



# **The new Open Data and Public Sector Information Directive: Towards the definition of the list of High Value Datasets**

**Meeting of the INSPIRE MIG Expert Group**

**Brussels, 20 June 2019**

**Jiri PILAR, European Commission**

**Directorate-General for Communications Networks, Content and Technology**

**Unit G1 – Data Policy and Innovation**



Public sector and publicly funded data



Private sector data



Research data

Proposal for a revision of the Directive on the re-use of public sector information

Guidance on sharing private sector data in the European data economy

Updated Recommendation on access to and preservation of scientific information

# 2018 DATA PACKAGE

*Different policy instruments for different types of data*

# Guidance on private sector data sharing in Business-to-Government contexts

## *Objectives:*

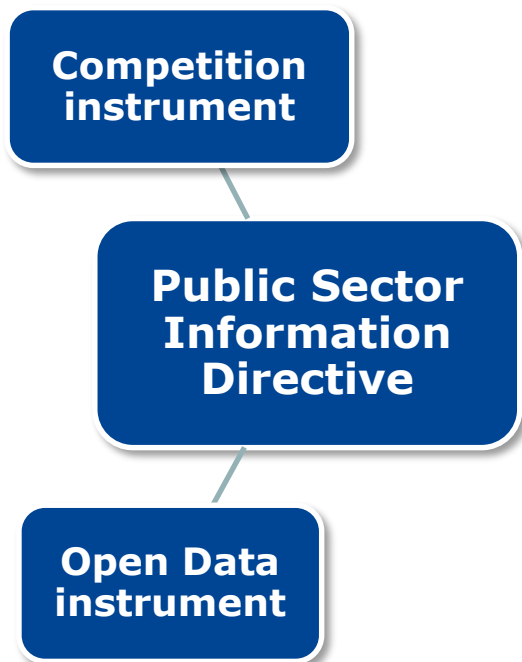
- **Build a more efficient public sector and improve public services**
- **Implement evidence-based policies**

## *Principles that should govern B2G data sharing:*

- **Proportionality in the use of private sector data**
- **Purpose limitation**
- **Do no harm**
- **Conditions for data reuse**
- **Mitigate limitations of private sector data**
- **Transparency and societal participation**

**And:** High-level Expert Group on B2G data sharing

# Public Sector Information (PSI) Directive 2003/98/EC



Requirements to ensure that accessible public sector information can be re-used across sectors

Re-use for commercial or non-commercial purposes

**Public bodies are obliged to:**

- address re-use applications within a time limit
- limit charges: marginal cost of reproduction (subject to exceptions)
- be transparent on conditions for re-use
- avoid discrimination between re-users
- limit use of exclusive arrangements

# The new Directive on 'Open Data and the re-use of public sector information': What is new (I)?

The new Directive is a recast: it brings together the original Directive 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.

# The new directive on 'Open Data and the re-use of public sector information': What is new (II)?

- **Prevention of data lock-in:** Directive imposes new transparency and review requirements to public-private agreements which may lead to a situation in which the range of potential re-users would be severely restricted
- **Real-time data and APIs:** obligation on public sector bodies and public undertakings to make dynamic data available for re-use immediately after collection, via suitable Application Programming Interfaces (APIs) and where relevant as a bulk download
- **Licensing:** to promote openness, the re-use of documents shall not be subject to any conditions, unless justified by public interest
- **Practical arrangements to facilitate re-use:** Member States shall encourage the availability of documents according to the principle of 'open by design and by default', facilitate metadata aggregation at Union level, promote data preservation and simplify access to documents
- **New title:** The Directive will now be entitled 'Directive on Open Data and the re-use of public sector information' to reflect the shift towards a fully free/open re-use.

# Next steps

- Approved by the Council – 6 June 2019
- Publication in the Official Journal of the EU in June/July 2019
- 2 years of transposition in Member States
- Work towards the definition of the List of HVDs (2019-21)
  - **PSI Group (expert group)**
  - **Open Data Committee (comitology)**
  - **Impact assessment**
  - **Public consultation**
  - **Dedicated actions (WS, ...)**

# High value datasets – key points

- Datasets listed in the implementing act to be made available for free, in machine-readable formats, via APIs and (where relevant) as bulk downloads
- Exceptions:
  - Free availability requirement shall not apply to public undertakings if there is a risk of competition distortion
  - In case of a substantial impact on the budget of the public bodies involved, free availability can be delayed by up to 2 years



# Thematic categories

*Geospatial*

*Earth observation  
and environment*

*Meteorological*

*Statistics*

*Companies and  
company ownership*

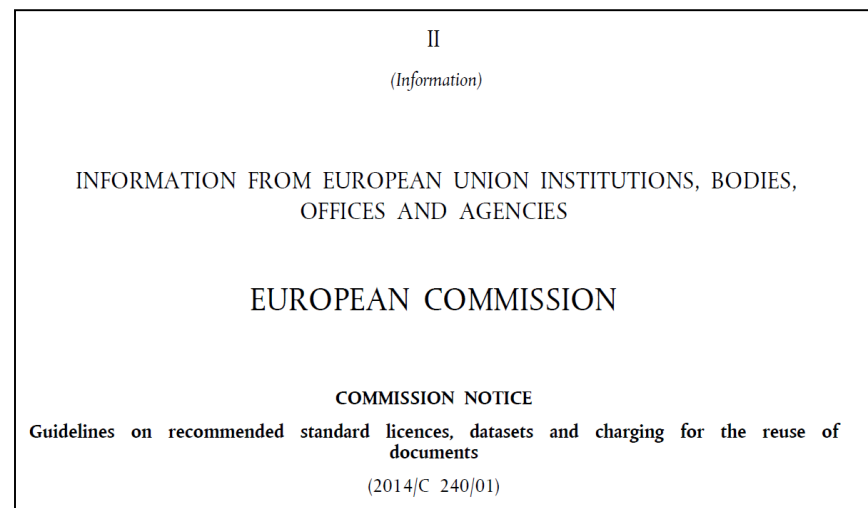
*Mobility*

## *Examples in recital 66:*

"the thematic categories listed in the Annex could inter alia cover postcodes, national and local maps (Geospatial), energy consumption and satellite images (Earth observation and environment ), in situ data from instruments and weather forecasts (Meteorological), demographic and economic indicators (Statistics), business registers and registration identifiers (Companies and company ownership), road signs and inland waterways (Mobility)."

