

MINUTES OF THE
11TH MEETING OF THE PUBLIC SECTOR INFORMATION GROUP
LUXEMBOURG, 6 MAY 2008

1 WELCOME AND INTRODUCTION BY CHAIRMAN, MR H. FORSTER, DIRECTOR (EC)

The Chairman, Mr Horst Forster, welcomed the members of the Public Sector Information (PSI) Group and participants from the private sector. Thirty-five persons participated in the meeting including speakers from the private sector, Commission officials and representatives from twenty Member States (MS).

He then presented the meeting agenda and the topics which would be discussed therein. The main subjects of discussion in the 11th PSI Group meeting would be the review of the PSI Directive and views from the private sector on PSI re-use. He spelled out the importance of inviting the private sector to join in discussions of the PSI Group. The Commission holds the opinion that both private and public sector need to cooperate to be able to understand the challenges before us in order to boost the PSI market.

The second half of the meeting was chaired by Mr Javier Hernández-Ros.

2 TRANSPOSITION AND APPLICATION OF THE PSI DIRECTIVE – UPDATE BY MEMBER STATES

The chairman invited the MS to up-date the Commission and participants on developments in the field of PSI in their respective countries.

Austria informed the participants that after implementing the PSI Directive into Salzburg state law it has notified to the Commission full transposition of the Directive.

In February 2008 **Belgium** set up a so-called "Transparency Committee" composed of representatives of all federal ministries and of other federal public services. The Committee will be responsible for the creation and permanent updating of an inventory of re-usable documents at federal level and for ensuring its dissemination (in particular via the federal government portal). It will also discuss issues connected to PSI and stimulate the exchange of good practices.

The **French** representative from the "Agence du patrimoine immatériel de l'Etat" (APIE) presented briefly the work of the agency. Following the implementation of the PSI Directive into French law and after the issue of a report on the "intangible

economy", the Government set up this new agency to optimise the impact of State intangible assets of the economy, to coordinate work among ministries in this respect, and to support the administrative services in terms of management of their intangible assets.

Malta announced a freedom of information bill which is soon to be discussed in Parliament.

Irish and **Latvian** representatives presented the agendas and the outcomes of the conferences which they have hosted and organised in the framework of the ePSIplus project. Ireland advised that further secondary legislation was introduced in February of 2008 to address some issues raised by the Commission. Latvia also made a short presentation on a study on PSI which they finished in December 2007.

The Netherlands updated the participants that they are working on an agreement with the municipalities concerning the costs for supply and re-use of PSI.

The UK informed that they are looking into a possibility to use mediation as an alternative, apart from the existing regulatory framework, in formal disputes as regards PSI re-use.

Finland has two working groups (established within the framework of the ePSIplus project) dealing with PSI re-use, one trying to identify relevant re-usable information and barriers that small and medium sized enterprises face in PSI re-use and the second one dealing i.a. with IT architecture in connection with PSI.

Lithuania has a few initiatives concerning PSI re-use. They have established a database of PSI; in 2007 they performed a survey among potential re-users. They have also hosted one of the ePSIplus meetings.

3 THE REVIEW OF THE PSI DIRECTIVE

3.1 COMMISSION'S PLAN AND CALENDAR, MS MERI RANTALA (EC)

In her presentation Meri Rantala explained that, in accordance with article 13 of the PSI Directive, the review of the PSI Directive shall in particular address the scope and impact of the Directive, including the extent of the increase in re-use of public sector documents, the effects of the principles applied to charging and the re-use of official texts of a legislative and administrative nature.

As input to the review, the Commission will perform two studies (see points 3.2 and 3.3 below) in addition to the work being carried out under the ePSIplus thematic network (see point 5 below). The Commission has also launched an on-line consultation and will consult directly Member States through their representatives in the PSI Group.

3.2 ASSESSMENT OF THE ECONOMIC IMPACT OF REUSE IN THE GI, METEOROLOGICAL AND LEGAL SECTORS, MR FORNFELD (MICUS CONSULTANCY)

Micus Management Consulting GmbH has been awarded the call for tender "Assessment of the re-use of PSI in the geographical, meteorological information and legal information sectors".

This is one of two studies which will feed into the Commission's review of the PSI Directive.

Mr Fornfeld, the representative of the company, presented briefly the methodology of the study which will be based on preliminary research, survey and case studies. The study will focus on economically relevant data and will try to identify changes in the PSI Holders' data policy since 2002 and its impact in re-use. The study is due to be completed end July.

