

Brussels, 19 March 2009

Re-use of Public Sector Information: Commission starts infringement against Italy

The European Commission today launched an infringement proceeding against Italy for incomplete and incorrect transposition of the EU Directive on the re-use of public sector information ([PSI Directive](#)). The Commission is sending a letter of formal notice (the first step of an infringement proceeding under the EC Treaty) to Italy as Italian law does not yet contain all the provisions of the PSI Directive. One of the concerns is the exclusion of cadastral and mortgage data – a valuable sector of re-usable information – from the scope of the Directive.

Today, the European Commission has opened an infringement case against Italy because several aspects of the PSI Directive have either been incorrectly transposed into Italian law, or have not been transposed at all. One concern is the exclusion of cadastral and mortgage data which includes land register information with details on the ownership, tenure, precise location and boundaries of each parcel of land, as well as the use of real estate as collateral to secure loans. Other missing provisions in Italian law include the scope and definition of re-use, procedural requirements for processing requests for re-use, specific conditions of re-use including available formats and charging, and non-discrimination.

Italy has 2 months to reply to the letter of formal notice. If the Commission receives no reply, or if the observations presented by Italy are not satisfactory, the Commission may decide to issue a reasoned opinion (the second stage in an infringement proceeding). If Italy still fails to fulfil its obligations under EU law after that, the Commission will refer the case to the European Court of Justice.

The Commission has already pursued infringement procedures against Poland and Sweden for incomplete and incorrect transposition of the PSI Directive, in October 2008 ([IP/08/1524](#)).

Background:

Public sector bodies produce large amounts of information, most of which has commercial potential for re-use as the basis for new [products and services](#). The value of the EU public sector information market is estimated at EUR 27 billion. But despite its economic value much of Europe's public sector information is not re-used.

The EU adopted the PSI Directive in 2003 to remove the barriers that limit cross-border re-use of this type of information following a Commission proposal ([IP/02/814](#)). All 27 EU Member States have made the Directive part of their national laws ([IP/08/1017](#)).

The PSI Directive has created a clear set of rules in a previously unregulated market. It sets out how public sector bodies should make their information available for re-use, and deals with key issues like transparency of what is available and under which conditions, fair competition and non-discrimination between potential users.

The Commission is currently completing its review of the PSI Directive. As part of this review, it ran an on-line consultation from June 2008 until 15 September 2008 ([IP/08/1017](#)). The results showed that the PSI Directive had improved the conditions for public sector bodies to widely disseminate, share and allow re-use of their data and has created new opportunities for the content industry in Europe (see [report](#) of the Member States' consultation and the [report](#) of the stakeholders' consultation). Nevertheless, there are still barriers that prevent the boost of cross-border re-use of public sector information.

The Commission will present the review of the PSI Directive in the coming months.

More information is available at the Commission's PSI Website:

http://europa.eu.int/information_society/policy/psi/