

Towards the 2008 review of the Directive on PSI re-use

Belgium National Meeting

11 December 2007, Brussels

REPORT

Re-use of PSI, more or less freedom?

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

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Executive Summary

1. This document reports on the Belgian national meeting *Re-use of PSI, more or less freedom?*, which was held on 11 December, 2007 in Brussels, Belgium.
2. The meeting's participants included representatives of the public and the private sector, as well as the scientific arena, with over 170 people attending.
3. The meeting was extremely well organized, it fully met its objectives to inform a large audience on the developments as regards the PSI Directive and to pull together representatives from the public and private sector and academic circles and to establish a dialogue between them.
4. The meeting consisted of three parts: (1) the morning session introducing the themes to be discussed by speakers from various parts of the PSI value chain (2) 3 workshops after lunch and (3) a final session pulling together the main conclusions from the workshops.
5. In that context, 3 points for action and careful consideration were identified:
 - a. The A.S.A. (Administrative Streamlining Agency) will start working on improving the accessibility of PSI. To that end it will further activate its current network within the public sector and animate re-users in various sectors to join a working group: a committee for transparency. Along the same lines it will start thinking about intensified communication with potential re-users, presenting the PSI sources available and stimulating the re-use thereof.
 - b. Secondly, the A.S.A. will pick up the need for standard licenses and will come up with drafts, in close dialogue with the public and private sector, taking on board lessons learnt from current good practices.
 - c. The accounting practices of public sector

1 Introduction

1.1 Aim and setting of this report

This report aims to inform all ePSIplus stakeholders about the substance and outcome of the ePSIplus Belgian national meeting *Re-use of PSI, more or less freedom?*, which was held on 11 December, 2007 in Brussels, Belgium. It has been produced by Marc de Vries in collaboration with representatives of the Belgian Host the A.S.A.¹ It consists of 3 parts:

1. a short introduction (this chapter), dealing with the more procedural aspects and details of the meeting (participants, agenda, presentations etc.), and
2. a summary of the main findings, including views on the way ahead, and
3. annexed documents (invitation and agenda (the last in Dutch and French))

1.2 Aim of the meeting

The meeting aimed to:

1. Engage in some creative thinking about the economic challenges, the status of the private sector in the use of public data, the role of the State as a custodian of protective values for individuals and guaranteeing individual and collective rights;
2. Allow for an exchange of ideas between civil servants, enterprises, journalists and universities.

1.3 Invitation

The Belgian government sent out the invitation below.

Government services gather a huge amount of information about people, businesses, objects, phenomena, events and so on. These items of information have to be documented, digitalised and reproduced before being made accessible to other public services, citizens and companies. Some information is already available for re-use by companies: geographical and meteorological information, transport management intelligence and socio-economic data are a few examples of the types of information the business community can now tap into.

The European Directive on PSI re-use, adopted by the European Council and Parliament in November 2003 following consultations with Member States, provides a major opportunity for business to develop added value products and services based on PSI. The PSI Directive is a legal instrument (at the macro economic level) designed to stimulate the internal market by introducing a general framework for the conditions governing the re-use of public sector documents. The Directive is the result of a continuous debate over the past 20 years which has involved various types of business sector (major information sectors with a visible stake to date include legal, business, companies, geospatial, environmental and meteorological, together with national registries of many different kinds). It seeks to deliver a minimum level of harmonization to facilitate cross-border use, transparency of conditions, avoidance of the abuse of market power, non-discrimination, clear procedures and easy access to asset lists and licenses to re-use PSI.

The Belgian public services are now meeting the challenge of making a large volume of high-quality information available, ensuring a smooth computerisation process, improving the access and communication of the data available for re-use, promoting balanced partnerships, and doing so in a secure legal environment.

