



European Perspectives on PSI Re-use

Chris Corbin
ePSIplus Analyst

Brisbane, 4th March 2008



*International Summit on
Open Access to Public Sector Information*

European Union in perspective

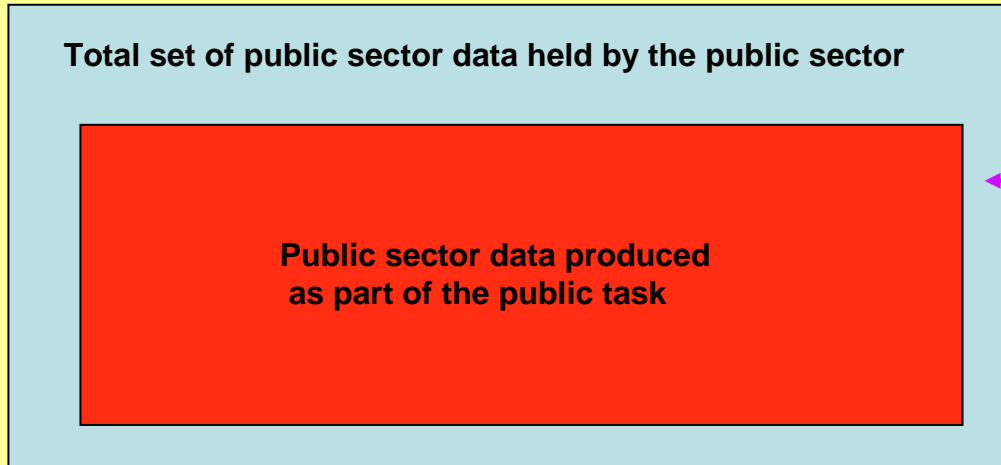
	Sq. kms. (millions)	Population (millions)	Countries
Australia	7.7	21	1
Canada	9.9	33	1
New Zealand	0.27	4	1
USA	9.6	303	1
EU27	4.3	490	27
Europe	9.9	728	44
World	148.9	6,100	200+



funded by eContentPlus



There is no Data Access framework in place at the European Union (EU) level.
Within Members States the access to data and information is often based on the Freedom of Information laws where they exist.



Held by over a million public organisations within the EU and used by over 50+ million public sector employees!

Legal basis:

- Data Privacy (Directive 95/46/EC & 2002/77/EC)
- Database protection (Directive 96/9/EC)
- Access to environmental information (Directive 2003/4/EC)
- Re-use of PSI (Directive 2003/98/EC - MS Compliant 1.07.05)
- Intellectual Property Rights (Directive 2004/48/EC - MS compliant by 29.04.06)
- INSPIRE (Directive 2007/2/EC - MS Compliant 15.05.09)

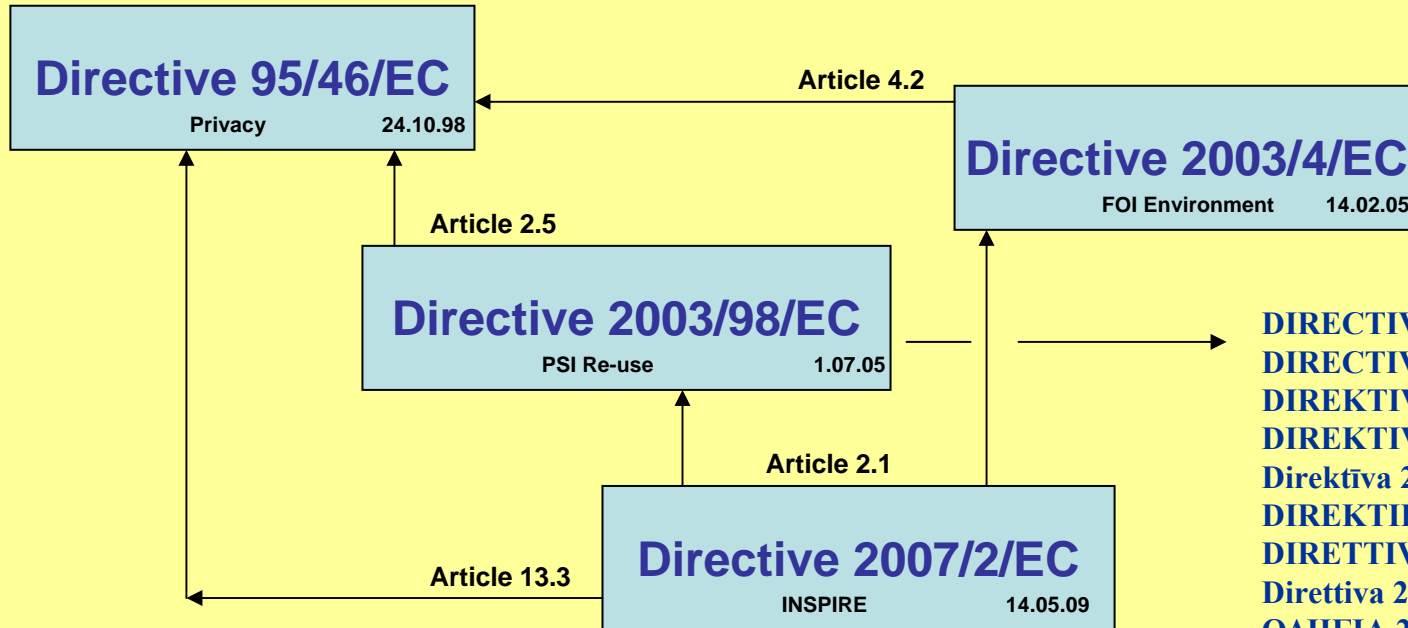
In the wings!
eGovernment (COM/2003/0406 & COM/2004/0219)

Compliance with these Laws is variable.

