



Assessment of the Re-use of Public Sector Information (PSI) in the Geographical Information, Meteorological Information and Legal Information Sectors

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1. Background to the study
2. The EU study: “Assessment of the Re-use of Public Sector Information (PSI) in the Geographical, Meteorological and Legal Information Sectors”
3. The findings of the study
4. Examples of where re-users complained about discriminatory practices
5. Barriers confronting PSI re-users seeking to address these issues
6. Next steps for all stakeholders

What do we know about the re-use of PSI?

€ 68 bn

Economic potential of
PSI in Europe

PIRA (2000)

€ 1.51 bn
Geodata in
Germany
MICUS (2008)

€ 27 bn
Total market size
Europe

MEPSIR (2006)

£ 1 bn
Potential net
economic value
UK
OFT (2007)

€ 737 m
Economic value
PSI France
GFII (2005)

52%
Share of
geodata

PIRA (2000)

**All the studies state that the economic
potential of PSI re-use is not being realised.**

The study was carried out by MICUS, VCS and OCI



Authors:

- Dr. Martin Fornefeld
- Dr. Gaby Boele-Keimer

Areas of activity:

- Management Consultancy
- Market Studies
- Geoinformation



Author:

- Dr. Stephan Recher

Areas of activity:

- Systems Solutions Provider
- European Space Industry
- Meteorological Information



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Author:

- Michael Fanning

Areas of activity:

- Management Consultancy
- Market Research and Development
- Legal and Business Information

Aims of the study

1. Facts and figures on the current re-use of PSI
 - concerning data delivery from PSI holders
 - concerning data procurement from PSI re-users
 2. Facts and figures on changes since 2002
 3. Facts and figures on specific changes due to the PSI Directive
 - using case studies where appropriate
 4. Definition of significant indicators to measure re-use
- **Study about measurement - however, a lot was learnt about the difficulties of compliance with the non-discrimination clause**

The study focused on economically relevant data

1. Geographic information

- Topographic information
- Cadastral information, including address data
- Aerial photography

2. Meteorological information

- Synoptic observations
- Radar images
- Weather predictions

3. Legal and administrative information

- Primary and secondary legislation
- Legislation, regulations, official notices
- Decisions of national and/ or regional courts

The questionnaires were directed at PSI holders and re-users

PSI Holders Questionnaire

Supply indicators:

- Income
- Number of requests
- Volume of data transfers

Web-portals

Customers

Data policy: prices and licenses

Benchmark for a standard product

PSI Re-users Questionnaire

Procurement indicators:

- Expenditures
- Frequency of the requests
- Data volume

Use of PSI

Substitution with private data

Background on re-user

Telephone interviews

Responses to the survey

Geographical sector:

- PSI holders: 27 from 24 Member States → nearly all NMCA, (EuroGeographics)
- PSI re-users: 58 answers from 14 Member States

Meteorological sector:

- PSI holders: 25 from 25 countries → nearly all NMS, (ECOMET)
- PSI re-users: 19 answers from 9 countries (7 Member States) (there are only 60-70 private companies in the meteorological sector), (PRIMET)

Legal and Administrative sector:

- PSI holders: 24 from 17 Member States → (European Forum of Official Gazettes)
- PSI re-users: 39 answers from 14 Member States

Executive Summary – all three sectors (1)

- Although the PSI Directive was not fully transposed into all Member States until 2008, it has already had a positive effect
- The re-use of PSI is increasing in all three PSI sectors
- There is a substantial demand for PSI from re-users in all three sectors
- But the impact of the Directive varies within the sectors:
 - **Strongest impact:** Geographical sector
(pricing and licensing needed)
 - **Medium impact:** Legal and administrative information sector
(greater transparency about PSI information is needed)
 - **Little impact:** Meteorological information
(pricing, licensing, non-discrimination)
- Access to PSI has improved remarkably on the technical level, however there is still much to be done on the business level
- Awareness of the Directive and of the potential hidden in PSI re-use is still low in all three sectors

Executive Summary – all three sectors (2)

- Need for consistent strategies from PSI holders, re-users are concerned about the stability of their business models
- Low level of awareness amongst re-users in all three sectors
- Re-user requests are plagued by legal complexity
- Discriminatory practices are evident in all three sectors
- Regular monitoring should be introduced at a product level, reflecting business models
- Need for central PSI bodies and the introduction of cultural change in public administrations