3.3 EXTENSION OF THE SCOPE OF THE DIRECTIVE TO CULTURAL INSTITUTIONS, ROB DAVIES (MDR PARTNERS - RIGHTSCOM, LTD)

The call for tender "Assessment of the economic and social impact of the public domain in the information society" has been awarded to Rightscom, Ltd.

Mr Davies explained that the main purpose of the study is to have a first and general overview of what the situation is in Europe with regard to public domain material and to assess the economic and social potential of the accessibility to this material. One of the objectives of the study is to identify and analyse the current practices for re-use of public domain content held by European cultural institutions and assess their capacity to implement the principles for re-use as established in the PSI Directive. He gave a short presentation on the methodology of gathering information needed to perform the study.

The representative of the French Ministry of Culture noted the importance of intellectual property rights in this connection and inquired as to whether the MS will be consulted. The French representative of the APIE also recalled the necessity of distinguishing between access and re-use, in respect to cultural content as well as all other types of content.

The Commission clarified that indeed in the questionnaire sent out to the MS on the review of the PSI Directive, there is a question specifically on whether cultural institutions should be included within the scope of the Directive.

4 THE VIEWS OF THE PRIVATE SECTOR

4.1 THE PSI ALLIANCE, MR M NICHOLSON (INTELLIGENT ADDRESSING LTD) AND MR N. FUTTER (COMPASS-VERLAG GMBH)

Mr Nicholson from Intelligent Addressing Ltd and Mr Futter Compass-Verlag GmbH presented the newly created PSI Alliance - a Pan-European Industry Action group – which was set up in Prague on 23 January 2008. Fourteen private sector companies and associations signed the launch documents as Founder Members. They represent over 380 private sector companies which re-use PSI on a regular basis. Through this

new Association they will work towards raising political attention for re-use and to the barriers that private re-users are facing for fully realising the potential embedded in PSI. Amongst the latter, competition from the public sector bodies at the source of the PSI itself was seen as the main preoccupation of private re-users.

4.2 REUSE OF PSI, A FRENCH INDUSTRIAL PERSPECTIVE, MR D. BERTHAULT, GROUPEMENT FRANÇAIS DE L'INDUSTRIE DE L'INFORMATION (GFII)

Mr Berthault, Vice-president of the GFII (GFII – "Groupement Français de l'Industrie de l'Information", which is also a member of the PSI Alliance) and Director at Lexis-Nexis in France, presented GFII's activities. They are centred around four key points: defining common objectives, making suggestions and thus better protecting the interests of the French information industry; enhancing the information industry at national, European and international levels; being an interface with national, international and EU bodies, and with other players in the Information segment; offering extensive information know-how. He also mentioned the most common barriers which private companies face in France trying to re-use PSI, amongst them the very lengthy and cumbersome procedures for concluding licensing agreements with the public sector bodies.

The Belgian representative presented their policy called "Sinds 2000" to improve efficiency of public services in general (availability, transparency, standardised licences, etc.) and the quality and reliability of reusable data. The policy is based on data sharing between several public services and simplifies procedures and cuts-down time necessary for the private sector to get reusable PSI. The policy reshapes the interaction between the public and private sector.

The French representative of the APIE explained the APIE's role in connection with the reuse of PSI. The APIE works in cooperation with all public administrations to further the broadest possible availability of PSI, under conditions, including financial, that are transparent, fair and non-discriminatory. Where a fee is charged, it must ensure a proportionate and fair return to society and enable the improvement of public service.

GOOD PRACTICES FROM MEMBER STATES

5 REPORT OF THE EPSIPLUS PROJECT ON THE IMPLEMENTATION OF THE PSI DIRECTIVE: MR R. DAVIES, MDR PARTNERS

Mr Davies from ePSIplus Thematic Network presented the state of play of this project funded by the eContentplus programme to support the implementation of the PSI Directive in the period leading up to its review later this year. It is a thirty month project, at the moment they have reached the twentieth, they have had twelve out of fifteen thematic cross-border workshops, twenty out of twenty-nine national meetings and they are organising the final conference which will take place in Brussels on 13 June 2008. The ePSIplus one-stop portal <http://www.epsiplus.net> provides detailed evidence and access to a wide range of information concerning PSI re-use across Europe and abroad. They have also drafted recommendations for the purposes of the

Commission's PSI Directive review which will be discussed in the final conference in Brussels.

