

The PSI Alliance

Submission to the European Commission on the Re-Use of Public Sector Information Directive

15 September 2008

Introduction

The PSI Alliance welcomes the opportunity to provide a written submission to the European Commission on the Re-Use of Public Sector Information Directive.

As the European regulatory framework for public sector information has developed, several other international initiatives have also started. Among these one of the most significant for the future of the European framework is the work that the OECD is carrying out on the adopted Seoul declaration on the future of the Internet¹ which has resulted in the adopted *Recommendation of the OECD Council for enhanced access and more effective use of public sector information*². Building on this work, the review of the European directive offers the opportunity for both policy consistency and greater international harmonisation by making public sector information more easily available.

If required, the PSI Alliance would be happy to provide supplementary written or oral evidence at a later date.

¹ See OECD website for details, at http://www.oecd.org/document/18/0,3343,en_2649_201185_40862162_1_1_1_1,00.html

² See <http://www.oecd.org/dataoecd/0/27/40826024.pdf>

About the PSI Alliance

The PSI Alliance is a trade association of private sector companies and associations who all use Public Sector Information (PSI) and who are committed to working with PSI holders towards the maintenance and development of a vibrant, information-driven EU economy that ultimately works to the benefit of the public sector, private sector and the end consumer. The Alliance will work to support good practice by PSI producers and help expose the consequences of bad practice.

The PSI Alliance was launched in January 2008 in order to encourage the public sector to maintain a trading environment that is fair and equitable, in particular in relation to the licensing and re-use of public sector information. The PSI Alliance acts as a forum to discuss and exchange knowledge of the opportunities and challenges of the re-use of PSI in Member States across Europe. The Alliance gives members the opportunity to share good and bad practices and gain an understanding of the situation in other countries across the EU.

The PSI Alliance currently has 22 members and represents the following countries: Austria, Belgium, Finland, France, Germany, Italy, Latvia, the Netherlands, Slovakia, Sweden and the United Kingdom. Members are both individual companies and associations. Taking into account the individual members of the associations, the PSI Alliance represents a significant number of companies throughout Europe.

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A: Implementation and impact of the Directive

Question 1. In your opinion, has the Directive been properly implemented and applied in your country and beyond? If so, please indicate ways in which public sector bodies are contributing to facilitating access and re-use of their information. If not, please give indications on what kind of problems you are encountering when wishing to re-use public sector information.

While the Directive has ensured authorities and agencies have focused more on the issue of access to public sector information, the Directive has been neither properly implemented nor applied in the PSI Alliance member countries. All countries have implemented the Directive into national legislation, but the legislation is too vague and allows too much leeway for the authorities to interpret the rules as they wish. Furthermore, the information about available PSI, the access, pricing, and redress mechanisms varies greatly between authorities within the countries (government, local and regional authorities) and also between the countries themselves. In PSI Alliance members' experience cross-border access is also difficult, which clearly hinders the development of pan-European services and products.

Examples of problems encountered when wishing to re-use PSI in the countries of the PSI Alliance members:

a). Information and access:

One of the overriding problems about access to PSI is that there are few official asset lists, and there is little available and clear information on PSI. Furthermore, there are no harmonised or standardised systems to secure access to data and it is therefore frequently left to the private sector to ask for, lobby and negotiate to get the information, which can take a significant amount of time. In some countries, the information itself is not digitised, and is very seldom available on the Public Sector Information Holder web pages.

Local authorities, in particular, hold significant amounts of data that would be of interest to the PSI Alliance members if it was identified and listed as available for re-use – yet few authorities in the PSI Alliance member states actively promote the reuse of PSI or facilitate reuse by the private sector.

Examples of difficulties in access in different member states:

Austria: *Public sector bodies in Austria are restrictive in granting access to PSI data, and there is no obligation for them to give access to any data. The responsible authorities are very poorly informed about PSI guidelines.*

Denmark: *The cost of company information is high, and despite requesting it, the PSI Alliance's members have never been granted access to the exact formula for calculation or the price structure for such information.*

Finland: *PSI Alliance members have concerns regarding the existing pricing policy for information about the population. As it stands, information is priced on a fixed-cost and variable basis: re-users pay a fixed price per year as well as a variable royalty payment.³*

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Restrictions are also imposed on using company information. Whilst there is a government site that provides some basic information about who the Public Sector Information Holders (PSIHs) are, it is targeted towards the general public not professionals.