Executive Summary – Geographical sector

- 66% of re-users reported an increase in income since 2002
- The market has been enriched by new re-user groups
- 81% of PSI holders have introduced changes that have been triggered by the Directive
- Austria and Spain are very good examples
- Most of the changes referred to technical issues, formats and modes of delivery
- Only a small part of the reported changes referred to pricing and licensing
- Re-users appreciate the technically driven changes but they demand a greater effort concerning pricing and licensing
- 79% of private re-users would like to access more public GI, the barriers for most of them involve unfavourable pricing and licensing conditions
- GI is increasingly being substituted by private sources, PSI holders should consider reviewing the scope of their public tasks

Executive Summary – Meteorological sector

- In the meteorological sector the Directive has had little impact so far
- NMS have introduced changes but only 5 reported that the changes were based on legislation
- Nevertheless, the market for meteorological information is growing
- NMS reported an increasing level of data download and income
- The number of private companies active in the meteorological sector does not exceed 70
- Re-users complained about pricing, transparency and licensing
- In the meteorological sector, complaints about discriminatory practices were particularly high
- Many re-users expressed their wish to introduce re-use conditions like those in the United States of America
- The large majority of re-users would like to obtain more PSI from holders, but refuse to do so because of unfavourable pricing and licensing
- Re-users are increasingly gathering information from other free public sources such as the US weather services

- The majority of holders indicated that they have made noticeable changes in their data policy since 2002, nearly 50% of them confirmed that the changes were brought about by legislation
- The majority of PSI holders (79%) offer legislative and administrative information free of charge on the internet
- The market for legal and administrative information is growing, since 2002 an average increase of 40% was reported by PSI holders (exceptional growth rates from re-users adding value to PSI was reported in specific market segments, most notably the UK property market)
- Several new online portals have been set up which offer access to judicial information
- However, re-users expressed their continuing dissatisfaction with a lack of information on what PSI is accessible and where to find it for re-use
- Highlighted in particular was also the decentralized organisation of many of the jurisdictions and the lack of business-like relationships with commerce

Difficulties with the non-discrimination clause in the geographical sector: Production of maps for leisure activities

In February 2008, the Association of Cartographic Publishers in Germany requested information from 15 State Survey Authorities on the distinction between their core public task and the commercial activities they also undertake, as well as information on compliance with the PSI Directive and the national implementing legislation (IWG).

The answers from the authorities showed that the law that transposes the PSI Directive in Germany and its non-discriminatory clause was known to them, but was considered not applicable to the production of maps for leisure activities.

The major problem seems to be that specific laws, such as the State Survey Laws, explicitly define the production of cartographic material as a public task. The State Survey Authorities have taken the view that this also applies to the production of maps for leisure activities.

The fact that private cartographic publishers are eager to enter this market indicates that there might be grounds for reviewing the need for a public body to be active in this area. PSI holders ought to review the scope of their public tasks.

An example of partial substitution:
The private sector is setting up parallel infrastructures



- Yellow dots: weather stations from the DWD (Germany's National Meteorological Service)
- Red dots: weather stations from a private meteorological information provider

The private company's own network of weather stations were built after negotiations with the DWD had failed

Source:
www.wetterstationen.meteo-media.de

Re-users tend, for a variety of reasons, to be reluctant to press for redress in cases of non-compliance

Reasons for not pressing for redress...

- Dependency of their business model on a public monopolist
- Lack of knowledge about their rights, neither the PSI Directive nor the national laws which transpose the Directive are known
- Complexity of the legal questions covering a variety of legal areas such as competition law, copyright law, PSI law, data protection
- Fear of long drawn out court procedures
- Some re-users have questionable contracts with PSI holders and are keen to maintain them

What do we need?

- ✓ The barriers for re-users to be able to complain about the discriminatory practices of PSI holders have to be lowered
- ✓ Member States should set up national bodies for facilitating re-use requests and mediating where necessary
- ✓ National PSI bodies should raise public awareness
- ✓ National PSI bodies should address and resolve the difficult legal questions in relation to PSI re-use
- ✓ PSI holders should be regularly monitored:
 - Is their data policy in compliance with the PSI Directive?
- ✓ Periodic review of their set of public tasks
 - UK and France have provided good examples in this area, in Germany there is a significant need for more action on this issue!



Thank you for your attention.



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