

ePSIplus Recommendations and Supporting Evidence

**To the Commission consultation on the
review of the Directive on PSI re-use**

**Final Version
11 October 2008**

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This report has been produced and prepared as a deliverable of the ePSIplus Network project. Best endeavours have been taken to ensure the document is correct at the time of publication.

Contributions and feedback are welcome and should be submitted to Rob Davies, ePSIplus Network Co-ordinator (rob.davies@epsiplus.net)

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Basis for the ePSIplus recommendations

ePSIplus, funded under the [eContentplus programme](#), has monitored and reported on developments on the transposition of the Directive on PSI re-use since September 2006, building on the work of its predecessor activity [ePSINet](#) (2003-5). The tools at the disposal of ePSIplus include comprehensive monitoring of online sources, a network of [national correspondents](#) in every Member State and the information generated by a very extensive programme of [national meetings](#) on PSI re-use and [Thematic Meetings](#) covering key issues, with cross-border expert participation. This work is underpinned by an expert team of contracted in-house [analysts](#).

The information gathered by these means is edited and incorporated as news, reports, cases etc on the content-rich ePSIplus website www.epsiplus.net, which also provides an important distribution channel to 2500 registered stakeholders from the private, public, and academic research sectors in every member state and outside Europe.

The sum total of the accumulated knowledge from these sources has been used to formulate the ePSIplus network recommendations on the review of the PSI Directive, which this document represents. An annex to the recommendations highlights specific pieces of supporting evidence which underpin and illustrate each recommendation.

The document has now been reviewed and modified in the light of the debate and conclusions of the ePSIplus conference 'PSI re-use Who Takes Action Next' held in Brussels on 13 June 2008 http://www.epsiplus.net/events/epsiplus_conference_psi_re_use_who_takes_action_next, especially those represented in the Rapporteur's reports on the parallel workshops which were asked to validate the draft recommendations.

This document was submitted to the European Commission's review of the Directive on PSI re-use.

Recommendations

1. Progress on implementation of the Directive

Transposition of the Directive into national legislation by the deadline date (July 2005) was far from uniform and this situation gave rise to the Commission taking action through the European Court of Justice to ensure the attention of all Member States. All Member States have now completed the transposition process. Nevertheless, the relatively slow and recent enactment of national legislation means that the impending review of the Directive comes at a point when, in many countries, there has been insufficient time for its possible consequences to be fully assessed or for important actions to be taken by a large number of Member States.

This problem is exacerbated by the undeniably low level of awareness and understanding of the existence or intention of the legislation in many Member States as a starting point, contributing to conditions in which businesses trading in the information area do not yet feel sufficiently confident to seek or exploit commercial opportunities.

Whilst some progress has been made in moving the market and social benefits of increased commercial trading in PSI higher up the political agenda, both in Europe and internationally (e.g. through the work of OECD), the whole process needs to be given more time and continued effort, in order to optimise the potential for impact.

Some industry representative bodies have expressed a strong preference for revising the Directive by legislating soon as a result of the current consultation. On balance, we do not think that now is the right time for this. While the level of acceptance of some of the underlying arguments and support from Member States for stronger legislation remains uncertain, the risk of confusion and/or other, worse unintended adverse consequences from such a legislative co-decision process remains relatively high. It seems to us more likely that focusing attention on implementation of the existing Directive, supported by a clear Communication and accompanying guidance from the Commission in identified areas of current concern, is an approach to improving market conditions which is likely to be more effective. The further and more insistent promotion and adoption of the 'marginal costs' pricing principle, along the lines recently adopted by OECD, is at the root of much which needs to be achieved.

It is, however, hard to deny that a number of the provisions of the current Directive do contain apparent weaknesses which are considered by many stakeholders to be endemic and which diminish its force in principle and in practice. We identify the most serious of these in Recommendation 7 below. It seems clear that legislation will be required at some point in the next few years, once it is clear what progress can be made by other means and by allowing sufficient time.

**Recommendation 1**

- 1.1 **The focus of effort for the next 2 years at least should be upon encouragement to Member States in implementing and enforcing the main provisions of the Directive and to the private sector in pursuing the business opportunities created. This should be supported by the provision of a further Communication and guidance from the Commission, where the need has been identified. Revision of the Directive may very well be needed at some stage, but now is too early: the effort would be likely to distract attention from that which is needed to encourage and enforce implementation of the current legislation. Further awareness, advocacy and clarification of the spirit and intentions of the existing Directive should have a high priority, supported by the mainstreaming of public sector awareness-raising training in this area. The development of cross-border guidance at sectoral level, with the involvement of sectoral industry associations, may also have a useful role to play.**

- 1.2 **There is also a need for continued monitoring of key indicators. These may include the establishment of PSI repositories, the availability of standard licences (or their waiver), progress on the transparency of pricing, number and type of 'cases' dealt with by regulatory bodies and through litigation together with data on market size. Member States should be required to submit an annual PSI Directive implementation status report to the Commission, which is publicly available and describes the progress made over the past year. Transparent access to such reports is vital in order that PSI stakeholders may react to the content of the published annual report. It should be made possible to identify in all major government departments an officer with responsibility for PSI assets, to facilitate the collection of the necessary data.**

2. Channels for redress

Availability of redress for re-users through existing legal channels (such as Competition Legislation) remains in the main uncertain and expensive. The ability of businesses to pursue complaints about breaches of regulation regarding PSI re-use depends upon the existence of a body at national level which is established for this purpose, has adequate visibility, is impartial and provides easy and affordable access to methods of redress. At present, fear of the possible adverse consequences of making a complaint upon existing business arrangements with public sector bodies may well be one of the factors preventing many such complaints from being pursued.

Very few Member States have yet established a body for this purpose. To do so does not require further legislation at European level. The most prominent examples remain the UK (OPSI, now part of the National Archive) and Slovenia (the Information Commissioner). Even where they do exist, not all re-users are satisfied with the extent of their powers. To be effective, such bodies need to have 'teeth' and their rulings ideally to have legal force: their role should be akin to that of a regulator. Given the right remit, such bodies can also have a positive impact on public sector attitudes towards making information available for re-use and on information access structures. If transposition was the first necessary activity and has been achieved, the establishment of independent channels of redress of this kind in each Member State is the next vital step in the implementation of the Directive.

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Recommendation 2

- 2.1 Member States should each establish an independent regulatory body in order to stimulate and govern the PSI re-use market more effectively. The Commission should issue further guidance and good practice support to encourage action to establish such bodies in all Member States and to build their competence. Particular attention should be given to the need for accessible and affordable appeals procedures.**

3. Discriminatory practices

The most frequent cause of private sector complaint is the persistence of discriminatory practices in the licensing of data. Although the number of legal cases brought on these grounds is almost certainly not equal to the number of instances of difficulty (see [Channels for redress](#) above), there is a mounting set of evidence that this is a substantial problem area.

The range of barriers to re-use which are encountered is quite wide and includes:

- the continuation of exclusive arrangements between public and private sector organisations, sometimes as a result of public private partnership (PPP);
- denial or dispute by a public sector body or 'semi-public' agency that they or their data or information they own falls under the provisions of the Directive in any case;
- prices being set at too high a level to avoid competition with the public sector body's own charged services;
- the setting of contractual conditions which exclude certain types of re-use (for example which may be deemed competitive with public sector commercial models or which limit the quantity or type of data available so as to be less than optimally useful for commercial purposes);
- subsets of data are priced at the same (higher) cost of licencing the whole set;
- viewing sample data in order to make a decision on its potential value is highly priced;
- it is claimed that the inclusion of a small proportion of third party data in a set exempts the whole data set from the provisions of the Directive;
- opaque and conditional pricing regimes which cannot be verified as non-discriminatory (e.g., which are not published or the calculation of which is not clear and/or which disguise cross-subsidies within public bodies);
- slow response times: with reasons being cited such as disproportionate effort required for timely response to requests.

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Recommendation 3

3.1 Rigorous action is required on the part of Member States to enforce the provisions of the Directive on exclusive arrangements, non-discriminatory licensing, transparency of pricing and timeliness of public sector responses. The strengthening of public sector accounting and audit procedures to ensure that these are adhered to appears to be a precondition for success. Where public sector bodies are unable to demonstrate their cost calculations in a satisfactory manner, marginal costs should be the default. Claims for exemption from the Directive e.g. on the grounds of public task, should at least be traceable to a published mandate for the public sector body concerned.

3.2 The Commission should continue action to ensure Member States enforce the winding up of pre-existing exclusive arrangements according to the specified timetable e.g. by end 2008. Any temptation to allow exclusive arrangements as being 'in the public interest' should be used with extreme parsimony according to very clear criteria: the perception that this important principle can be flouted with comparative ease appears to be a potential Trojan Horse.

4. Access to PSI

The challenge of ensuring that PSI can be discovered (i.e. is made available for discovery by public bodies) in order that it can be re-used remains an area in which progress is slower than it could or should be. Easy access to information produced by governments is highly relevant to the major i-2010 priority of creating a Single European Information Space. There are numerous initiatives in other parts of the European information domain which are relevant to the needs of PSI. However, it is notable that there is currently little or no programme-level support for ensuring that PSI is interoperable with and accessible through key European infrastructure initiatives.

Whole tranches of PSI (perhaps especially data held by local authorities) remain holed up in inaccessible 'silos' across every Member State. In such conditions it remains almost impossible for businesses to gain sufficient access to even decide whether a commercial proposition is available. The emergence of new pan-European or cross-border products and services based on PSI re-use is slow. Gains in free access to information made under national FOI/access legislation and e-Government initiatives do not in general address the need to mine 'deep' data held within the public sector.

In part this is a matter of the implementation of the right standards and infrastructure. In part it is also a matter of public sector attitudes and the lack of policy or operational incentives to prioritise the exposure of data on the web in a systematic way, for the purposes of re-users and others.