France: *PSI Alliance members in France have experienced significant delays in access to information. For example, one PSI Alliance member has requested a licence to the French ministry of finance on Bulletin Officiel des Impôts since February 2006. Even now, the licence has not been submitted, although the Commission d'Accès aux Documents Administratifs (CADA) has asked the ministry to do so.*

Germany and the Netherlands: *Information about what PSI is available in Germany and the Netherlands is both hard to find and to access. Securing access is largely a question of approaching the authorities, lobbying and individual negotiation, rather than a matter of working through a standard and open procedure.*

The weak requirement of Article 3 of the EU PSI Directive to make documents re-usable was taken over by the IWG (the German PSI law) with the effect that it is not compulsory for public bodies in Germany to make their data available for re-use as understood by the Directive. There is uncertainty amongst public bodies as to whether or not they fall under the provisions of the IWG, leading to inconsistent application of the law. There is a lack of clarity regarding the formal legal requirement of a public body to disseminate information and allowing access to information for re-use. The underlying reason for such uncertainty is the lack of a clear EU-wide definition and scope of a 'public task.' This comes back to the EU wide issue of the definition of the public task and specifically where the public task begins and ends.

Hungary: *In Hungary, there is a monopoly in the distribution of certain company information*

Italy: *Key problems facing PSI re-use in Italy are: high cost of information, lack of standardisation, Government monopoly, restricted distribution, and lack of information regarding asset lists.*

Norway: *PSI Alliance members face both high prices in Norway and a Government monopoly for the distribution of population information.*

Poland: *One example of access problems in Poland is that there is no access to the whole National Register of Commerce register as a consolidated database. Furthermore, many ministerial official journals and 2 local law official journals are not published in electronic versions, as they should be published under the law.*

Slovenia: *PSI Alliance members experience restrictions in the re-use of company information in Slovenia.*

Sweden: *The Stockholm Chamber of Commerce has made a survey amongst PSI Holders about their knowledge of the PSI Directive, and the result was that almost 50% of them did not know that the data they hold is actually covered by the PSI Directive. Some authorities do not want to act according to the PSI regulations because they claim that they are not subject to the legislation. The government has only recently put legislation in place requiring the listing of*

information resources. There is still no a harmonised information or agreed standard for licensing.

UK: Local authorities and some key PSIHs do not make their data available on reasonable and consistent terms, (e.g. Ordnance Survey does not make all their map data readily available, such as some raster maps. Other information such as the location of taxi ranks and bus stops in London is held by Transport for London, and has been impossible to access) The Office of Public Sector Information, theoretically the Regulator for PSIH, does not have adequate legal power and resource to regulate as is necessary to stimulate PSI usage.

b). Pricing:

There is often no transparency regarding PSI pricing, and it is difficult to get information about the formulae used to calculate pricing. Marginal costs of distribution are not being used; instead PSIA members report that prices are often high and unjustified. In some member states the authorities have a fixed price and then add royalties on top of this.

Examples:

PSI Alliance members in Sweden face high prices and royalties when trying to obtain real estate information in Sweden Every authority in Sweden has its own pricing mechanism and it differs as to what costs should be covered by the price. There is no clear guidance on the economic model for re-use - whether it is a cost recovery or marginal cost of distribution model.

In Italy, even though licenses are granted, access to data to be reused is given upon payment of an expensive re-use fee (+20%). Reuse of lists of subjects is prevented due to the unbearable cost that companies are obliged to pay to obtain them; fees have increased 500% since October 2006.

c). Time limit:

There are no clear rules regarding the time limits for getting access to PSI, and PSI Alliance members report that the authorities are acting slowly; just getting an answer to requests can, for example, take several months and in some cases years. This clearly makes it difficult commercially for the private sector when developing new products and services relying partly or entirely on the availability of PSI.

Examples:

One member from a European association of Meteorological Services is still waiting for replies from foreign NMIs 6 years after having asked for data.

One member negotiated with the Swedish Land Survey Authority for one and a half years before getting a contract concerning re-use of data on real estates, coordinates and type code.

