



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 12 January 2012

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from : General Secretariat
to : Permanent Representatives Committee

No. Cion prop. : 18555/11 TELECOM 212 PI 188 COMPET 619 CODEC 2426- COM(2011) 877
final

Subject : Proposal for a Directive of the European Parliament and of the Council amending
Directive 2003/98/EC on re-use of public sector information
- Optional consultation of the Committee of the Regions¹

1. On 13 December 2011 the Commission submitted to the Council the Proposal for a Directive of the European Parliament and of the Council amending Directive 2003/98/EC on re-use of public sector information².

¹ The sole purpose of this note is to decide on the consultation of another institution/body and not on the substance.

² 18555/11.

2. Directive 2003/98/EC of the European Parliament and of the Council on the re-use of public sector information ('PSI Directive') was adopted on 17 November 2003³. Article 13 of the Directive called for a review of the application of the Directive before 1 July 2008. The review was carried out by the Commission and resulted in the publication of a Communication⁴. As it found that, despite the progress made, a number of barriers still persisted, the Commission concluded that a further review should be carried out by 2012, when more evidence on the impact, effects and application of the Directive would be available. This Proposal is the result of the second review.
3. The PSI Directive was adopted on the basis of Article 114 TFEU as its subject matter concerned the proper functioning of the internal market and the free circulation of services. The present Proposal amending the PSI Directive must therefore have the same legal basis.
4. Article 114 TFEU provides for the European Parliament and for the Council to act in accordance with the ordinary legislative procedure and after consulting the Economic and Social Committee. Thus, the Opinion of the Committee of the Regions is not required. However, it may be recalled that the Committee of the Regions was consulted concerning the PSI Directive⁵. For the sake of consistency it therefore appears appropriate to also consult the Committee of the Regions on the present Proposal.
5. The Permanent Representatives Committee is therefore invited to decide, in accordance with Article 19(7)(h) of the Council's Rules of Procedure, to consult the Committee of the Regions on the above Proposal and to request it to give its opinion as soon as possible.

³ OJ L 345, 31.12.2003, p. 90-96.

⁴ 9780/09.

⁵ OJ C 73, 26.3.2003, p. 38.