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Subject: Proposal for a Directive of the European Parliament and of the Council on
the re-use of public sector information (recast)
- Policy debate

Data as an enabler of socio-economic development

The data economy is a key driver of growth and jobs that can significantly boost European competitiveness in the global market. If the right framework conditions are put in place, the European data economy could double by 2020, from about 2% of EU GDP in 2016 to 4% in 2020.

The public sector in EU Member States is a significant producer of vast amounts of data, e.g. digital maps, statistics, data from business registers, legal data, meteorological data, satellite data and traffic data captured by sensors. This information is a valuable resource for the society and economy. It is not only used as valuable raw material for the production of data-based services and applications, but also improves the transparency of governments and brings greater efficiency to the delivery of public and private services.

Public sector data is also recognised as an increasingly critical and indispensable asset for the development of new technologies such as Artificial Intelligence (AI). Without a steady supply of quality data it would be impossible to develop sophisticated AI solutions, which hold remarkable potential benefits for both the public and the private sector. Data-powered AI technologies can support productivity and competitiveness in a wide range of sectors, while helping to address numerous societal and environmental challenges at the same time.

April 2018 data initiatives

With a view to boosting the growth of the data economy in the Digital Single Market, the Commission in April of this year proposed several data-related initiatives that seek the creation of a seamless digital area, a common European data space, with the scale that will enable further development of new products and EU-wide services based on data. The initiatives aim at contributing to this objective by unlocking the re-use potential of different types of data: public sector data, research data and certain private-sector data.

More specifically, these data-related initiatives consist of a proposal for a revised Directive on the re-use of public sector information (PSI Directive), an updated Recommendation on access to and preservation of scientific information, and guidance on sharing private sector data. The proposed measures seek to ensure that more data will be made available for re-use in an easier and possibly automated way. By creating opportunities for these different types of data to be combined and re-used in innovative ways, they aim to benefit the economy and society, and crucially, to facilitate the development of data-based technologies such as AI.

Role of the PSI Directive

Since its adoption in 2003, the PSI Directive has proved to be an effective instrument that successfully stimulates the digital content market for cross-border data-based products and services, while at the same time preventing distortions of competition on the EU market.

The Directive was amended in 2013 and fitted with a review clause which requested the Commission to suggest possible new changes by mid-2018. The recent evaluation of the Directive revealed that a number of areas would need to be addressed in order to align the legal framework with the technological changes and to tackle the shortcomings which prevent SMEs from fully exploiting the potential of public sector information. Examples of such areas include the inadequate provision of real-time access to dynamic data (e.g. data coming from sensors or satellites), which would need to be available immediately through Application Programming Interfaces (APIs) in order to have maximum impact. Also, vast amounts of data created thanks to public funds or resulting from tasks in public interest remain excluded from the scope of the Directive, such as research data or data from public undertakings.

Moreover, several Member States have been moving forward with their own legislation on different aspects of data re-use, which could potentially make it more difficult to exploit cross-border re-use opportunities in a wider European context.

In view of the above, the proposed review of the PSI Directive aims to address the remaining barriers to the re-use of public sector data, while ensuring the minimum level of harmonisation of re-use rules across all Member States.

In view of the upcoming examinations in the Council, in particular during the second half of 2018, Ministers are asked to share their views on the re-use of public sector data in the context of the exponential growth of the data economy in the Digital Single Market.

Questions for discussion:

- 1. Do you agree that Europe's competitiveness requires the availability of public data as a key resource for innovation, new products and Artificial Intelligence applications?*
- 2. Given the potential of public sector information as a source of innovation and the speed of technological change, do you agree that European open data policy should progress, in particular as regards the bodies and areas to be covered, the possibility to re-use dynamic data and the availability of high-value datasets for re-use?*