One member reports frequently waiting for months for the Ordnance Survey to provide them with new terms and conditions or to respond to questions regarding the terms and conditions.

d). Redress procedures:

The PSI Alliance agrees with the OECD recommendation that “member countries should provide for appropriate transparent complaints and appeals processes.”³ In most of the countries of the PSI Alliance members, there are no formal redress mechanisms, and no information about the possible procedures in the national PSI regulations. In most of the member states therefore, companies have to get legal advice and follow up with some form of legal action. Taking legal action against authorities is both costly for the individual companies and also not always effective because the PSI regulations in the different countries are vague and, therefore, open to various interpretations which means that winning a case is difficult, takes a long time and is very costly. This is a real problem for the private sector operating in the PSI arena, especially for SMEs. It is also a delicate situation to take legal action against the authority that is holding the PSI that the company is dependent on and many companies therefore give up. As a result, simple mechanisms for appealing decisions on licensing or cost assessments would be important additions both for harmonising European practices and for implementing the Directive. The Office of Public Sector Information (OPSI) in the UK is a good first step towards regulating the sector that could be reproduced in other countries.

Examples:

In the Swedish PSI-regulation there is no information about a redress procedure. It is the normal administrative court system that takes care of the redress procedures but the system is very slow and cases often go unresolved.

In Austria, the PSI law foresees an “arbitration procedure” before the case is brought to court. In two cases (two official registers), the PSIH refused the arbitration procedure arguing that the PSIH is not under the PSI law at all. The argument brought here is that because the official registers are under access rules, the PSI law is not applicable at all.

e). Licenses:

Whilst licenses are standardised in some Member States, in a significant number of others they are not. Very often the licensing procedures are unclear and not readily available in digital format.

Examples:

The PSI Regulations that have been implemented in Italy excludes several types of information and standard license agreements have not been established. Moreover, policy mechanisms and copyright issues related to PSI access and re-use are completely unclear.

³ See OECD website for details, at http://www.oecd.org/document/18/0,3343,en_2649_201185_40862162_1_1_1_1,00.html 6

f). Competition issues:

PSIHs are in privileged monopoly positions which are very easy to abuse. There are for example numerous ways for an individual PSI holder to restrain or stop the private sector from having access to data. The PSI Directive and related activities to increase PSI holder awareness have also given PSIHs an understanding of the commercial potential in re-using their data, and many PSIHs are getting commercial ideas from the private sector seeking access to data.

The private sector is in a disadvantaged position – private sector companies are dependent of getting access to PSI and therefore also dependent on good working relationships with the PSIHs to carry on and develop their businesses. The core question is about competencies: the distinction between managing and structuring information as part of the public task, and making products from that same information for sale commercially, should be clear. However, the distinction is being blurred by public sector bodies viewing the PSI Directive as an opportunity for a new income source.

PSI Alliance members in some Member States are concerned that through increased awareness of commercial reselling business models some PSIH's are adapting PSI Alliance members' own commercial ideas and products for themselves.

Examples:

In Italy, the re-use of PSI market is still monopolistic and does not follow the competition principles provided for by the PSI Directive. Public Authorities in Italy are fully entitled to unlimited use of PSI and may offer value added services in competition with private companies. Several kinds of PSI such as environmental data are kept by a few entitled companies amongst which very few are private or mixed private public capital companies. In the field of legal data there have been several attempts by Public Authorities to set up infrastructures aimed to provide the same added value services already provided by private companies.⁴

Another example from Italy is the Italian Land Registry Office which owns the raw data and is also willing to provide value added monitoring services using data contained in the list of subjects. This situation has prevented many private companies from offering the same services due to the excessive cost of gaining access to the list of subjects. The fee to get access to this information has increased by 500% since 2006. As a direct consequence of this companies

⁴ *Some of these attempts had also been included in law provisions such as art 107 L. 388/2000 and following D.P.C.M 24 January 2003. After the introduction of these legislative regulations AIE (Italian Publishers Associations) carried out a study in 2004, to estimate the impact of such provisions on the legal publishing sector. According to this study two different scenarios had been foreseen.*

Scenario 1 - PA provides a free access to database containing only laws and regulations of interest for citizens: legal database publishing turnover would decrease by 13.9% (25.5 billion euros less), while the whole sector would record a loss of 7.8% in terms of total turnover and a loss of 10% in terms of employed workforce. Scenario 2 - PA provides a free access to database with advanced search tools (indexing, referencing, semantic search engine): legal database publishing turnover would decrease by 56.3% (102 billion euros less), while the whole sector would have record a loss of 24.6% in terms of total turnover and a loss of 29% in terms of employed workforce

have been obliged to completely cease the monitoring activity with a loss in workforce of approximately 30%.

