Chapter XII
Exploitation of Public Sector Information in Europe

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INTRODUCTION

The gradual "penetration" of an innovative, digitally-oriented information society, in the scope of the actual convergence among telecommunications, broadcasting and information technology, creates primary opportunities for access and exploitation of public sector information (PSI), in the context of a fully competitive and liberalized European electronic communications market.

There are now significant challenges on the scene, for improving mutual communication between public sector and private companies, thus creating chances for exploiting new opportunities, to the benefit of the broader European market(s).

However, the non-existence of an appropriate legal framework governing the conditions and terms for the commercial use of PSI constitutes a severe drawback for any serious attempt towards evolution, and for an effective development of a European e-communications market.

Recent European regulatory-oriented policies have established and supported suitable measures and provisions, to ensure access to PSI for all interested parties and for their "free" circulation among member states.

In the context of the suggested contribution we examine current European harmonization regulatory measures, towards creating transparency and legal security for all market players involved in the wider content market, thus contributing to growth.

BACKGROUND: PERSPECTIVES AND POTENTIAL FROM DISPOSAL OF PSI

The evolution towards an information society and a digital knowledge-based economy can influence, very drastically, the life of every citizen, by enabling him to gain new ways of accessing

and acquiring knowledge (Commission of the European Communities, 2000). In such a challenging environment, digital content can perform an extremely important and guiding role in all relevant evolutionary processes. In addition, the continuous penetration of Internet-based (broadband) technologies (Chochliouros & Spiliopoulou-Chochliourou, 2005a) provides new opportunities for growth and thus creates innovative perspectives for all actors involved in the related market initiatives, policies and other measures.

Within such a challenging context, the public sector collects, produces, reproduces, and disseminates a wide range of information in many areas of activity, such as social, economic, geographical, weather, tourist, traffic, business, patent and educational information, at different distinct levels of government (Advisory Panel on Public Sector Information(APPSI), 2004).

A better use of public sector information can be seen as an important element in view of the rapid evolution towards a global information society. The importance of this issue has been widely recognized and a clear consensus exists that action is necessary to take advantage of the new technologies that improve the access to and exploitation of PSI (Pira International, 2000).

Citizens and businesses can greatly obtain valuable assets from an improved use and the proper (and effective) provision of such informative data on the Internet. Their communication with the public administrations can be further enhanced, while their involvement in open and democratic processes becomes significantly greater. In fact, PSI is quite significant for democratic and civic life, since civil services operate on a non-profit basis (Poullet, 1995). So, it is necessary for the exercise of fundamental and civil rights, and should be as widely as possible accessible and disseminated throughout society, mainly through e-government applications (Chochliouros & Spiliopoulou-Chochliourou, 2005b). In particular, this information should be made easily available for the citizens and actively disseminated whenever possible free of charge. As a result, better quality information will be used by a larger group of citizens and companies and it will allow them to better take

advantage of their rights in the internal liberalized market(s).

Simultaneously, PSI is a basic module for vital economic activity, for scientific research and for the proper functioning of the European market, specifically focused on the creation and the establishment of conditions for growth of community-wide services. Thus, it should be expected that PSI would become an even more important content resource of large economic potential, especially with the development of wireless content (Internet-based) services (UK Department of Trade and Industry (DTI), 2000).

In any case, all kinds of relevant data constitute an essential basis for multiple digital information products and can become an important "raw material" for innovative services. Modern information society technologies can lead to unprecedented possibilities to combine data taken from different sources and consequently, to create added-value products and competitive facilities (especially in the framework of the well-being European content industry). The benefits from these opportunities can be invested in new ventures, even further increasing their advantage and consequently leading to catalysing developments in the market (European Commission—Directorate General for Information Society and Andersen, 2002).

Broad cross-border geographical coverage will also be necessary in this context. Wider possibilities of re-using public sector information should, *among others*, allow European companies to exploit its potential and contribute to economic activities and job creation, with limited probabilities of investment failure. This has a clear effect especially on the underlying European market, since uncertainty about the conditions for using public sector data prevents companies to start various related forms of businesses.

THE ACTUAL CHALLENGE FOR A PROPER EUROPEAN REGULATORY FRAMEWORK

Contemporary European policies support the establishment of an internal liberalized market and

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