

Basic information	
<p><b>2002/0123(COD)</b></p> <p>COD - Ordinary legislative procedure (ex-codecision procedure) Directive</p> <p>Information market: re-use and commercial exploitation of public sector documents. 'PSI Directive'</p> <p>Repealed by <a href="#">2018/0111(COD)</a> Amended by <a href="#">2011/0430(COD)</a></p> <p><b>Subject</b></p> <p>3.30 Information and communications in general 3.30.25 International information networks and society, internet</p>	Procedure completed

Key players			
European Parliament	<b>Committee responsible</b>	<b>Rapporteur</b>	<b>Appointed</b>
	<a href="#">ITRE</a> Industry, External Trade, Research, Energy	VAN VELZEN W.G. (PPE-DE)	19/06/2002
	<b>Former committee responsible</b>	<b>Former rapporteur</b>	<b>Appointed</b>
	<a href="#">ITRE</a> Industry, External Trade, Research, Energy	VAN VELZEN W.G. (PPE-DE)	19/06/2002
	<b>Former committee for opinion</b>	<b>Former rapporteur for opinion</b>	<b>Appointed</b>
	<a href="#">LIBE</a> Citizens' Freedoms and Rights, Justice and Home Affairs	CAPPATO Marco (NI)	02/10/2002
	<a href="#">ECON</a> Economic and Monetary Affairs	MAYOL I RAYNAL Miquel (V/ALE)	01/10/2002
	<a href="#">JURI</a> Legal Affairs and Internal Market	The committee decided not to give an opinion.	
	<a href="#">CULT</a> Culture, Youth, Education, Media and Sport	The committee decided not to give an opinion.	
	Council of the European Union	<b>Council configuration</b>	<b>Meetings</b>
Transport, Telecommunications and Energy		2499	2003-03-27
Transport, Telecommunications and Energy		2472	2002-12-05

	Agriculture and Fisheries	2511	2003-05-26
	Environment	2536	2003-10-27
European Commission	Commission DG		Commissioner
	Communications Networks, Content and Technology		

Key events			
Date	Event	Reference	Summary
05/06/2002	Legislative proposal published	COM(2002)0207 	Summary
04/07/2002	Committee referral announced in Parliament, 1st reading		
05/12/2002	Debate in Council		Summary
28/01/2003	Vote in committee, 1st reading		Summary
28/01/2003	Committee report tabled for plenary, 1st reading	A5-0025/2003	
12/02/2003	Decision by Parliament, 1st reading	T5-0049/2003	Summary
17/03/2003	Modified legislative proposal published	COM(2003)0119 	Summary
26/05/2003	Council position published	07946/1/2003	Summary
05/06/2003	Committee referral announced in Parliament, 2nd reading		
26/08/2003	Vote in committee, 2nd reading		Summary
26/08/2003	Committee recommendation tabled for plenary, 2nd reading	A5-0284/2003	
24/09/2003	Debate in Parliament		
25/09/2003	Decision by Parliament, 2nd reading	T5-0408/2003	Summary
27/10/2003	Act approved by Council, 2nd reading		
17/11/2003	Final act signed		
17/11/2003	End of procedure in Parliament		
31/12/2003	Final act published in Official Journal		

Technical information	
Procedure reference	2002/0123(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Amendments and repeals	Repealed by <a href="#">2018/0111(COD)</a> Amended by <a href="#">2011/0430(COD)</a>
Legal basis	EC Treaty (after Amsterdam) EC 095

<b>Stage reached in procedure</b>	Procedure completed
<b>Committee dossier</b>	ITRE/5/19229

