

## Annex 1 – list of indicators used in the SB

The seven indicator groups and their underlying indicators are listed below:

Seven indicator groups		Number of indicators
1.	Implementation of the PSI Directive	2
2.	National re-use policy	5
3.	Formats	4
4.	Pricing	3
5.	Exclusive arrangements	3
6.	Local PSI	3
7.	Events and activities	3

In essence, each indicator takes the form of a question, which can be answered by a ‘yes’ or a ‘no’, making the outcomes measurable with ease and making the resulting score binary (either zero or all points are awarded).

To describe each indicator, the following details are provided:

- the ‘Indicator Question’ to be scored;
- the number of points awarded for fulfilling this indicator;
- description of, and pointers to, the source(s) relied on in gathering the data; and
- where appropriate, relevant definitions of concepts used in the Indicator Question.

### 1. Implementation of the PSI Directive (2 indicators; 50 points each)

#### 1.1 Implementation and absence of infringement procedures

Indicator Question	Has the PSI Directive been transposed correctly into national law (where relevant at all levels of government) and is the Member State, additionally, not (or no longer) involved in any infringement procedures regarding the PSI Directive?
Number of points awarded	50 points, awarded if the question is answered with a ‘yes’.
Sources relied on	Based on information available on: <a href="http://ec.europa.eu/information_society/policy/psi/index_en.htm">http://ec.europa.eu/information_society/policy/psi/index_en.htm</a>
Semantics	PSI Directive: the PSI Directive (2003/98/EC). Infringement procedure: any of the three types of action against a Member State as mentioned in: <a href="http://ec.europa.eu/information_society/policy/psi/infringements/index_en.htm">http://ec.europa.eu/information_society/policy/psi/infringements/index_en.htm</a>

## 1.2 Exemptions granted

Indicator Question	When transposing the PSI Directive, has the Member State refrained from exempting one or more of the following four public sector bodies: <ul style="list-style-type: none"> <li>- the national meteorological institute,</li> <li>- the Cadastre,</li> <li>- the Chamber of Commerce (or the national holder of the business registers, to the extent that it is a public sector body), and</li> <li>- the national repository for legal information (to the extent that it is a public sector body)?</li> </ul>
Number of points awarded	50 points if the question is answered with a 'yes', with 10 points being deducted for each public sector body (listed above) that has been exempted from application.
Sources relied on	The national law, transposing the PSI Directive as published on: <a href="http://ec.europa.eu/information_society/policy/psi/rules/ms/index_en.htm">http://ec.europa.eu/information_society/policy/psi/rules/ms/index_en.htm</a>
Semantics	Public sector body: as defined in Article 2 of the PSI Directive.

## 2. National re-use policy (5 indicators; 20 points each)

### 2.1 General right of re-use

Indicator Question	Does national law provide for a general obligation for public sector bodies to allow re-use of PSI?
Number of points awarded	20 points, if the question is answered with a 'yes'.
Sources relied on	The national law, transposing the PSI Directive as published on: <a href="http://ec.europa.eu/information_society/policy/psi/rules/ms/index_en.htm">http://ec.europa.eu/information_society/policy/psi/rules/ms/index_en.htm</a>
Semantics	PSI: various definitions listed in Article 2 of the PSI Directive (in conjunction with each other).

## 2.2 Distinction between commercial and non-commercial re-use

Indicator Question	Does national law of the Member State refrain from distinguishing between commercial and non-commercial re-use (or any comparable distinction), either (i) by specifically and explicitly stating that no such distinction is made, or (ii) by not mentioning any such distinctions?
Number of points awarded	20 points, if the question is answered with a 'yes'.
Sources relied on	The national law, transposing the PSI Directive as published on: <a href="http://ec.europa.eu/information_society/policy/psi/rules/ms/index_en.htm">http://ec.europa.eu/information_society/policy/psi/rules/ms/index_en.htm</a>
Semantics	Commercial and non-commercial re-use: referred to in Recital 19 and Article 2 of the PSI Directive.

