. Where applicable,

Amendment

(32) Charges for the re-use of documents constitute an important market entry barrier for start-ups and SMEs. Documents should therefore be made available for re-use without charges and, where charges are necessary, they should in principle be limited to the marginal costs. In exceptional cases, the necessity of not hindering the normal running of public sector bodies that are required to generate revenue to cover a substantial part of their costs relating to the performance of their public tasks should be taken into consideration. In such cases, public sector bodies and public undertakings should therefore be able to charge above marginal costs. Those charges should be set according to objective, transparent and verifiable criteria and the total income from supplying and allowing re-use of documents should not exceed the cost of collection, production, reproduction and dissemination, together with a reasonable return on investment. Where applicable, the costs of anonymisation of personal data or of commercially sensitive information should also be included in the eligible cost.

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The requirement to generate revenue to cover a substantial part of the public sector bodies' costs relating to the performance of their public tasks or the scope of the services of general interest entrusted with public undertakings does not have to be a legal requirement and may stem, for example, from administrative practices in Member States. Such a requirement should be regularly reviewed by the Member States.

Or. en

Justification

This amendment is needed in view of the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 60 **Dita Charanzová, Jasenko Selimovic**

Proposal for a directive **Recital 32**

Text proposed by the Commission

(32) Charges for the re-use of documents constitute an important market entry barrier for start-ups and SMEs. Documents should therefore be made available for re-use without charges and, where charges are necessary, they should in principle be limited to the marginal costs. In exceptional cases, the necessity of not hindering the normal running of public sector bodies that are required to generate revenue to cover a substantial part of their costs relating to the performance of their public tasks should be taken into consideration. The role of public undertakings in a competitive economic environment should also be acknowledged. In such cases, public sector bodies and

Amendment

(32) Charges for the **access and** re-use of documents constitute an important market entry barrier for start-ups and SMEs. Documents should therefore be made **accessible and** available for re-use without charges and, where charges are necessary, they should in principle be limited to the marginal costs. In exceptional cases, the necessity of not hindering the normal running of public sector bodies that are required to generate revenue to cover a substantial part of their costs relating to the performance of their public tasks should be taken into consideration. The role of public undertakings in a competitive economic environment should also be acknowledged.

public undertakings should therefore be able to charge above marginal costs. Those charges should be set according to objective, transparent and verifiable criteria and the total income from supplying and allowing re-use of documents should not exceed the cost of collection, production, reproduction and dissemination, together with a reasonable return on investment. Where applicable, the costs of anonymisation of personal data or of commercially sensitive information should also be included in the eligible cost. The requirement to generate revenue to cover a substantial part of the public sector bodies' costs relating to the performance of their public tasks or the scope of the services of general interest entrusted with public undertakings does not have to be a legal requirement and may stem, for example, from administrative practices in Member States. Such a requirement should be regularly reviewed by the Member States.

In such cases, public sector bodies and public undertakings should therefore be able to charge above marginal costs. Those charges should be set according to objective, transparent and verifiable criteria and the total income from supplying and allowing re-use of documents should not exceed the cost of collection, production, reproduction and dissemination, together with a reasonable return on investment. Where applicable, the costs of anonymisation of personal data or of commercially sensitive information should also be included in the eligible cost. The requirement to generate revenue to cover a substantial part of the public sector bodies' costs relating to the performance of their public tasks or the scope of the services of general interest entrusted with public undertakings does not have to be a legal requirement and may stem, for example, from administrative practices in Member States. Such a requirement should be regularly reviewed by the Member States.

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.

Amendment 61 **Liisa Jaakonsaari, Lucy Anderson**

Proposal for a directive **Recital 32 a (new)**

Text proposed by the Commission

Amendment

(32a) The return on investment can be understood as a percentage, in addition to marginal costs, allowing for the recovery of the cost of capital and the inclusion of a real rate of return. As the cost of capital is closely linked to credit institutions' interest rates, themselves based on the

ECB's fixed rate on main refinancing operations, the reasonable return on investment could not be expected to be more than 5 % above the ECB's fixed interest rate.

Or. en

Justification

This Recital has been added to clarify the Commission's addition of a definition of a "reasonable rate of return" to Article 2 of this Directive. The figure has been adopted from the Guidelines published in 2014: 2014/C 240/01 'Guidelines on recommended standard licences, datasets and charging for the re-use of documents'.

