5th Communia Workshop: Accessing, Using, Reusing Public Sector Content and Data

The need for an European approach

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a key resource

- Public sector the major single source of information
  - Geographic, transport, statistics, weather, legal…
- increasingly accessible only online
- Improved communication between Administrations and citizens
- Raw material for added-value products and services
Market gap

- Value of EU investment on PSI:
  68 billion €/year or 1% of GDP

- Value of the whole information sector (largely based on PSI) in the US:
  750 billion €/year or 9% of GDP

(Pira International, Commercial Exploitation of Europe’s Public Sector Information, 2000)
Challenges

• PSI: a raw material of major importance for the content market

• Barriers remain at European level

• Competitive disadvantage vis-à-vis the US

• Diverging trend of re-use conditions
PSI, what is at stake?

• New added-value services triggered by IS tools, digitisation and the Internet
  – combining data from different sources
• Cross-border use and potential
• There are problems and opportunities
  – competition issues, lack of re-use culture
The barriers

• Absence of clear rules and policies
  – No legal framework for PSI re-use
• Mindset of public sector bodies
  – Little re-use culture and public-private sinergy
• Unfair competition
  – Exclusive agreements, cross-subsidies
• Lack of transparency
  – On available PSI, re-use conditions and means of redress
• High charges
  – Not proportionate to cost nor limited
In search of a European solution

- The Green Book (1999)
- The Communication (2001)
  - Set of consistent measures
  - Projects, PSI Group
- The Directive (co-decided in November 2003)
- i2010
Livre vert publié 20.1 1999
Consultation avec les institutions de l’UE
185 réponses écrites
L’industrie demande une directive

Public sector information:
A key resource for Europe

GREEN PAPER ON PUBLIC SECTOR INFORMATION IN THE INFORMATION SOCIETY

Communication, 2001

- Economic importance, fragmented market
- Right to commercial use of accessible PSI
- Basic orientations: price, transparency, competition
- Explore the need for a Directive
Content policies

• i2010 initiative: key role for content
  – use information technologies for economic growth, jobs and quality of life

• ‘Public sector content’
  – digital libraries initiative
  – cultural content, scientific information

• ‘Public sector information’
  – PSI directive

- Minimal harmonisation to facilitate cross-border re-use
- Transparency of prices and conditions
- Prohibition of exclusive arrangements
- Non-discrimination of comparable re-uses
- Clear procedures, means of redress
- Assets lists, online licenses
The Directive and beyond

• recommendation to MS in recitals:
  • make as much material as possible available for re-use, and promote re-use
  • marginal costs of reproduction and dissemination
  • exercise copyrights in a way that facilitates re-use
Open re-use approach

- Advantages:
  - Fast and easy (less red tape)
  - Reduce overheads (for setting+collecting charges)
  - Allow PSB to focus on core tasks (rather than monitor license agreements)
Diapositiva 14

LF1

ferralu; 19/01/2005
Licenses

- not to unnecessarily restrict (Art. 8.1):

  • Possibilities for re-use (derivative works, added-value products…)

  • Competition (grant-back obligations…)
Licenses - requirements

- Reasonable time-limit, consistent with access one (art. 4.1)

- Refusal properly substantiated, on the basis of access regime, absence of re-use authorisation or Directive exclusions (art. 4.3)

- Charges, if any, limited to collection, production, reproduction and dissemination costs + reasonable return on investment (Art. 6)
Licences - conditions

• Should not discriminate comparable categories of re-users, whether public or private – art. 10.1

• Should not be exclusive, unless necessary for the provision of a service in the general interest, nor lead to cross-subsidies - art. 10.2

• Exclusive rights, if any, subject to regular review and only to the extent necessary to provide a service in the general interest - art. 11.1
Licenses – form and terms

• MS to ensure proper offer of (art. 8.2):

  • standard forms available in digital form for PSI re-use
  • Adaptable for particular license applications
  • Electronically processed
Transposition chart

- All 27 MS notified full transposition:
  - Latest notification early 2008 (B)

- Infringement procedures (LFN) started for incomplete and incorrect transposition:
  - In 2007 on the basis of a complaint (SE)
  - In 2008 at the Commission’s own initiative (PL)
  - In 2009 at the Commission’s own initiative (IT)
Examples of good practices in the MS