## 2.3 Redress mechanisms

Indicator Question	Has the Member State implemented a procedure for redress before an independent institution, where a decision of a public sector body denying a request for re-use can be appealed against?
Number of points awarded	20 points, if the question is answered with a 'yes'.
Sources relied on	The national legal framework of PSI law of a Member State, or the existence of websites or annual reports by the redress institution (e.g. OPSI in the UK, and the Office of the Information Commissioner in the Republic of Slovenia).
Semantics	None.

## 2.4 Pro-active publishing of PSI for re-use

Indicator Question	Does national law state a general obligation for public sector bodies to pro-actively (as opposed to 'upon request') publish the PSI for which they allow re-use?
Number of points awarded	20 points, if the question is answered with a 'yes'.
Sources relied on	The national law, transposing the PSI Directive as published on: <a href="http://ec.europa.eu/information_society/policy/psi/rules/ms/index_en.htm">http://ec.europa.eu/information_society/policy/psi/rules/ms/index_en.htm</a>
Semantics	None.

## 2.5 Availability of standard licences

Indicator Question	Is there a national data policy providing for a standard licence (or suite of licenses) that public sector bodies are encouraged to avail themselves of when allowing PSI re-use?
Number of points awarded	20 points, if the question is answered with a 'yes'.
Sources relied on	Policy documents specifying a standard licence or license descriptions that are available on-line. (Examples: the French Licence Ouverte <a href="http://epsiplatform.eu/sites/default/files/Licence-Ouverte-Open-Licence-ENG.pdf">http://epsiplatform.eu/sites/default/files/Licence-Ouverte-Open-Licence-ENG.pdf</a> , the UK Open Government License, or the Italian Open Data License).
Semantics	A standard license: Article 8(2) of the PSI Directive.

## 3. Formats (4 indicators; 2 of 20 and 2 of 30 points)

### 3.1 Endorsement of 'raw' data and open standards

Indicator Question	Does at least one level of government in the Member State promote or endorse the publication of PSI for re-use in the form of 'raw' data in open standards?
Number of points awarded	20 points, if the question is answered with a 'yes'.
Sources relied on	On-line research aimed at finding public websites, ministerial letters or policy documents stating such endorsement.
Semantics	Open standards: in the meaning as defined in the European Interoperability Framework for pan-European eGovernment Services. 'Raw' data: data as collected at the source, unaggregated and uninterpreted (or at least as close to that as is legally and technically possible).

### 3.2 Obligatory 'raw' data and open standards

Indicator Question	Has the Member State adopted a national law creating an obligation for public sector bodies to publish PSI for re-use in the form of 'raw' data in open standards?
Number of points awarded	30 points, if the question is answered with a 'yes'.
Sources relied on	The national legal framework of PSI law of a Member State.
Semantics	Open standards: in the meaning as defined in the European Interoperability Framework for pan-European eGovernment Services. 'Raw' data: data as collected at the source, unaggregated and uninterpreted (or at least as close to that as is legally and technically possible).

### 3.3. Endorsement of ‘Linked Open Data’

Indicator Question	Does the Member State promote or endorse ‘Linked Open Data’?
Number of points awarded	20 points, if the question is answered with a ‘yes’.
Sources relied on	On–line research aimed at finding public websites, government (funded) projects, ministerial letters or policy documents stating such endorsement.
Semantics	Linked Open Data: semantically connected data that is available for re–use without restrictions.

### 3.4. Existence of national or regional data catalogue(s)

Indicator Question	Is there a national or regional data catalogue or data portal available in the Member State providing (pointers to) data sets available for re–use?
Number of points awarded	30 points, if the question is answered with a ‘yes’.
Sources relied on	Data portals providing (pointers to) data sets available for re–use on regional or national level (for example, datos.gob.es, dados.gov.pt or dati.piemonte.it).
Semantics	None.