EU Treaty - Article's 81 & 82
 Transparency of Public Undertakings (Directive 2006/111/EC MS Compliance 19/12/06)(First Directive came into force in 1981)
 Public Procurement (Directives 93/8/EEC & 98/4/EC & 2004/17/EC, 93/87/EEC & 97/52/EC & 2004/18/EC. MS Compliant 31/01/2006)



Directive legal relationships



- DIRECTIVE 2003/98/EC
- DIRECTIVA 2003/98/CE
- DIREKTIV 2003/98/EF
- DIREKTIV 2003/98/EG
- Direktīva 2003/98/EK
- DIREKTIIV 2003/98/EÜ
- DIRETTIVA 2003/98/CE
- Direttiva 2003/98/KE
- ΟΔΗΓΙΑ 2003/98/EK
- RÁDSINS 2003/98/EB
- RICHTLIJN 2003/98/EG
- RICHTLINIE 2003/98/EG
- Smernica 2003/98/ES

All Directives listed appertain:

- to data either access too or use of;
- to all parts of society

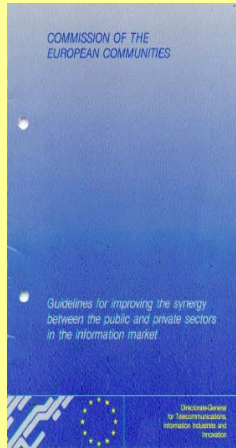
Issues

- How are these Directives regulated and by whom?
- Is the regulation consistent and seamless?



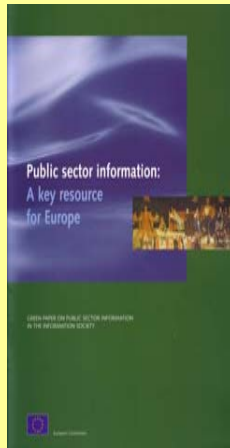
The 30 year story!

MS = 12



1989

MS = 15



1999

20 Year Summary

MS = 25



2004

Europe has Implemented the PSI Framework

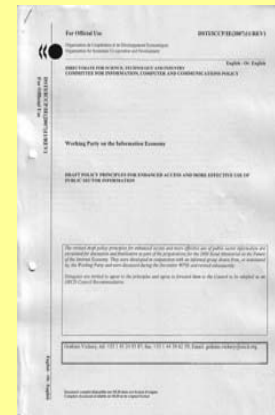
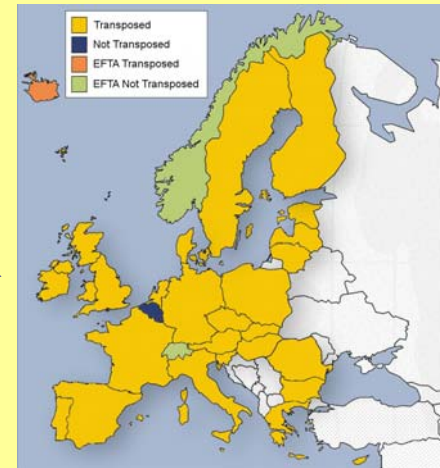


2005



2006

MS = 27



2008

1st Decade: (1989-1998)

- Much talk but little action!

2nd Decade (1999 -2008):

- Set of laws put in place, a lot of action, awareness raised, but a number of stubborn issues persist, review underway!