Amendment 62

Dita Charanzová, Jasenko Selimovic

Proposal for a directive

Recital 36

Text proposed by the Commission

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

Amendment

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

means of redress.

Or. en

Justification

This amendment is needed to for the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 63

Dita Charanzová, Jasenko Selimovic

Proposal for a directive

Recital 37

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

This amendment is needed to for the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 64
Maria Grapini

Proposal for a directive
Recital 47

Text proposed by the Commission

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

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

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

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

Amendment

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

Anonymisation is a means to reconcile the interests in making public sector information as re-usable as possible with the obligations under **Regulation EU 2016/679**, but comes at a cost. It is appropriate to consider this cost as one of the cost items to be considered as part of the marginal cost of dissemination as defined in Article 6 of this Directive.

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

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

Or. ro

Justification

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

Amendment 65

Evelyne Gebhardt, Lucy Anderson, Nicola Danti

Proposal for a directive

Recital 48 a (new)

Text proposed by the Commission

Amendment

(48a) The use of open data must ensure that the same data protection and privacy standards apply to a situation when public sector data is used for commercial purposes as when such data remains within the public sector.

Or. en

Justification

This amendment is linked to article 13 para 2 of the Directive on the re-use of public sector information.

Amendment 66

Dita Charanzová, Jasenko Selimovic

Proposal for a directive

Recital 52

Text proposed by the Commission

Amendment

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

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

potential to be extensively re-used), and portal sites that are linked to decentralised assets lists are examples of such practical arrangements.

potential to be extensively re-used), and portal sites that are linked to decentralised assets lists are examples of such practical arrangements.

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.

Amendment 67

Sabine Verheyen, Birgit Collin-Langen, Andreas Schwab

Proposal for a directive

Recital 58

Text proposed by the Commission

Amendment

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

deleted

Amendment 68
Richard Sulík

Proposal for a directive
Recital 58

Text proposed by the Commission

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

Amendment

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

considered.

Or. en

Amendment 69
Josef Weidenholzer

Proposal for a directive
Recital 58

Text proposed by the Commission

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

Amendment

(58) In order to set in place conditions supporting the re-use of documents which is associated with important socio-economic benefits having a particular high value for economy and society, the power to adopt acts in accordance with Article **291** of the Treaty on the Functioning of the European Union should be delegated to the Commission in respect of the adoption of a list of high-value datasets among the documents to which this Directive applies, along with the modalities of their publication and re-use. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. The preparation of ***implementing acts should provide for rights to participation in decision-making and for the financial and human resources for the effective use of such rights; the European social partners should be involved in the preparatory process.***

Or. de

Amendment 70
Liisa Jaakonsaari, Lucy Anderson

Proposal for a directive
Recital 58

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

The identification of high value datasets, which will be made available for free of charge, is one of the main aims of this Directive (recast). The Annex IIa lays down the list of priority data categories, from which relevant datasets will be selected as high value datasets.

Amendment 71
Liisa Jaakonsaari, Lucy Anderson

Proposal for a directive
Recital 59

Text proposed by the Commission

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

Amendment

(59) An EU-wide list of datasets with a particular potential to generate socio-economic benefits together with harmonised re-use conditions constitutes an important enabler of cross-border data applications and services. In the process leading to the establishment of the list, ***according to the priority categories set out in Annex IIa***, the Commission should carry out appropriate consultations, including ***a public consultation and consultations*** at expert level. ***All interested stakeholders including public sector bodies, public undertakings, data re-users, research organisations, civil society groups, and other representative organisations may submit suggestions for specific datasets***. The list should take into account sectoral legislation that already regulates the publication of datasets.

Or. en

Justification

It is important that the Commission involves all interested stakeholders, in a meaningful way, in the process of selecting the high value datasets.

Amendment 72

Sabine Verheyen, Birgit Collin-Langen, Andreas Schwab

Proposal for a directive
Recital 59

Text proposed by the Commission

(59) ***An EU-wide*** list of datasets with a particular potential to generate socio-economic benefits ***together with harmonised re-use conditions*** constitutes an important enabler of cross-border data applications and services. ***The list should***

Amendment

(59) ***The Member States should establish a*** list of datasets with a particular potential to generate socio-economic benefits. ***This list*** constitutes an important enabler of cross-border data applications and services. The list should take into

take into account sectoral legislation that already regulates the publication of datasets, as well as the categories indicated in the Technical Annex of the G8 Open Data Charter and in the Commission's Notice 2014 /C 240/01. The list should take into account sectoral legislation that already regulates the publication of datasets, as well as the categories indicated in the Technical Annex of the G8 Open Data Charter and in the Commission's Notice 2014 /C 240/01.

account sectoral legislation that already regulates the publication of datasets, as well as the categories indicated in the Technical Annex of the G8 Open Data Charter and in the Commission's Notice 2014 /C 240/01.

