

Thorough implementation of revised PSI Directive key to economic growth

The PSI Alliance welcomes the European Commission's guidelines relating to the revision of the PSI Directive and calls on National Authorities to properly implement the provisions of the Directive in order to achieve economic growth.

The PSI Alliance is the voice for European private sector companies using - or wishing to use - Public Sector Information as an essential part of their business models, representing companies from different sectors and from across the European Union.

In July 2014 the European Commission published its guidelines on the revision of the PSI Directive. The guidelines are non-binding guidelines designed to help Member States as they implement the Directive.

There are several barriers to reuse which still exist, which only through thorough implementation will open up a path to economic growth. A recent McKinsey report estimates that the open data economy could be worth \$900 billion if data were unlocked.

The European Commission has broken down its guidelines into three parts: licences, datasets and charging. It is worth noting that, while the guidelines do not cover the issue of redress, the PSI Alliance also warmly welcomes the binding provisions for a redress mechanism and encourages Member States to give the appropriate redress organisation teeth to ensure that a fair and level playing field arises. This will provide businesses and entrepreneurs important legal certainty rather than costly court battles with public authorities, should there be a disagreement between the private reuser and the authority in how the data is provided.

GUIDELINES ON RECOMMENDED STANDARD LICENCES

The PSI Alliance believes that licensing conditions are too often inconsistent and complex, favouring certain partners or certain uses of information and discouraging others. Licenses should be transparent, fair and designed with the goal of maximising the re-use of information, whereas too often they are used to defend their current access regimes and access-fee income against re-use and possible loss of revenue to the detriment of PSI reuse and the economy as a whole.

Where there is a licence, the Directive and the guidelines recommend standard, simple licences. It is emphatically backed by the Directive which states that *'these conditions shall not unnecessarily restrict possibilities for re-use and shall not be used to restrict competition'*, something which complicated licences do.

GUIDELINES ON DATASETS

The European Commission in its guidelines have given priority to 5 datasets that should be the priority. The PSI Alliance believes that all datasets should be given equal priority, each authority, no matter what type of data it produces, has the potential to promote economic growth. Public authorities should not hold back if they produce data that is not in the top five as all data is economically valuable. The priorities expressed in the Guidelines should be the starting point for a pro-active approach of the relevant public sector bodies.

Further to the provisions of the Directive, data reuse would be greatly aided by ensuring some simple practical arrangements are in place in order to facilitate the search for documents available for re-use, such as asset lists of main documents, accessible preferably online and in machine-readable format, and portal sites that are linked to decentralised asset lists.

GUIDELINES ON CHARGING

Keeping costs marginal will prevent the public sector from competing directly in the market with an unfair advantage with private companies. Any other charging regime apart from marginal cost requires complex licensing and some substantive governance.

The Directive clearly states, that article that public sector bodies, may charge no more than the marginal cost of reproducing, providing and disseminating the documents. That this article is binding is welcomed by the PSI Alliance, with the guidelines giving a fair interpretation of the provisions.

The exceptions to the marginal cost principle are mentioned in article 6.2 of the Directive. In the course of the implementation of the Directive, national provisions should also point out that these are very much exceptions to the rule which should be handled in a very restrictive way.

Conclusion

The opportunities for economic growth are considerable thanks to the provisions in the revised PSI Directive, but only if the authorities take advantage of the Directive. The guidelines go into some detail about how best to implement the measures. The PSI Alliance would like to add to the Commission's guidelines and highlight the economic importance for the private sector and the economy as a whole of thoroughly implementing the PSI Directive.