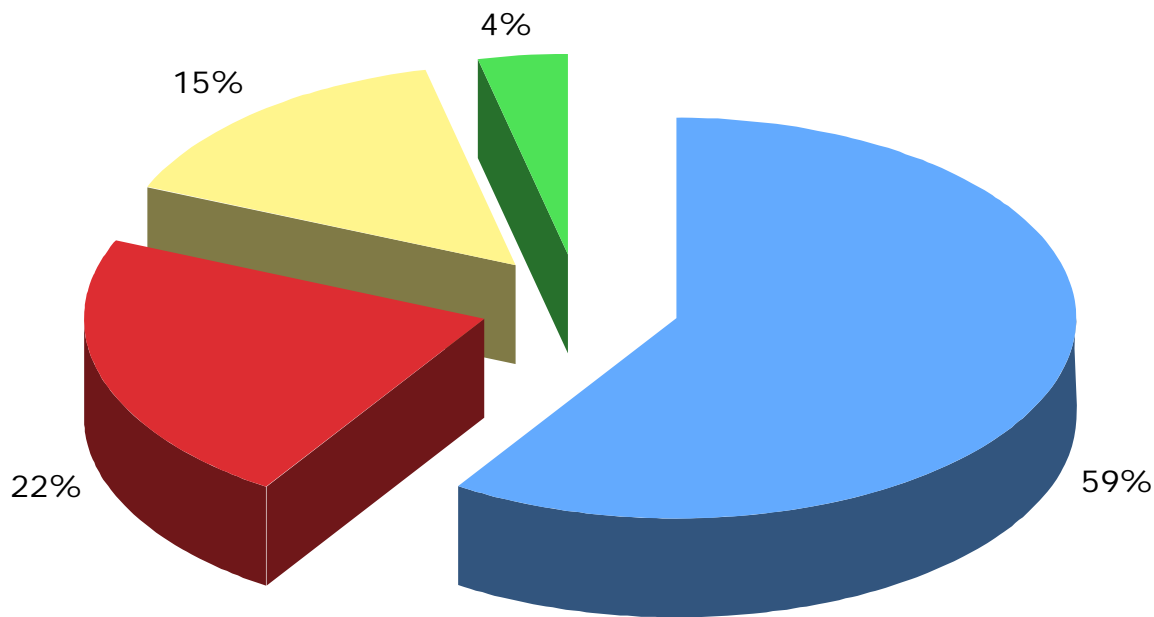


OECD in parallel



Establishing the PSI framework

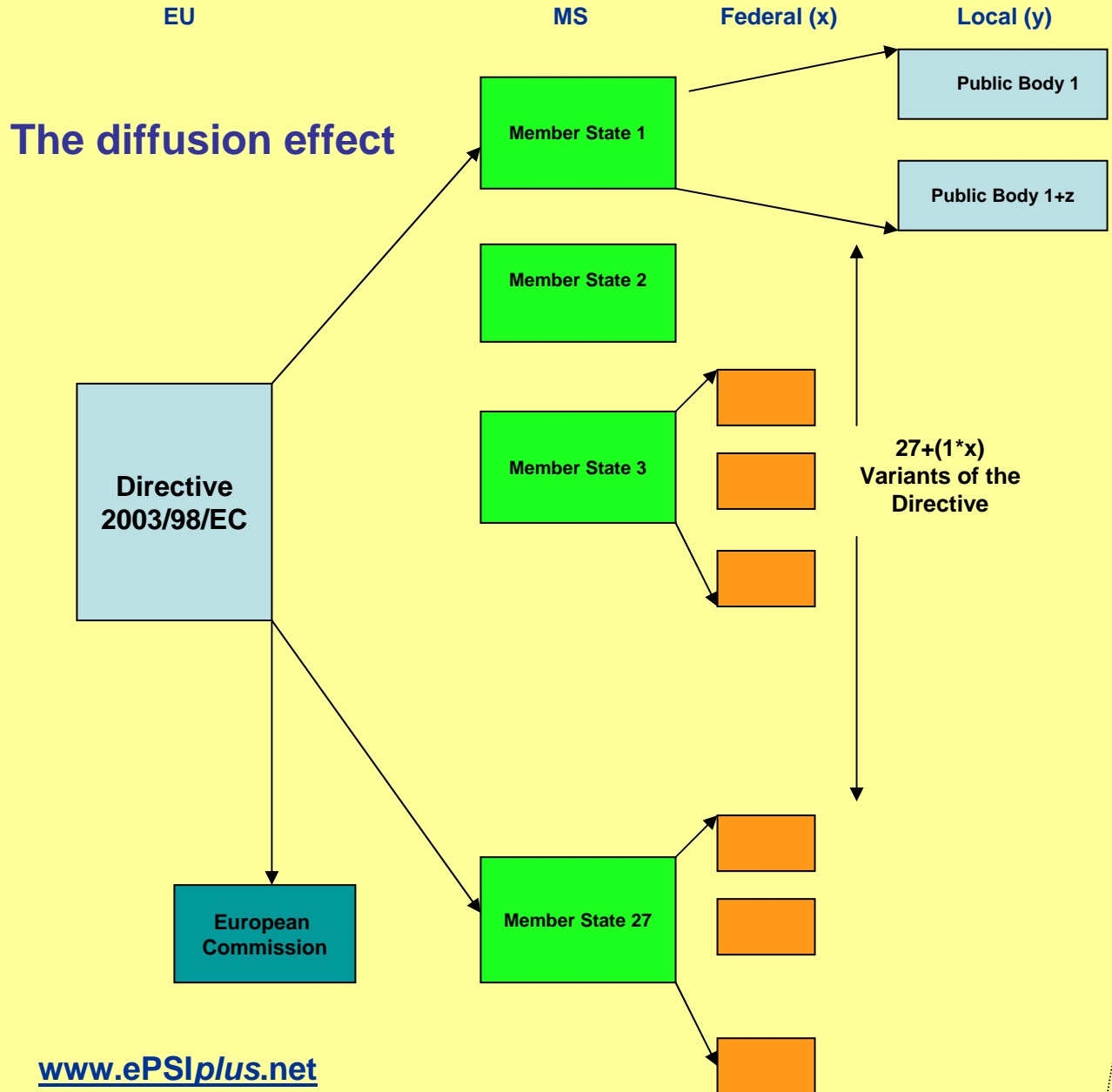
EU27 Transposition status as at 16 November 2007



■ New Laws ■ Amended Existing Laws ■ Existing laws covered ■ Not Transposed



PSI Directive Transposition process - legal perspective



Started with 1 law
Ended with 45 laws
In 23 languages.