Apart from the legal and contractual transposition of the Directive, the mobilisation of this potential also involves engaging *in some creative thinking about the economic challenges, the status of the private sector in the use of public data, the role of the State as a custodian of protective values for individuals and guaranteeing individual and collective rights.*

¹ <http://www.simplification.fgov.be/showpage.php?iPageID=3&sLangCode=FR>

Under the aegis of the European Commission, the Agence pour la Simplification Administrative (Administrative Streamlining Agency), a Prime Ministerial department, is organising a workshop to consider this theme, on 11 December 2007, at the Résidence Palace in Brussels. It will be an exchange of ideas between civil servants, enterprises, journalists and universities. We would be very pleased to have a European opinion during our workshop .

1.4 Presentations

The agenda (attached as [Annex 1](#)) included a large number of presentations:

1. Introductory presentations (general context, policy and background Directive)
2. Presentations by re-users of PSI (journalists and scientific users)
3. 1 presentation by a public sector body holding PSI (chamber of commerce data)
4. 1 presentation on the legal aspects of the Directive

All presentations (shown at the meeting) are available on the *ePSIplus* website.

1.5 Workshops

The workshops were centred around 3 themes:

- a. Licenses: correct use of licenses and general terms and conditions;
- b. Accessibility: how to do this effectively and efficiently;
- c. Price setting: how to do this properly and justifiably.

All workshops were moderated by a chairman and were vividly introduced by a number of speakers. A reporter ensured that the main conclusions were captured and presented at the closing session.

1.6 Participants

The meeting's participants included representatives of the public and the private sector, as well as the scientific arena, adding up to an impressive total of 170 participants.

2 Legal and regulatory progress and impact

2.1 Status of transposition

The draft law transposing the Directive at Federal level is ready. However, due to the fact that the Belgian government has been demissionary for more than half a year, the implementing law has not been signed off by the King yet.

2.2 Extent to which the provisions of the Directive are affecting changes in national law

Mr Tureluren (UPP, Febelma, JFB, VDP) and Surkyn (VUB) touched upon the issue whether the re-use regime would affect their daily work (press and scientific activities), mirroring the level of uncertainty that the Directive is bringing about in various sectors. This was also stressed by the presentation of Ms De Vos (A.S.A.), touching upon the challenges Belgium faced while implementing the Directive and the 'grey zones' where it is quite unclear what the regulatory framework actually means.

2.3 Assessment of the requirement to extend the scope of the Directive

Where the Belgians have not managed to transpose yet, they have not come to the stage to assess whether the Directive will do or whether the scope will need to be extended.

2.4 Good and bad practices

None were identified.

2.5 Next steps to be taken on a National level

The importance of addressing the tension between intellectual property rights and reuse policy was one of the key elements brought up by Mr Dechamps (Doutrelepont & Associés).

2.6 Judgements and decisions (by courts, regulatory bodies and advisory panels)

None.

3 Public sector organization and culture change

3.1 Experiences of national government in complying with the Directive and supporting re-use

At the Workshop A session (around 50 participants) the importance was stressed of a close dialogue between the public sector data holders and potential re-users in the process of establishing licenses.

Also some other delicate contractual issues were discussed, like the option to exonerate potential liabilities by the public sector and requiring the re-user to meet certain quality standards.

3.2 Models of Public-Private Partnership occurring at various stage of the value chain

As an illustration the collaboration between the NGI and Lannoo was described, indicating that flexibility from both parties had been a key feature in their discussions (e.g. on pricing). Interestingly, during those discussions the outsourcing of certain public sector activities had also been touched upon. At the same time, it was underlined that there obviously needs to remain a distance and that the Directive does not allow any exclusive deals or unfair terms towards other re-users.

3.3 Impact of relevant initiatives of national and local government to support making PSI easily available to private sector for re-use

Not discussed.

3.4 Next steps to be taken on a National level

Mr Desaer (FOD Economie, KBO-BCE) convincingly argued that technology is not a bottleneck. Within the limitations set by the regulatory and policy framework the KBO-BCE is actively pursuing the making available of its data, allowing for commercial reuse and new products and services to emerge.

3.5 Exclusive agreements still in power and initiatives to phase them out

Not discussed.