In Italy, companies involved in applied scientific research, according to applicable privacy laws and relevant code of applications, have the right to access and use electoral role data without requiring special authorisation. However, public authorities have in fact taken away that right and prevent the release of the information by referring to a ministerial communication of 2006.

In Finland, many PSIHs are in competition with the private sector; one example is meteorological information where a number of companies compete with the Finnish Meteorological Institute. Finnish private companies have reported that the Land Registry has decided in several cases to bring back in-house a number of services that used to be outsourced after the PSIHs noticed it to be profitable. It is common practice that PSIHs outsource different services to the private sector through an offer process that favours old partners (former PSIH departments) and big companies.

In Germany, one of the biggest problems for re-users in the market sectors that involve legal and administrative information (which here includes trade register information i.e. "Handelsregister") is that the officially designated source of the information is also a commercial competitor. Where some publishers have sought to obtain the desired information from the originating institutions (i.e. the Federal ministries or courts) they have been referred back to the commercial competitor.

Question 2. Has the implementation of the Directive resulted in a revised charging policy by public sector bodies? If so, has this had any impact, e.g. on the volume of information downloaded, number of hits, number of re-users registered, etc?

At the ePSIplus meeting in June, Ms Schennach of the Austrian Federal Office for Metrology and Surveying presented a "best practice" example. According to this a completely revised pricing schemes lead to a significant different user demand.

The example can be found here:

http://www.epsiplus.net/events/epsiplus_conference_psi_re_use_who_takes_action_next/schennach

Apart from this, the PSI Alliance has not found any evidence that the PSI Directive has made a substantive difference to the charging policy by public sector bodies.

B. Scope of the Directive

Question 3. In your opinion would it be appropriate to include cultural establishments, education and research organisations and public service broadcasters, within the scope of the Directive?

Yes, generally speaking all public sector information that has been paid for by the taxpayers should be available for reuse under the PSI Directive. It is in the public interest for this type of information to be made available, and including these sectors in the Directive would help spread cultural information to as many people as possible in the most efficient way.

Question 4. What would be the impact and societal benefits of including these sectors within the scope of the Directive? What are the problems these excluded sectors may encounter should they be included within the scope of the Directive?

It is in the interest of the general public that this kind of information be made fully available. The inclusion of these sectors within the scope of the Directive will lead to a market expansion of related products and services that can be offered as well as tools and channels where wider cultural information can be used, reused and circulated with a huge benefit for both consumers and private companies. The re-use of this data for example via electronic platforms, will contribute to the development of innovative value added services and to the diffusion of European culture.

There are sector specific issues that have to be addressed and resolved. There might be a number of limits to the reuse of this kind of information, caused by legal requirements and restrictions such as copyright, data protection and Intellectual Property Rights. However, this market sector is making considerable progress in the standardisation of data formats and their inter-operability across Europe.

C. Looking ahead

Question 5. What technical, organisational, legal and practical measures could be established by national administrations and/or at European level to optimise the re-use of PSI (e.g. efficient dispute settlement mechanisms)?

***Contact persons for PSI issues:** Member States should be obliged to nominate contact persons for PSI related issues in public sector bodies. Many public authorities are simply not aware of the national PSI regulations and have no understanding of PSI matters. This makes a difficult situation worse when a potential re-user contacts the public body with specific questions and there is no clear competence within the public body to deal with it. One solution to this problem would be to appoint a contact person whose task it is to advise the public authority on PSI matters and be the first point of contact for PSI re-users. An example of good practice in this case is France where legislation enacted in 2007 now requires that public authorities appoint a contact person for PSI matters.*

***Handbook to advice on implementation of the EU PSI Directive:** Even when a degree of awareness about PSI has been established, many public authorities struggle with the legal, organisational and technical aspects of implementing the EU PSI directive. Here, instructions, guidance notes and recommendations in the form of a Handbook would be helpful to the public authorities and to re-users alike. Examples of such implementation guides include the Handbook on implementation of the Services Directive as well as the background materials and information on metadata and data specification requirements available with respect to the implementation of the INSPIRE directive.*