Or. de

Amendment 73 **Richard Sulík**

Proposal for a directive **Recital 59**

Text proposed by the Commission

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

Amendment

(59) An EU-wide list of datasets ***within the categories specified in the Directive*** with a particular potential to generate ***European wide*** socio-economic benefits together with harmonised re-use conditions constitutes an important enabler of cross-border data applications and services. In the process leading to the establishment of the list, the Commission should carry out appropriate consultations, including at expert level. The list should take into account sectoral legislation that already regulates the publication of datasets, as well as the ***relevant*** categories ***within the categories specified in the Directive*** indicated in the Technical Annex of the G8 Open Data Charter and in the Commission's Notice 2014 /C 240/01.

Or. en

Amendment 74

Richard Sulík

Proposal for a directive

Recital 60

Text proposed by the Commission

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

Amendment

(60) ***The decision which information is made publicly available remains within the competence of the Member States, unless otherwise stipulated in Union law. However, once publicly available,*** in view of ensuring their maximum impact and to facilitate re-use, the high-value datasets should be made available for re-use with minimal legal restrictions and at no cost. They should also be published via Application Programming Interfaces, whenever the dataset in question contains dynamic data.

Or. en

Amendment 75

Liisa Jaakonsaari, Lucy Anderson

Proposal for a directive

Recital 60

Text proposed by the Commission

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

Amendment

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

Or. en

Justification

High-value datasets should be easily discoverable and accessible.

Amendment 76
Julia Reda

Proposal for a directive
Recital 60 a (new)

Text proposed by the Commission

Amendment

(60a) The High Value Datasets identified within the categories listed in Annex IIa have the potential to generate civic or socio-economic benefits, and advance fundamental societal and democratic tasks. In order to further the goals of transparency, accountability, compliance, efficiency, fair competition, and the fight against fraud, it is necessary to include datasets from among categories such as national law, elections, government budget, government spending, procurement, and statistics. To encourage innovative services and products, to stimulate sustainable growth, and to contribute to high consumer protection standards, including by taking into account factors that have no immediate economic value, such as education, the environment, or healthcare, it is necessary to include datasets from among the categories of business registers, environmental and meteorological data, as well as land ownership, administrative divisions, locations, and mapping.

Or. en

Justification

New recital corresponding to the list of high value datasets added as Annex IIa in rapporteur AM31.

Amendment 77
Richard Sulík

Proposal for a directive
Recital 63

Text proposed by the Commission

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

⁴¹ OJ L123, 12.5. 2016, p1.

Amendment

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

⁴¹ OJ L123, 12.5. 2016, p1.

Or. en

Amendment 78
Sabine Verheyen, Birgit Collin-Langen, Andreas Schwab

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

Text proposed by the Commission

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

Amendment

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

Or. de

Justification

The power to decide which documents are made accessible or not should be left to the discretion of the public authorities, in accordance with the principle of subsidiarity. This amendment is necessary for the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 79

Liisa Jaakonsaari, Lucy Anderson

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

Amendment

(b) existing documents held by public undertakings active in the areas defined in Directive 2014/25/EU of the European Parliament and of the Council⁴² and by public undertakings acting as public service operators pursuant to Article 2 of Regulation (EC) No 1370/2007 of the European Parliament and of the Council⁴³, public undertakings acting as air carriers fulfilling public service obligations pursuant to Article 16 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council⁴⁴, and public undertakings acting as Community **shipowners** fulfilling public service obligations pursuant to Article 4 of Council Regulation (EEC) No 3577/92⁴⁵. ***This Directive shall not contain an obligation to allow the re-use of documents produced by public undertakings. The decision whether or not to authorise re-use shall remain with the public undertaking concerned, without prejudice to applicable sectoral rules.***

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).

European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community (Recast) (Text with EEA relevance) (OJ L 293, 31.10.2008, p. 3–20).

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

Or. en

Justification

The obligation concerning public undertakings is voluntary and should be clearly indicated as such in the scope of this Directive.

Amendment 80

Sabine Verheyen, Birgit Collin-Langen, Andreas Schwab

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

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).