Are they equivalent?

Sensor: The Re-user (PSI)

Harmonisation achieved through:
EU reviews, Complaints,
Court Cases

- Issues:
1. Methods of reducing variance.
 2. Lack of EU enforcement.

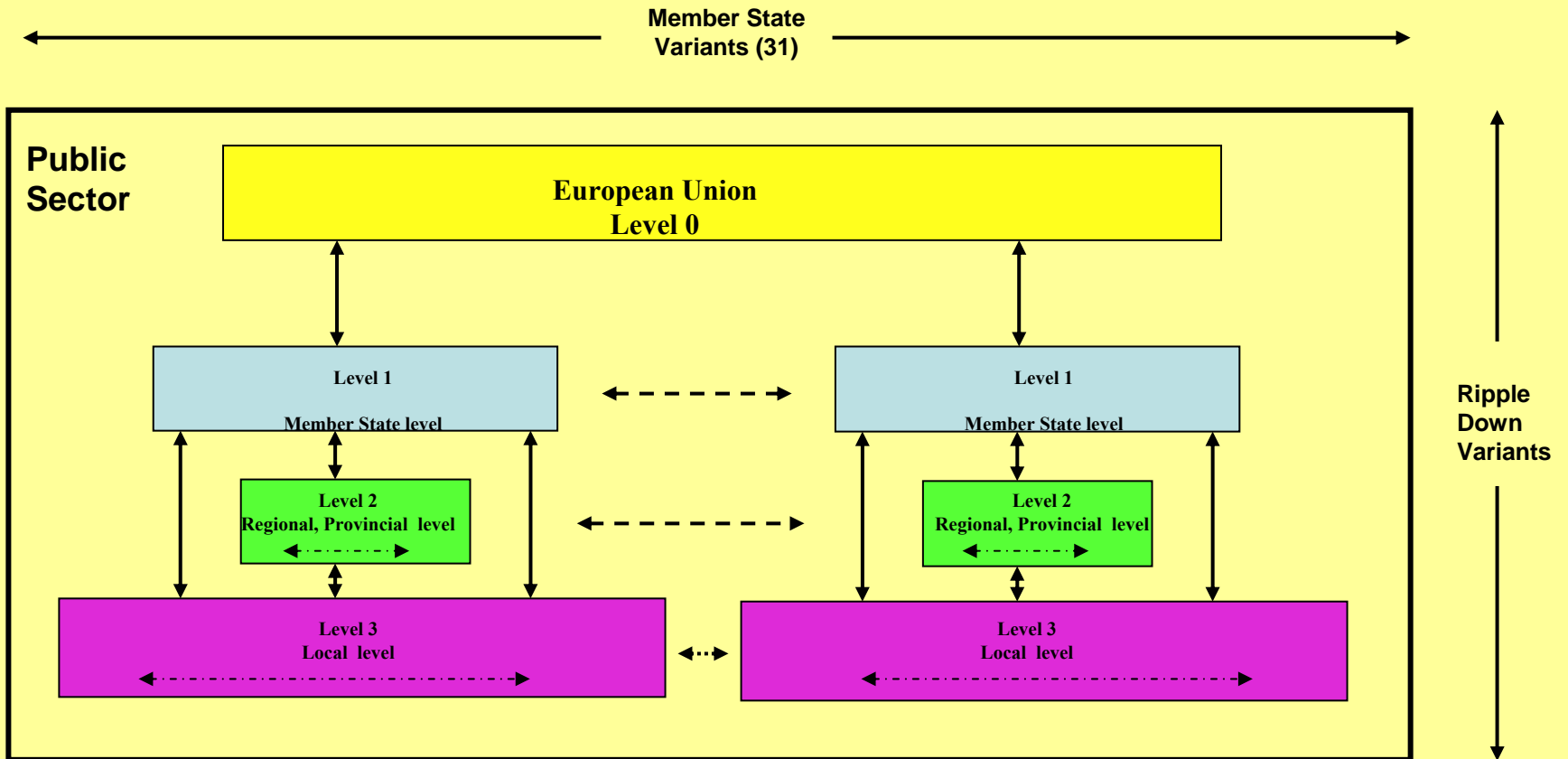
Cause

The democratic process lag!
The harmonisation process lag!