***Time limit:** The PSI Alliance calls for clear time limit to be defined to secure access to data in order to provide private companies with rapid access to PSI as well as the level of predictability needed to develop services relying on this type of information. In any case this time limit should not take more than a couple of weeks and up to a month if necessary. The notion of “reasonable time limit” should be defined if it is to have any effect and must be attached to a redress mechanism when PSIHs do not respect the time limit.*

***Independent PSI regulators and efficient redress mechanisms:** The PSI Alliance believes that proper implementation and application of the PSI Directive at national level can only be achieved through the establishment of independent regulatory authorities in charge of ensuring PSI re-use. These national regulatory authorities should be neutral governing bodies such as the Office of Public Sector Information (OPSI), but with real power. They should be entrusted with the task of streamlining procedures for the re-use of PSI and have the ability to remove barriers to re-use, such as burdensome bureaucracy or unreasonable time limit to provide access to PSI. These regulatory authorities should have powers to enforce national legislation on PSI and supervise redress mechanisms. Existing redress mechanisms should be modified so that these authorities would be a part of the PSI-regulation in each country. In addition, these national regulatory authorities should develop clear guidelines for license, agreement and pricing.*

The PSI Alliance also believes that beyond legislative harmonisation, there is a need to achieve a minimum level of harmonisation in procedures and principles for re-use of PSI, to favour the development of PSI based services in the Internal Market. There is a need to coordinate the activities of national regulatory authorities, and ensure that they provide for proper application of the PSI Directive. In this context, the PSI Alliance also calls for a discussion about the possibility to create a Pan-European regulatory body that would overlook the activities of national regulatory authorities for PSI. This could help reinforcing the independence and coordination of national regulatory authorities.

The tasks of national regulatory authorities like OPSI (but with clearly established regulatory competence) should be:

- *Encouraging re-use by explaining the purpose, positives, benefits of re-using PSI, championing best practices, and providing education, awareness and guidance to private companies in this field.*
- *Setting standards for license agreement and pricing for re-use of PSI.*
- *Regulating and enforcing against anti competitive practices and unfair pricing*
- *Arbitrating disputes, by brokering solutions upstream, avoiding litigation downstream*
- *Monitoring effectiveness and providing statistics on performance on re-use of PSI, and – on this basis – advising on effectiveness and performance and regulatory changes.*
- *Maintaining a services portal for finding PSIHs, viewing available data and related conditions for re-use finding private sector data capture services, and model licences portal etc.*

Asset lists and clear/publicly available conditions for re-use: *No PSI Alliance member state has clear and publicly available asset lists and conditions for reuse. The lists available are often unclear, not comprehensive and do not state the conditions for reuse. In some cases access to the databases is subject to a subscription fee, such is the case in Italy. In order for private companies to be fully informed on the opportunities for re-use of PSI, there should be harmonised and standardised databases in every country where the available PSI is listed and described and the conditions and pricing for reuse is clearly explained and digital licenses are provided. Harmonising these on an EU level would guarantee interoperability with other EU asset registries thus creating an effective Internal Market for PSI.*

Promotion of PSI re-use: *Central and local government support plays a significant role in determining the direction of the investment in expansion of the private sector. It is in everyone's interest that the private sector invests in new services and products, and especially the development of cross border services. This will not be developed to its full potential so long as the public sector is putting up obstacles for access, and does not provide clear and available information about what kind of PSI is possible to reuse. PSI holders should work to categorise, list and publish data that is available for re-use alongside terms, pricing and the model form of licence. If achieved, licensing would be possible both quickly and simply. PSI Alliance members would like to see PSIHs that are supportive and proactive in responding to requests for data and drawing up licences for re-use and be cooperative in disputes or other issues.*

Pricing: *PSI should be available at a marginal cost, and PSI Alliance members believe that 'marginal cost' must be defined by the Directive, rather than by the institution which will*¹¹

receive the payments. There are currently no clear rules about pricing, and as a result pricing policies are neither transparent nor consistent. This leaves significant room for PSIHs to interpret the law in the way they see fit.

Generally speaking, if data has already been collected as part of the public task and is already paid for by the tax payers, there should be no return of investment to the public authorities. A reasonable return on investment is extremely difficult to quantify and open to challenge, and the PSI Alliance therefore believes that no element of investment recovery or return on investment should be included in the price charged for PSI.

