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**COMMUNICATION FROM THE COMMISSION TO THE COUNCIL, THE  
EUROPEAN PARLIAMENT, THE ECONOMIC AND SOCIAL COMMITTEE AND  
THE COMMITTEE OF THE REGIONS**

**eEUROPE 2002: CREATING A EU FRAMEWORK FOR THE EXPLOITATION OF  
PUBLIC SECTOR INFORMATION**

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## 1. INTRODUCTION

The digital, **knowledge-based economy** has a strong impact on the life of all Europeans. It can be a powerful engine for growth, competitiveness and jobs, while at the same time improving citizens' quality of life. This was underlined by the Lisbon European Council of 23 and 24 March 2000. The **eEurope Action Plan 2002** "An Information Society for All", endorsed by the Heads of State and Government in Feira on 19-20 June 2000, set concrete targets to bring Europe fully into the digital era. Within the Action Plan, **Public sector information** is singled out as one of the issues to be tackled.

### *Some examples of public sector information*

*Financial and business information is collected by a number of Ministries and public sector organisations. Company registers, required by law in many Member States, are maintained by the public sector. Legal information (in particular concerning legislation and jurisprudence) and administrative information is public sector information par excellence. Patent offices are usually public sector bodies. Scientific, technical, cultural and medical information is extensively collected by public research institutions and public archives. Geographical information relevant to transport and tourism (maps, road traffic situation) is also available in public sector agencies. Tourist information is gathered and published by public sector bodies at different levels of government.*

Improved use of public sector information could turn this resource into a **valuable asset for European citizens, businesses and administrations** alike. Citizens and enterprises can greatly benefit from a good provision of public sector information on the Internet. It will facilitate their communication with the public administrations and has the potential to

increase their participation in the democratic process.

At the same time public sector information has a considerable **economic potential**. It is an essential basis for many digital information products and could become an important raw material for new services and in particular for the **wireless internet**<sup>1</sup>. Improving the conditions for its commercial use is therefore fully in line with the conclusions of the Stockholm European Council (23-24 March 2001), requiring that: "the right conditions for the creation of European multilingual content for wireless services" will be established.

While recognising the importance of public sector information for democratic and civic life, this Communication focuses on the **economic and internal market aspects of public sector information**. It proposes a set of actions to overcome the market barriers that exist at a European level and addresses in particular the issue of the exploitation of public sector information. **No new proposals are made in relation to access to information**. The actions presented here – some of them new, others already under way – together form a coherent whole articulated around two main axes:

- **Experimentation and Dialogue:** catalysing the developments by supporting exemplary projects and stimulating the exchange of best practices throughout Europe.
- **Legislative:** a **minimum harmonisation** at European level of conditions for the **commercial exploitation** of public sector information throughout Europe is under consideration;

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<sup>1</sup> On 20.3.2001, the Commission adopted a Communication entitled "The Introduction of Third Generation Mobile Communications in the European Union. State of Play and the Way Forward" COM (2001) 141.

The proposals for action build on the reactions to the Green Paper on “*Public Sector Information: a key resource for Europe*” (COM(1998) 585), adopted by the Commission on the 20<sup>th</sup> of January 1999<sup>2</sup>.

## 2. AN IMPORTANT ECONOMIC RESOURCE.....

Public sector information is a **prime content resource** with a large economic potential. The Information Society tools have led to unprecedented possibilities to combine data taken from different sources into added value products and services. Public sector information is an important prime material for this type of applications.

