



# **From PSI to Open Data Directive: Main changes and next steps**

**PSI Group meeting, 14 May 2019**

**Szymon Lewandowski, DG CNECT**

# The new directive on 'Open Data and the re-use of public sector information' (I)

The new Directive is a recast: it brings together the original Directive 2003/98/EC and all the amendments made to it, in a single legal act. It introduces the following key changes:

- **List of High Value Datasets** (free of charge, disseminated in machine readable formats through APIs) to be laid down in an implementing act, within a thematic range indicated in an Annex (which can be extended via delegated act)
- **New rules on charging:** free re-use becomes a principle, with narrowly defined exceptions (and stronger transparency, e.g.: list of all public bodies that charge above marginal costs of dissemination to be made public)
- **Extension of scope:**
  - a) Re-use of data held by public undertakings in utilities and transport sector will now comply with the principles of transparency, non-discrimination and non-exclusivity set out in the Directive (unless exempted from public procurement rules under article 34 of the Procurement Directive)
  - a) Re-use of publicly-funded research data will also be governed by the rules of the Directive (if data already accessible via repositories). MS under obligation to adopt open access policies to support availability of research data.

# Implementing Act (Regulation)

- DG CNECT in the lead of the adoption process
- An **Implementing Regulation** will define the list of specific high-value data sets within the 6 thematic categories set out in Annex I and held by public sector bodies and public undertakings **among the documents to which the Directive applies**
- The Commission will work in line with better regulation principles
  - **Study**
  - **Online public consultation**
  - **Public hearing**
- The Commission will be assisted by the Committee on open data and the re-use of public sector information
- The Implementing Regulation is expected to be adopted in 2021

# Thematic categories

- *Geospatial*
- *Earth observation and environment*
- *Meteorological*
- *Statistics*
- *Companies and company ownership*
- *Mobility*

# Existing lists

- EC Guidelines of 2014
- G8 Open Data Charter
- Lateral Economics & Omidyar Network of 2014
- MEPSIR study of 2006
- National lists: FR, DK, ES, CZ

# Impact Assessment

- Article 14 of the OD and PSI Directive:

*"(...) impact assessment shall include a cost-benefit analysis and an analysis of whether providing high-value datasets free of charge by public sector bodies that are required to generate revenue to cover a substantial part of their costs relating to the performance of their public tasks would lead to a substantial impact on the budget of such bodies. With regard to high-value datasets held by public undertakings, the impact assessment shall give special consideration to the role of public undertakings in a competitive economic environment."*

# Assessing the potential of data to:

- generate significant socio-economic or environmental benefits and innovative services;
- benefit a high number of users, in particular SMEs;
- assist in generating revenues; and
- be combined with other datasets.