6 FULL COSTS OR MARGINAL COSTS? MODELS OF PUBLIC SECTOR INFORMATION PROVISION: MR R. POLLOCK, EMMANUEL COLLEGE, CAMBRIDGE UNIVERSITY

The study "Full costs or marginal costs? Models of PSI provision" which was commissioned in July 2007 by The UK's Department for Business Enterprise & Regulatory Reform (BERR) and undertaken by Cambridge University, considers models of PSI provision via Trading Funds and makes a number of recommendations related to six public sector trading funds.

Mr Pollock expressed the importance of information industry and PSI re-use in general and then emphasized the need of proper/stimulating/fair regulation in the field. He concluded the presentation by revealing that the study recommends marginal costs for maximising the benefits of PSI.

The French representative stated that they do not find the model proposed by the study operational in their country. The representative of APIE also noted that the study does not distinguish between commercial reuse and non commercial re-use. She asserted that a number of the study's underlying hypotheses are debatable, and that the analysis of the impact on society is incomplete, in particular with respect to public finances. Given the complexity of the subject and the diversity of the situations in which it arises, it is inappropriate to apply a single rule to all cases.

Mr Pollock suggested that the proposed model could be tested for a limited period of time within one or a few PSI holders, and only afterwards could a decision be made about the most appropriate one (no costs, marginal costs, operational costs, return of the investment costs policy etc.).

Mr Nicholson from Intelligent Addressing Ltd argued that there are two key points shown by the study: first the need for an effective and independent government process of Regulation whatever economic model is adopted for funding PSI; and secondly, the generic socio-economic advantages of pricing PSI at its marginal cost of distribution which would have the additional benefit of focussing PSI Holders' activities on the tasks essential for good government and minimising competition issues.

The Belgium representative stated that the study is interesting and that it represents a good model for content holders in the UK. Belgium presented a standard charging policy but the public content holders are reluctant to adopt it. They appealed to the Commission to support comparable analysis in the EU. The representative also supported the policy of marginal costs.

7 THE EXPERIENCE OF 2 YEARS OF WORK OF THE UK OFFICE OF PUBLIC SECTOR INFORMATION, (JIM WRETHAM, OPSI)

Mr Wretham presented the work of the Office of Public Sector Information (OPSI). He first spelled out the importance of PSI for UK's economy and citizens and

presented the ideal framework (legal framework, central policy co-ordination, awareness and perception of benefits, process – web based Ministerial support, clarity and consistency of approach, effective regulatory approach, links between public and private sectors) which would, in his opinion, result in a win-win situation for both public and private sectors. He continued by presenting the UK's actual solutions/work during the last two years, which combines the efforts of both public (OPSI, Click-Use Licence) and private sectors (professional associations).

The importance of agencies such as OPSI which represents central policy coordinator was emphasized after the presentation.

8 OECD POLICY PRINCIPLES FOR ENHANCED ACCESS AND MORE EFFECTIVE USE OF PSI, MR G. VICKERY (OECD)

Mr Vickery from the Organisation for Economic Cooperation and Development (OECD) presented the "Recommendation for enhanced access and more effective use of PSI". OECD recommends that, in establishing or reviewing their policies regarding access and use of PSI, member countries take due account and implement thirteen principles which provide a general framework for the wider and more effective use of PSI: openness, access and transparent re-use conditions, asset lists, quality, integrity, new technologies and long-term preservation, copyright, pricing, competition, redress mechanisms, public-private partnerships, use of internet, best practices.

After the presentation a question was raised about what will happen after the issue of the Recommendation as it is not legally binding (OECD is a consensus organisation). Mr Vickery answered that the purpose of the recommendation is to encourage member countries to realise the potential of PSI. OECD will review the implementation of these principles in members' countries in three years time and rethink how they can be potentially modified according to the countries' experience.

9 OTHER ISSUES AND WRAP UP BY CHAIRMAN

At the end of the meeting the chairman invited all to participate in ePSIplus' final conference in Brussels on 13 June 2008.

He announced that the Commission will soon send a questionnaire to all MS for the purposes of the review of the PSI Directive.

He also announced that the Commission has published a prior notification notice concerning the future call for tender "European public sector information (PSI) platform". The service will be mainly built around an interactive web-based portal ('one-stop-shop'), providing news on European PSI developments, emerging good practices, examples of new products and services and legal cases around PSI re-use.

Finally Mr Hernandez-Ros thanked the participants and the speakers for their presence and contributions.

Andrej OSTERMAN

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