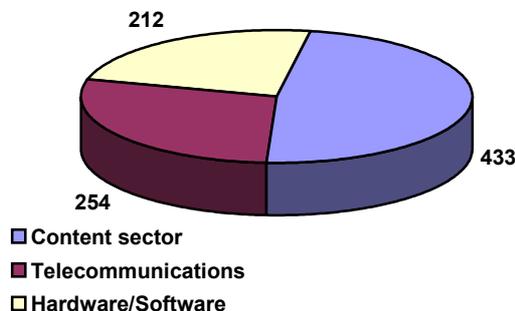
*Areas that are of particular interest are geographic, traffic and businesses information as well as economic and social data. Geographic information is for example essential for wireless applications like car navigation systems, a segment where considerable market growth can be expected.*

Research suggests that between 15 and 25% of total data requirement in e-commerce trading is based on public sector information<sup>3</sup>. We are talking here about an already **important asset** with a **substantial growth potential** that can become a key factor in the further development of the **content sector**.

The content industries already have a considerable size, estimated<sup>4</sup> at EUR 433

billion, or 5% of the European GDP ahead of both telecommunications and the hardware/software sectors.

Size European Markets (in Billion EUR)



This translates into some four million Europeans employed in this sector. Content production has given rise to rapid job creation in recent years and can continue to do so.

In the **United States** access to and re-use of government federal information is enhanced by a clear and simple legislative framework. Citizens and businesses enjoy a broad right to electronically access this information and have extensive possibilities to reuse it for commercial purposes<sup>5</sup>. There is no copyright on public sector information and there are no restrictions to re-use. Furthermore fees for re-use are limited to, at most, marginal costs for reproduction and dissemination.

<sup>2</sup> You will find the replies to the Green Paper and an analytical overview of the replies at the following web-site: <http://www.cordis.lu/econtent/psi/>

<sup>3</sup> Source: “Government information and the UK information market”, report prepared by Electronic Publishing Services for the UK Department of Trade and Industry, May 2000.

<sup>4</sup> European Information Technology Observatory, 2001. Content data include Media, Publishing, Marketing and Advertising sectors. Market size and

employment data are confirmed by OECD reports.

<sup>5</sup> Amongst others the 1966 Freedom of Information Act as amended by the Electronic Freedom of Information Act (1996) [http://www.usdoj.gov/oip/foia\\_updates/Vol\\_XVII\\_4/page2.htm](http://www.usdoj.gov/oip/foia_updates/Vol_XVII_4/page2.htm), the Paperwork Reduction Act <http://www.rdc.noaa.gov/~pra/pralaw.htm> and the influential Budget circular A130 [http://www.cio.gov/docs/Recompiled\\_A-1301.htm](http://www.cio.gov/docs/Recompiled_A-1301.htm)

*The extensive possibilities for reuse in the US have given way to an information market based on public sector information that is estimated to be up to five times the size of the EU market. Key US industries in this field have posted growth rates of 10 to 30 % in the last six years. In the US the debate has moved on from issues of access, charging, copyright and resale to matters such as the more detailed implementation questions, common metadata and increasingly global public sector information exploitation.<sup>6</sup>*

At present exploitation possibilities in Europe are limited and the rules that govern this area are far from clear and consistent throughout the Union (see section 3 of this Communication for examples). The economic challenge for the EU is to create better conditions for exploitation. This could considerably **boost economic activity and job creation**. In turn the new added-value information products could have a positive economic impact, increasing efficiency and leading to better informed decisions.

With the advent of the Internet, governments have started exploring how they can maximise the value of their information resources. Several Member States (amongst others UK, France, Netherlands and Denmark), realising the economic and social importance of the issue, have updated or are in the process of updating their legal frameworks in order to allow for a more extensive use of public sector information. They are aware that the **economic gains of a more open exploitation system** by far **outweigh the direct income** they might otherwise get from selling the information.

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<sup>6</sup> Study for the European Commission by Pira International on commercial exploitation of public sector information, October 2000.

Yet action across the EU in this field is not coherent. As a result disparities between the practices in the Member States may only grow, complicating even further the life of the information industries operating beyond national borders.

### 3. ....BUT A FRAGMENTED EUROPEAN MARKET

#### 3.1. The impact on the European information market

The further integration of the European economies and the development of the wireless internet will lead to an increasing demand for **pan-European information products** (mobile tourist services, European business information services etc.).