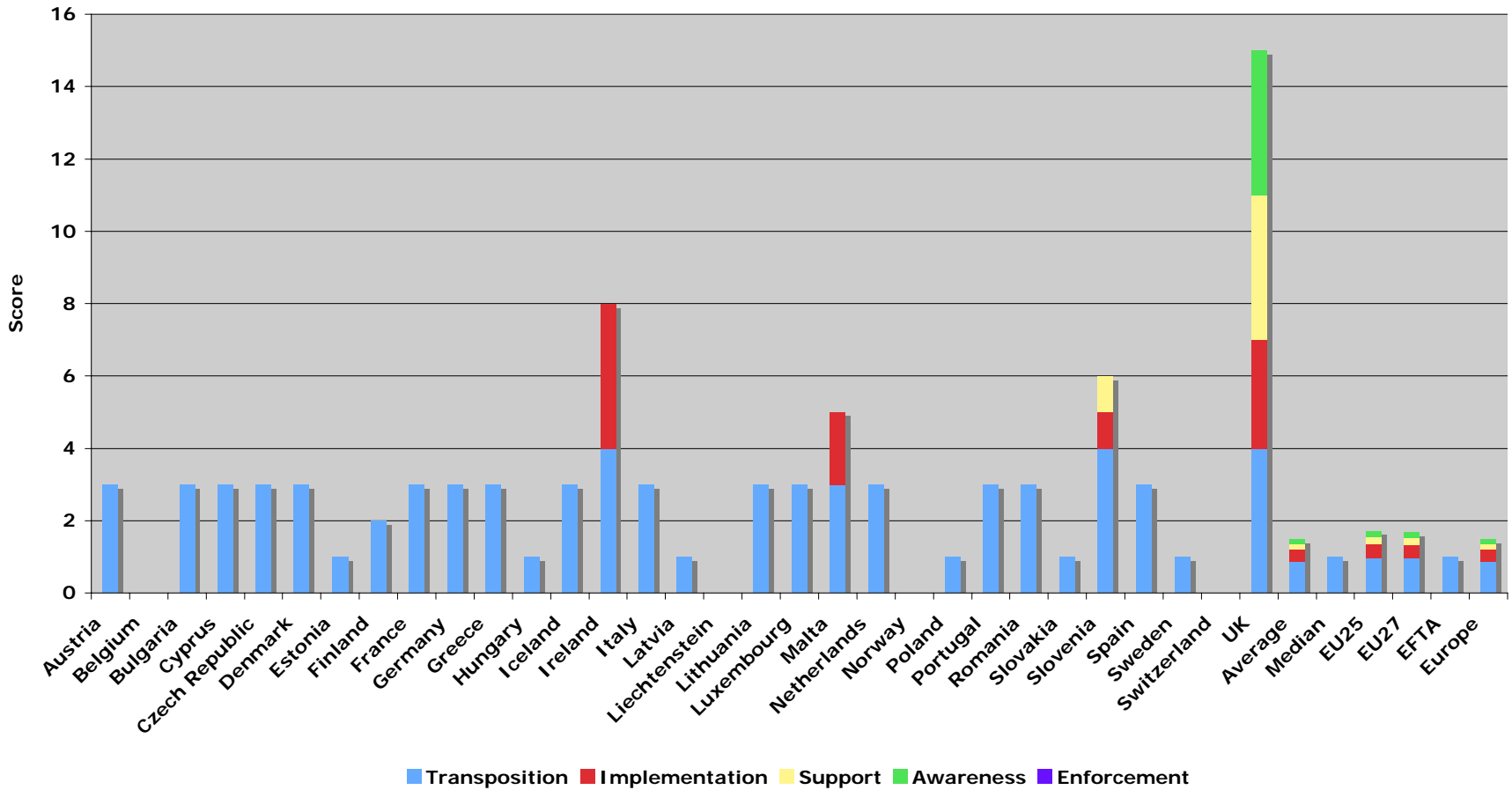
PSI re-use diagrammatic perspective





ePSIplus - Legal Scorecard for EU+EFTA MS

ePSIplus Scorecard Theme 1
as at 4 December 2007



Maximum score for the Legal scorecard is 20



ePSIplus scorecard

ePSIplus Scorecard - Legal

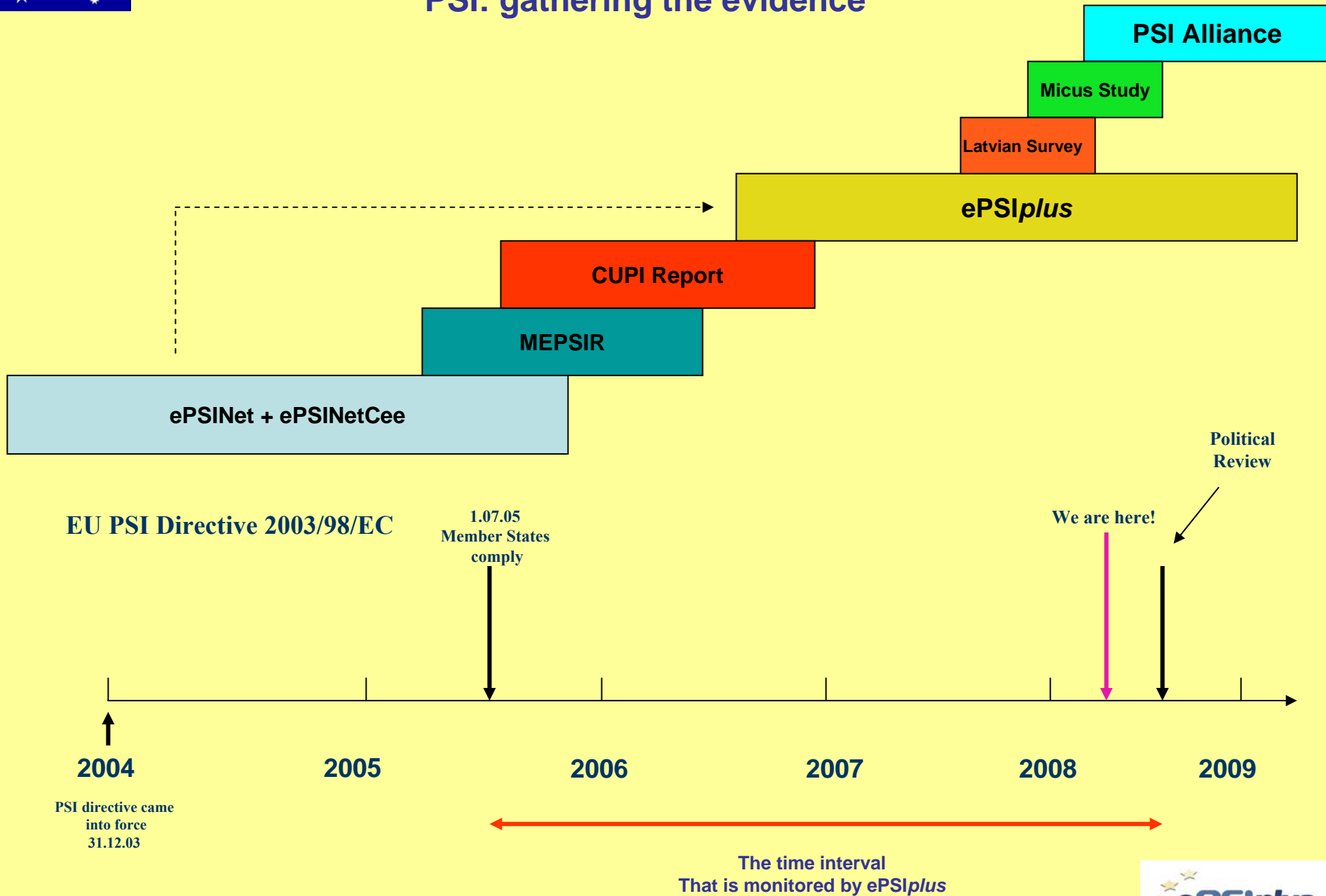
	Law			
Transposition	Article 13 Transposed for MS?	Publically available online?	Article 13 Refers to 2003/98	PSI web site
Implementation	PSIH Register?	Standard Licence available?	Published Complaints Procedure?	Published Appeal Procedure?
Support	PSI Guidelines?	Complaint decisions published	Appeal decisions published?	Unified Complaints system?
Awareness	Pro-active Awareness?	Training	Annual Monitoring Reports published?	PSI Case Studies?
Enforcement	Complaint Decisions	Appeal Decisions	Fair Trade & Competiton Authority Decisions	Court Decisions

Score = One if present & public otherwise zero





PSI: gathering the evidence



EU PSI Directive 2003/98/EC

1.07.05
Member States
comply

We are here!