The solution may in future take a number of forms, including: the creation of national information asset registers with their own portals; creating and maintaining metadata in repositories which can be harvested by any service provider at national or European level; or of ensuring that information is exposed on the web to initiatives such as Google PSI. The potential benefits of newer semantic web and Web 2.0 technologies in enhancing access to and creative re-use of PSI – leading among other things to increased sharing and mixing of information from different sources – is also a subject of rapidly rising interest which deserves attention.

At this time, the need for common European metadata and identifier standards for discovery and re-use of assets seems as clear in the area of PSI re-use as it is in other key information areas: furthermore many points of convergence can be identified between sectors.

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Recommendation 4

- 4.1 Concertation between European bodies and frameworks such as INSPIRE, The European Interoperability Framework, IADBC, the CEN/ISSS e-Government standards focus group, the European Digital Library Initiative and the Open Access work being supported under the e-Infrastructures programme, should be established by the Commission in order to arrive at a suitable set of standards, an infrastructure and an Action Plan which takes proper account of the need to bring about steadily improving discovery and access to the full range of PSI.**
- 4.2 Practical initiatives to create 'asset registries' or other PSI infrastructures supporting re-use should be supported at national level and where cross-border in nature, at European level. Initiatives of this kind should incorporate rights expression facilities including the ability for the user to identify applicable licences and should build on the potential gains being made in Semantic Web and Web 2.0 technologies.**

5. Stimulating the private sector to act

The main premise of the Directive is to encourage the growth of the European information market. There are in existence certain sectors and business areas (geographic and meteorological information, legal information, credit information, registries of various kinds and latterly travel information) etc where there is ample evidence that a sustainable market exists for services which rely in part or in whole in the re-use of PSI, where it can be obtained on the general terms advocated by the Directive. The evidence so far suggests that business expansion into new areas does not occur as naturally as may be hoped, although there do appear to be stirrings in some sectors.

The general discouragements to business to invest in new products and services which depend on PSI are well known and include: a sense of high risk and uncertainty in dealing with the public sector in general; previous instances of the public sector acting competitively when confronted with private sector initiatives; and lack of predictability in pricing and access to data, in particular where timing of access is paramount.

Nevertheless, efforts such as the Directive to 'take the horse to the water' must be supported by continuous endeavours to enable it to drink. In this respect, the successful establishment (with the initial support of ePSIplus) in late 2007 of the PSI Alliance as an independent body to advocate private sector interests at European level on a cross-sectoral basis, is an encouraging development which should be nurtured as far as possible

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Recommendation 5

- 5.1 The private sector should continue to mobilise itself through European bodies such as the PSI Alliance and analogous national offshoots or predecessors such as Locus (UK). The Commission, European parliamentarians and regulatory bodies at national level should ensure that they receive a fair hearing, are accepted as *bona fide* industry sector representatives and respond in a manner which helps build confidence in stable and predictable conditions for added value business based on PSI re-use, as well as a greater assurance that a complaint is likely to succeed when discriminatory conditions are encountered.**
- 5.2 This coin is to a certain extent two-sided: the market is likely to thrive better overall if businesses do not seek to conclude monopoly-type arrangements for access to PSI for re-use.**

6. The Economic Case

It has become a macro-economic article of faith that by making PSI freely and easily accessible for re-use (the USA Federal model – marginal costs pricing plus copyright waiver - is often cited), the returns from taxation on growing business activity will greatly exceed the revenue expectations of public sector bodies which commercialise their information and data operations.

Studies and initiatives do occur from time to time with a view to advocating or demonstrating the case (e.g. most recently the 'Cambridge Study' into the UK Trading Funds, research initiated by OECD etc.) and continue to support this line upon which is, in essence, the main economic rationale on which the Directive depends. Evidence, for example in the Austrian geospatial sector, shows that where prices are lowered, re-use increases dramatically.

Where public accounts are available and sufficiently transparent, the evidence suggests that profits from public sector commercialisation are frequently very modest and likewise that high proportions of income generated are made by charging the public sector for information which it provided itself in the first place, at the expense of the same taxpayers.

The case for this type of 'swirling' of public sector finances appears to rest heavily on the idea that authoritative public data collection tends to assure a high level of data quality (a presumed deterioration in some USA data quality is often cited in this context). This idea still commands extensive support, although it is largely unproven and eroded increasingly by the rapid emergence and deployment of new 'popular' Web 2.0 technologies, perhaps especially in the geographic information sector.

Unfortunately, policy makers in 'line' Ministries are often deterred from acting, when confronted with the need to compensate public bodies with budget support for loss of direct income from sales. This deterrence may also be allied with the prospect of prolonged political maneuvering and dispute with public sector entrepreneurs, concerned to protect their organisational existence. It is also true that in a significant number of Member States public sector revenue generation is a norm firmly embedded within public sector culture.



Recommendation 6

- 6.1 In the view of ePSIplus, it is very important to continue and intensify work to establish and disseminate the economic case for marginal cost charging or no charges more conclusively. The Commission should seek the support of at least one Member State in which conditions for longitudinal work can be established in at least one PSI sector, in order to create a convincing basis for effective dissemination to others.**

7. Specific provisions of the Directive

There has been extensive discussion of various aspects of the wording and provisions of the Directive within the ePSIplus Network. These have ranged across a variety of topics including:

- The problems which may be caused in developing cross-border products by different definitions across Member States of phrases such as 'document', 'the public task' and 'third party copyright' (including) possible differences of meaning in different translations of the Directive.
- The possible extension of its scope to include, at least, information held by the cultural sector. ePSIplus makes no specific recommendation on this point, which is the part-subject of a separate Commission study on the value of the public domain. It does however advocate some caution in extending the scope of the Directive into additional complex areas until its effectiveness is demonstrated within the existing sectors to which it applies.
- The possible need for greater harmonisation with other legislation e.g. Data Protection, database legislation, competition law, INSPIRE etc.

ePSIplus believes that there are two potentially serious weaknesses in the Directive itself as currently drafted. It is appreciated that these may well have been the result of compromises necessary to ensure that the Directive survived the original co-decision procedure

Article 3 states that: *Member States shall ensure that, where the re-use of documents held by public sector bodies 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. Where possible, documents shall be made available through electronic means.*

Recital 9 amplifies this provision in the following way: *This Directive does not contain an obligation to allow re-use of documents. The decision whether or not to authorise re-use will remain with the Member States or the public sector body concerned.*

In effect, this leaves it open to any public sector body to refuse to license PSI as long as a reason is given. If practiced extensively, this provision would undermine the entire Directive. It is noteworthy that this provision has not been translated consistently in transposition into national law in every country, for example that in France is usually taken to mean that public sector bodies must make information available for re-use unless one of the stated exemptions applies.

Article 6 states that: *where charges are made, the total income from supplying and allowing re-use of documents shall not exceed the cost of collection, production, reproduction and dissemination, together with a **reasonable return on investment**. Charges should be cost-oriented over the appropriate accounting period and calculated in line with the accounting principles applicable to the public sector bodies involved.*

Whilst considerations of public sector efficiency are acknowledged, it appears questionable whether the phrase 'Return on Investment' should be used in the context of carrying out a public task. There is also an absence of guidance on how the term 'reasonable' might be measured. If applied widely to establish high charges based on no transparent calculation of how prices were arrived at, this provision is quite likely to undermine substantially the implementation of the Directive in the longer term by enabling public sector bodies or their agencies to trade in a manner which is essentially commercial and competitive with private sector re-users.

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Recommendation 7

- 7.1** The Commission should produce guidance to the effect that it was the intent of the Directive that public sector bodies should make their information available for re-use on request unless one of a limited and specified set of conditions applies and can be demonstrated. Member States, who are enabled by the Directive to go beyond its basic provisions, should encourage strongly the application of this guidance and their regulators should monitor its adoption.
- 7.2** Member States and regulatory bodies should monitor proactively the basis on which prices are established by public sector bodies and should govern the 'Reasonable Return on Investment' provision with firm guidance on allowable charging principles and levels. The Commission should support this by producing additional guidance on the subject. Ideally this guidance will further encourage adoption of the marginal costs pricing principle (which has now been adopted, for example, by OECD).

Supporting Evidence for the ePSIplus Recommendations

To the Commission consultation on the
review of the Directive on PSI re-use

1. Progress on implementation of the Directive

Recommendation 1

- 1.1 **The focus of effort for the next 2 years at least should be upon encouragement to Member States in implementing and enforcing the main provisions of the Directive and to the private sector in pursuing the business opportunities created. This should be supported by the provision of a further Communication and guidance from the Commission, where the need has been identified. Revision of the Directive may very well be needed at some stage, but now is too early: the effort would be likely to distract attention from that which is needed to encourage and enforce implementation of the current legislation. Further awareness, advocacy and clarification of the spirit and intentions of the existing Directive should have a high priority, supported by the mainstreaming of public sector awareness-raising training in this area. The development of cross-border guidance at sectoral level, with the involvement of sectoral industry associations, may also have a useful role to play.**
- 1.2 **There is also a need for continued monitoring of key indicators. These may include the establishment of PSI repositories, the availability of standard licences (or their waiver), progress on the transparency of pricing, number and type of 'cases' dealt with by regulatory bodies and through litigation together with data on market size. Member States should be required to submit an annual PSI Directive implementation status report to the Commission, which is publicly available and describes the progress made over the past year. Transparent access to such reports is vital in order that PSI stakeholders may react to the content of the published annual report. It should be made possible to identify in all major government departments an officer with responsibility for PSI assets, to facilitate the collection of the necessary data.**