Establishing pan-European products or services based on public sector data is, however, a challenging task. **Rules and practices** for re-using the data **diverge** between countries or may simply not be clear. Difficulties in one or two countries can prevent a content aggregator to make a viable European product.

*An information service based on tourist information, traffic data and/or environmental data that stops at the border will lose much of its appeal.*

This has a clear effect on the European market, since **uncertainty about the conditions for using the data prevents companies to step into the cross-border exploitation of public sector information**. In particular SMEs, that cannot afford any major investment failure, may be put off.

A **minimum set of common rules** could take away most part of this uncertainty and enhance the establishment of European products. It could also facilitate the tasks of the public sector bodies themselves, that are now often burdened with establishing

ad-hoc policies when faced with a request to re-use information.

Beyond the establishment of cross-border products, the differences between the Member States affect the European information market in still another way. It has become evident that American firms have a competitive advantage over their European counterparts. They can easily use public sector information as the basis for added-value products that serve their home markets, thus creating the basis for further expansion. The benefits from these products can be invested in new ventures, even further increasing their advantage. This phenomenon repeats itself at a smaller scale **within the European information market**. In Member States where the exploitation of public sector information is relatively easy, information companies may use this factor to gain a competitive advantage over potential competitors in other Member States that cannot rely on the same conditions to serve their home market.

### 3.2. The broader impact on the European market

The **availability of reliable information products** covering different Member States is **essential for all firms** operating in an international environment. High quality information on – for example – administrative procedures, traffic, investment conditions, the environmental situation etc. can make the difference, when offering goods or services in another Member State. The availability of this type of information is also important for citizens that want to exert their rights under the Treaties. The difficulties to exploit public sector information therefore have **negative effects on the internal market as a whole**.

### 3.3. Divergent and unclear conditions for exploitation

What are the barriers that prevent the exploitation of public sector information at

European level? In practice several types of barriers exist that result from differences in (administrative) rules or practices: **differences in replying time**, the **refusal to transmit the information in digital format** (or in a specific pre-existing digital format), the need to prove that the information company is **directly concerned** by the information (not justified by data-protection rules), **exclusive deals** that already exist between public and private firms, or even the requirement to consult the information on the spot.

*A French company, establishing a database comprising the names and responsibilities of civil servants throughout Europe, was actually requested to send staff to one of the Member States to get the data.*

Another type of barrier is linked to **pricing**. Most companies do not consider the circumstance that they have to pay for the information as a big problem in itself. However, there are considerable price differences for the same type of information, indicating that Member States use widely diverging rules and yardsticks when setting the price-level for the re-use of information.

*Dun & Bradstreet has highlighted the variations in the price to be paid in the Member States for similar information. For example the price paid in 2000 for company balance sheets varied from EUR 0.11 in Belgium to EUR 3.29 in the Netherlands.*

Also, in some cases the market power of the public sector bodies in a specific area may allow them to set a very high price level that could, in practice, prohibit the re-use of the information.

*The high prices charged by the meteorological service in one of the Member States has induced a private meteorological service provider to actually use information from the US. In addition they have found it more economically viable to build their own radar station than to buy radar images from the national service.*

In many cases it is, however, the **uncertainty about the conditions for re-use** that prevents companies to start a business on the basis of public sector information. The relevant stipulations can be found in national laws, in administrative provisions at regional or local level, and in specific rules defined by Ministries for agencies or defined by the agencies themselves. In other cases there are simply no rules on the matter, so it is hard to predict how the administrations will react to a request to use the information. Unless a **minimum of certainty and transparency** is given, the establishment of cross-border products and services (partly) based on public sector information will be considerably hampered. Once more the US case jumps to the eye as an example of the beneficial economic effects of a clear and simple legal framework for exploitation.