Political
Review

2004

2005

2006

2007

2008

2009

PSI directive came into force
31.12.03

The time interval
That is monitored by ePSIplus

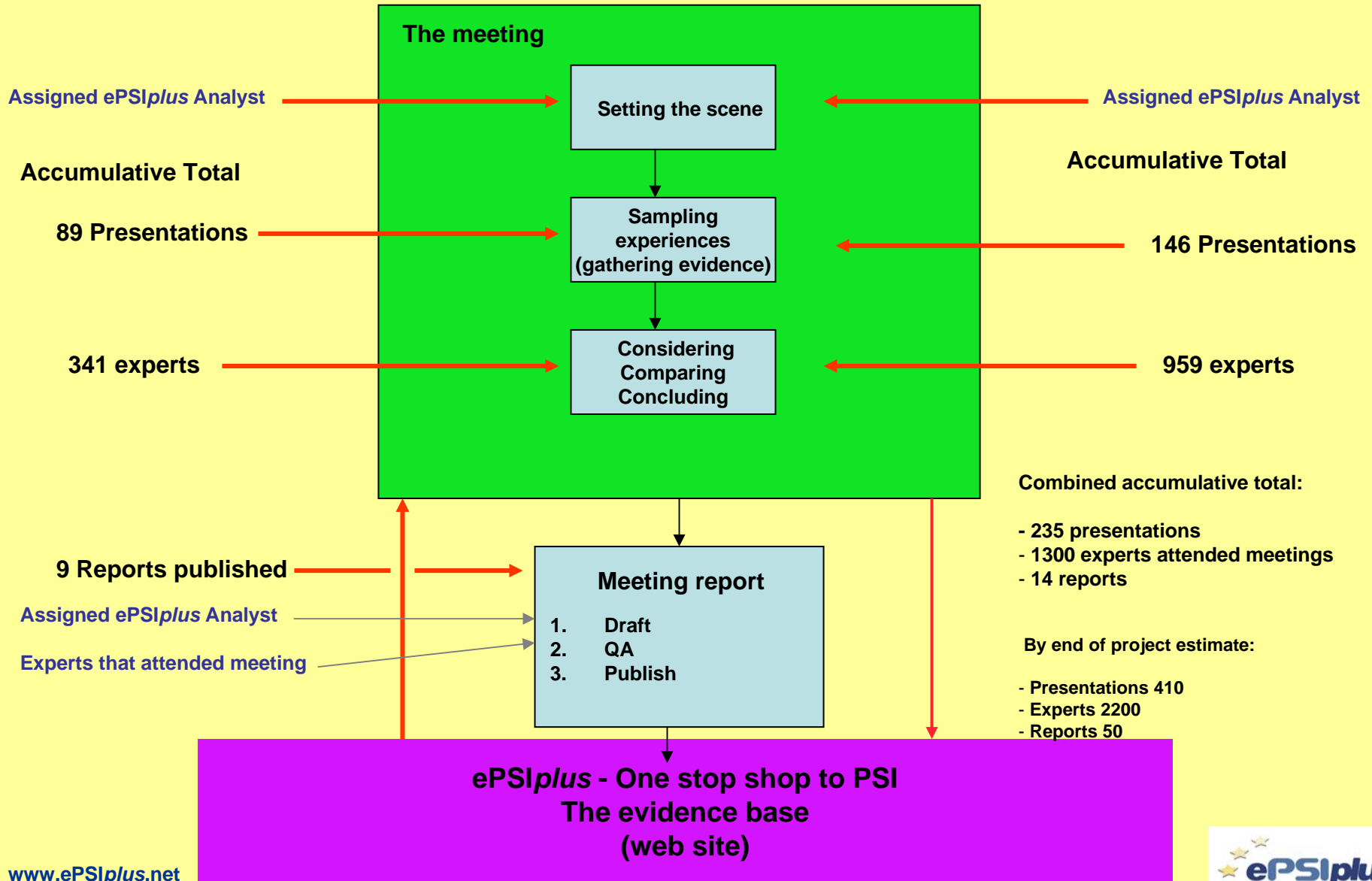




ePSIplus Meetings: Evidence gathering process

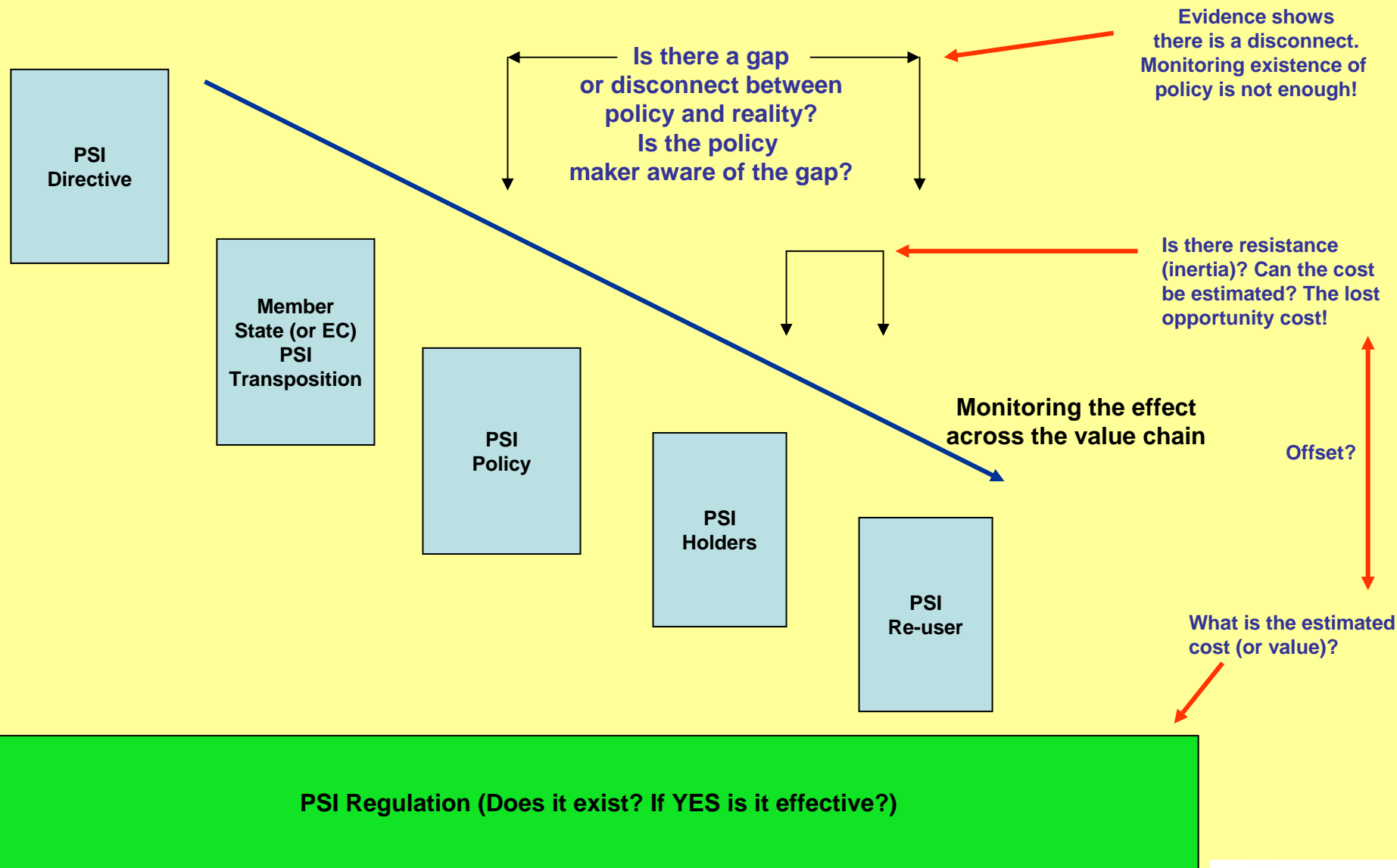
Thematic meetings completed: 10 out of 15