International

The Socioeconomic Effects of Public Sector Information on Digital Networks – Towards a Better Understanding of Different Access and Reuse policies. Organisation de Coopération et de Développement Economiques – OECD (February, 2008)

http://www.ePSIplus.net/news/wpie_workshop_on_psi

OECD Policy principles for enhanced access and more effective use of public sector information Organisation de Coopération et de Développement Economiques – OECD (May 2008)

http://www.ePSIplus.net/news/psi_policy_principles

OECD: enhanced access and more effective use of public sector information policy principles (June 2008)

http://www.epsiplus.net/news/oecd_psi_policy

http://www.epsiplus.net/news/oecd_principles_published

OECD best practice forum: enhanced Internet-enabled access and use of public sector information (October 2008)

http://www.epsiplus.net/news/oecd_best_practice_forum

 **Europe**

Commission calls for more evidence at the ePSIplus Conference (June 2008)

http://www.epsiplus.net/news/more_evidence_needed

Proceedings of the Conference: PSI Re-use – Who takes action next? published (October 2008)

http://www.epsiplus.net/news/conference_proceedings_published

 **Belgium**

PSI training courses: Hergebruik van overheidsinformatie voor lokale besturen (September 2008)

http://www.epsiplus.net/news/psi_training_courses

 **Czech Republic**

EPMA launches a PSI Information portal (July 2007)

http://www.ePSIplus.net/news/zakladni_informace_o_psi

 **Estonia**

ePSIplus Country Report – Estonia (May 2008)

Section 3.1, page 9

'As the existing national legislation already covered the intent of the Directive, it was felt that no special action is needed. The Estonian Data Protection Inspectorate (EDPA) has the task of overseeing the issues of PSI, but since very little restriction is placed on what people can do with information, most of their work centers on access, not reuse. If a complaint to the EDPA is upheld, it will issue a precept to the offending body ordering it to comply with legislation. If they fail to do so within 5 working days, control of the agency will be given to a supervisory body'.

ePSIplus Country Report – Estonia (May 2008)

Section 7, page 13

'As a result of the ePSIplus national meeting a letter of recommendation has been drafted and was presented to appropriate Ministries within Estonian government. The letter covers the most important issues raised during the meeting, which if they were resolved would further improve the re-use of PSI in Estonia'.

 **Finland**

The newly formed Finnish PSI Group met formally for the first time. Diges Association, Finland (June 2007)

http://www.ePSIplus.net/news/finland_psi_group_formed

 **Denmark**

Denmark considers extending the scope of Danish PSI Lov nr. 596 af 24. juni 2005 (June 2008)

http://www.epsiplus.net/news/denmark_reviews_scope_of_psi_law

**Germany**

Results of the Potsdam PSI Awareness survey published (June 2008)

http://www.epsiplus.net/news/psi_awareness

**Hungary**

ePSIplus Country Report – Hungary (December 2007)

Section 3.3, page 9

'To date no steps have been taken by the national level of government in order to analyse full potential of PSI market and the re-use of PSI in Hungary. The Hungarian Association of Content Industry and Hungarian Association of Geo-Information in collaboration with the Ministry of Economy and Transport, the Parliamentary Commissioners' Office of Hungary, the Eotvos Institute, with the interested parties in the business sector and NGOs will initiate the open law – identifying processes needed for the State which would improve availability of PSI for re-use'

ePSIplus Country Report – Hungary (December 2007)

Section 5.5, page 11

'Following the discussion at the meeting participants have created a list of necessary steps needed to be considered on the national level. These are:

- Implementation of transparent regulation-system as well as pricing-system
- More pronounced involvement of the business sector
- Necessity of a cost-benefit analysis
- Provide market economy racking failures
- Only basic demands and services should be financed from public funds'

**Ireland**

ePSIplus Country Report – Ireland (October 2007)

Section 3.1, page 9

http://www.ePSIplus.net/reports/ePSIplus_country_reports/ireland

'Currently, the lead body for PSI in Ireland is the Centre for Management and Organisational Development in the Department of Finance. They have created a portal (www.psi.gov.ie) to meet its obligation under Article 9 of the Directive which requires Member States to "ensure that practical arrangements are put in place that facilitate the search for documents available for re-use". There are links from the portal to all the public sector bodies in Ireland that have obligations under the PSI legislation and asked all these bodies to provide a PSI compliance statement and information on the re-use of PSI from their department'

**Latvia**

Public Sector Information Reuse in Latvia (*Publiskā sektora informācijas atkalizmantošana Latvijā*) (December 2007)

http://www.ePSIplus.net/reports/psi_re_use_summary_study_latvia

**Netherlands**

The Dutch are ready to take the Directive one step further (September 2007)

http://www.epsiplus.net/news/one_step_further

ePSIplus Country Report – Netherlands (September 2007)

Section 2.1, page 6

http://www.epsiplus.net/reports/ePSIplus_country_reports/netherlands

'The general feeling was that the Directive has been implemented correctly in the Netherlands and a recent study has shown that although there may be a few non-conformities left (pricing, transparency), the public sector data holders seem to be living up to the obligations imposed by Directive'.

ePSIplus Country Report – Netherlands (September 2007)

Section 7.9, page 9

http://www.epsiplus.net/reports/ePSIplus_country_reports/netherlands

'The new Dutch policy line: taking the Directive one step further

In this context, all participants were anxious to learn more about the mission the Dutch Ministry of the Interior and Constitutional Affairs (the penholder in the PSI reuse dossier) announced to embark upon. Briefly put, this policy takes the Directive one step further:

- a. Public sector bodies need to make PSI – more specifically PSI falling under the scope of the Dutch Freedom of Information Act (Wet openbaarheid bestuur) available for reuse as much as possible, thus not connecting any conditions to the reuse
- b. PSI needs to be made available at marginal costs
- c. In terms of planning, the Ministry intends to start the drafting process in the course of next year (2008)'

ePSIplus Country Report – Netherlands (September 2007)

Section 7.14/15, page 10

http://www.epsiplus.net/reports/ePSIplus_country_reports/netherlands

'Being aware of these sectoral solutions needed and the level of ambition and timeframe connected thereto, the Dutch Ministry of the Interior and Constitutional Affairs needs to bring to the table players like:

- c. The Ministry of Economic Affairs, which is responsible for Chambers of Commerce, Central Bureau of Statistics, Authentic Registrations;
- d. The Ministry of Traffic and Waterworks, which is responsible for RDW, Royal Dutch Meteorological Institute
- e. The Ministry of VROM, which is responsible for the Cadastre and some Authentic Registrations (to be set up)

It is to be feared that without such support from these Ministries, implementing the overarching policy will be difficult. However, once the respective Ministries are on board, they will be able to take decisions like the one that was taken in respect of the KNMI so that it will be clear what belongs to the public task and what does not and how the reuse conditions of those agencies will look like for the coming years. Furthermore, such tailor made solutions will also allow for any transitional measures towards existing market players if considered needed'

Case details on the Landmark Nederland bv v Amsterdam City Council published (May 2008)

http://www.epsiplus.net/news/landmark_nederland_v_amsterdam_city_council

**Norway**

PSGI Policies in Norway and England: are they within the Spirit of Recent EU Directives? (June 2008)

http://www.epsiplus.net/news/psi_policies

Norway defers the full implementation of the transposition of the PSI Directive again (July 2008)

http://www.epsiplus.net/news/norway_defers

**Portugal**

Lei do Acesso e da Reutilização dos Documentos Administrativos (May 2008)

http://www.epsiplus.net/news/applying_lei_46_2007

**Sweden**

Publication and consultation on the Swedish National geo-data strategy & PSI (May 2008)

http://www.epsiplus.net/news/swedish_nationell_geodatastrategi

**United Kingdom**

The commercial use of public information (CUPI), December 2006. Office of Fair Trading, UK

http://www.ePSIplus.net/news/uk_government_responds_to_cupi (June 2007)

The Government's Response to The Power of Information: An independent review, by Ed Mayo and Tom Steinberg (June, 2007)

http://www.ePSIplus.net/reports/uk_government_response_to_the_power_of_information_report

The United Kingdom Implementation of the European Directive on the Re-use of Public Sector information - the first two Years (July 2007): UK Office of Public Sector Information OPSI

http://www.ePSIplus.net/reports/uk_implementation_of_the_european_directive_on_psi_re_use

The Guardian Free Our Data Campaign publishes transcript of meeting with UK Government Minister (July 2007)

http://www.ePSIplus.net/news/fod_campaign_meets_minister

ePSIplus Country Report – United Kingdom (October 2007)

Section 1.1, page 4 and 3.3.1, page 7

http://www.ePSIplus.net/reports/ePSIplus_country_reports/united_kingdom

John Gray, on behalf of the Council of Property Search Organisations (CoPSO), spoke of the research that he had carried out in an attempt to assess the compliance of local government with the PSI regulations. The results were alarming, with hardly any progress on PSI asset lists, few local authorities with formal licence procedures and 75% of those responding admitting a failure to comply with PSI re-use regulations. He stressed the need for greater awareness and more training of both public sector organisations and businesses so that better bridges and greater trust could be built between the two sectors. OPSI's research has shown that the wider public sector, particularly local government and the NHS, lags some way behind central government in respect to the PSI Regulations. There are various reasons for this – local government owns its own copyright so OPSI does not have the reach as with central government. Secondly, the PSI Regulations state that public sector bodies 'may permit re-use', which is often taken to imply a power rather than obligation and mean that they may choose not allow it.

This widespread lack of acceptance of the principles of PSI legislation by local authorities in the UK was confirmed by John Gray's presentation of his survey carried out on behalf of the Council of Property Search Organisations. Less than 60% of the 426 local authorities surveyed responded and, of those that did: 75% openly admitted a failure to comply with Re-use regulations. Only 34 out of 426 LA's admitted to having a formal License procedure. Vast majority had made little or no progress in compiling Asset Lists. Many blatantly stated that as PSI Regulations were not mandatory – they had no intention of complying'.

ePSIplus Country Report – United Kingdom (October 2007)

Section 7, page 10

http://www.ePSIplus.net/reports/ePSIplus_country_reports/united_kingdom

'Although the UK is frequently regarded as an example of best practice in the facilitation of commercial re-use of public sector information and the work of OPSI has been very beneficial, the main problem areas in the UK are the special situation of government trading funds and the lack of acceptance of PSI legislation by the local government sector. Both these areas require discussion and education for culture change backed up by the ability to apply some real sanctions in the case of non-compliance'

UK Government establishes the Power of Information Taskforce (March, 2008)

http://www.ePSIplus.net/news/new_uk_taskforce

Models of public sector information provision via trading funds (the Cambridge Study).