### 3.4. Challenges at a practical level

Next to these barriers linked to the rules on the exploitation of public sector information, there are a number of **practical issues** that make its exploitation at a European level particularly difficult. It is not always easy to find out what information and databases are available and to locate the existing public sector information sources. No general directories at European or even at national level exist containing **an overview of the information resources** held by the public sector, let alone indicating the conditions for re-use.

In addition, the **lack of standards** can cause problems. Different technical standards (between countries, but also between regions) to store the information make the reuse of information particularly expensive. The presence of diverging standards to classify information is an additional difficulty to commercially reuse the information.

Finally, **language diversity** represents a challenge to the pan-European exploitation of public sector information. The costs involved in the translation of the raw material and the need for linguistic customisation of the added-value end product is an additional difficulty that has to be overcome by information companies that want to step into this market.

### 3.5. Conclusion

Better opportunities to exploit public sector information will help the European information industries to create added-value information products thus contributing to employment and growth. In addition these opportunities can considerably improve the information flows on and thus the functioning of the internal market.

It is important to realise that **not acting** in this area **has a cost**. A cost for the information sector, but also for the European market and society as a whole.

## 4. PROPOSED EU ACTION

The measures proposed in this section take into account the **economic importance** of the issue, its **potential for job creation** and the **nature of the barriers** that are addressed. The initiatives that are already under way and the new elements form a comprehensive approach to the problem of exploitation. The measures aiming at catalysing developments with a European scope and impact and the measures contributing to the right regulatory framework reinforce each other. They also

reinforce and complement the measures that are taken at national, regional and local level.

#### 4.1. Experimentation and Dialogue

##### 4.1.1. Experimentation in projects

The Community has a role to play as a catalyst of developments that have a European scope or impact. Financial support to **transborder projects** providing examples of access to and the exploitation of public sector information will strengthen partnership throughout Europe and will lead to results with European added value. In order to achieve this, the Commission will build on programmes that are already in place. Particular attention will be paid to specific segments and sectors like geographic information and the role of libraries.<sup>7</sup>

##### *Technological projects*

The Information Society Technologies Programme within the **5th Framework Programme for R&D** contains many elements that are important for the way governments deal with information and interact with their constituencies. Key Action I of the Information Society Technologies (IST) Programme, 'Systems and Services for the Citizens' and in particular the parts that aim at improving the services provided by government bodies, is an example of this.

Within Key Action III "Multimedia Content and Tools" the part on 'human language technologies' contributes to overcoming the **language barriers**. Language was mentioned by several of the respondents to the Green Paper on Public Sector Information in the Information Society as one of the barriers to a pan-European use of public sector information.

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<sup>7</sup> You will find a short working document on this issue at the following web-site: <http://www.cordis.lu/econtent/psi/>

In addition the 6<sup>th</sup> Framework Programme for R&D that is at present under discussion will present possibilities to address the issues relevant to the re-use of public sector information.

##### *Market-orientated projects*

**Market orientated demonstration projects** are a useful tool to fill the gap that often exists between the development of new technologies and the market. Experiments with new market models and new forms of **public/private partnerships** are necessary to identify practical barriers and to create examples of profitable collaborations. This type of experiments was started under the INFO2000 programme and will continue under the eContent programme.<sup>8</sup> eContent will also stimulate the use and creation of pan-European **meta-data<sup>9</sup> and standards** and examples of **pan-European data-collections** and deal with the **language aspects** of public sector information.

Transborder, transnational and interregional co-operation between public authorities and other relevant bodies in the area of the information society could also be supported by the Interreg III Community initiative which forms part of the structural funds.

The **Interchange of Data between Administrations programme (IDA II)** programme will continue to set up and consolidate electronic networks between administrations, including the European Institutions. It will support the provision of public sector information, including the development of portals, at the pan-

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<sup>8</sup> Multiannual Community programme to stimulate the development and use of European digital content on the global networks and to promote the linguistic diversity in the Information Society (eContent), Council decision 2001/48/EC of 22 December 2000, OJ L14, 18.1.2001.