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

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

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

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

Or. de

Justification

As mentioned in recital 22, the decision as to the re-use of documents should be left to the public undertaking itself. No obligation to allow re-use is imposed.

Amendment 81

Sabine Verheyen, Birgit Collin-Langen, Andreas Schwab

Proposal for a directive

Article 1 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

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 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. This amendment is necessary for the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 82

Dita Charanzová, Jasenko Selimovic

Proposal for a directive

Article 1 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. This Directive shall guarantee the right to access and/or to re-use documents held by or for public sector bodies and sets out the basic terms and conditions of, and the practical arrangements for, its exercise.

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. The Re-use of information assumes there is an open access to all government data. This requirement is missing from this Directive. It does, however, exist in Directive 2003/4/EC on environmental information. These amendments therefore seek to take the agreed text of that directive and to include it here in amended form as a general information access requirement for non-personal data.

Amendment 83

Sabine Verheyen, Birgit Collin-Langen, Andreas Schwab

Proposal for a directive

Article 1 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) documents held by public

(b) documents held by public

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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;

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, in the absence of such rules, in accordance with standard administrative practice;***

Or. de

Amendment 84

Sabine Verheyen, Birgit Collin-Langen, Andreas Schwab

Proposal for a directive

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

Text proposed by the Commission

Amendment

(ba) Documents held by public undertakings with an industrial or commercial nature within the meaning of Article 34 of Directive 2014/25/EU

Or. de

Justification

Public undertakings are often in direct competition with private undertakings, for example in liberalised markets. In order to allow for fair competition, the documents of such public undertakings should be excluded. This amendment is necessary for the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 85

Sabine Verheyen, Birgit Collin-Langen, Andreas Schwab

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 the exclusion of the re-use of data from installations or systems which are essential for the maintenance of vital societal functions, health, safety, security, economic or social wellbeing of people, and 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. This amendment is necessary for the internal logic of the text.

Amendment 86 **Josef Weidenholzer**

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

Text proposed by the Commission

Amendment

(4a) 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 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

This amendment is necessary for the internal logic of the text.

Amendment 87 **Julia Reda**

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. 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 documents pursuant to this Directive.

Justification

In accordance with policy suggestions from the Commission evaluation of the Directive.

Amendment 88

Dita Charanzová, Jasenko Selimovic

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 Council⁴⁶ **and Directive 2003/4/EC of the European Parliament and of the Council^{46a} apply**.

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).

^{46a} **Directive 2003/4/EC of the European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41/26, 14.2.2003).**

Justification

Added to new amended RECAST text.

Amendment 89

Julia Reda

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** 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).

Or. en

Justification

In accordance with policy suggestions from the Commission evaluation of the Directive.

Amendment 90

Sabine Verheyen, Birgit Collin-Langen, Andreas Schwab

Proposal for a directive
Article 2 – paragraph 1 – point 14 a (new)

Text proposed by the Commission

Amendment

14a. ‘personal data’ means data as defined in Article 4(1) of Regulation (EU) 2016/679 (General Data Protection Regulation).

Or. de

Justification

This amendment is necessary for the internal logic of the text.

Amendment 91
Dita Charanzová, Jasenko Selimovic

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

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

Amendment

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

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.

Amendment 92
Dita Charanzová, Jasenko Selimovic

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 and/or** re-use of such documents is allowed, these documents shall be **accessible and/or** re-usable for commercial or non-commercial purposes in accordance with the conditions set out in Chapters III and IV.

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.

Amendment 93

Dita Charanzová, Jasenko Selimovic

Proposal for a directive

Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3a

Quality of documents

- 1. Member States shall, so far as is within their power, ensure that any document that is compiled by them or on their behalf is up to date, accurate and comparable.**
- 2. Upon request, public sector bodies shall reply to requests for the accessibility and/or the re-use of documents, reporting to the applicant on the place where information, if available, can be found on the measurement procedures, including methods of analysis, sampling, and pre-treatment of samples, used in compiling the information, or referring to a standardised procedure used.**

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. The Re-use of information assumes there is an open access to all government data. This requirement is missing from this Directive. It does, however, exist in Directive 2003/4/EC on environmental information. These amendments therefore seek to take the agreed text of that directive and to include it here in amended form as a general information access requirement for non-personal data.

