Information market: re-use and commercial exploitation of public sector documents. 'PSI Directive'

2002/0123(COD) - 05/06/2002 - Legislative proposal

PURPOSe : to establish a minimum set of rules governing the commercial and non-commercial exploitation of existing documents held by public sector bodies of the Member States which are generally accessible. PURPOSE : One of the principal aims of the establishment of the internal market is the creation of conditions to promote the development of Community-wide services. Public sector information is an important primary material for digital content products and services and will become an even more important content resource with the development of wireless content services. There are considerable differences in the rules in the Member States relating to the exploitation of public sector information resources, which constitute barriers to bringing out the full economic potential of this key information resource. This proposal involves a minimum harmonisation of national rules on the re-use and commercial exploitation of public sector information. The main features of the proposal are: -a directive which will apply to documents that are generally accessible, unless they are subject to a specific exception provided for in this proposal. -there are reasonable boundaries set to the exercise of intellectual property rights of public sector bodies, but the proposal does not remove the protection for rights which currently exist, such as legal remedies for unauthorised re-use. -public service broadcasters, and cultural and educational establishments are excluded from the scope of the directive. -if public sector bodies allow the re-use of documents, the conditions in the directive will apply. -requesters are given the possibility of asking for documents in any format or language available. Electronic transmission is favoured but paper-based transmission is not excluded. There is no obligation on a public sector body to create or adapt documents into a different format or language. -in order to respect the differences in the national access regimes, a regime is proposed that brings replying times to requests for re-use in line with the timeframes applicable for accessing the information. -principles for charges are based on a cost-oriented approach. Where charges are made, the total income should not exceed the cost of producing, reproducing and disseminating the documents, together with a reasonable profit margin. The burden of proof is on the public sector body, unless there is such transparent accounting in place as to allow the prospective re-user to verify whether this principle is respected. -charges and other conditions for commercial re-use should be non-discriminatory. -the directive imposes transparency in the conditions for re-use. -Member States must ensure that standard licence agreements or the commercial exploitation of public sector information are available on-line and can be processed on line. -there are limits to the possibility for public sector bodies to have exclusive arrangements for the exploitation of public sector information. -Community institutions will respect the rules for the re-use of information resources.