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REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND THE COUNCIL

on the exercise of the power to adopt delegated acts conferred on the Commission pursuant to Directive (EU) 2019/1024 of the European Parliament and of the Council on open data and the re-use of public sector information ('Open Data Directive')

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1. INTRODUCTION

Directive (EU) 2019/1024 on open data and the re-use of public sector information[1] was adopted on 20 June 2019 and entered into force on 16 July 2019.

Directive (EU) 2019/1024 lays down the legal framework for the reuse of public sector information, such as geographical, land registry, statistical or legal information, held by public sector bodies or by certain public undertakings, and of publicly funded research data. It aims to boost the socio-economic potential of public sector information, for example, by making it more easily available to start-ups and small and medium-sized enterprises, by increasing the supply of dynamic data and datasets with a particularly high economic impact, and by promoting competition and transparency in the information market. It is one of measures designed to boost the EU's data economy, as well as the development of artificial intelligence.

Directive (EU) 2019/1024 introduced the concept of high-value datasets. They are defined as documents whose reuse is associated with important benefits for society and the economy. They are therefore subject to a separate set of rules ensuring they are available free of charge and in machine-readable formats. Member States must make them available via application programming interfaces (APIs) and, where relevant, as a bulk download. The thematic scope of high-value datasets is provided in Annex I to the Directive that lists six thematic categories (geospatial, Earth observation and environment, meteorological, statistics, companies and company ownership, mobility).

Directive (EU) 2019/1024 sets out one empowerment for the Commission to adopt delegated acts.

2. LEGAL BASIS

Article 13(2) of Directive (EU) 2019/1024 confers on the Commission the power to adopt delegated acts to amend Annex I by adding new thematic categories of high-value datasets to reflect technological and market developments. Pursuant to Article 15(2) of Directive (EU) 2019/1024, the delegation of power is conferred on the Commission for 5 years from 16 July 2019. The Commission must draw up a report in respect of the delegation of power no later than 9 months before the end of the 5-year period. The delegation of power is to be tacitly extended for periods of the same duration unless the European Parliament or the Council opposes such an extension not later than 3 months before the end of each period.

[1] Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (recast) (OJ L 172, 26.6.2019, p. 56–-83).

3. EXERCISE OF THE DELEGATION

Under Article 13(2) of Directive (EU) 2019/1024, the Commission is empowered to adopt delegated acts in accordance with Article 15 of the Directive to amend its Annex I by adding new thematic categories of high-value datasets to reflect technological and market developments.

3.1. EMPOWERMENTS USED DURING THE REPORTING PERIOD

The Commission has so far not used the empowerment conferred on it under Article 13(2) of Directive (EU) 2019/1024.

The six initial categories provided for by Annex I to Directive (EU) 2019/1024 provided sufficient thematic scope for drawing up the first list of high-value datasets. The Commission has therefore not yet exercised its delegated power to amend Annex I and add new thematic categories of high-value datasets. The Commission will decide on the use of the delegated power once it collects evidence on Member States' implementation of the first list of high-value datasets. In preparation, the Commission already procured a study[2] to help identify possible new thematic categories.

CONCLUSION

The Commission sees the need for a tacit extension of the delegation of power provided for in Article 13(2) of Directive (EU) 2019/1024 for 5 years, in accordance with Article 15(2) of the Directive. This is because there could be a need to include new thematic categories of high-value datasets based on the empowerment granted under Article 13(2) of Directive (EU) 2019/1024 in the coming years. It remains particularly important to provide the necessary flexibility in the legal framework to adjust it to the latest technological and market developments and enable the Commission to cover new thematic areas of public sector information in the future.

With this report, the Commission complies with the reporting requirements set out in Article 15(2) of Directive (EU) 2019/1024.

The Commission invites the European Parliament and the Council to take note of this report.

[2] European Commission, Directorate-General for Communications Networks, Content and Technology, Identification of data themes for the extensions of public sector High-Value Datasets – Final study, Publications Office of the European Union, 2023, https://data.europa.eu/doi/10.2759/739414.