Amendment 94

Dita Charanzová, Jasenko Selimovic

Proposal for a directive
Chapter 2 – title

Text proposed by the Commission

Amendment

REQUESTS FOR RE-USE

ACCESS TO DOCUMENTS AND/OR
REQUESTS FOR RE-USE

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. The Re-use of information assumes there is an open access to all government data. This requirement is missing from this Directive. It does, however, exist in Directive 2003/4/EC on environmental information. These amendments therefore seek to take the agreed text of that directive and to include it here in amended form as a general information access requirement for non-personal data.

Amendment 95
Dita Charanzová, Jasenko Selimovic

Proposal for a directive
Article 4 – title

Text proposed by the Commission

Amendment

4. Requirements applicable to the processing of requests for re-use

4. Requirements applicable to **requests for access to documents and/or** the processing of requests for re-use

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. The Re-use of information assumes there is an open access to all government data. This requirement is missing from this Directive. It does, however, exist in Directive 2003/4/EC on environmental information. These amendments therefore seek to take the agreed text of that directive and to include it here in amended form as a general information access requirement for non-personal data.

Amendment 96
Dita Charanzová, Jasenko Selimovic

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

Text proposed by the Commission

Amendment

-1. Member States shall ensure that public sector bodies are required, in accordance with the provisions of this Directive, to make available documents held by or for them to any applicant upon request and without having to state an interest.

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. The Re-use of information assumes there is an open access to all government data. This requirement is missing from this Directive. It does, however, exist in Directive 2003/4/EC on environmental information. These amendments therefore seek to take the agreed text of that directive and to include it here in amended form as a general information access requirement for non-personal data.

Amendment 97
Dita Charanzová, Jasenko Selimovic

Proposal for a directive
Article 4 – paragraph 1

Text proposed by the Commission

Amendment

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.

1. Public sector bodies shall, through electronic means where possible and appropriate, process requests for **access to documents and/or for their** re-use and shall make the document available 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

This amendment is needed for the internal logic of the text and because the amendment is inextricably linked to other admissible amendments. The Re-use of information assumes there is an open access to all government data. This requirement is missing from this Directive. It does, however, exist in Directive 2003/4/EC on environmental information. These amendments therefore seek to take the agreed text of that directive and to include it here in amended form as a general information access requirement for non-personal data.

Amendment 98

Dita Charanzová, Jasenko Selimovic

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

Or. en

Justification

This amendment is needed for the internal logic of the text and because the amendment is inextricably linked to other admissible amendments. The Re-use of information assumes there is an open access to all government data. This requirement is missing from this Directive. It does, however, exist in Directive 2003/4/EC on environmental information. These amendments therefore seek to take the agreed text of that directive and to include it here in amended form as a general information access requirement for non-personal data.

Amendment 99
Dita Charanzová, Jasenko Selimovic

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 **reasons for refusing, in full or in part, access to and/or re-use of a document**, 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). 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

This amendment is needed to for the internal logic of the text and because the amendment is inextricably linked to other admissible amendments. The Re-use of information assumes there is an open access to all government data. This requirement is missing from this Directive. It does, however, exist in Directive 2003/4/EC on environmental information. These amendments therefore seek to take the agreed text of that directive and to include it here in amended form as a general information access requirement for non-personal data.

Amendment 100
Dita Charanzová, Jasenko Selimovic

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

Text proposed by the Commission

Amendment

3a. The reasons for a refusal to make documents available, in full or in part, in the form or format requested shall be provided to the applicant within 20 working days.

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. The Re-use of information assumes there is an open access to all government data. This requirement is missing from this Directive. It does, however, exist in Directive 2003/4/EC on environmental information. These amendments therefore seek to take the agreed text of that directive and to include it here in amended form as a general information access requirement for non-personal data.

Amendment 101 Dita Charanzová

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

Text proposed by the Commission

Amendment

3b. Member States may also provide for a request for the access to or re-use of documents to be refused if:

(a) the document requested is not held by or for the public sector body to which the request is addressed. In such a case, where that public sector body is aware that the document is held by or for another public sector body, it shall, as soon as possible, transfer the request to that other body and inform the applicant accordingly or inform the applicant of public sector body to which it believes it is possible to apply for the document requested;

(b) the request is manifestly unreasonable;

(c) the request is formulated in a too general manner;

(d) the request concerns material in the course of completion or unfinished

documents or data;

(e) the request concerns internal communications, taking into account the public interest served by disclosure and General Data Protection Regulation^{46b};

(f) the request is outside the scope of this Directive, in accordance with Article 1, paragraph 2.