• The Czech Republic: PSI Watch Initiative
• Denmark: IT standards
• Ireland: portal, assets lists
• The Netherlands: exclusive agreements
• Spain: legal information (CENDOJ - Judicial Documentation Centre)
• The U.K.: click-use licences, Office of Public Sector Information
The MEPSIR study

Helm, Zenc - Measuring European Public Sector Information Resources, June 2006

- EU+NO PSI market: € 27 billion = 0.25% GDP
- Cross-sector/country PSI re-use scoreboard
  - Availability, accessibility, transparency, accountability, non-discrimination ➤ actual demand, economic results
- Directive impact on the value chain:
  - Fading price effect
  - Entry effect (less exclusive agreements)
  - Diversification effect (new products/services)
  - Quality effect (more competition)
  - Revenue effect: increase business-based tax revenue
The MEPSIR study

Helm, Zenc - Measuring European Public Sector Information Resources, June 2006

Figure 1: Framework and economic conditions

1. Availability
2. Accessibility
3. Transparency
4. Accountability
5. Non-discrimination
6. Actual demand
7. Economic results
The MEPSIR study

Figure 7 - Model 1 of PSI value chain: commercial re-use (partly based on OECD, 2006)
The MEPSIR study

Helm, Zenc - Measuring European Public Sector Information Resources, June 2006

Figure 3: Average response time as reported by public content holders and re-users
The MEPSIR study
Helm, Zenc - Measuring European Public Sector Information Resources, June 2006

Breakdown by sector
The MEPSIR study

Helm, Zenc - Measuring European Public Sector Information Resources, June 2006

Breakdown by country
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The Micus study

Micus Management Consulting GmbH - December 2008

- Geographical, legal and meteorological information
- Reuse increased in all sectors (mainly geo and legal)
- Improvements on charging and delivery times
- Limited complaints (©, privacy and access interference)
- Some difficulties remain (awareness of PSI value, licences, charges)
The Office of Fair Trading report
(London © Crown Copyright, December 2006)

Findings:

• Raw information not as easily available as it should be
• Licensing arrangements are restrictive
• Prices are not always linked to costs
• PSIHs imposing higher prices/less attractive terms to competing businesses than their own value-added doings
• Provisions to ensure access on equal basis lack clarity and adequate monitoring

0.5 billion £/year cost to the UK economy
Recommendations:

- Make as much PSI available as possible for re-use
- Ensure businesses have access to PSI at earliest useful point in time
- Provide access to single source PSI on equal basis to all businesses and the PSIH itself
- Use proportionate cost-related pricing
- Account separately for monopoly and value-added activities, to demonstrate that fair, non-discriminatory pricing/terms are applied
Outlook

- transparency, fair competition, downwards effect on charges
- First ever legislation in some Member States
- Speed-up developments in others
- Recitals go beyond Articles
- Review clause
Review – Article 13.2

- **Scope**
  - exclusions, art. 1.2

- **impact**
  - Increase on PSI re-use
  - Effects of the charging principles
  - Re-use of official texts of an administrative or legal nature (Art. 2.4 Berne)

- **Further improvement**
  - Of the functioning of the Internal Market
  - Of the European content industry
What next

- **Role of the Commission**
  - PSI Group meetings
  - Awareness actions (seminars, conferences...)
  - Transposition conformity checks
  - Infringement actions for non-compliance
  - Studies
  - *ContentPlus* projects (ePSIplatform...)

- **Review in 2009 (PSI Communication)**
Conclusion

• PSI: a major component of the content market

• Directive creates new EU framework for PSI reuse:
  – minimal legal security to stimulate investment
  – Improved conditions for cross-border reuse
  – Downwards effect on costs and delivery times
  – Opening up of markets (prohibition of exclusivity & discrimination)

• Barriers still restrict full impact on employment and growth
  – maximal cost-recovery as opposed to benefits to the wider economy
  – Limited information on available PSI
  – Limited reuse mindset of public sector bodies
To know more...

http://europa.eu.int/information_society/policy/psi/