

These findings are based on ten years experience as consultant for the content-industries in Austria and the CEE-region and the research done in EU-projects as EPSINET and MEPSIR

Following the new Austrian PSI-legislation from Nov 2005 on **44** public dataholders (out of 45) gave a **negative** response to reuse-requests.
Time for reflection, action and training

Preliminary remarks:

- Austria and Germany are typical for the **diversity and heterogeneity** of the various PSI-reuse markets.
- In most EU-Member States we face a **clash between Pros and Cons** within the public sector. Whereas few public dataholders actively support the private content-industry, the majority of public bodies **opposes** or **delays** the licensing process.
- The most resistance emerges from **PSI-beginners**, i.e. public data holders with no experience in PSI-licensing in the past. Following the new Austrian PSI-legislation from Nov 2005 on nearly all PSI-requests were rejected by the public dataholders, including Chamber of Commerce.

The diverse picture of handling public data (PSI, FOI, sale) in Austria (the results apply partly also to Germany):

- Good scores in terms of making PSI **public accessible**
- Excellent scores in terms of **digitising** public registers and establishing online-databases, starting already 25 years ago
- Two ministries have gained excellent scores by **outsourcing marketing and billing** of PSI to private sales-agents.
- Good scores go to the cultural institutions which outsource tasks to SME in terms of **digitisation** and marketing to customers worldwide
- No FOI-legislation in force, but federal legislation providing indirect access to certain public files in a specific case for the direct parties involved
- Extremely **bad scores** for those public databases which gained a high level or revenues and fear a loss of their revenues.
- A. PSI-licensing done by **PSI-oldies**: Good or even excellent scores for those major public dataholders with a proven record in PSI-licensing (e.g. GIS). But even in that sector initial licensing for new customers may take months.
- B. Extremely bad scores for the public **PSI-beginners**: 44 of 45 applications submitted in the last 6 months have been answered **negative**.
- Referring to the case of the Polish weather agency, public dataholders hire **lawyers** to find sophisticated ways to bypass the application of the PSI-Directive.

Resume:

- a) Austria is good in terms of access, excellent in terms of hiring private sales-agent on a concession basis, but extreme bad and resistant in terms of granting re-use licenses by PSI-beginners.
- b) Both **legislation and alternative dispute resolutions (ADR)** do not help in the short- and midterm-run. No SME can afford to invest 20.000 EUR in an ADR or wait for 5 years for a final decision taken by a court.
- c) Without intensive **training** the public dataholders will not change their sceptic and negative attitude towards granting PSI-licenses.

Personal reflections on the **OECD-Report: Digital broadband content, Febr 2006:**

- **Technology** is not the main trigger and enabler for PSI-reuse.
- The **definition of markets** (see figure 1 and 2) can be seen differently.
- The OECD-distinction between **PSI-information** and public sector **content** does not provide methodological added-value. Wagner proposes an alternative.

Eight final conclusions: please contact the author: gkwagner@via.at

1. First conclusion:
2. Second conclusion:
3. Third conclusion:
4. Fourth conclusion:
5. Fifth conclusion:
6. Sixth conclusion:
7. Seventh conclusion:
8. Eight conclusion:

For further **support** please consult Mr Wagner who gained in-depth experience in the content- and PSI-industries and participated in EU-projects as EPSINET or MEPSIR):

- PSI-paper no 1: The misunderstandings of the PSI-Directive and exit-solutions
- PSI-paper no 2: The PSI-markets in Austria (and some CEE-states)
- PSI-paper no 3: The PSI- and FOI-markets in Germany
- PSI-paper no 4: The impact of PSI-legislation on pan-European content-markets

Mr Gerhard K. Wagner, 1010 Vienna / Budapest / Belgrade Tel: 0043-676-369.36.10, Email: gkwagner@via.at