Department for Business Enterprise & Regulatory Reform - BERR (March 2008)

http://www.ePSIplus.net/news/the_cambridge_study

APPSI publishes fourth annual report (June 2008)

http://www.epsiplus.net/news/the_value_of_psi

UK spearheads Europe's emerging knowledge economy (June 2008)

http://www.epsiplus.net/news/ec_praises_opsi

Ministers questioned on the types of PSI sold by their respective departments and agencies (July 2008)

http://www.epsiplus.net/news/ministers_questioned_on_psi

APPSI's recommendations to progress the re-use of public sector information (July 2008)

http://www.epsiplus.net/news/letter_to_the_minister

The United Kingdom Report on the Re-use of Public Sector Information 2008 – published (July 2008)

http://www.epsiplus.net/news/unlocking_psi_potential

Does your organisation understand the true potential of the public sector information you hold? (August 2008)

http://www.epsiplus.net/news/the_true_potential_of_psi

2. Channels for redress

Recommendation 2

- 2.1 Member States should each establish an independent regulatory body in order to stimulate and govern the PSI re-use market more effectively. The Commission should issue further guidance and good practice support to encourage action to establish such bodies in all Member States and to build their competence. Particular attention should be given to the need for accessible and affordable appeals procedures.**



Europe

ePSIplus Thematic Meeting 1: Law and Regulation. Life after the Directive - Addressing the Next Frontier of Legal Barriers (February 2007)

http://www.ePSIplus.net/reports/ePSIplus_thematic_meeting_reports/law_and_regulation_meeting_1_report

The provisions of Directive 2003/98/EC to be uniformly and rigorously applied. PRIMET (June 2007) http://www.ePSIplus.net/news/substantive_change_needed

ePSIplus Thematic Meeting 3: Law and Regulation. Redress of PSI Re-use Disputes: The Missing Teeth? (May 2008)

http://www.ePSIplus.net/events/thematic_meetings/law_and_regulation/legal_meeting_3



Bulgaria

Amendments to the APIA to comply with PSI Directive raise concerns. The Bulgarian Helsinki Committee (June 2007)

http://www.ePSIplus.net/news/access_to_information_restricted



Cyprus

ePSIplus Country Report – Cyprus (February 2007)

Section 2.4.2, page 8

'The removal of the complaints and appeals procedure from the law and instead to default to the standard public sector complaints procedure may in due course be a weakness of the implementation as the essence of Directive 2003/98/EC with respect to responding to complaints within a time frame that is consistent with the re-use business opportunity may well have been lost. Clarity is also likely to be missing. It is not clear how issues related to competition are addressed if the complaint has been addressed to the Ombudsman rather than the Commission for the Protection of Competition (CPC) or the Office of the Commissioner for Personal Data Protection'

http://www.ePSIplus.net/reports/ePSIplus_country_reports/cyprus

The flag of Finland, consisting of a white field with a blue Scandinavian cross in the center.
Finland

ePSIplus Country Report – Finland (October 2008)

Section 5.4.2, page 19

'Due to the absence of a PSI Regulator there is no monitoring or enforcement of the charging and pricing policy set down in law. The Ministry of Finance sets the policy but openly admits that it does not monitor the effectiveness of the policies. Finland's Competition Authority has yet to engage in the PSI re-use market to ensure that it is operating correctly. There is evidence (as stated in the Annual reports of the Competition Authority) that the public sector may distort the market by the actions that it takes – for example within the public sector procurement processes. The policy as laid down in law allows for a variety of charging policies across the public sector and this adds to the complexity in the context of PSI re-use. The laws do not appear to demand transparency or require a financial and operational separation.

The financial regulatory processes in operation within the public sector in Finland do not appear to ensure that when public sector bodies levy charges based on their costs that such public sector bodies are operating efficiently – that is there is no financial incentive to the public sector body to be efficient especially when the public sector body maybe a de facto monopoly'.

The flag of France, consisting of three vertical stripes of blue, white, and red.
France

ePSIplus Country Report – France (June 2007)

Section 1.1, page 2

http://www.ePSIplus.net/reports/ePSIplus_country_reports/france

'Experts argue for collaboration between the various public stakeholders responsible for designing PSI Policy and transposing the Directive, CADA (FOI and PSI regulatory body), CNIL (Data protection authority), Competition authorities and the new PSI-policy agency APIE (tariffs, licenses, PSI access). CADA itself complains that various PSI re-use requesters continue to negotiate with public data holders for months or even years, rather than addressing their agency (CADA) and asking for mediation. This has surprised them, since some legal remedies are offered free of charge.'

The flag of Germany, consisting of three horizontal stripes of black, red, and gold.
Germany

ePSIplus Country Report – Germany (December 2007)

Section 2.4, page 6

http://www.ePSIplus.net/reports/ePSIplus_country_reports/germany

'With reference to the PSI Directive only one company has filed a case in the past year and the judgment is still not available since two separate proceedings were launched (one based on the FOI legislation, the other based on the PSI Directive). Cases referring to the FOI legislation have been pending for years (Mr Tauss, Member of German Parliament, had to wait three years until the FOI judgment of the first instance was completed)'

 **Ireland**

ePSIplus Country Report – Ireland (October 2007)

Section 1.1, page 4

http://www.ePSIplus.net/reports/ePSIplus_country_reports/ireland

'... the establishment and resourcing of an OPSI-like body for Ireland, that would build on the work of the Department of Finances and Forfás and act as a focus for increasing awareness in the private sector of the potential in public sector information re-use, promoting and facilitating the re-use of PSI and ensuring that Ireland makes the most of the opportunities offered by the PSI re-use initiative'.

 **Latvia**

ePSIplus Country Report – Latvia (January 2008)

Section 7, page 10

http://www.ePSIplus.net/reports/ePSIplus_country_reports/latvia

'In terms of re-use, one complaint regarding the role of Lursoft was filed to the Competition Authority. However, the Authority ruled that Lursoft is not distorting competition. Furthermore, in 2007 a re-use company filed a case against the Ministry of Justice (in charge of the Land Register) but the Court has delayed the proceedings to 2009 without further notice or explanation'.

 **Slovenia**

Slovenian Company Register maybe re-used: Slovenian Information Commissioner publishes complaint in English language. Information Commissioner Republic of Slovenia (January 2007)

http://www.ePSIplus.net/news/slovenian_company_register_maybe_re_used

Slovenian Information Commissioner publishes annual report (July 2008)

http://www.epsiplus.net/news/psi_re_use_in_slovenia

 **Sweden**

Näringsministern har en hemläxa först - Stockholms Handelskammare formally complains to EC and Swedish Government. Stockholm Chamber of Commerce (February 2007)

http://www.ePSIplus.net/news/swedish_companies_unprotected

'The President of the Swedish Association of Chambers of Commerce Peter Egaradt also Deputy President of Eurochambres writes an open letter to the European Commissioner Vivianne Reding requesting that the European Commission takes Sweden to the European Court of Justice to "ensure that we have a harmonized and well functioning internal market in the area of public sector information, unleashing the potential for new jobs and growth inherent in this market'.

 **United Kingdom**

Regulator tunes into the market! (October 2006)

http://www.ePSIplus.net/news/regulator_tunes_into_the_market

The OFT also plays a role in the handling of complaints related to the PSI Regulations 2005 in that they have a Memorandum of Understanding (MOU) with the UK Office of Public Sector Information (OPSI). The purpose of the MOU is to provide a unified interface for the complaints process related to the PSI Regulations 2005

Zero-Now complaint regarding Milton Keynes Council (May 2007)

http://www.ePSIplus.net/cases/off_of_p_sector_may_07

ePSIplus Country Report – United Kingdom (October 2007)

Section 2.4, page 5

http://www.ePSIplus.net/reports/ePSIplus_country_reports/united_kingdom

'One area of concern is the establishment of simple and cost-effective procedures of redress in the event of complaints about non-compliance with the directive as an initial alternative to litigation. These procedures are set out in regulations 17 – 20 of the Statutory Instrument and involve complaints being referred to the Office of Public Sector Information (OPSI) initially with the possibility of requests for review being made to the more representative Advisory Panel on Public Sector Information (APPSI) that includes representative of PSI re-users. Following recommendations of the December 2006 Office of Fair Trading report on Commercial Use of Public Sector Information... OPSI was granted considerable sanctions that can be imposed on public sector bodies that do not comply with its recommendations but it is hard to see how these could be used in practice APPSI has only had one case referred to it and declined to rule on it for legal reasons.

ePSIplus Good Practice – The OPSI Information Pack (2007), item 4 Guidance notes

http://www.ePSIplus.net/good_practice/opsi_information_pack

OPSI Update PSI Guidance Note 1 (July 2008)

http://www.epsiplus.net/news/guidance_enhanced

OPSI publish UK PSI timeline poster (July 2008)

http://www.epsiplus.net/news/uk_psi_timeline

Public Sector Information Unlocking Service -Voting now open (August 2008)

http://www.epsiplus.net/news/voting_now_open

Unlocking the Potential of Your Information Assets (September 2008)

http://www.epsiplus.net/news/local_government_psi_forum

3. Discriminatory practices

Recommendation 3

- 3.3 Rigorous action is required on the part of Member States to enforce the provisions of the Directive on exclusive arrangements, non-discriminatory licensing, transparency of pricing and timeliness of public sector responses. The strengthening of public sector accounting and audit procedures to ensure that these are adhered to appears to be a precondition for success. Where public sector bodies are unable to demonstrate their cost calculations in a satisfactory manner, marginal costs should be the default. Claims for exemption from the Directive e.g. on the grounds of public task, should at least be traceable to a published mandate for the public sector body concerned.**
- 3.4 The Commission should continue action to ensure Member States enforce the winding up of pre-existing exclusive arrangements according to the specified timetable e.g. by end 2008. Any temptation to allow exclusive arrangements as being 'in the public interest' should be used with extreme parsimony according to very clear criteria: the perception that this important principle can be flouted with comparative ease appears to be a potential Trojan Horse.**