<b>Documentation gateway</b>				
<b>European Parliament</b>				
<b>Document type</b>	<b>Committee</b>	<b>Reference</b>	<b>Date</b>	<b>Summary</b>
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A5-0025/2003</a>	28/01/2003	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T5-0049/2003</a> OJ C 043 19.02.2004, p. 0070-0222 E	12/02/2003	<a href="#">Summary</a>
Committee recommendation tabled for plenary, 2nd reading		<a href="#">A5-0284/2003</a>	26/08/2003	
Text adopted by Parliament, 2nd reading		<a href="#">T5-0408/2003</a> OJ C 077 26.03.2004, p. 0264-0314 E	25/09/2003	<a href="#">Summary</a>
<b>Council of the EU</b>				
<b>Document type</b>		<b>Reference</b>	<b>Date</b>	<b>Summary</b>
Council statement on its position		<a href="#">09279/2003</a>	16/05/2003	
Council position		<a href="#">07946/1/2003</a> OJ C 159 08.07.2003, p. 0001-0010 E	26/05/2003	<a href="#">Summary</a>
<b>European Commission</b>				
<b>Document type</b>		<b>Reference</b>	<b>Date</b>	<b>Summary</b>
Legislative proposal		<a href="#">COM(2002)0207</a>  OJ C 227 24.09.2002, p. 0382 E	05/06/2002	<a href="#">Summary</a>
Modified legislative proposal		<a href="#">COM(2003)0119</a> 	17/03/2003	<a href="#">Summary</a>
Commission communication on Council's position		<a href="#">SEC(2003)0627</a> 	28/05/2003	<a href="#">Summary</a>
Commission opinion on Parliament's position at 2nd reading		<a href="#">COM(2003)0620</a> 	15/10/2003	<a href="#">Summary</a>
Follow-up document		<a href="#">COM(2009)0212</a> 	07/05/2009	<a href="#">Summary</a>
Follow-up document		<a href="#">SEC(2009)0597</a> 	07/05/2009	<a href="#">Summary</a>
<b>Other institutions and bodies</b>				
<b>Institution/body</b>	<b>Document type</b>	<b>Reference</b>	<b>Date</b>	<b>Summary</b>

CofR	Committee of the Regions: opinion	<a href="#">CDR0134/2002</a> <a href="#">OJ C 073 26.03.2003, p. 0038-0040</a>	20/11/2002	
EESC	Economic and Social Committee: opinion, report	<a href="#">CES1353/2002</a> <a href="#">OJ C 085 08.04.2003, p. 0025-0027</a>	11/12/2002	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Final act	
<a href="#">Directive 2003/0098</a> <a href="#">OJ L 345 31.12.2003, p. 0090-0096</a>	<a href="#">Summary</a>

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

2002/0123(COD) - 17/11/2003 - Final act

**PURPOSE** : to establish a minimum set of rules governing the re-use and the practical means of facilitating re-use of existing documents held by public sector bodies of the Member States. **LEGISLATIVE ACT** : Directive 2003/98/EC of the European Parliament and of the Council on the re-use of public sector information. **CONTENT** : the Council approved the amendments proposed by the European Parliament at second reading with a view to the adoption of a Directive with a view to the adoption of a Directive on the re-use of public sector information. This Directive shall not apply to : - documents the supply of which is an activity falling outside the scope of the public task of the public sector bodies concerned as defined by law or by other binding rules in the Member State, or in the absence of such rules as defined in line with common administrative practice in the Member State in question; - documents for which third parties hold intellectual property rights; - documents which are excluded from access by virtue of the access regimes in the Member States, including on the grounds of: - the protection of national security (i.e. State security), defence, or public security; - statistical or commercial confidentiality; - documents held by public service broadcasters and their subsidiaries, and by other bodies or their subsidiaries for the fulfilment of a public service broadcasting remit; - documents held by educational and research establishments, such as schools, universities, archives, libraries and research facilities including, where relevant, organisations established for the transfer of research results; - documents held by cultural establishments, such as museums, libraries, archives, orchestras, operas, ballets and theatres. This Directive builds on and is without prejudice to the existing access regimes in the Member States. This Directive shall not apply in cases in which citizens or companies have to prove a particular interest under the access regime to obtain access to the documents. This Directive leaves intact and in no way affects the level of protection of individuals with regard to the processing of personal data under the provisions of Community and national law, and in particular does not alter the obligations and rights set out in Directive 95/46/EC. The obligations imposed by this Directive shall apply only insofar as they are compatible with the provisions of international agreements on the protection of intellectual property rights, in particular the Berne Convention and the TRIPS Agreement. It should also be noted that Member States shall ensure that, where the re-use of documents held by public sector bodies is allowed, these documents shall be re-usable for commercial or non-commercial purposes. Where possible, documents shall be made available through electronic means. **ENTRY INTO FORCE** : 31/12/2003. **IMPLEMENTATION** : 01/07/2005.