<sup>9</sup> Structuring information resources designed to help identify the existing information and help locate it.

European level. Actions have been launched in support of meta-data interoperability and common electronic tools have been produced, amongst others for the data collection needs of public administrations.

#### 4.1.2. *Learning from seeing*

In all Member States discussions are taking place on how to fully grasp the potential of the tools of the Information Society in the administrations. New solutions are being tested in different environments. The European Union can create considerable value added by **bringing together experiences and players** from the different Member States. The exchange of information throughout the Union, at different levels of government, should therefore be further encouraged and in particular **an exchange of best practices** to help administrations at different levels of government adopting **efficient and adequate solutions**. New models for partnerships between the public and the private sector and within the public services for the use and exploitation of public sector information could be addressed. An exchange of innovative and successful applications could help to bring the administrations throughout Europe closer to the citizens. The exchange of best practices would also relate to ways of ensuring the quality of information offered by the public sector.

*An interesting model was developed by the European statistical system. The model provides guidelines which set out the range and the depth of the information made available and also the specific prices for each segment.*

**Comparative case studies** at European level and beyond will reinforce the process of exchanging best practices. These studies can address showcases, practical examples and issues like the value that is attached to certain types of public sector information in different countries. The use of the Internet for public sector information

dissemination and a more efficient information collection could be another topic where European administrations can share knowledge.

### *Experimentation and Dialogue*

#### **Main Actions.**

- Support for technological projects related to public sector information in the Information Society Technologies programme.
- Support for market orientated projects (public/private partnerships, metadata) in the eContent programme.
- Support for projects related to the provision of public sector information through the IDA programme.
- Exchange of best practices, comparative case studies (eEurope framework).

#### **4.2. Improving the framework conditions at European level**

Two fundamental issues should be distinguished here: the **access** to information and its **commercial exploitation**.

##### *4.2.1. Access to public sector information*

The importance of the issue of **access to public sector information** for citizens and business was stressed in the replies to the Green Paper. At Community level, Council Directive 90/313/EEC on the freedom of access to information on the environment<sup>10</sup> already lays down the basic terms and conditions on which environmental

<sup>10</sup> Council Directive 90/313/EEC, of 7 June 1990, on the freedom of access to information relating to the environment, which will be replaced by a new Directive of the European Parliament and of the Council on public access to environmental information currently in discussion in Council and Parliament.

information should be accessible. However, with the exception of the environmental area arrangements for access are first and foremost a **national, regional and local responsibility**. Therefore no harmonisation on the specific aspects of access to public sector information is envisaged.

To promote improved **electronic access** to public sector information throughout Europe, the eEurope Action Plan has set targets, e.g. related to essential public data online including legal, administrative cultural, environmental and traffic information<sup>11</sup>. To this end, the open method of co-ordination, established by the Lisbon European Council, will be used. The exchange of information and best practices will play an important role in this context (see under 4.1.2).

#### *4.2.2. Exploitation of public sector information*

The absence of clear and consistent conditions for the **commercial use of public sector information** constitutes a major barrier to realising the economic potential of public data in the new electronic environment and to the development of a real European information market. An improved framework for the exploitation of public sector information throughout Europe would facilitate the creation of information products that cover the whole or large part of Europe, rather than the single countries.

##### *4.2.2.1. What issues should be addressed?*

Without wanting to prejudge the final choice of instrument by the Commission, nor its final shape, this section will

consider the type of issues that could be addressed by a legal instrument. The Commission proposes the following basic orientations on scope, on the leading principle, on fair trading and on a number of practical issues.

#### *Scope*

*No changes in the existing access regimes*  
The measures facilitating the re-use of public sector information throughout Europe would build upon the **existing access regimes**, without proposing changes to these regimes. Furthermore the framework for exploitation should not have a negative effect on the accessibility of the information at its original public source.