The 2006 Annual report on Competition Policy adopted and published. European Commission (June 2007)

http://www.ePSIplus.net/news/competition_report_published

ePSIplus Public Sector Culture Meeting 1 Report (April 2007)

http://www.ePSIplus.net/reports/ePSIplus_thematic_meeting_reports/pub_sector_cul_mtg_1

ePSIplus Financial Impact Meeting 1 Report: impact analysis in the context of the PSI Directive (April 2007)

http://www.ePSIplus.net/reports/ePSIplus_thematic_meeting_reports/fin_mtg_1

ePSIplus Public Sector Culture Meeting 2 Report: Sharing Good Practice in PSI Re-use: Public Sector Training, Advice and Awareness (October 2007)

http://www.ePSIplus.net/reports/ePSIplus_thematic_meeting_reports/public_sector_culture_meeting_2_report

ePSIplus Financial Impact Meeting 2 Report: Impact analysis in the context of the PSI Directive (November 2007)

http://www.ePSIplus.net/reports/ePSIplus_thematic_meeting_reports/financial_impact_meeting_2_report

EC signals early warning with respect to phasing out exclusive arrangements (June 2008)

http://www.epsiplus.net/news/exclusive_arrangements

 **Belgium**

ePSIplus Country Report – Belgium (December 2007)

Section 5.3/5.5, page 9

http://www.ePSIplus.net/reports/ePSIplus_country_reports/belgium

'At Workshop C (around 50 participants) it became apparent that there is a great difference between the current situation as regards accounting practices and the situation sought by the Directive: an expectation gap. First and foremost the regulatory framework on accounting is not followed uniformly by the various levels of government within Belgium. Furthermore, with some exceptions, the current accounting practices do not allow for any measurements of costs or incomes required under the Directive. This current state of affairs has already caused the National Court of Auditors to express its concerns hereon. Nevertheless, there are some experiments going on (like within the municipality of Etterbeek) applying analytical accounting principles and standards, allowing for cost calculation at activity level. The A.S.A. will create a working group about the public accounting to develop a system of cost more transparent than actually.'

 **France**

Violation par l'Etat français du Traité instituant la Communauté européenne. Syndicat professionnel de la géomatique - SPDG (April 2007)

http://www.ePSIplus.net/news/spdg_complain_to_ec

'The complaint states that the French government has contravened the European Union treaty (Article 86) with respect to competition. The French Government has mandated government organizations to supply data to IGN and that subsequently such organisations must use IGN (The National Geographical Institute) data. The complaint letter contains examples of how this action is anti-competitive and why it is unjustified which includes examples of how the IGN imposing high tariffs and severe restrictions of use through licences'

ePSIplus Country Report - France (June 2007)

Section 1.1, page 2

http://www.ePSIplus.net/reports/ePSIplus_country_reports/france

'Whereas commercial re-use by the private sector was in effect not allowed from 1978 to 2005 (with some exceptions), the government fostered the establishment of a powerful public information industry. The Lévy-rapport (2006), commissioned by the Ministry of Finance and Industry, proposes the strengthening of the public (as well as private) intangible assets of France. This policy has two key dimensions: on the one hand public administrations shall shift to open source and on the other hand they should pursue commercialization. The high costs of digitisation are used as argument to push public institutions to commercialise their services, take more care of their intangible assets and increase charges for commercial re-users. In addition to the PSI-regulatory body CADA, from 2007 onward, a new agency (APIE) will deal with PSI-issues. This may foster further commercialization of public data holdings rather than supporting the needs of the private re-use sector. The Ordonnance 2005 foresees severe sanctions against users and re-users but not against public data holders. Consequently, CADA lacks competence to impose sanctions on public data holders'



Germany

ePSIplus Country Report – Germany (December 2007)

Section 2.1/2.2, page 5 and 6

http://www.ePSIplus.net/reports/ePSIplus_country_reports/germany

'Various exclusive agreements may require a legal clarification. Several disputes were identified between publishers of legal information and the centre for legal information (Juris GmbH) which has doubled its turnover in the past eight years, in order to ensure a more level playing field for the re-use industry. –Even large publishers face barriers concerning the re-use of court judgments due to exclusive agreements between public data holders and Juris GmbH. The public centres of specialised information ("Fachinformationszentren") are driven by the Federal Government to cover their expenses by up to 100 per cent by participating in the market for added value services. Some re-users, mainly in the field of legal information, are therefore hindered in re-using both the raw data and value-added data of the public data holders (e.g. courts) and their exclusive partners (e.g. Juris GmbH). These exclusive agreements are heavily affecting some industries, as for instance legal and business information. Similar exclusive distribution agreements were concluded between public data holders such as for instance the Ministry of Justice and DESTATIS on the one hand and private publishing houses (e.g. Bundesanzeiger) on the other hand'

ePSIplus Country Report – Germany (December 2007)

Section 3.2, page 7

http://www.ePSIplus.net/reports/ePSIplus_country_reports/germany

Compared with Scandinavian countries Germany started quite late to implement the concept of PPP. The past thirty years have been driven by a kind of nationalization of the information industry: first public centres of specialised information were established and later on the Federal Government obliged public bodies to increase revenues by offering added value services. The still incomplete privatization of Juris GmbH may indicate that this area will not undergo substantial reforms in the near future. In 2001, the Court of Berlin ruled that the internet-portal of the Municipality of Berlin –run and maintained exclusively by a publishing house – is in full conformity with Law and that re-use of their public sources has not to be granted to other publishers. In 2007, the business association GEOkomm proposed to the Government of Brandenburg to set up an initiative to evaluate forms of PPP to support the local geographical services industry. It is too early to predict the outcome of this initiative'.



Hungary

ePSIplus country report – Hungary (December 2007)

Section 5.4, page 11

'Despite the clear demand for raw data voiced repeatedly by re-users, public institutions are still 'doing too much to data' (adding too much commercial value to raw data) before it can be acquired by private sector. When public institutions do this, they are raising their costs, which in turn are reflected in prices and fees. This creates a situation where public institutions are in fact competing with the private sector. In many instances, public institutions are basically creating their own services based on PSI. This is something that could be done by the private sector more effectively and with greater cost efficiency

 **Ireland**

Ordnance Survey Ireland launches environmental reports service (July 2008)

http://www.epsiplus.net/news/psih_competes

 **Latvia**

ePSIplus Country Report – Latvia (January 2008)

Section 2.2, page 5

http://www.ePSIplus.net/reports/ePSIplus_country_reports/latvia

'There is no evidence for legislative activities going beyond the current transposition although in few areas exclusive relationships seem to be in place (e.g. City of Riga in terms of traffic information)'

ePSIplus Country Report – Latvia (January 2008)

Section 2.4, page 6

http://www.ePSIplus.net/reports/ePSIplus_country_reports/latvia

The Cabinet Regulation No. 338 named "The Procedure According to Which the Exclusive Right for Reuse of Information is Granted and the Information on Granting Such Right is Published" provides for the procedure according to which the exclusive right for re-use of information is granted and according to which the information on granting the said right is published, as well as the procedure for granting the exclusiveness and the mandatory terms and conditions of such agreements. The said Regulation is applicable to any institution or person who performs the public administration functions and tasks, where such person is related to performance of the respective functions and tasks within the circulation of information. The information which justifies granting exclusive rights should contain a detailed analysis and justification of the need for granting the exclusive right; information on the conducted market research; an expanded justification for the selection of the particular exclusive right subject (in comparison to other market participants) Furthermore, when submitting information to justify exclusive rights, an opinion by the Competition Council and the State Data Inspectorate should be appended. In the case of traffic information, for instance, the City of Riga has granted re-use only to one enterprise and this assumes that an exclusive agreement was concluded

ePSIplus Country Report – Latvia (January 2008)

Section 2.4, page 6

http://www.ePSIplus.net/reports/ePSIplus_country_reports/latvia

'The reorganisation of the Latvian Mapping Authority in 2005 improved the conditions of re-use and the service quality of the public agency. Furthermore, in January 2008 Minister Gudule announced that by 2012 the latest the national unified geoportal will be finished. This project involves seven ministries including that for cultural and tourist affairs paving the way for added-value services. Worth to mention that priority is given to the business community as the following interview with Mrs Gudule clearly indicates: "Companies have already demonstrated interest in this project We're pleased to see that there are so many companies that are prepared to work on a system as the GIS. Many have their own geographic information systems, and we can make use of those. Much of the system can be based on public-private partnership. We don't want to spend public money on things which already exist. Instead, we'll be looking for models of partnership which are based on the need to make sure that all sides are the winners'

ePSIplus Country Report – Latvia (January 2008)

Section 5.2, page 9

http://www.ePSIplus.net/reports/ePSIplus_country_reports/latvia

'The transposition of the PSI Directive did not alter the pricing regime of Latvian PSI at all. The price level of certain PSI as geographical and weather information is still considered too high, mainly when re-users require the whole dataset of the country. This conflict is typical for countries who apply the FOI pricing regime also to PSI re-use. There is no evidence that particular PSI areas will adapt its pricing regime since most of them are bound by the strict pricing regime established by Cabinet Regulations'



Netherlands

The Netherlands government - Ministry of the Interior commissioned a study into the use of Exclusive Arrangements within central government in the Netherlands. Zenc (2006)

http://www.ePSIplus.net/media/files/onderzoek_exclusieve_contracten_final_2_1



Sweden

Public actors must not compete with private (September 2008)

http://www.epsiplus.net/news/market_interference



United Kingdom

A Case study on why the Re-use of PSI Directive is required – an abuse of dominant position (February 2007)

http://www.ePSIplus.net/news/re_user_grounded

UK Environment Agency closes its commercially operated Property Search Service (March 2007)

http://www.ePSIplus.net/news/psih_closes_competitive_service

UK Environment Agency has stopped the re-use of flood data on copyright infringement grounds! Guardian UK (June 2007)

http://www.ePSIplus.net/news/psih_flood_data_withdrawn

http://www.ePSIplus.net/news/re_use_of_flood_risk_data

Select Committee reports on the joint venture between the NHS and Dr Forster LLP. UK Parliament – House of Commons - The Committee of Public Accounts (July 2007).

http://www.ePSIplus.net/news/exclusive_deal_opsi_to_check

ePSIplus Country Report – United Kingdom (October 2007)

Section 2.4, page 5

http://www.ePSIplus.net/reports/ePSIplus_country_reports/united_kingdom

One of the problems encountered in dealing with complaints is lack of clarity and the difficulty in interpreting some of the provisions of the regulations. For example, APPSI has proposed clarification of the key notion of public task suggesting that "Ideally, each public sector body should, in fulfilling the general aspiration towards transparency, be required to make clear to potential re-users which of its activities are its public tasks... ". Another phrase requiring greater precision is "reasonable rate of return".

