



**Mr Andrus Ansip**

Vice-President for the Digital Single Market

**Ms Elżbieta Bieńkowska**

Commissioner for Internal Market, Industry,  
Entrepreneurship and SMEs

**Ms Violeta Bulc**

Commissioner for Transport

**COPY TO: Henrik Hololei**, Director- General for Mobility and Transport, **Roberto Viola**, Director-  
General for Communications Networks, Content and Technology

Brussels, 21<sup>st</sup> January 2019

**Open Data joint letter – ensuring a fair level-playing field in the Public Sector Information Directive**

Dear Vice-President Ansip, Commissioners Ms Bieńkowska, Ms Bulc,

The organisations we represent recognise the value of a data policy because of the benefits this brings to the public they serve. In many ways, **the sectors we represent, including for instance the global transport industry as well as local and regional transport authorities, are at the forefront of the Open Data movement**, as is seen in the rapid increase in products appearing on the market. Our members are strongly committed to Open Data within a clearly defined framework.

Ahead of what could be the final trilogue meeting on the proposal for a recast of the Public Sector Information Directive on Tuesday 22<sup>nd</sup> January 2019, EMTA, Polis and UITP would like to relay the following key points of concern for our members on this topic:

- **Public or private: all competing in the same market**

We firmly believe that both public and private undertakings operating under a public service contract should either be equally excluded from the scope of this Directive or that they should equally be subject to it. No distinction should be made between undertakings operating the same public service. The defining criteria should be the nature of the service (public or commercial) and not the company's ownership.

Extending the scope of the Directive only to public undertakings would be in breach of the neutrality principle enshrined in the EU treaties and would lead to a distortion of competition in the relevant markets.

- **Freedom of choice regarding license agreements is crucial**

We know that trust is an essential pre-condition to the development of the data economy and so is the need for the quality of the data to be reliable. Licences, as they very often require the re-user to acknowledge the source of the information and indicate where such information has been modified, can provide an appropriate solution to this issue.

Without licences, an information market based on freely accessible and freely reusable data could easily be flooded with corrupted or falsified data, thereby making the original datasets impossible to distinguish and robbing them of their value. This is why, we strongly believe licences should be the rule rather than the exception.

We trust the EU institutions will seize this opportunity on Tuesday to take into account these concerns and reach a balanced agreement that will both help promote the European data economy as a whole as well as preserve the capacity of public service organisations to carry out their missions.

Yours sincerely,

**Mohamed Mezghani**

UITP Secretary General



**Ruud van der Ploeg**

EMTA Secretary General



**Karen Vancluysen**

Polis Secretary General