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

2002/0123(COD) - 15/10/2003 - Commission opinion on Parliament's position at 2nd reading

The European Parliament adopted amendments to the Council's common position. These amendments were based on a compromise package agreed between Council and Parliament. The Commission can accept all the European Parliament's amendments in full. The amendments are as follows: - changing the word 'documents' into 'information' in the title of the Directive; - indicating that different administrative traditions in dealing with public sector information should be taken into account; - referring to the rights of citizens under the Charter of Fundamental Rights of the European Union; - giving attention to dynamic data, the economic value of which depends on its timely availability; - underlining the importance of formats that are independent of a specific software and the needs of people with disabilities; - drawing attention to the importance of transparent means of redress, in

particular for SMEs; - indicating that public sector bodies should take into account interests of re-users when they discontinue the production of documents; - explaining the importance of practical tools that help re-users for cross-border use of public sector documents; - indicating that the directive is also about the practical means of facilitating re-use; - stipulating that public sector bodies have to indicate on request the calculation basis for their charges and that public sector bodies shall inform applicants for re-use on means of re-use; - introducing an obligation for the Member States to ensure practical arrangements that facilitate the search for documents available for re-use; - reformulating the reference to self-financing needs of certain public bodies and the reference to the applicable accounting principles and the relevant cost of calculation method of the public sector bodies concerned; - linking the availability of information to the right to knowledge. This recital seems to be more about access to information than about re-use, but it is acceptable as part of the package agreed by Parliament and Council; - changing the formulation of the notion that this Directive is without prejudice to the national access regimes; - reintroducing the notion of use for commercial and non-commercial purposes in an article; - making the public sector bodies the direct addressees of the obligation and not the Member States.

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

2002/0123(COD) - 07/05/2009 - Follow-up document

This Commission Staff Working Paper concerns the re-use of Public Sector Information (review of Directive 2003/98/EC).

The aim of the working paper is to present facts, evidence and examples relating to the re-use of PSI that are relevant to the issues dealt with in the Communication.

The PSI Directive provides for minimum rules applicable in all the Member States on the re-use of the information of public sector bodies and on their behaviour in the information market. It was adopted in order to address the many problems faced by private companies when dealing with public sector information holders: high charges, long response times, unfair competition, exclusive arrangements and the general non-availability of information for re-use.

**Implementation:** Member States have taken **three different approaches** to implementing the Directive: (i) eleven have adopted specific implementing legislation regarding the reuse of PSI.; (ii) four have used a combination of new measures specifically addressing re-use and legislation predating the Directive; (iii) eight have adapted their legislative framework for access to documents to include re-use of PSI. The remaining Member States (4) have notified the Commission only of measures predating the Directive, with no specific re-use provisions.

Following conformity checks of national transposition measures and/or complaints, the Commission approached the national authorities of a number of Member States on nonconformity issues. In three cases the Commission decided to initiate infringement proceedings for incorrect and incomplete transposition (in particular, concerning charging, non-discrimination, prohibition of exclusive agreements and procedural requirements).

**Scope and impact of the Directive:** to measure the impact of the re-use of PSI, an **assessment was carried out on behalf of the Commission**. This focused on three main PSI sectors: geographical and meteorological information, and legal and administrative information. The assessment indicates that:

- the Directive has had its strongest impact in the sector of **geographical information (GI)**. Since 2002, re-use requests have increased by 250% on average and the download volume has grown simultaneously by approximately 350%. Moreover, a large majority (79%) of private re-users of GI would like to have access to more public GI but high pricing and restrictive licensing are preventing them from doing so;
- the Directive has had a considerable impact in the sector of **legal and administrative information**. The market for legal and administrative information has been growing, on average, by 40% since 2002. However, the survey also highlights the continuing dissatisfaction expressed by re-users about public authorities (the lack of information on what legal and administrative information is accessible and available for re-use);
- in the sector of **meteorological information**, the Directive has had limited impact so far. Meteorological re-users complain basically about pricing, transparency and licensing conditions, and report that discriminatory practices are particularly prevalent in this sector.