UK Parliament has published a report on the work of the Office of Fair Trading (October 2007)
http://www.ePSIplus.net/news/competitive_neutrality

Government information should be free. The Debating Group - A Parliamentary forum for Media and Marketing Debate, UK (October, 2007)
http://www.ePSIplus.net/news/psi_debate

Lack of transparency results in further Parliamentary questions in UK Parliament and exposures by the UK Guardian Free Our Data Campaign (October 2007)
http://www.ePSIplus.net/news/psi_pricing_transparency

The story continues – the complaint process followed with an unsatisfactory outcome (November 2007)
<http://alansloman.blogspot.com/2007/11/ordnance-survey-not-very-satisfactory.html>
http://www.ePSIplus.net/news/psih_blocks_charitable_act

Ordnance Survey of Great Britain appoints company to boost brand awareness! Precision Marketing Magazine (February 2008)
http://www.ePSIplus.net/news/psih_spends_on_brand

Improving environmental management and decision-making – or trying to! BJFB Consulting Limited, (February, 2008)
http://www.ePSIplus.net/news/obstructive_psih_s
'The paper sets out the struggle a micro private sector body experiences when attempting to re-use Public Sector Information'.

PSG publishes response to Government consultation on proposed charges for Local Government PSI. The Property Search Group – PSG (April 2008)
http://www.ePSIplus.net/news/charges_for_property_search_services

PSIH Public Task (May 2008)
http://www.ePSIplus.net/news/psih_public_task

The Use and Availability of Public Sector Mapping Data in the UK (May 2008)
http://www.ePSIplus.net/news/simpler_licences_needed

Carsberg Review of Residential Property Standards, Regulation, Redress and Competition in 21st Century published (June 2008)
http://www.ePSIplus.net/news/compliance_questioned

Terms of reference for the Trading Fund Assessment to be carried out by UK Shareholder Executive, published (June 2008)
http://www.ePSIplus.net/news/psih_assessment_underway

UK Ministry consults on Public Sector Information pricing regulations (July 2008)
http://www.ePSIplus.net/news/fair_competition

UK OPSI initiates survey of existing exclusive arrangements UK OPSI initiates survey of existing exclusive arrangements (August 2008)
http://www.ePSIplus.net/news/locating_exclusive_agreements

UK Companies Register: Department of Business Enterprise and Regulatory Reform (BERR), UK (August 2008)

http://www.epsiplus.net/news/uk_companies_register

Lawyers, ministers and data campaigners debate the merits of putting court records online (September 2008)

http://www.epsiplus.net/news/lawyers_concerned

UK OPSI initiates survey of existing exclusive arrangements within local government (September 2008)

http://www.epsiplus.net/news/uk_local_government

4. Access to PSI

Recommendation 4

- 4.1 **Concertation between European bodies and frameworks such as INSPIRE, The European Interoperability Framework, IADBC, the CEN/ISSS e-Government standards focus group, the European Digital Library Initiative and the Open Access work being supported under the e-Infrastructures programme, should be established by the Commission in order to arrive at a suitable set of standards, an infrastructure and an Action Plan which takes proper account of the need to bring about steadily improving discovery and access to the full range of PSI.**

- 4.2 **Practical initiatives to create 'asset registries' or other PSI infrastructures supporting re-use should be supported at national level and where cross-border in nature, at European level. Initiatives of this kind should incorporate rights expression facilities including the ability for the user to identify applicable licences and should build on the potential gains being made in Semantic Web and Web 2.0 technologies.**



Europe

ePSIplus Information Management Standards Meeting 1 Report (July 2007)

http://www.ePSIplus.net/reports/ePSIplus_thematic_meeting_reports/standards_1_mtg

Laying the foundations for the European Digital Library (September 2007)

http://www.ePSIplus.net/news/building_on_the_european_library

The Open Geospatial Consortium (OGC) launches online data quality survey (October 2007)

http://www.ePSIplus.net/news/data_quality_your_views_needed

ePSIplus Information Management Standards Meeting 2 Report (November 2007)

http://www.ePSIplus.net/reports/ePSIplus_thematic_meeting_reports/information_management_standards_meeting_2_report

Web 2.0 in Government: Why and How? European Commission (EC) Joint Research Centre Institute for Prospective technological Studies (IPTS) (May 2008)

http://www.ePSIplus.net/news/web_2_0_psi_re_use

'Public Sector Information (PSI): the debate (EC 1998; EC 2003) on PSI focused very much on enabling or limiting re-use of PSI for business purposes, and the related cost and benefits. It now becomes clear that besides opportunities for economic growth, there are significant opportunities for social benefits and public value. Citizens are able to build added-value services re-using public data (such as Planningalerts.com). This could change significantly the terms of the debate in favour of greater availability of public data.' Page 45 "Many web 2.0 experiences (such as Theyworkforyou.com, Chicagocrime.org) are based on the re-elaboration of public data. The wide availability of public data for re-use seems to be an important enabling factor for web 2.0 application to flourish. Indeed, the managers of these initiatives agreed that wider availability of public data was their main recommendation to policy makers'.

CEN/ISSS Focus Group on e-Government publishes report (June 2008)

http://www.epsiplus.net/news/cen_iss_egov_report

EC launches the INSPIRE Metadata Editor (June 2008)

http://www.epsiplus.net/news/metadata_editor_launched

Towards the establishment of an INSPIRE Forum - ePSIplus Thematic Network shares its experience in the context of PSI Directive (July 2008)

http://www.epsiplus.net/news/the_inspire_forum

2nd European CIOs meeting: Summary Report published (July 2008)

http://www.epsiplus.net/news/towards_an_eis

The revised draft of the European Interoperability Framework has been published and a consultation opened (July 2008)

http://www.epsiplus.net/news/draft_eif_v2_0

CEN/ISSS Workshop on Discovery of and Access to eGovernment Resources (August 2008)

http://www.epsiplus.net/news/discovery_and_access

Information Management Standards and Data Quality meeting: presentations published (September 2008)

http://www.epsiplus.net/news/discovery_through_interoperability

INSPIRE Network Services Architecture (Version 3) published (September 2008)

http://www.epsiplus.net/news/network_services

Interoperability Solutions for European Public Administrations" (ISA) (September 2008)

http://www.epsiplus.net/news/ec_approves_isa



Belgium

Belgium PSI portal expands content Agence pour la simplification administrative (November 2007)

http://www.ePSIplus.net/news/belgium_psi_portal

ePSIplus country report – Belgium (December 2007)

Section 6.4, page 10

http://www.ePSIplus.net/reports/ePSIplus_country_reports/belgium

At Workshop B (around 70 participants) the urgent need for the establishment of catalogues of PSI was acknowledged. Although the dialogue with the (re-)users was considered important, there was consensus that the central government should take a firm and leading role here. Subsequently, the session looked at various issues related to the establishment of such catalogues, like: the contents (only PSI or also the re-users), metadata, modalities, the need for proper communication, also addressing language barriers, etc.



France

ePSIplus country report – France (June 2007)

Section 1, page 1

http://www.ePSIplus.net/reports/ePSIplus_country_reports/france

'The establishment of PSI asset lists is also lagging behind since Government has not yet started to decide upon a common classification of PSI and to agree on overall standards for metadata in order to support public data holders'



Germany

ePSIplus Country Report – Germany (December 2007)

Section 6.3, page 11

http://www.ePSIplus.net/reports/ePSIplus_country_reports/germany

'There is no evidence that on the Federal level a centralized PSI register will be set up. Currently the Ministry for Economic Affairs has only compiled an online list of the major public data holders but not of their assets kept by them. Even with regard to the establishment of FOI registers it has to be mentioned that none of the Federal and Laender authorities (except Bremen) have taken adequate measures although Federal and Laender FOI legislation established the legal obligation'.



Ireland

Minister announces that Natural resource deposit locations, licence areas & groundwater information now available online. The Department of Communications, Energy and Natural Resources (DCMNR), Ireland (October 2007)

http://www.ePSIplus.net/news/psih_opens_up_5tb_of_data

ePSIplus Country Report – Ireland (October 2007)

Section 3.4, page 10

http://www.ePSIplus.net/reports/ePSIplus_country_reports/ireland

'Although pan-European metadata standards would be of great value, the compilation of such asset registers should not be delayed. Public sector bodies should produce and make available PSI asset lists as soon as possible the development of PSI asset registers that include unpublished material not available on PSI holders' websites'



Latvia

ePSIplus Country Report – Latvia (January 2008)

Section 2.4, page 6

http://www.ePSIplus.net/reports/ePSIplus_country_reports/latvia

'in 2006 the Latvian Government established the "State Information Systems Register" based on the Law on State Information Systems and "The Regulation of the Cabinet of Ministers for State Information Systems Registration". It contains inter alia the following metadata: managers of the state information systems; data exchange protocols and standards; the costs of establishing and maintaining the system; the fees for the services. The register serves as knowledge base for internal and external purposes (e.g. consultants, systems developers). In the future that knowledge database shall reference also electronic services of both national and local administrations'.