#### *Exceptions*

The measures would not apply to commercially sensitive information (e.g. “business secrets”) held by bodies that are owned or controlled by public authorities and that have a commercial or industrial character.

Also public broadcasters, in as far as their archives and creative activities are concerned, would be excluded from the scope of any measure in view of the specific characteristics of this sector.

#### *Compliance with data-protection rules*

Any measure proposed should ensure full respect of the existing data-protection rules. If for data-protection reasons, the information is not generally accessible it will not be exploitable. This includes the case where specific conditions for consultation of personal data held by public sector bodies exist (e.g. the need to prove a legitimate interest for data-protection reasons, access limited to certain parts of the information etc.)

#### *Intellectual property rights<sup>12</sup>:*

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<sup>11</sup> Also challenges concerning the access to appropriate on-line public content and services for disadvantaged people and their potential for social inclusion are set-out in the Commission Staff Working Paper on “e-Inclusion’-The Information Society’s potential for social inclusion in Europe”.

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<sup>12</sup> For the avoidance of doubt, the term intellectual property rights refers to copyright and related rights only (including sui generis forms of protection).

Any initiative which deals with the intellectual property rights of the public sector has to take into account both the Community's own acquis in the field of copyright and related rights which provide the legal framework in which those rights subsist and are administered and also the Community's international obligations under the relevant Conventions. In particular the rights harmonised by Directive 2001/29 on copyrights and related rights in the Information Society and Directive 96/9 on the legal protection of databases are of particular relevance.

The intellectual property rights *third parties* may have on information held by the public sector must be carefully considered when establishing rules for the re-use of public sector information. In many instances information products and services may have been developed by the public sector in conjunction with private sector partners and the rights of third parties are not affected by what is proposed.

### **Definitions**

The following working definition of information will be the starting point for the discussions.

Information: any content whatever its medium (written on paper or stored in electronic form or as a sound, visual or audiovisual recording).

The definition that figures in the directives relating to public procurement could be a useful starting point for the definition of *Public sector bodies*<sup>13</sup>

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<sup>13</sup> It does not include industrial property rights.  
E.g. the definition of 'bodies governed by public law' that can be found in article 1 of directive 92/50 of 18 June 1992 relating to the coordination of procedures for the award of public service contracts: Body governed by public law means any body:  
- established for the specific purpose of meeting needs in the general interest, not

### **The leading principle**

*A general right to re-use public sector information:* whenever public sector information is generally accessible, commercial re-use should be possible.

### **Fair trading**

*Prohibition of exclusive arrangements*  
Exclusive arrangements for the exploitation of public sector information could be limited or banned in future in order to stimulate the openness of the European market, where the arrangements unreasonably restrict commercial re-use of information. Transitional arrangements would be needed to bring agreements already in place into line with the measure after a specified period.

### **Principles for pricing**

The following principles for pricing should apply:

- any compensation requested for the re-use of public sector information should be adequate.
- prices for re-use of public sector information should be transparent.

A right to re-use public sector information would not therefore mean that the situation in the US would be imposed, where there are practically no costs involved for companies that want to re-use the information.

### **Practicalities**

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having an industrial or commercial character, and  
- having legal personality and  
- financed, for the most part, by the State, or regional or local authorities, or other bodies governed by public law; or subject to management supervision by those bodies; or having an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities or by other bodies governed by public law.

- The **time allowed for replying to requests** for re-use should be reasonable and could be brought in line with the time that applies for accessing documents.
- Firms and individuals should be allowed to ask for the information in any **pre-existing format** (e.g. a specific electronic format). This should not impose on the administration any obligation to create or adapt documents.
- There should be a generalised availability of **online standard licences**.
- Also **catalogues of data resources** should become available.

