

Review of the Directive on re-use of public sector information 2003/98/EC (PSI Directive)

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Briefing

- We believe that there is potential for further increase in the re-use of European PSI at a local to global level and that as enacted, the current PSI Directive is concise and straightforward. This includes clear rules to ensure that conditions for re-use are both fair and transparent.
- We think it desirable that, “as a general rule”, information routinely accessible to the public should be available for re-use. In the interests of better regulation we would prefer to leave the general principle as is but encourage by guidance the “general rule” without embodying it in the legislation.
- With respect to charging arrangements the existing legislation accommodates the full range of national policies and organizational circumstances. EuroGeographics finds that any or all of these are suitable for our members in particular circumstances, and we believe that none should be ruled out. We believe that the issue of charging is less important than encouraging the widespread availability of high quality PSI for re-use. The ability to charge may actually improve this availability, and in our view it is better that information be available according to prevailing conditions than not available at all.

Context and possible action

The Digital Agenda for Europe (DAE) includes a review of the PSI Directive among its key actions. In particular the review is expected to address:

1. the scope of the Directive;
2. charges for the re-use of public sector information;
3. the principle that all material that is generally accessible is also re-usable.

Information held by public sector bodies offers significant potential for re-use (for purposes other than those for which it was collected) and studies have pointed to the economic potential of improving exploitation of latent PSI assets. There is good evidence of more widespread re-use of PSI since the implementation of the Directive¹. Building on this progress we believe that there is potential for further increase in the re-use of European PSI at a local to global level. There may be parts of the public sector where awareness of this potential is not as high as it is in, for example, the geographic information arena. A lower level of awareness might also apply to some potential groups for, or areas of, re-use. Action to tap these resources and raise awareness amongst markets and other re-users is to be welcomed. As a pan-European association, EuroGeographics believes that more can be done to promote the development of cross-border products and services.

¹ Assessment of the Re-use of Public Sector Information (PSI) in the Geographical Information, Meteorological Information and Legal Information sectors, MICUS, 12/2008

As enacted, the PSI Directive is concise and straightforward. This includes clear rules to ensure that conditions for re-use are both fair and transparent. The first formal review of the Directive, completed in 2009², concluded that the emphasis should now be on ensuring more complete and effective implementation of the Directive rather than on amending the legislation. The Commission Work Programme 2011 indicates three important areas – scope, general principle and charging - where legislative changes may yet be considered. We believe that any benefits that might be achieved in this way will be less than what may be achieved through more effective promotion and enforcement of the existing regime. We therefore favour non-legislative or ‘soft law’ action as the most effective route to realising the economic benefit of PSI re-use. We suggest that further legislation addressed to the Member States would have only limited effect on the creation of cross-border and pan-European products and services., in particular:

1 Scope (Article 1)

The question is whether the PSI Directive should be extended to cover cultural, educational and research establishments and public service broadcasters. While this is an important issue, EuroGeographics is not in a position to comment - other than to note that there remains plenty to do to maximise re-use within the existing scope of the Directive.

2 General principle (Article 3)

We think it desirable that, “as a general rule”, information routinely accessible to the public should be available for re-use. The PSI Directive recognises that information holders may not be able to grant re-use of information where third-party IPR is involved and this derogation should continue. If a revised directive introduced a strict universal right of re-use then further derogations are expected to be required to make this right workable. In the interests of better regulation we would prefer to leave the general principle as is but encourage by guidance the “general rule” without embodying it in the legislation.

3 Charging (Article 6)

With respect to charging arrangements the existing legislation accommodates the full range of national policies and organizational circumstances. EuroGeographics finds that any or all of these are suitable for our members in particular circumstances, and we believe that none should be ruled out. Nor should any one of these choices be ideologically preferred to any other. While we are familiar with the argumentation for charging at no more than marginal cost, we know that in practice many other considerations come to bear, including Member States’ arrangements for financing the activities of PSI providers. Furthermore, our society expects geographic information that is reliable, complete, accessible, up to date and of high quality. And it should be fit for use.

EuroGeographics recommends that the current flexibility regarding charging should be retained. The field of geographic information demonstrates what can be achieved with good awareness of the potential for re-use and enthusiastic promotion to potential re-users. This has been achieved without unnecessary restrictions on charging.

We believe that the issue of charging is less important than encouraging the widespread availability of high quality PSI for re-use. The ability to charge may actually improve this availability, and in our view it is better that information be available according to prevailing conditions than not available at all.

² <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52009DC0212:EN:NOT>

Geographic information and European Policies

Geographic information has long underpinned important policies at all levels of government including, and increasingly, at the European level. An early benchmark of this underpinning was described in a European Commission document on the spatial impact of EU policies³. Since then, geographic information, and in particular public sector geographic information (as made available by the NMCAs) has figured more prominently in EU policies and initiatives, for example; in the Communication on the European eGovernment Action Plan 2011-2015 and subsequent Council Conclusions, the Digital Agenda for Europe, and the GMES Regulation.

About geographic information

Geographic information, taken in its widest sense, is location information about land, sea and air. Geographic Information (GI) relates to the earth's landscapes, people, places and environment. GI, for example, records official names and the location of features, from points of interest (a post box) to linear features running through many countries (such as the River Danube). GI provides the essential framework which allows attributes about features to be related or connected to them. This includes information about ownership, construction, environmental conditions, and the existence of essential services.

About the national mapping & cadastral agencies (NMCAs)

The national mapping, land registration and cadastral agencies (NMCAs), as a public task, produce, update and distribute reference and other geographic information (including topographic, cadastre and land information). Countries need geographic information that is reliable, sustainable, coherent and continuous at national level to deliver public services and underpin economic activity. Public sector geographic information has been the subject of particular attention under the PSI Directive. Therefore NMCAs, as holders of public sector geographic information tend to have a high profile among PSI stakeholders, including those in their respective member states. NMCAs have paid close attention to the requirements of the Digital Agenda, the PSI Directive, INSPIRE, GMES and policy thinking in these areas.

About EuroGeographics

EuroGeographics is a non-profit organization formed in 2001 as the membership association and representative body of the European national mapping, land registry and cadastral agencies. Earlier this year EuroGeographics moved its operational centre to Brussels putting it at the heart of European policy development and decision making. We currently bring together 56 definitive information authorities from 44 countries across Europe, providing a strong, unified and well-respected voice. We provide a single point of contact for communication with our members, and a platform for the exchange of information and best practice. Our geo-spatial products and services make a significant contribution to the operational delivery of a wide range of national and EU policies.

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³ The Spatial Impact of European Union Policies. JRC. 2001