Moreover, the Commission has to analyse whether cultural establishments, education and research organisations and public service broadcasters, currently excluded from the scope, ought to be covered by the Directive:

- **cultural sector:** the advantages of including cultural heritage institutions within the scope of the Directive are currently difficult to assess and require further investigation over time. The possible implications to this sector (need for major administrative activity to clear third-party or unknown rights and heavy processing costs) should not be allowed in the longer term to outweigh the possible advantages to the economy, industry and society;
- **educational institutions:** it is widely felt by the research community that publicly funded research should be widely available and useable to all, to maximise its potential;
- **public service broadcasting institutions:** given that the Directive does not apply to documents if a third party owns the intellectual property rights (IPRs), this provision could considerably narrow the number of documents that broadcasters could make available and accessible for re-use purposes under the principles of the Directive.

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

2002/0123(COD) - 05/12/2002

The Council held a policy debate on the draft Directive of the European Parliament on the re-use and commercial exploitation of public sector documents. The debate focused in particular on the principle whereby there is no obligation to make documents available for re-use, as well as on charging principles for the re-use of documents and issues related to intellectual property rights. The President concluded that: - considerable progress has been made and a general approach on many of the technical aspects has been identified, including on the definitions, the time, transparency and format requirements for dealing with requests for re-use, and provisions on the use of licences and on non-discrimination; - the impact of the draft Directive on documents over which public sector bodies hold intellectual property rights will require further analysis so as to ensure that the provisions, in particular on charging, find the right balance. This analysis is still ongoing in some Member States; - the Council awaits with interest the opinion of the Parliament on the central issues related to this balance so that it may agree on a common position as early as possible in 2003.

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

2002/0123(COD) - 12/02/2003 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by W.G. van Velzen (EPP-ED, Netherlands) making several amendments to the Commission's proposal: - Parliament made a distinction between "basic" and "other" information. (On this point, please refer to the document dated 28/01/03.) - public authorities must make available their own information in a format which as far as possible is not dependent on the use of specific software subject to payment. Where possible, all the information should be presented not only in graphic form but also in textual mode, to enable people with sensory difficulties to use it; - with regard to specific categories, a Member State may decide that, where charges are made, the total income from allowing access or re-use will not exceed the cost of producing and disseminating this information together with a reasonable return on investment. The burden of proving that charges are cost-oriented lies with the public sector body charging for the re-use of information; - an applicant will have the right to request a review of the charges; - public authorities must promote the re-use of information made available to them; - Member States must make available lists of main content assets (e.g. major databases) held by public sector bodies including, where relevant, information on the conditions for re-use. These lists must show by category whether the generally accessible information is basic information or other information and the public sector body responsible for making it available for re-use; - the review of the Directive should focus on its success in facilitating the creation of Community-wide information products and services, and on the extent to which it has enhanced the cross-border use of public-sector information.

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

2002/0123(COD) - 07/05/2009 - Follow-up document

This Communication reviews the application of Directive 2003/98/EC concerning the reuse of public sector information.

The PSI Directive regulates non-discrimination, charging, exclusive arrangements, transparency, licensing and practical tools to make it easy to find and re-use public documents.

The value of the EU PSI market is estimated at EUR 27 billion, which is four times the EU market for mobile roaming services.

The PSI Directive was implemented by many MS with considerable delay. The prohibition of exclusive arrangements only became fully applicable as from 1.1.2009. Therefore, the Directive in its present form has not yet had its full impact.

For this reason **the Commission does not intend to propose amendments to the Directive at this point**. The Commission will **carry out a further review at the latest in 2012** when more evidence on the impact, effects and application of the Directive should be available and will communicate the results to the European Parliament and to the Council. **Legislative amendments will be considered at that stage** if the potential of re-use is still being hampered.