#### 4.2.2.2. *Towards an instrument for the exploitation of public sector information*

At present, the Commission is considering the right instrument to ensure that the same basic conditions apply to all players in the European information market, that more transparency is achieved on the conditions for re-use and that distortions are limited to a minimum. A **directive** would achieve a minimum of legal certainty for the market players, while leaving Member States free to choose the precise way in which its provisions would apply adapted to local circumstances. Such a directive was strongly advocated by industry in its replies to the Green Paper on Public Sector Information in the Information Society. Alternatively a **recommendation** to the Member States<sup>14</sup> and/or the **reinforcement of the administrative co-operation** in this area could be considered.

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<sup>14</sup> A sector specific recommendation for the transport area was adopted on 4 July 2001 C(2001)1102, OJ L199, 24.7.2001, p.20 that deals, amongst others, with the deployment of added value services offered to travellers on the basis of information from public sector bodies.

However, there are several reasons why the Commission is exploring the need for and the modalities of a directive on the exploitation of public sector information and why co-ordination between and/or a recommendation to the Member States may not suffice to redress the situation, also in the light of the economic importance of the issue at stake.

A directive would provide a clear answer to the internationalisation of information needs and to the **pan-European nature of several of the information products and services**. If they are not complete – if there is just one country not covered – they lose much of their value and firms may refrain from investing in them. Therefore it is important that all countries have the same pace in establishing a minimum level of conditions in common. While the issue of exploitation of public sector information is under consideration in many of the Member States, a situation in which different Member States adopt individual solutions is not desirable. It will not offer the information industry the conditions needed to develop new, innovative, pan-European products.

It is furthermore urgent to have the right framework conditions in place for **the next generation information products**, that will play an essential role in the further development of the information society. The absence of action in this area may lead to the unpleasant discovery in a few years that there are still considerable barriers to the pan-European exploitation of public sector information and that the gap with the US has increased.

In addition, the experience with the **1989 Guidelines**<sup>15</sup> issued by the Commission services on the exploitation of public sector information suggests that a non-legislative approach in this area will not

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<sup>15</sup> Guidelines for improving the synergy between the public and private sectors in the information market Luxembourg 1989.

lead to the necessary results. In practice these guidelines have had little impact.

**The existing legal Community instruments** (competition rules, non-discrimination rules, rules on the free movement of services) may be used in some very specific cases where the re-use of public sector information by the private sector is at stake. They offer, however, a relatively limited remedy and would not apply in many other situations. Also the testing of the boundaries of the existing legal remedies through a series of court cases will take a long time and will perpetuate the present situation of legal uncertainty. At the same time the judicial decisions would not resolve the underlying problem of the divergent rules and practices that exist in the different Member States.

Finally it should be kept in mind that the proposal for a directive would aim at a **minimum harmonisation**, leaving a considerable margin of manoeuvre for the governments but at the same time easing or overcoming the main barriers for industry.

#### 4.2.3. *Improving the practice of the EU-institutions*

The involvement and confidence of the citizens in the European Union can be enhanced by granting an **extensive right to access administrative documents** held by the Community Institutions. To this end, the European Parliament and Council have adopted a regulation<sup>16</sup>, implementing article 255 EC. At the same time the Commission is working on a programme for improving access for the blind.<sup>17</sup>

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<sup>16</sup> European Parliament and Council Regulation 2001/1049 of 30 May 2001 regarding public access to European Parliament, Council and Commission documents, OJ L 145, 31.5.2001.

<sup>17</sup> On 25.9.2001 the Commission adopted a Communication on improving the accessibility of public Web sites and their content. The aim is to make Web sites

However, public access to documents held by EU institutions does not mean unfettered access. The principles of personal data protection continue to apply to personal data processed by EU institutions and the fact that they may be contained in a community administrative document does not deprive the data subject of adequate protection of his or her right to privacy. Accordingly, article 286 EC has been more narrowly specified by Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data.<sup>18</sup>

Questions of openness and transparency are also a central element in the Commission **White Paper on Governance** that was published in July 2001.<sup>19</sup>

*To facilitate the access to EU-law, all EU-legislation in place and in preparation will be accessible for free on the Internet in all the Union languages from 1.1.2002 onwards (through the EUR-Lex portal).*

In parallel, the policies of the EU Institutions concerning the **exploitation of EU information** need to be updated and clarified. This update will protect the interests of all parties involved, and will not place unnecessary restrictions on private initiatives in the information market leading to new economic activity and job-creation. It will include the policies in relation to geographic

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more accessible to people with disabilities and older people.