Netherlands

AND and OpenStreetMap join forces to create digital maps. Automotive Navigation Data (AND) Netherlands (June 2007)

http://www.ePSIplus.net/news/the_most_up_to_date_map

ePSIplus Country Report – Netherlands (September 2007)

Section 7, page 8

http://www.ePSIplus.net/reports/ePSIplus_country_reports/netherlands

'At the same time there are, technologically driven, bottom up developments that are potentially affecting existing value chain positions. The Opensteetmap initiative, where street data are gathered by individuals in a kind of Wikipedia manner, is a perfect example of such development'

ePSIplus Country Report – Netherlands (September 2007)

Section 7.9, page 9

http://www.ePSIplus.net/reports/ePSIplus_country_reports/netherlands

'Interestingly, the new Dutch policy line will not only deal with reuse but, most likely with the full life cycle of all PSI, thus also covering access, accessibility, internal re-use and preservation. However, it will cover all sorts of PSI: the large public data holders sitting on the real precious PSI are left out (at least for the time being)'



United Kingdom

ePSIplus Country Report – United Kingdom (October 2007)

Section 6.2, page 10

http://www.ePSIplus.net/reports/ePSIplus_country_reports/united_kingdom

'OPSI had already produced UK guidelines on metadata for asset registers. In discussion, it was agreed that pan-European standards for asset registers was desirable if European PSI-based products were to be encouraged'

Web developments (May 2008)

http://www.epsiplus.net/news/web_developments

How and why should local authorities be planning to exploit the collaborative features of Web 2.0 technologies? (September 2008)

http://www.epsiplus.net/news/innovation_web_2_02

5. Stimulating the private sector to act

Recommendation 5

- 5.2 The private sector should continue to mobilise itself through European bodies such as the PSI Alliance and analogous national offshoots or predecessors such as Locus (UK). The Commission, European parliamentarians and regulatory bodies at national level should ensure that they receive a fair hearing, are accepted as *bona fide* industry sector representatives and respond in a manner which helps build confidence in stable and predictable conditions for added value business based on PSI re-use, as well as a greater assurance that a complaint is likely to succeed when discriminatory conditions are encountered.
- 5.2 This coin is to a certain extent two-sided: the market is likely to thrive better overall if businesses do not seek to conclude monopoly-type arrangements for access to PSI for re-use.



Europe

ePSIplus: European Associations Meeting: Maximising the Re-use of PSI within Europe – Presentations (August 2007)

http://www.epsiplus.net/events/thematic_meetings/psi_re_use_business/psi_re_use_meeting_1/presentations

ePSIplus PSI Re-use Business Meeting 2 Report: Encouraging PSI re-use business 2: Towards an Industry Action Group' (October 2007)

http://www.ePSIplus.net/reports/ePSIplus_thematic_meeting_reports/psi_re_use_business_meeting_2_report

ePSIplus Directory of Cross Border Products and Services (October 2008)

<http://www.ePSIplus.net/products>

'Currently lists and describes over 60 products and services covering: their nature and intended audience; the main source of the PSI which it has re-used; how the PSI fits within the product/service as a whole; the value which it adds to the 'raw' PSI; the overall business model; and what impact the Directive appears to have had on the business model and the provision of the service. Sectors where cross-border or trans-European products and services have been identified include: Aeronautics, Agriculture, Companies and Finance, Energy, Geographic, Land and Property, Law and Regulation, Public Tenders, Traffic and Transport, Weather and Environment '

The PSI Alliance sets out its view to international PSI re-use policy makers (February, 2008)

http://www.ePSIplus.net/news/psi_alliance_starts_to_deliver

http://www.ePSIplus.net/news/psi_alliance_launch_presentations

PRIMET: new web site (April 2008)

http://www.epsiplus.net/news/primet_new_web_site

PSI Alliance Announces Website (May 2008)

http://www.epsiplus.net/news/psi_alliance_announces_website

European Commission initiates competition proceedings: Tom Tom/Tele Atlas. Official Journal of the European Union (December 2007)/TomTom & Tele Atlas (May 2008)

http://www.ePSIplus.net/news/initiation_of_proceedings

http://www.ePSIplus.net/news/tele_atlas_worth_2_billion

http://www.ePSIplus.net/news/tomtom_tele_atlas

PSI Alliance calls for reform of market access rules (June 2008)

http://www.epsiplus.net/news/reform_called_for

PSI Alliance annual conference presentations published (June 2008)

http://www.epsiplus.net/news/psi_alliance_1st_conference

The PSI Alliance responds to the European Commission PSI consultation (September 2008)

http://www.epsiplus.net/news/directive_should_be_strengthened



Finland

Russian weather (May 2008)

http://www.epsiplus.net/news/russian_weather

Finnish company Foreca provides weather services to Google



Germany

ePSIplus Country Report – Germany (December 2007)

Section 7, page 11

http://www.ePSIplus.net/reports/ePSIplus_country_reports/germany

'And finally, none of the major Federal IT- or content-related associations has addressed the importance of the PSI re-use industry, except for the business Association of the Digital Industries (BVDW) which started in 2007 to identify those members who might benefit most from the legislation'



Ireland

ePSIplus Country Report – Ireland (October 2007)

Section 4, page 11

http://www.ePSIplus.net/reports/ePSIplus_country_reports

It was agreed that more work needed to be done to raise awareness in the private sector of the opportunities presented by the re-use of PSI. Don Lehane of Lendac Data Systems provided examples of the types of value-added products that could be generated in the various sectors including geographic, meteorological and environmental, economic and business, social, traffic and transport, tourism and leisure, agricultural, forestry and fishery and legal information. Examples of value-added products based on PSI from these sectors include: Weather forecasts for mobile devices; Intelligent Navigation systems; Mobile Tourism services; Statistical Consultancy Services; Documentaries incorporating historical audio visual archive material; specific pan European databases in areas such as legislation, finance, agriculture, environment, company relocation & H&S.



Spain

El tiempo se hace oro - La conversión del Meteorológico en Agencia Estatal incentiva a las empresas privadas El Pais (2008)

http://www.ePSIplus.net/news/spain_stimulates_psi_re_use



United Kingdom

The Marine Information Alliance (March 2006)

http://www.epsiplus.net/reports/achieving_optimal_value_from_publicly_funded_marine_information_resources

The Marine Information Alliance (MIA) is a partnering of the public and private sector with the objective of realising the societal and business benefits of sustained observation, monitoring and forecasting of the marine environment. The MIA was launched on 6 March 2006 and was previously named the UK Marine Information Council. (UKMIC).

The Locus Association reports on the Opportunities in the PSI Marketplace! (June 2007).

http://www.ePSIplus.net/news/a_prime_opportunity

PSI Re-user Landmark Information Group expands further into Europe (January 2008)

http://www.ePSIplus.net/news/psi_re_user_expands

Intelligent Addressing Limited have announced that the commercial launch of the National Land Property Gazetteer was a resounding success with over 130 interested parties attending the commercial launch event on the 30th April 2008 in central London (May 2008)

http://www.ePSIplus.net/news/land_property_takes_off

6. The Economic Case

Recommendation 6

- 6.1 **In the view of ePSIplus, it is very important to continue and intensify work to establish and disseminate the economic case for marginal cost charging or no charges more conclusively. The Commission should seek the support of at least one Member State in which conditions for longitudinal work can be established in at least one PSI sector, in order to create a convincing basis for effective dissemination to others.**



International

Canada sets the example! (April 2007)

http://www.epsiplus.net/news/canada_sets_the_example

Economic theory as it applies to Statistics Canada: A review of the literature (August 2007)

http://www.ePSIplus.net/news/psi_economic_theory

Private eyes on public data – Public Sector data – the acres of information gathered yearly by public bodies. Dylan Bushell-Embling asks if we are doing enough to spread the wealth. The Age, Australia. (September 2007)

http://www.ePSIplus.net/news/private_eyes_on_public_data

<http://www.theage.com.au/news/technology/private-eyes-on-public-data/2007/09/24/1190486224755.html>

Australian PSIH opens up data (October 2007)

http://www.epsiplus.net/news/australian_psih_opens_up_data

The Australian Bureau of Statistics to open up data for online mapping

Spatial Information worth Billions! (March 2008)

http://www.epsiplus.net/news/spatial_information_worth_billions

Australia's Emerging Spatial Industry worth A\$1.4 Billion, contributes A\$12.6 Billion to GDP



Europe

SDI Cost Benefit Analysis & ROI – January 2006

http://www.epsiplus.net/reports/sdi_cost_benefit_analysis_roi_january_2006

A detriment to the economy! (May 2007)

http://www.epsiplus.net/news/a_detrimet_to_the_economy

PRIMET writes open letter to the Daily Telegraph regarding PSI charges

Priceless PSI – Putting a price on Public Sector Information. Robbin Te Velde (June 2007).

http://www.ePSIplus.net/news/priceless_psi

http://www.ePSIplus.net/news/psi_remains_underexploited

'The recent International Symposium titled Public Sector Information on the Private Market – New Regulations on the Re-use of Public Sector Information held in Potsdam on the 4th and 5th June 2007 considered the value of PSI. The presentation compared the estimating figures of the PIRA report, the MEPSIR study and the UK OFT CUPi report'.