3.6 Good and bad practices

None identified.

4 Encouraging PSI reuse businesses

4.1 Factors underlying demand for and creation pan-European products

Not discussed.

4.2 Inter-sector learning and analysis: what makes some sectors more successful in PSI re-use business and what lessons can be transferred?

Not discussed.

4.3 Possibilities for a Pan-European forum on PSI-re-use

Not discussed.

4.4 Good and bad practices

Not discussed.

4.5 Next steps to be taken on a National level

Not discussed.

5 The financial impact: pricing and charging

5.1 Effects of the Directive on the PSI value chain

Not discussed.

5.2 Developments in pricing and charging policies

Not discussed.

5.3 Outstanding national policies and conditions which are at variance with maximising the economic benefit of added-value PSI

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.

5.4 Good and bad practices

Not discussed.

5.5 Next steps to be taken on a National level

The A.S.A. will create a working group about the public accounting to develop a system of cost more transparent than actually.

6 Information management, standards and data quality

6.1 Impact on data quality for business re-use of public sector interventions, including through types of PPP

Not discussed.

6.2 Acceptable data quality for PSI re-use in different key sectors

Not discussed.

6.3 Good and bad practices

Not discussed.

6.4 Next steps to be taken on a National level

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.

7 National situation: specific issues

First and foremost and backed up by the conclusions of the workshop the A.S.A. will start working on improving the accessibility of PSI. To that end it will further activate its current network within the public sector and animate re-users in various sectors to join a working group: a committee for transparency. In that context, it will be important to also start thinking about intensified communication with potential re-users, presenting the PSI sources available and stimulating the re-use thereof.

Secondly, the A.S.A. will pick up the need for standard licenses and will come up with drafts, in close dialogue with the public and private sector, taking on board lessons learnt from current good practices.

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.

Annexes

Annex 1: Invitation and Agenda French

Annex 2: Invitation and Agenda Néerlandais



INVITATION

*Alors, la commercialisation des informations du secteur
Public : Plus de libertés ? Plus de contraintes ?*

Madame, Monsieur,

Les services publics collectent une quantité considérable d'informations sur les personnes, les entreprises, le territoire, les événements, etc. Certaines d'entre elles peuvent déjà être « réutilisées » aujourd'hui, qu'il s'agisse de données géographiques, météorologiques, de gestion des transports ou de données socio-économiques (entreprises et consommateurs), etc. D'autres le seront à l'avenir.

Une directive européenne de 2003 promeut la **commercialisation des informations publiques par le secteur privé**. A l'échelle européenne, ce marché représente un potentiel de quelques 26 milliards d'euros. Cette directive est depuis peu transposée en droit belge. Le moment est donc venu de présenter les **opportunités des nouvelles règles du jeu**. Mais aussi de faire évoluer les relations entre les fournisseurs et les clients des informations publiques et d'améliorer la **communication et la transparence des services publics**.

Sous l'égide de la Commission Européenne, l'Agence pour la Simplification Administrative, Service du Premier Ministre, vous **invite à un échange de vues et d'expériences** entre fonctionnaires, entreprises, journalistes et universités.

Quand ? le **11 décembre 2007**, entre 9h30 et 17h00

Où ? au **Centre international de presse** (Résidence Palace), rue de la Loi, 155 à 1040 Bruxelles

Pas de frais de participation MAIS inscription obligatoire (pour le lunch)

Pour vous inscrire, veuillez renvoyer le **formulaire d'inscription** ci-joint au secrétariat (sophie.blot@premier.fed.be / fax : 02/289.00.76.) **pour le 5 décembre 2007 au plus tard**.

Nous vous enverrons une confirmation. Pour tout renseignement supplémentaire, veuillez consulter www.simplification.be ou adressez-vous au secrétariat.