National meetings completed: 16 out of 35
5 reports published





ePSIplus - gathering the evidence





ePSIplus - The One Stop Shop to PSI

The evidence base

Search:

[Login / Register for News](#)

Scorecard **Events** **Cases** **Good Practice** **Reports** **Forum** **Map** **Themes** **Products** **News** **Links** **Contacts**

[Home](#)

Notification

[My Notifications](#)

News Highlights

[ePSIplus - PSI Re-use Cross Border Products and Services Directory Now Online](#)
Pan-European products and services based on PSI Re-use
[Read more...](#)

Latest news

[PSI Regulations must be tightened](#)
Parliamentary Committee publishes inquiry report on the Ordnance Survey of Great Britain

Advanced Search

[Site Map](#)

Search by Type
All

Search by Country
All

Search by Theme
All

Sorting
Date
Desc

Select

Meetings

[Spain Hosting ePSIplus National Meeting](#)
31 March 2008

ePSImap

Europe

- Austria
- Belgium
- Bulgaria
- Cyprus
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Iceland
- Ireland
- Italy

International

- Latvia
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Norway
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain
- Sweden
- Turkey
- United Kingdom

Public Sector Information in Europe

ePSIplus: Towards the 2008 Review of the Directive on Public Sector Information (PSI) Re-use

ePSIplus is a Thematic Network, funded by the [eContentplus programme](#), to support the implementation of the European Directive on Public Sector Information (PSI) Re-use, in the period leading up to its review in 2008.

The ePSIplus portal provides access to a wide range of knowledge emerging in this field, across all EU member states, of key interest to public and private sector stakeholders.





PSI Directive - the WIN WIN framework

PSI Framework	Public Sector PSIH	PSI Re-user
Central PSI portal	Can be referred to minimal resources	Speed Understanding
Standard Licence	No negotiating	Consistency Speed
Online click use standard licence	Minimal human intervention	Speed
No charge	No transaction costs	Simple
Marginal cost- pre-published	Minimal transaction Costs	Quick Simple
Charges pre-published	No negotiating Consistency	Understanding Easy to assess
Asset Lists	Consistent with good data management	Easy to locate
Exclusive arrangements declared and/or phased out. (by December 2008)	No negotiating	Easy to understand
Separate accounts between Public Task and Trading task	Improved business management	Easy to understand
IPR Management (preferably waive IPR)	Cost effective data management	Simple
One public sector data regime	Simple	Simple
Manage requests just as in FOI Regime	Minimal human intervention	Fast and simple

The key to success is to KEEP IT SIMPLE!



The evidence shows that:

- **Action is needed to improve the implementation and enforcement of the framework.**
- **The action needs to:**
 - **Improve the implementation and enforcement of the framework in the shortest time frame possible.**
 - **Be at the appropriate level. E.g. European Union, Member State or below.**

So what actions could be taken?



Strengthen the Directive for example improve definitions, remove opt outs, reduce variance?

- **This would take a long time to have an impact! Unlikely.**

The European Commission to:

- **Publish clearer guidance to the Member States as to how the Directive should be implemented;**
- **Ensure the European Competition Network takes the appropriate action to ensure the PSI Re-use market is functioning.**
- **Bring in a requirement for Member States to report annually to the European Commission on progress with respect to implementation. The report should be public.**
- **Maintain an independent monitoring action and PSI portal**
 - **This is a short term action which might reduce the variation. Likely**

The above would also dovetail with OECD PSI policy actions (post Korea)



Member States to ensure:

- **A simpler standardised license regime is brought in and made operational, for this to then be reviewed as to whether further simplification could be implemented.**
- **The redress procedures are effective.**
- **All public sector bodies must comply with the Directive - that is the national transposition goes beyond the Directive to remove opt outs and avoidance actions.**
- **Financial transparency.**

There is evidence that a number of Member States have gone beyond the requirements of the Directive and a number are now moving to do so in the area of charging.

Likely



The focus of the third decade is likely to focus on ensuring the PSI Re-use framework functions.

Other likely actions to include:

- **The development and roll out of a tool kit for training public sector employees on PSI re-use.**
- **Rationalising the various data policies through merging existing Directives (Laws)**
- **Improving the governance of the public sector**



If Member States fail to take action then the trend that is now visible in civil society of building and maintaining alternative data sets is likely to accelerate.

**There is much still to be done!
It is time to take real action
that
reduces the tension & waste of resources
at the
supply and demand interface.**



Thank you for your attention

Interested in PSI? Then why not visit:

www.ePSIplus.net



funded by eContentPlus