

Value Added GI Services: Respective roles of private and public sector players

Frederika Welle Donker
f.m.welledonker@tudelft.nl

Jaap Zevenbergen
j.a.zevenbergen@tudelft.nl

EC GI/ GIS Workshop
4 July, 2007

Overview

- Public sector geodata
- European Directives
- PSI Directive and INSPIRE
- Dutch guidelines and legislation
- Norway & United Kingdom
- Consequences for the private sector
- Conclusions

Public Sector Geodata

- Public sector owns most geodata
- Mostly used for own processes
- Available for private sector under certain conditions

European Directives

- Directive 2003/98/EC on the re-use of public sector information (PSI Directive)
- Directive 2007/2/EC establishing an Infrastructure for Spatial Information in the European Community (INSPIRE)
- Directive 80/723/EEC on the transparency of financial relations between Member States and public undertakings
- Treaty est. the European Community (art.87-89)

PSI Directive & INSPIRE

- PSI Directive regulates *re-use* of all public sector information
- INSPIRE regulates *sharing* of geo information
- Both allow for cost recovery pricing regime
- Neither regulate market activities of public sector organisations

History of PSI availability in the Netherlands

- Public sector organisations could set their own conditions & prices for marketing PSI
- Cohen Report in 1996
 - public sector organisations should not engage in market activities in competition with the private sector (four exceptions listed in report)
 - guidelines to be drafted soon
 - review of specific public sector organisations
 - paved the way for a level playing field

Legislation & policies

- Guidelines for state public sector bodies that are not covered by specific legislation (1998)
 - if engaging in economic activities then all costs made must be passed on in charges
- Dutch Freedom of Information Act (1991)
 - dissemination costs for public information
- Implementation of the PSI Directive (2006)
 - total income may not exceed total costs + reasonable Return on Investment (RoI)

Current situation in the Netherlands

- PS may not produce value added products (except specially mandated public sector bodies)
- More PS datasets become available for re-use
- authentic registrations
- Prices charged for datasets are coming down

Consequences of “free” geodatasets for the private sector

- Stimulation of the knowledge economy
 - more value added products
 - more taxes back to government
- Threat to private sector with similar datasets
 - unfair trading practices by PS bodies
 - Unrecoverable sunk costs

Norway

- Digital Norway (Norge Digalt)
 - PS agencies make an annual contribution to ND
 - free access of datasets of other members
- Re-use through Norsk Eiendomsinformasjon (NE)
 - are intermediary for private sector & general public
 - collects fees from users
 - pays royalties to dataset owners participating in ND

United Kingdom

- Ordnance Survey (OS) deals with access
 - Trading fund with monopoly position
 - no clear distinction between provider and commercial operator
- GI sharing thru Collective Licensing Agreements
 - allows easier access for other PS bodies
 - still different prices & conditions
- Re-use still an issue for private sector
 - no clear government policies

Conclusion

- No clear guidelines re separation of public duties and commercial activities
 - inconsistent legislation & policies
- PS bodies often have a monopoly
- Inconsistent fees & conditions
 - differentiation of user categories
- Transparency of costs unclear

What do we need

- Strict separation of public duties & market activities
 - prevent cross-subsidies and tax advantages
- Allow access to PS datasets
 - consistent and transparent licences for all users
 - preferably for reasonable fees
- One National Competition Authority to deal with all complaints

Thank you for your attention

Acknowledgements:

This presentation has been written as part of the activities of the project RGI-117 Geodata, from Supply to Access (Geodata – van verstrekking naar toegang) within the framework of the Bsik program 'Space for Geo-information'.