If a request for a document is formulated in a too general manner, the public sector body shall as soon as possible, and at the latest within 20 working days, ask the applicant to specify the request and shall assist the applicant in doing so, for example by providing information on the use of the public registers referred to in paragraph 4a.

Where a request is refused on the basis that it concerns material in the course of completion, the public sector body shall state the name of the public sector body preparing the material and the estimated time needed for completion.

Documents held by or for public sector bodies which has been requested by an applicant shall be made available in part where it is possible to separate out any document falling within the scope of points (d) to (f) from the rest of the documents requested.

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

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. The Re-use of information assumes there is an open access to all government data. This requirement is missing from this Directive. It does, however, exist in Directive 2003/4/EC on environmental information. These amendments therefore seek to take the agreed text of that directive and to include it here in amended form as a general information access requirement for non-personal data.

Amendment 102

Dita Charanzová, Jasenko Selimovic

Proposal for a directive

Article 4 – paragraph 3 c (new)

Text proposed by the Commission

Amendment

3c. The reasons for refusing a request for the access to or re-use of documents mentioned in paragraph 3b and Article 1(2) shall be interpreted in a restrictive way, taking into account for the particular case the public interest served by disclosure. In every particular case, the public interest served by disclosure shall be weighed against the interest served by the refusal.

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. The Re-use of information assumes there is an open access to all government data. This requirement is missing from this Directive. It does, however, exist in Directive 2003/4/EC on environmental information. These amendments therefore seek to take the agreed text of that directive and to include it here in amended form as a general information access requirement for non-personal data.

Amendment 103

Dita Charanzová, Jasenko Selimovic

Proposal for a directive

Article 4 – paragraph 3 d (new)

3d. Where a Member State provides for exceptions, it may draw up a publicly accessible list of criteria on the basis of which the body concerned may decide how to handle requests.

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. The Re-use of information assumes there is an open access to all government data. This requirement is missing from this Directive. It does, however, exist in Directive 2003/4/EC on environmental information. These amendments therefore seek to take the agreed text of that directive and to include it here in amended form as a general information access requirement for non-personal data.

Amendment 104

Dita Charanzová, Jasenko Selimovic

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) officials are required to support the public in seeking access to documents;

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

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

– **the designation of information officers;**

– **the establishment and maintenance of facilities for the examination of the documents required,**

– **registers or lists of documents held by public sector bodies or information points, with clear indications of where**

such documents can be found.

Member States shall ensure that public sector bodies inform the public adequately of the rights they enjoy as a result of this Directive and to an appropriate extent provide information, guidance and advice to this end.

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. The Re-use of information assumes there is an open access to all government data. This requirement is missing from this Directive. It does, however, exist in Directive 2003/4/EC on environmental information. These amendments therefore seek to take the agreed text of that directive and to include it here in amended form as a general information access requirement for non-personal data.

Amendment 105

Dita Charanzová, Jasenko Selimovic

Proposal for a directive

Article 5 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

For the purposes of this paragraph, public sector bodies shall make all reasonable efforts to maintain documents held by or for them in forms or formats that are readily reproducible and accessible by electronic means.

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. The Re-use of information assumes there is an open access to all government data. This requirement is missing from this Directive. It does, however, exist in Directive 2003/4/EC on environmental information. These amendments therefore seek to take the agreed text of that directive and to include it here in amended form as a general information access requirement for non-personal data.

Amendment 106
Dita Charanzová, Jasenko Selimovic

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 wherever possible***, via suitable Application Programming Interfaces (APIs).

Or. en

Justification

The frequency of updates and the delay between collecting and posting is important to the usefulness of such data (e.g. traffic data). The addition of the word "immediately" is not enough as there is no clear understand of how quick is "immediately". This is solved by adding the term "real-time" from the definition of dynamic data and "without delay". Any frequency less than real-time should be discouraged.

Amendment 107
Dita Charanzová, Jasenko Selimovic

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. ***The exact delay timeframe and update frequency shall be notified to users of such documents.***

Or. en

Justification

The frequency of updates and the delay between collecting and posting is important to the usefulness of such data (e.g. traffic data). The addition of the word "immediately" is not enough as there is no clear understand of how quick is "immediately". This is solved by adding the term "real-time" from the definition of dynamic data and "without delay". Moreover, if there is a delay, users must be made aware of what exactly that delay is in order to make this data still useable.

