



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 16 May 2012**

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COMPET 278  
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**NOTE**

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from: PRESIDENCY  
to : COREPER/COUNCIL

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CULT 120 +ADD1, ADD2 + ADD1COR1, ADD2COR1

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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  
*- Questions for the exchange of views on the amended PSI-directive proposal*

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1. On 13 December 2011, the Commission submitted its proposal for a *Directive of the European Parliament and of the Council amending Directive 2003/98/EC on re-use of public sector information*.<sup>1</sup>
2. The Working Party on Telecommunications and the Information Society is in the process of examining the amending proposal on the PSI Directive. In order to inform Ministers about the progress made to date and to identify issues requiring further discussion, the Presidency has put together a Progress Report.<sup>2</sup>

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<sup>1</sup> Doc. 18555/11.

<sup>2</sup> Doc. 9699/12.

3. In order to structure the foreseen Ministerial exchange of views on the amending proposal on the PSI Directive at the TTE Council of 8 June 2012, the Presidency has drafted the attached questions.
  
  4. The Coreper is requested to agree to submit these questions for debate to the TTE Council (Telecoms part) on 8 June 2012.
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**Questions for the exchange of views**  
**at the TTE Council of 8 June 2012**

**on the**

**PSI Directive**

1. The PSI Directive is a building block of the Digital Agenda for Europe and the Europe 2020 strategy for smart, sustainable and inclusive growth, with the amendment of the Directive being a key action of the Digital Agenda. The economic importance of open data resources, including government data, is now widely recognised. For example, according to a report in *The Economist* in 2010, data have become ‘*an economic raw input almost on a par with capital and labour*<sup>3</sup>’. The challenge is to provide the market with an optimal legal framework to facilitate and stimulate actual commercial and non-commercial re-use of public data. In order to provide the most economic benefit, it is important to carefully choose actions that will best support the growth agenda. The proposed amendments to the Directive target a number of important areas including the scope of the Directive and updating the rules on documents covered. It is important to consider which of these actions best support the growth agenda and the Single Market, and should therefore be prioritised.

***How could the Single Market and the growth agenda best be stimulated with the PSI Directive?***

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<sup>3</sup> <http://www.economist.com/node/15557443>.

2. The PSI Directive is an important tool to help commercial and non-commercial entities create new business models based on public data. A recent study estimates the total market for public sector information in 2008 at € 28 billion across the EU<sup>4</sup> but that the overall economic gains from further opening up public sector information by allowing easy access amount to € 40 billion a year for the EU27. The total direct and indirect economic gains from PSI use across the whole EU27 economy would be in the order of € 140 billion annually<sup>5</sup>, showing clearly that there are considerable economic benefits from greater re-use of PSI. However, there have been complaints about charges for re-using documents being set at a level that acts as a barrier for re-use. At the same time public budgets are under increasing pressure and some public sector bodies are only able to provide the services and data that they do because they are able to charge for the data that they provide.

***How could the amended PSI Directive encourage a balanced approach to creating lower cost for businesses accessing re-usable data while at the same time accommodating public authorities' need to cover their expenses?***

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<sup>4</sup> Review of recent studies on PSI re-use and related market developments, G. Vickery, August 2011.

<sup>5</sup> Review of recent studies on PSI re-use and related market developments, G. Vickery July 2012, publication forthcoming.