In the meantime, there is **much room for improvement in the way Member States deal with their PSI resources in the market**.

The Commission draws attention to the following areas in particular:

The Commission discusses the following points in the paper:

- **full implementation and application of the PSI Directive.** The Commission has opened 18 infringement cases against Member States and the European Court of Justice has delivered 4 judgments for failure to implement the Directive. Member States have also implemented the Directive in different ways;
- **terminating exclusive arrangements.** The Commission notes evidence of exclusive arrangements still in force in Member States. It will scrutinise observance of this obligation and launch an investigation on the extent of such arrangements in 2009;
- **charging:** the report notes that continuous analysis of the economic case for marginal costs is a Commission priority for the future;
- **facilitating re-use:** public sector bodies should ensure that documents that are re-usable (i.e. accessible for any use beyond the initial public tasks for which they were originally produced) can be re-used for commercial or non-commercial purposes;
- **ensuring fair competition between public sector bodies and re-users:** in some cases the line between the public tasks and market activities of public sector bodies is not clearly demarcated. There are also cases where public tasks are defined in such a way that they cover a very wide range of activities and occupy almost the whole market of added-value PSI services. These situations can easily lead to cross-subsidies, where a public sector body uses its "raw" information for further value-added services under more favourable conditions than those offered to competitors. It is very difficult for private re-users to compete with public sector bodies in such circumstances;
- **conflict resolution:** the Commission encourages Member States to set up PSI complaint mechanisms.

The Commission concludes that **progress and implementation of the Directive is uneven**. Barriers include attempts by public sector bodies to maximise cost recovery, as opposed to benefits for the wider economy, competition between the public and the private sector, practical issues hindering re-use, such as the lack of information on available PSI, and the mindset of public sector bodies failing to realise the economic potential.

Member States need to focus their efforts now on: (i) full and correct implementation of the Directive, (ii) terminating exclusive arrangements, (iii) applying licensing and charging models that facilitate the availability and re-use of PSI, ensuring equal conditions for public bodies re-using their own documents and other re-users, (iv) promoting quick and inexpensive conflict resolution mechanisms.

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

2002/0123(COD) - 26/05/2003 - Council position

The Council adopted by unanimity the common position that largely reflects the main orientations of the Commission proposal. The common position has taken up the following amendments by Parliament, they concern: - further clarifying what types of information are collected by the public sector; - stating that public administrations should promote the re-use of information made available by them; - changing documents 'held by' public service broadcasters which are excluded from the scope of the directive into documents 'within the power of disposal' of public broadcasters; - clarifying that information which constitutes trade or business secrets falls outside the scope of the directive; - the obligation for public sector bodies to provide information on the identity of the third party rightholder. It limits this obligation to cases where the public sector body is able to provide such information; - linking the review of the directive more clearly to its objectives. This is also the aim of the revision of this article by Council. The main points of the common position which differ from the Commission proposal are as follows: - modifying the title of the proposed Directive by deleting the reference to commercial exploitation and this throughout the text of the Directive itself unless needed for specific reference. The Council considered that the term "re-use" covers both commercial and non-commercial exploitation; - specifying the scope of the Directive in that it neither changes the rules for access to documents held by public sector bodies in the Member States, nor affects the protection of individuals with regard to personal data. The Council also considered it appropriate to add wording to explicitly exclude from the Directive's scope documents already excluded from access by virtue of the access regimes in the Member States; - eliminating the definition of 'generally accessible document' since this would cause unnecessary confusion in the Directive, which handles re-use of and not access to documents. This seeks to distinguish the notions of access rights (Member States' competence) and of re-use of documents that are made accessible. On the other hand, the definition of 're-use' has been elaborated in order to avoid ambiguity concerning the exchange of documents between public sector bodies in pursuit of their public tasks; - time-frames concerning the treatment of requests for re-use have been specified where no time-limits or other rules regulating the provision of documents are established in the Member States. To ensure a timely provision of documents, a time-frame of 20 working days is foreseen, extendable by another 20 working days in cases of extensive or complex requests; - concerning charges, the Council has amended the wording. A reference to accounting principles has been added to take into account the public sector bodies' practice of writing off investments over several years. Transparency has been increased by adding wording demanding public sector bodies to indicate not only the applicable conditions and standard charges for re-use but also the factors taken into account in the calculation of charges for atypical cases; - as far as exclusive arrangements are concerned, the Council added a new paragraph clarifying the situation concerning existing exclusive arrangements. The new paragraph sets a time-frame for their termination in light of bringing them within the scope and effects of the Directive; - specified the aim of the review of the in order to ensure a full examination of the benefits expected to be achieved by it.