<sup>18</sup> OJ L 8, 12.1.2001.

<sup>19</sup> European Governance A White Paper, COM(2001) 428, 25.7.2001. Also relevant in this context is the Communication on a new framework for co-operation on activities concerning the information and communication policy of the European Union, COM(2001) 354.

information on the European territory collected and collated by the Institutions for use in monitoring EU policies.

More in general, in the framework of the **eCommission** initiative which was presented in March 2000 in the context of the White Paper on Internal Reform the Commission will improve its own use of the tools of the Information Society in the light of the most advanced solutions adopted throughout Europe.<sup>20</sup> The *eEurope* action-plan, in its *government online* priority action has set the target that all basic transactions with the European Commission (e.g. funding, research contracts, recruitment, procurement) must become available online.

***A regulatory framework at European level***

**Main Actions**

- Explore the need and modalities for a proposal for *a directive on the exploitation of public sector information*.
- Update the policies of the EU institutions on the exploitation of EU information.

**4.3. A process involving all relevant players**

A **Group to Promote Digital Public Data** will ensure an efficient co-ordination between the Member States, and will be a forum for communication with other interested parties. The establishment of this Group was already welcomed by Council in connection with the adoption of the *eContent* programme. In order to create synergies with other *eGovernment* activities and to limit the number of Groups working in similar or adjacent areas, the forum may be **attached to** or

**become part of** the existing **eGovernment Working Group**.

It will serve as a **co-ordination platform and a sounding board** for the above-mentioned activities. It should provide input to the different initiatives, and be an important axis for the detection and dissemination of best practices. The Group will consist of representatives of the Member States and should involve other interested institutions and organisations such as the European Parliament, actors from the Information industries, consumers' organisations etc. Its composition may vary depending on the subject being treated. The Group will collaborate with other fora like the High Level group on the Employment and Social Dimension of the Information Society.

***A process involving all relevant players***

**Main Action**

- Set up a Group to Promote Digital Public Data that will act as a co-ordination platform and sounding board.

**5. CONCLUSION**

The advent of the Information Society is creating **unprecedented conditions** for access to and exploitation of public sector information. Communication between administrations and citizens and businesses can be enhanced. Electronic tools can significantly improve the services and information flows from administrations to their constituencies. At the same time they offer unique opportunities for the **re-use and exploitation of public sector information** within the emerging digital economy. Bringing out this potential will create **vast economic opportunities** while helping the European information industries to bridge the gap with their American counterparts. Not acting in this area will have a cost for Europe, affecting

<sup>20</sup> On 12 June 2001 the Commission adopted its strategy in this area: 'eCommission strategy Towards the e-Commission : Implementation Strategy 2001-2005', SEC(2001) 924.

the European information industries and the internal market as a whole.

This Communication proposes actions to **develop a co-ordinated approach** addressing a range of issues contributing to putting the **right conditions** in place. In particular a **directive** for the commercial and non-commercial reuse of public sector information is considered, addressing barriers caused by differences in the national regulations and practices. The picture is completed by **catalysing developments** with European wide impact, making use, amongst others, of the eContent programme and the framework programmes for R&D. Also, in line with the open method of co-ordination (Lisbon European Council) **learning from each other's experiences** through an exchange of best practices will be promoted, amongst others through a Group to Promote Digital Public Data, that may be attached to the eGovernment Working Group.

Together, the measures proposed in this communication are designed to ensure an improved use of public information to the benefit of European citizens and businesses. Their final aim is to bring out the full potential of public sector information as a **key resource for Europe and for all Europeans**.