Amendment 108

Richard Sulík

Proposal for a directive

Article 5 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. By means of a delegated act, the Commission shall lay down criteria for interoperability of APIs among Member States to support machine-to-machine interaction.

Or. en

Justification

This amendment is needed in view of the internal logic of the text.

Amendment 109

Maria Grapini

Proposal for a directive

Article 6 – paragraph 1

Text proposed by the Commission

Amendment

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

(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, **in accordance with Regulation EU 2016/679**, and measures taken to protect commercially confidential information .

Justification

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

Amendment 110

Dita Charanzová, Jasenko Selimovic

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 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 .

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.

Amendment 111

Sabine Verheyen, Birgit Collin-Langen, Andreas Schwab

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

(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;

Or. de

Justification

This amendment is necessary for the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 112
Maria Grapini

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, and – where applicable – anonymisation of personal data, ***in accordance with Regulation EU 2016/679***, 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. ro

Justification

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

Amendment 113

Maria Grapini

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, preservation and rights clearance and – where applicable – anonymisation of personal data, ***in accordance with Regulation EU 2016/679***, 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. ro

Justification

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

Amendment 114

Sabine Verheyen, Birgit Collin-Langen, Andreas Schwab

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

Amendment

(5) The re-use of high value datasets, the list of which shall be defined ***by the Member States***, and of research data referred to in point (c) of Article 1(1) shall be free of charge ***or at a reduced cost*** for

user.

the user.

Or. de

Amendment 115

Liisa Jaakonsaari, Lucy Anderson

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

Annex II a has been added as an amendment on the list of high value datasets and should be mentioned in this paragraph of Article 6.

Amendment 116

Evelyne Gebhardt, Lucy Anderson

Proposal for a directive

Article 7 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Public authorities should disclose the potential costs that arise out of the re-use of public information.

Or. en

Justification

This amendment is linked to article 7 para 1 of the Directive on the re-use of public sector information. This amendment is needed in view of the internal logic of the text.

Amendment 117

Julia Reda

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

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

Amendment

1. Re-use of documents *shall* be allowed without or with *as few restrictions and* conditions *as possible*, where appropriate through a licence *or through dedication to the public domain. Where* those conditions *apply, they* shall not restrict possibilities for re-use *or* competition.

Or. en

Justification

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

Amendment 118

Sabine Verheyen, Birgit Collin-Langen, Andreas Schwab

Proposal for a directive

Article 8 – paragraph 2 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

In the case of public undertakings, where the re-use of documents is permitted under Article 3(2), and takes place without any corresponding conditions, where appropriate through a license, the public undertakings shall be excluded from all liability as regards the documents made available for re-use insofar as such an exclusion of liability does not run counter to any binding Member State rules.

Or. de

Justification

This amendment is necessary for the internal logic of the text and because the amendment is inextricably linked to other admissible amendments.

Amendment 119

Evelyne Gebhardt, Lucy Anderson

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 openly available ('open access policies'). ***Public administrations should have open access to government public data by default.*** These open access policies shall be addressed to research performing organisations and research funding organisations.

Or. en

Justification

This amendment is linked to article 5 para 4 of the Directive on the re-use of public sector information.

Amendment 120

Evelyne Gebhardt, Lucy Anderson, Nicola Danti

Proposal for a directive

Article 10 – paragraph 2

Text proposed by the Commission

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

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).

subject-based repository. In this context, ***data protection has to be ensured and*** legitimate commercial interests ***as well as*** 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

Justification

This amendment is linked to article 13 para 2 of the Directive on the re-use of public sector information.

Amendment 121

Sabine Verheyen, Birgit Collin-Langen, Andreas Schwab

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

Amendment 122

Liisa Jaakonsaari, Lucy Anderson

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 ***nor any preferential use of the data.***

Or. en

Justification

The new types of arrangements where in kind compensation is given in exchange for preferential use of public data could lead to a situation in which no other commercial re-user would have an incentive to re-use the same data set in a similar manner, which would in practise circumvent the provisions of the PSI directive on non-exclusivity and non-discrimination.

Amendment 123
Evelyne Gebhardt

Proposal for a directive
Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Fair competition between public authorities and re-users

Insofar as public authorities make a commercial use in their own benefit of public sector information outside a public service contract, Member States shall ensure that a fair competition under the same conditions is guaranteed.

Or. en

Justification

This amendment is linked to the internal logic of the text.