***Licences:** Licences should be simple, standardised, public and available in digital format. The licensing procedures should be clear and transparent and the information should be easily and publicly available. The license used in Canada might serve as the basis for a model for the EU.*

Question 6. Should legislative amendments be introduced in the Directive to make it more efficient? If so, which ones and why? Would guidelines on proper implementation and application of the Directive be useful?

PSI Alliance members believe that legislative changes are absolutely necessary in order to make the Directive effective and functioning. The Directive as it stands is far too weak and the articles are too vague with no enforcement of the rules. The Directive states that Member States are not obliged to allow the re-use of documents, and that the decisions whether or not to authorise re-use remains with the member state or the public sector body concerned. This undermines the whole Directive and leaves far too much room for interpretation.

The PSI Alliance considers that the Directive as it stands lacks clear legal implications and obligations for Member States and constitutes more of a set of guidelines from the European Commission on re-use of PSI. This is illustrated by the use of the wording “should” instead of “shall” along the text of the Directive, which do not allow for proper enforcement of the Directive and leaves public sector bodies with a wide margin for interpretation. Articles 4 to 11 of the Directive are clearly not respected by all authorities in the PSI Alliance member states, and the Commission must address the fact that the Directive as it currently stands is not strong enough.

The PSI Alliance would welcome guidelines on proper implementation and application of the Directive but does not believe that this is enough to achieve the initial objectives of the Directive. The provisions of the Directive are too vague which do not allow for private companies to effectively ensure that they are properly applied and enforced.

The PSI Alliance believes that it would benefit both the public and private sector bodies if the PSI Directive would provide enforceable guidelines on the relationship between PSIH and the private sector when it comes to the re-use of PSI and the creation of value added services, i.e. where the public task stops and the private sector role begins. There should also be more accountability if regulations and the guidelines are not followed.

Legal measures:

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- *The EU PSI directive and hence the national implementing measures should be amended so that making official information ready for subsequent re-use is a mandatory requirement. The phrasing in Article 3 of the EU PSI directive should be changed from a “should” requirement” to a “must requirement”. Currently, public authorities are able to regard making their data re-usable a low priority and at worst to ignore it completely.*
- *The Directive should lead to the creation of PSI independent regulatory authorities in the different Member States with real powers to enforce law and to supervise redress mechanisms.*
- *The Directive should define what constitutes a ‘marginal cost’ and oblige member states to make pricing policy standardized and transparent.*
- *Public Administration should provide and ensure continuous access to raw data. A limitation should be imposed on public authorities not to provide any value added services on the basis of the raw data owned directly or through other administrative or public entities.*
- *Restrictions should be imposed on public authorities not to define data as ‘institutional’ for the sole purpose of excluding it from the scope of the Directive.*
- *The Directive must oblige the use of standard licenses and not just “encourage” public sector bodies to use these.*
- *Better mechanisms for resolving disputes should be put in place. A system of informal arbitration before courts are involved, as advocated by OPSI in the UK, would be an appropriate means of dispute resolution.*

Conclusion

The Directive on the re-use of PSI is highly relevant and provides good guidelines on best practices for Member States and national authorities. However, the PSI Alliance would like to stress that authorities are not following the regulations set out in the Directive, since it is too vague and allows too much leeway for interpretation. This therefore puts PSI re-users in a disadvantageous position vis-à-vis PSIHs. As a result, the great majority of the provisions in the current Directive are not being followed by national and regional authorities. In this context, the PSI Alliance calls for the European Commission to strengthen the Directive by imposing real and clear obligations on Member States authorities.

The PSI Alliance also questions the idea presented by the Commission and the ePSIplus thematic network stating that more time needs to be given to Member States to take sufficient action and to put in place good practices in the field of PSI re-use. The PSI Alliance firmly believes that the evidence presented in this answer and by individual companies shows that most Member States' authorities are not willing to promote the re-use of PSI and, moreover, are competing with the private sector in providing value added services. They are also failing to provide clear, simple and standardised licensing procedures, transparent pricing policies, and asset lists of available PSI. The PSI Alliance does not believe that the failure of a few to transpose the Directive on time should be used as a reason not to take action when it is obvious to our membership that even in those Member States where the Directive was implemented several years ago authorities are still not following the regulations.