## **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.

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

2002/0123(COD) - 28/05/2003 - Commission communication on Council's position

The Council notes that the Council has reached unanimity and delivers a favourable opinion on the common position as a whole. In several respects, the common position clarifies the provisions of the Commission proposal. A further improvement of the text could be achieved by the incorporation of the amendment of Parliament endorsed by the Commission and in particular the amendment relating to the charging article and the lists of main content assets held by public sector bodies.

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

2002/0123(COD) - 25/09/2003 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a resolution comprising a series of compromise amendments. The resolution was based on the draft by W.G. VAN VELZEN (EPP-ED, Netherlands.) The main amendments were as follows: - once a request for re-use has been granted, public sector bodies should make the documents available in a timeframe that allows their full economic potential to be exploited. This is particularly important for dynamic content (e.g. traffic data), the economic value of which depends on the immediate availability of the information and of regular updates. Should a licence be used, the timely availability of documents may be a part of the terms of the licence; - to facilitate re-use, public sector bodies should make available their own documents in a format which, as far as possible, is not dependent on the use of specific software. Public sector bodies should take into account the possibilities for the re-use of documents by and for people with disabilities; - applicants for re-use of documents should be informed of available means of redress relating to decisions or practices affecting them. This will be particularly important for SMEs which may not be familiar with interactions with public sector bodies from other Member States and corresponding means of redress; - tools that help potential re-users to find documents available for re-use and the conditions for re-use can facilitate considerably the cross-border use of public sector documents. Member States should therefore ensure that practical arrangements are in place that help reusers in their search for documents available for re-use. Assets lists, accessible preferably online, of main documents (documents that are extensively re-used or that have the potential to be extensively re-used), and portal sites that are linked to decentralised assets lists are examples of such practical arrangements; - where possible, documents shall be made available through electronic means; - on request, the public sector body must indicate the calculation basis for the published charge.

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

2002/0123(COD) - 17/03/2003 - Modified legislative proposal

Of the 23 amendments adopted by the European Parliament, 10 amendments are accepted by the Commission and 8 amendments are accepted in part or in principle. As regards those accepted by the Commission, they refer to : - changing of the words 'document' and 'documents' into 'information' throughout the proposal for a directive; - further clarifying what types of information are collected by the public sector; - indicating that the tradition of the exploitation of public sector information by public sector bodies has developed in many different ways and that this should be taken into account; - clarifying that information which constitutes trade or business secrets falls outside the scope of the Directive; - giving the right to an applicant who considers that charges made by the public sector body exceed those allowed under the charging article of the directive to request of the charges; - taking out the words 'where re-use is allowed'; - taking out the words 'and appropriate'; - linking the review more clearly to the objectives of the directive. Concerning the amendments accepted in part or in principle by the Commission these concern: - the fact that presenting information both in graphic form and textual mode to enable people with sensory difficulties to use it cannot be accepted within the context of this directive. It imposes a burden on public sector bodies that cannot be justified in the light of the objectives of the directive; - the proposal to take into account the purpose of the reuse in determining the timeframes that are reasonable for treating requests for re-use; - the obligation for public sector bodies to provide information on the identity of the third party right-holder; - the obligation for Member States to make available lists of main content assets held by public sector bodies. The Commission accepts the first sentence of this amendment and proposes to reformulate the second sentence as follows: 'Such lists shall be made available for free and shall indicate which are the public sector bodies responsible for making the information available for re-use'.