Amendment 124

Sabine Verheyen, Birgit Collin-Langen, Andreas Schwab

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 125
Richard Sulík

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 the list of high value datasets ***only within the following categories:***
(a) business registers
(b) maps
(c) national law
(d) public procurement
among the documents to which this Directive applies.

Or. en

Amendment 126
Liisa Jaakonsaari, Lucy Anderson

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 wording is changed to reflect the addition of Annex IIa, with priority categories for the list of high value datasets.

Amendment 127
Richard Sulík

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

Text proposed by the Commission

Amendment

1a. Member States shall decide which types of information specified in the list of high value datasets are publicly available. However, once publicly available they shall respect conditions stipulated in this Directive.

Or. en

Amendment 128
Dita Charanzová, Jasenko Selimovic

Proposal for a directive

PE625.475v01-00

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Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The list pursuant to paragraph 1 shall include any and all spatial information which is subject of Directive 2007/2/EC.

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.

Amendment 129

Richard Sulík

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

Or. en

Amendment 130

Richard Sulík

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

deleted

a. any conditions for re-use;

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

Or. en

Amendment 131

Liisa Jaakonsaari, Nicola Danti, Lucy Anderson

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 ***significant*** socio-economic benefits, ***innovation***, the number of users, ***especially SMEs and start-ups***, and the revenues they may help generate, and their potential for being combined with other datasets.

Or. en

Justification

The criteria for selecting high value data-sets should include consideration of benefits to SMEs.

Amendment 132

Liisa Jaakonsaari, Nicola Danti, Lucy Anderson

Proposal for a directive

Article 13 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7a. For the purpose of adopting the list of high value datasets, the Commission shall carry out a public consultation with all interested stakeholders including public sector bodies, public undertakings, data re-users, research organisations, civil society

groups, and other representative organisations. All interested stakeholders may submit suggestions for specific datasets within the categories defined in Annex IIa.

Or. en

Amendment 133

Sabine Verheyen, Birgit Collin-Langen, Andreas Schwab

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. de

Amendment 134
Josef Weidenholzer

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

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

European Parliament or the Council opposes such extension not later than three months before the end of each period.

duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period. *The preparation of implementing acts shall provide for rights to participation in decision-making and for the financial and human resources for the effective use of such rights; the European social partners – stakeholders such as the Austrian Public Sector and Social Economy Association (VÖWG) and the European Centre of Employers and Enterprises providing Public Services of general interest (CEEP) – shall be involved in the preparatory process.*

Or. de

Amendment 135
Richard Sulík

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 delegated acts referred to in **Article 5 and** Article 13 shall be conferred on the Commission for a period of **two** 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 **two-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.

Or. en

Amendment 136
Richard Sulík

Proposal for a directive

Article 14 – paragraph 3

Text proposed by the Commission

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.

Amendment

3. The delegation of power referred to in **Article 5 and** 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.

Or. en

Amendment 137

Richard Sulík

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 **acts** adopted pursuant to **Article 5 and** 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 138

Richard Sulík

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. No sooner than **seven** 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

Or. en

Justification

The evaluation should be carried out after a longer period of time than originally proposed by the Commission, in order to fully reflect the effects of this recast.

Amendment 139
Liisa Jaakonsaari, Nicola Danti, Lucy Anderson

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

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Amendment

1. **Three** 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

necessary for the preparation of that Report

⁴⁷ SWD (2017)350

⁴⁷ SWD (2017)350

Or. en

Justification

The time limit should be reduced to three years, as the data economy evolves at a very fast pace. Especially the impact of the high-value datasets should be evaluated in a timely manner after the transposition of this Directive, in order to assess whether more categories and datasets should be included.

Amendment 140

Liisa Jaakonsaari, Nicola Danti, Lucy Anderson

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 **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 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 uptake of Application Programming Interfaces**, 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

The evaluation should focus on assessing the socio-economic impacts, as well as, the increase of SME re-users, as these are the key aims of this Directive, as well as, uptake of APIs, which is important in the context of re-use of dynamic data.

Amendment 141

Liisa Jaakonsaari, Lucy Anderson

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 in 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 (lists of registered companies, ownership and management data, registration identifiers, balance sheets)***

Or. en

Justification

In the 2014 Guidelines (2014/C 240/01), the Commission identified some categories for re-use, which have the highest demand from re-users across the EU, some of which have been included in this Annex IIa. The specific datasets to be included in the list of high value datasets should be selected by the Commission from these categories, after a public consultation and consultation with experts.