Erwin De Pue

Dominique De Vos

**Alors, la commercialisation des informations du secteur public :
Plus de libertés ? Plus de contraintes ?**

Programme

- 9.15 - 9.30 Accueil et présidence : **Erwin De Pue** (DAV)
9.30 - 9.45 Introduction : **Vincent Van Quickenborne**, Secrétaire d'Etat à la
 Simplification administrative
9.45 - 10.15 'The PSI Directive in action - its background, its effects and its future' :
 Marc de Vries, Consultant européen

Question time

- 10.30 - 10.45 Pause
10.45 - 12.15 ✓ La transposition en Belgique : spécificités, enjeux globaux
 Dominique de Vos (ASA)
 ✓ Expérience et analyse du secteur privé : **Laurent Leclercq**
 (Coface Services Belgium)
 ✓ Quelques réflexions juridiques : **Frédéric Dechamps** (droit des médias
 et propriété intellectuelle)
 ✓ Opportunités pour les universités : **Johan Surkyn** (VUB)
 ✓ Point de vue de la presse : **Bart Tureluren** (UPP, Febelma, JFB, VDP)
 ✓ Opportunités pour la fonction publique : **Frank Desaer**,
 (SPF Economie, BCE)

Question time

- 12.20 - 13.30 Lunch sur place
13.30 - 15.15 Ateliers

1. Du bon usage des licences et conditions de commercialisation

- ✓ Président : **Patrick Slaets** (Agoria)
- ✓ Rapporteurs-animateurs : **Fernand de Visscher** et **Benoît Michaux** (Bureau Simont Braun)
- ✓ Interventions : **Martin Malliet** et **Guido D'Hoker** (IGN) et Editions Lannoo (sous réserve)

2. Comment inventorier et mettre à disposition l'inventaire des données publiques

- ✓ Président : **Olivier Alsteens** (Communication externe, Chancellerie du Premier Ministre)
- ✓ Rapporteur : **Olivier de Wasseige** (Defimedia)
- ✓ Animateur : **Hugo Poliart** (Communication externe, Chancellerie du Premier Ministre)
- ✓ Intervenants : **Philip Verstraete** (FEB), **Peter De Vester** (BDMA)

3. La méthode de calcul du juste prix des données publiques et la justification du prix à l'égard de l'acheteur

- ✓ Président : **Région de Bruxelles Capitale**. Sous réserve
- ✓ Orateur : **Faska Khrouz** (ULB – Solvay) : *Transparence des comptes et suivi des coûts*
- ✓ Animateur : **Raymond Ghysels** (ULB)
- ✓ Intervenants des communes : sous réserve

- 15.15 - 15.30 Pause
15.30 Présentation des rapports
16.30 Conclusions générales et clôture des travaux : **ASA**

UITNODIGING

En de commercialisering van overheidsinformatie: Meer of minder vrij?

Geachte,

Overheidsdiensten verzamelen een aanzienlijke hoeveelheid inlichtingen over personen, ondernemingen, het grondgebied, evenementen, enz. Bepaalde informatie kan vandaag al worden hergebruikt, zoals o.m. geografische en meteorologische informatie, mobiliteits -en socio-economische gegevens. Voor andere gegevens zal dat wellicht weldra ook mogelijk zijn.

Sinds 2003 beschikt de EU over een richtlijn die het **hergebruik van overheidsinformatie door de privésector** wil aanmoedigen. Op Europees niveau kan de handel in overheidsinformatie geraamd worden op een omzet van zo'n 26 miljard euro.

Deze richtlijn werd recent in Belgisch recht omgezet. Tijd om de **opportuniteiten van de nieuwe spelregels voor te stellen**. Maar ook om vooruitgang te boeken in de verbetering van de relatie tussen de leveranciers van openbare gegevens en hun klanten. Een verhoging van de **communicatie en de transparantie van de overheidsdiensten** staat ook op de dagorde.

Onder de auspiciën van de Europese commissie nodigt de Dienst voor de Administratieve vereenvoudiging, Dienst van de Eerste minister, u uit op **een diepgaande gedachtewisseling** tussen ambtenaren, ondernemingen, journalisten en universiteiten.