FEP publishes annual report on activities and refers to the review of the PSI Directive (May 2008)

http://www.epsiplus.net/news/fep_article_6

 **Austria**

ePSIplus Country Report – Latvia (January 2008)

Section 1, page 5

http://www.ePSIplus.net/reports/ePSIplus_country_reports/latvia

'Mrs Gerda Schennach, Federal Office of Metrology and Surveying of Austria, outlined in her presentation the results of the price reform implemented by her organisation, starting on 1 January 2006 She summarized that the decrease of re-use prices by up to 97 per cent attracted more re-users, and therefore did not result in a drop of revenue due to decreased prices A set of complementary measures was deployed (e.g. multi-site licenses) and benefited the industry. From 2008 onward, the reform will be continued including licences for commercial conglomerates or possibly, government-wide. This model will be applied also for G2G purposes (see INSPIRE Directive)'

 **Belgium**

ePSIplus Country Report – Belgium (December 2007)

Section 7, page 10

http://www.ePSIplus.net/reports/ePSIplus_country_reports/belgium

'Finally, it will be of paramount importance that implementing legal rules is only half (or probably much less) of the solution. In this context, the chairman stressed the need for simplicity: why not forget about the accounting principles if the PSI can be made available at hardly any additional costs whereas the economic benefits of such action will be substantial'

 **France**

ePSIplus Country Report – France (June 2007)

Section 1.2, page 3

http://www.ePSIplus.net/reports/ePSIplus_country_reports/france

'The Mandelkern-report (1999) analysed the public and private content markets in France. Its key findings relating to PSI included:

- Analysis of the situation in the U.S. especially the free re-use of GPS-data and meteorological data.
- Three PSI-sectors had given rise to conflicts in the past: geographical information; legal information; financial information.
- The IGN-authority covered 30% of its budget from commercial revenues whereas its British equivalent covered up to 70%.
- GIS-sector (cartographique, géomantique): whereas in the UK about 2000 private services were in place, the figure in France did not reach beyond 100.
- The dichotomy of IGN and the Cadaster had been often criticized together with their slow digitisation of records (the Cadaster should have been finished by the end of 2000).
- GIS re-users often request data from the French telephone directory. The prohibitive prices charged by France Telecom were also listed as a barrier to establishing a private re-use market. A directory for postal addresses was also lacking.
- In terms of car navigation services, IGN had concluded an exclusive contract with NAVTECH and did not supply data to their private competitors.

- Legal information: until 1999 Legifrance had given an exclusive contract to a private partner, but only 25,000 users registered for that commercial service. Government distinguished between "essential legal information" (free) and "non-essential" which was commercialised.
- The "circulaire" of 1999 ruled that this exclusive license applied only to the legal database but not to the raw data and other public institutions were not allowed further to publish legal documents online if they were published already earlier by Legifrance.
- Although plenty of users and re-users complained about the quality of Legifrance, the report did not recommend changing the licensing systems unless affecting negatively the private concessionary.
- In terms of company registers and related information, the private company ORT required a license for "rediffusion". Three partners of Infogreffe could work without such a license'



Germany

ePSIplus Country Report – Germany (December 2007)

Section 4.4, page 9

http://www.ePSIplus.net/reports/ePSIplus_country_reports/germany

'In 2007, the National Statistical Authority of Germany started to provide its data for free to the re-use industry. However, this policy change was not driven by external factors (to support the re-use industry: the PSI Directive) but by the lesson that their revenues from re-use did not balance there costs in handling the process of licensing. The German Ministry for Economic Affairs announced at the previous Potsdam meeting that they had commissioned the company MICUS to carry out a study on business opportunities of German companies in the European and worldwide market of geographical information (expected time of publication: April 2008).



Spain

Socio-Economic Impact of SDI (April 2008)

http://www.epsiplus.net/news/socio_economic_impact_of_sdi

http://www.epsiplus.net/reports/the_socio_economic_impact_of_the_spatial_data_infrastructure_of_catalonia_april_2008



Sweden

The Bisnode Business Information Group reports third quarter operating profit of SEK 166 million (2007)

http://www.ePSIplus.net/news/re_user_reports_results



United Kingdom

Achieving optimal value from publicly funded marine information resources (August 2003)

http://www.epsiplus.net/reports/achieving_optimal_value_from_publicly_funded_marine_information_resources

Section 3. SALES OF PUBLICLY FUNDED MARINE DATA

Breakdown of the Ordnance Survey of GB income disclosed through Parliamentary questions (July 2007)

http://www.ePSIplus.net/news/psih_income_probed

http://www.ePSIplus.net/news/psih_to_pay_out_dividend_of_4_6_million

ePSIplus Country Report – United Kingdom (October 2007)

Section 1, page 4

http://www.ePSIplus.net/reports/ePSIplus_country_reports/united_kingdom

'Christopher Roper of Landmark discussed the question of the value of PSI, both in terms of raw data provide by the public sector information holders and the value added by the private sector. He argued that PSI should be funded from the collecting agencies' budgets rather than by

charging a "monopoly rent" and that the culture change needs to take place at the highest level, as politicians and senior civil servants very often fail to understand the emerging knowledge economy and the benefits of PSI re-use. Commercial companies are very often unable to fight the well-resourced PSI holding agencies for access to data resulting in a stifling of innovation'.

ePSIplus Country Report – United Kingdom (October 2007)

Section 3.3.1, page 7

http://www.ePSIplus.net/reports/ePSIplus_country_reports/united_kingdom

'The major conflicts between PSI holders and potential commercial re-users in the UK concern the terms and conditions imposed by government trading funds. These are government bodies, set up under the Government Trading Fund Act 1973. These trading funds, that include such bodies as Ordnance Survey and Companies House, rely on their ability to derive income from their activities in order to cover their costs. As a result, their charges for re-use are relatively high, their terms can be restrictive. Their revenue-earning brief also means that they may themselves engage in the development of value-added products'

Parliamentary questions reveal PSI economic study has been initiated by HM Treasury (October 2007)

http://www.ePSIplus.net/news/psi_economic_study_underway

Models of public sector information provision via trading funds (the Cambridge Study).

Department for Business Enterprise & Regulatory Reform - BERR (March 2008)

http://www.ePSIplus.net/news/the_cambridge_study

Public sector information and re-use policy – where is the UK now? (July 2008)

http://www.epsiplus.net/news/where_is_the_uk_now

7. Specific provisions of the Directive

Recommendation 7

- 7.1 The Commission should produce guidance to the effect that it was the intent of the Directive that public sector bodies **should** make their information available for re-use on request unless one of a limited and specified set of conditions applies and can be demonstrated. Member States, who are enabled by the Directive to go beyond its basic provisions, should encourage strongly the application of this guidance and their regulators should monitor its adoption.
- 7.2 Member States and regulatory bodies should monitor proactively the basis on which prices are established by public sector bodies and should govern the 'Reasonable Return on Investment' provision with firm guidance on allowable charging principles and levels. The Commission should support this by producing additional guidance on the subject. Ideally this guidance will further encourage adoption of the marginal costs pricing principle (which has now been adopted, for example, by OECD).



International

PSI Policy Principles (November 2007)

http://www.ePSIplus.net/news/psi_policy_principles

The OECD PSI Policy Principles include: Transparency and inventory; Openness, Access and reuse conditions, Quality, Integrity; New Technologies and long-term preservation; Pricing; Competition; Non-exclusivity and redress mechanisms; Copyright; Public Private Partnerships; International access and use; Best Practices

WPIE workshop on PSI (February 2008)

http://www.epsiplus.net/news/wpie_workshop_on_psi

Slides 26 of the Combined rapporteur summary – Presentation title: Summary of Session Three: Measuring the Economic and Social Costs and Benefits of PSI: Evaluation of the Existing Approaches and Suggestions for Future Work.

- Importance of OECD PSI Principles and follow-up
- Manual to improve measurement: strong case
- Repository: strong case but some issues to be clarified
- Academic research: strong case, new topics and approaches proposed: Clarify PSI definitions, further data collection, mapping the value chain

Australia Acts on PSI (May 2007)

http://www.epsiplus.net/news/australia_acts_on_psi

The published general principles set out 15 principles that Government Agencies must comply with by 1st July 2008 -

- Principle 12: Australian Government agencies should be mindful of opportunities to share IP for which they are responsible with other agencies.
- Principle 13: Agencies should be responsive to opportunities for commercial use and exploitation of IP, including by the private sector.
- Principle 14: Unless commercial activities are required as an integral part of an agency's objectives, commercialisation of IP by an agency should be no more than an ancillary part of its activities and should not become a core business activity.
- Principle 15: Where IP is commercialised or disposed of, agencies must do so in an accountable manner consistent with Australian Government legislation, policies and guidelines.

Simplifying PSI re-use (June 2007)

http://www.epsiplus.net/news/simplifying_psi_re_use

Queensland State Government publishes report on Open Content Licensing



Europe

European PSI one stop (March 2008)

http://www.epsiplus.net/news/european_psi_one_stop

NORDIC Address Group 2008 (May 2008)

http://www.epsiplus.net/news/nordic_address_group_2008

A series of presentations on data services and grounds for payment in Nordic Countries that indicates that the NORIDC countries are taking action to implement the spirit of the Directive 2003/98/EC with a move to towards marginal cost pricing in order to maximize the return on investment made by the public sector by encouraging maximum re-use of the Address registers. (Denmark, Faeroe Islands, Finland, Iceland, Norway, Sweden)

The EC leads on PSI (January 2008)

http://www.epsiplus.net/news/the_ec_leads_on_psi



United Kingdom

ePSIplus Good Practice – The OPSI Information Pack, item 4 Guidance notes (November 2007)

http://www.ePSIplus.net/good_practice/opsi_information_pack

Powers of Regulator questioned! (October 2006)

http://www.epsiplus.net/news/powers_of_regulator_questioned

Was the Question answered? (November 2006)

http://www.epsiplus.net/news/was_the_question_answered

16 Questions - a Record?/Ministers respond on PSI! (January 2007)

http://www.epsiplus.net/news/16_questions_a_record

http://www.epsiplus.net/news/ministers_respond_on_psi

PSI Parliamentary debate (November 2007)

http://www.epsiplus.net/news/psi_parliamentary_debate

The biggest challenges! (November 2007)

http://www.epsiplus.net/news/the_biggest_challenges

The challenges the UK PSI Regulator faces

APPSI responds to consultation on proposed Charges for Property Searches (October 2008)

http://www.epsiplus.net/news/appsi_surprised