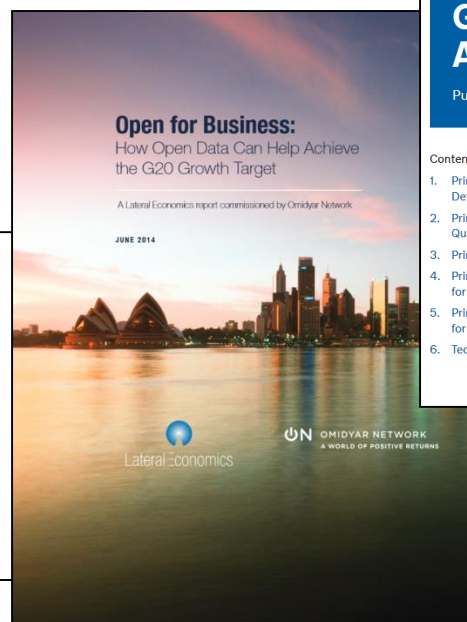
# Existing lists

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



**MEPSIR**  
Measuring European Public Sector  
Information Resources

Final Report of Study on Exploitation of public sector information  
– benchmarking of EU framework conditions



Cabinet Office

Policy paper  
**G8 Open Data Charter and Technical Annex**  
Published 18 June 2013

<b>Contents</b>	<b>Preamble</b>
<ol style="list-style-type: none"><li>1. Principle 1: Open Data by Default</li><li>2. Principle 2: Quality and Quantity</li><li>3. Principle 3: Usable by All</li><li>4. Principle 4: Releasing Data for Improved Governance</li><li>5. Principle 5: Releasing Data for Innovation</li><li>6. Technical annex</li></ol>	<p>1) The world is witnessing the growth of a global movement facilitated by technology and social media and fuelled by information – one that contains enormous potential to create more accountable, efficient, responsive, and effective governments and businesses, and to spur economic growth.</p> <p>Open data sit at the heart of this global movement.</p> <p>2) Access to data allows individuals and organisations to develop new insights and innovations that can improve the lives of others and help to improve the flow of information within and between countries. While governments and businesses collect a wide range of data, they do not always share these data in ways that are easily discoverable, useable, or understandable by the public.</p>



# Spatial data

**Present a high re-use potential: they are among the data categories for 'priority release' in both:**

**Commissions Guidelines on PSI re-use; and in**

**The G8's Open Data Charter of 18 June 2013.**

# High Value Datasets Implementing Act

- 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**':
  - **to give input to the preparation of the draft implementing act**
  - **to vote on the implementing act**
- The Implementing Regulation is expected to be adopted in 2021

# 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.

# Tasks

- Identify the socio-economic benefits of high value datasets and determine those that create the highest value for economy and society
- Assess the impacts of the obligation to provide datasets free of charge on public sector bodies and public undertakings
- Assess the costs of the change in arrangements for publication and re-use for the public sector bodies and public undertakings
- Assess the impacts on environment, on human rights (e.g. data privacy and protection of personal data, non-discrimination) and on competitiveness

# Particular attention

- Datasets available 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
- Datasets held by public undertakings: special consideration to the role of public undertakings in a competitive economic environment



# These are our tasks

- Commission can't make it on its own
- Member States actively involved in defining HVDs
- Consider contacting your country's PSI Group (expert group) member. Their list is available here: <https://ec.europa.eu/digital-single-market/en/news/public-sector-information-group-main-page>
- Prepare project pipelines for the **Digital Europe Programme**

# Supporting activities for HVDs (I)

- **Digital Europe Programme (DEP):** Specific Objective 2 'Data for Artificial Intelligence (AI)' will strengthen core AI capacities in Europe, including data resources. Calls will focus on, inter alia, making specific HVDs interoperable and fit for AI applications. Activities could cover, for example:
  - **curation;**
  - **semantic annotation;**
  - **harmonisation of metadata;**
  - **facilitating publication in machine-readable formats and accessibility through APIs.**
- Consider preparing project pipelines already

# Supporting activities for HVDs (II)

## Connected Europe Facility (CEF)-TC-2019-2: Public Open Data

The overall objective of the actions funded from the 2019-2020 Work Programme, paving the way to more targeted actions funded under the Digital Europe Programme as of 2021 :

- Generation and harmonisation of public open data in priority domains (including geospatial data, earth observation and environment);
- To support the deployment of innovative services by integrating/developing ecosystems supported by open data and by making use of static and/or real time data.

### 2019 call:

- **Open between 4 July and 14 November 2019**
- **Budget:** 5 M€
- **Co-funding rate:** 75%
- **Indicative duration of the actions:** up to 36 months



# **The new Open Data and Public Sector Information Directive: Towards the definition of the list of High Value Datasets**

**Thank you for your attention**