Wanneer? Op **11 december 2007**, van 9u30 tot 17u00

Waar? In het **Internationaal perscentrum** (Residence Palace), Wetstraat, 155 te 1040 Brussel

Gratis, maar inschrijving verplicht (voor het organiseren van de lunch)

Om u in te schrijven volstaat het **de bijgevoegde inschrijvingsstrook terug te sturen** naar het secretariaat, (sophie.blot@premier.fed.be / fax: 02/289.00.76.) **vóór 5 december a.s. ten laatste**. Een bevestiging zal volgen. Voor verdere informatie kan u terecht op de website www.veroeenvoudiging.be of bij het secretariaat.

Erwin De Pue

Dominique De Vos

En de commercialisering van de overheidsinformatie: Meer of minder vrij?

Programma

- 9.15 - 9.30 Onthaal en voorzitterschap: **Erwin De Pue** (DAV)
- 9.30 - 9.45 Inleiding: **Vincent Van Quickenborne**, *Staatssecretaris voor de administratieve vereenvoudiging*
- 9.45 - 10.15 ‘The PSI Directive in action - its background, its effects and its future’:
Marc de Vries, *Legal Analyst – ePSIplus project*

Question time

- 10.30 - 10.45 Koffiepauze
- 10.45 - 12.15 ✓ De omzetting in België: specificiteiten, globale inzet
Dominique De Vos (DAV)
- ✓ Ervaring en analyse vanwege de privésector: **Laurent Leclercq**,
(*Coface Services Belgium*)
- ✓ Juridische beschouwingen: **Frédéric Dechamps**, *advocaat (recht van de media en intellectuele eigendom)*
- ✓ Opportuniteiten voor de universiteiten: **Johan Surkyn** (VUB)
- ✓ Standpunt van de pers: **Bart Tureluren** (UPP, *Febelma*, JFB, VDP)
- ✓ Opportuniteiten voor het openbaar ambt: **Frank Desaer**,
(*FOD Economie, KBO*)

Question time

- 12.20 - 13.30 Lunch ter plaatse
- 13.30 - 15.15 Werkgroepen

- A. Het correct gebruik van de licenties en de algemene verkoopvoorwaarden**
- ✓ Voorzitter: **Patrick Slaets** (*Agoria*)
 - ✓ Rapporteur-animator: **Fernand de Visscher** en **Benoît Michaux** (*Bureau Simont Braun*)
 - ✓ Bijdrage: **Martin Malliet** en **Guido D’Hoker** (*NGI*) en **Maarten van Steenberghe** (*Uitgeverij Lannoo*)
- B. Hoe overheidsinformatie inventariseren en ter beschikking stellen?**
- ✓ Voorzitter: **Olivier Alsteens** (*Externe Communicatie, Kanselarij van de Eerste Minister*)
 - ✓ Rapporteur: **Olivier de Wasseige** (*Defimedia*)
 - ✓ Animator: **Hugo Poliart** (*Externe Communicatie, Kanselarij van de Eerste Minister*)
 - ✓ Bijdrage: **Philip Verstraete** (*VBO*), **Peter De Vester** (*BDMA*)
- C. Hoe de juiste prijs van overheidsinformatie berekenen en deze prijs rechtvaardigen ten opzichte van de koper?**
- ✓ Voorzitter: **Daniel Gruson** (*Ministerie van het Brussels Hoofdstedelijk Gewest*)
 - ✓ Spreker: **Faska Khrouz** (*ULB - Solvay*): *Transparantie van de rekeningen en kostenbeheersing*
 - ✓ Animator: **Raymond Ghysels** (*ULB – Boekhouding en Beheerscontrole*)
 - ✓ Bijdrage: *gemeentelijk niveau*.

- 15.15 - 15.30 Koffiepauze
- 15.30 Verslag van de rapporteurs
- 16.30 Algemene conclusies en afsluiting van de studiedag: **DAV**.