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

2002/0123(COD) - 28/01/2003

The committee adopted the report by W.G. VAN VELZEN (EPP-ED, NL) amending the proposal under the codecision procedure (1st reading). It said that the proposed directive should be extended to cover all information in all formats (rather than simply "documents" as mentioned in the proposal) held by public sector bodies. It also introduced a distinction between "basic information", which should be provided free of charge and made widely accessible on-line, and "other information" which can be provided at cost. "Basic information" was defined as information pertaining to democratic constitutional states, such as legislative texts, court judgements and information relating to representative bodies, whereas "other information" should be taken to mean information that does not fall within this definition. On the question of costs, the committee introduced a new clause specifying that an applicant who considers that the charges made by the public sector body are excessive shall be entitled to request a review of those charges. It also said that the Commission should develop guidelines on how to calculate the charges for the re-use of public information. Moreover, where a document is re-used for commercial purposes, it should be clearly stated that the document was obtained from a public sector body. The committee also adopted an amendment calling for Member States to facilitate the re-use of the information they hold by making available, preferably on-line, lists of main databases held by public sector bodies. These should be available free of charge and should show, by category, whether the information is basic or other information as well as the details of the public sector body responsible for making it available for re-use. Lastly, the committee said that, where public sector bodies decide to discontinue the production of a certain type of information falling into the category of "other information", they must take account of the impact that such discontinuance may have on any private sector organisation using that information (which may have invested considerable resources in techniques and systems in the expectation that the information is generally accessible). Moreover, the public sector body must provide reasonable notice and explanation of its decision to discontinue production.