## 4 Pricing (3 indicators, either 30 or 50 points and 50 points)

### 4.1. Cost–recovery model (cancelled out if 4.2. applies)

Indicator Question	Does the Member State adhere to a PSI–pricing mechanism based on a cost–recovery model?
Number of points awarded	30 points, if the question is answered with a ‘yes’. Cancelled out if 4.2. applies.
Sources relied on	The national law, transposing the PSI Directive as published on: <a href="http://ec.europa.eu/information_society/policy/psi/rules/ms/index_en.htm">http://ec.europa.eu/information_society/policy/psi/rules/ms/index_en.htm</a>
Semantics	Cost recovery as described in Article 6 of the PSI Directive (not exceeding the costs of collection, production, reproduction and dissemination of information, together with a reasonable return on investment).

#### 4.2. Marginal costing model (cancelled out if 4.1. applies)

Indicator Question	Does the Member State adhere to a PSI-pricing mechanism based on a marginal costing model (marginal costs of data provisioning or less / free of charge)?
Number of points awarded	50 points, if the question is answered with 'yes'. Cancelled out if 4.1. applies.
Sources relied on	The national law, transposing the PSI Directive as published on: <a href="http://ec.europa.eu/information_society/policy/psi/rules/ms/index_en.htm">http://ec.europa.eu/information_society/policy/psi/rules/ms/index_en.htm</a>
Semantics	Marginal costs: the increase in costs of making PSI available for re-use for a specific re-use request or re-user.

#### 4.3. No exceptions to marginal costing model

Indicator Question	Does the Member State if it adheres to a marginal costing model for PSI re-use, allow exceptions to the application thereof?
Number of points awarded	50 points, if the question is answered with a 'no'.
Sources relied on	The national law, transposing the PSI Directive as published on: <a href="http://ec.europa.eu/information_society/policy/psi/rules/ms/index_en.htm">http://ec.europa.eu/information_society/policy/psi/rules/ms/index_en.htm</a> , or other national laws pertaining to PSI re-use.
Semantics	

### 5 Exclusive arrangements (3 indicators; 50, 30 and 20 points, respectively)

#### 5.1. Prohibition of exclusive arrangements

Indicator Question	Does legislation adopted in the Member State prohibit PSI holders from granting exclusive rights to re-sell or re-use data to any legal entity?
Number of points awarded	50 points, if the question is answered with a 'yes'.
Sources relied on	The national law, transposing the PSI Directive as published on: <a href="http://ec.europa.eu/information_society/policy/psi/rules/ms/index_en.htm">http://ec.europa.eu/information_society/policy/psi/rules/ms/index_en.htm</a> , or another national law prohibiting such exclusive arrangements.
Semantics	Exclusive arrangement: an exclusive contract as described in Article 11 of the PSI Directive.

## 5.2. Legal action against exclusive arrangements

Indicator Question	Has the Member State or a private party taken legal action against public sector bodies granting exclusive arrangements to third parties, with the aim of ending such arrangements?
Number of points awarded	30 points, if the question is answered with a 'yes'.
Sources relied on	Case law
Semantics	Legal action: a case brought before the courts.

## 5.3. Ending exclusive arrangements

Indicator Question	Has the Member State succeeded in ending at least two exclusive arrangements on the basis of the PSI Directive?
Number of points awarded	20 points if the question is answered with a 'yes'.
Sources relied on	Existing exclusive arrangements as mentioned in the Commission's Exclusive Arrangement studies ( <a href="http://ec.europa.eu/information_society/policy/psi/facilitating_reuse/exclusive_agreements/index_en.htm">http://ec.europa.eu/information_society/policy/psi/facilitating_reuse/exclusive_agreements/index_en.htm</a> ) and/or information from experts within the Member States.
Semantics	Ending an exclusive arrangement can be done at the end of the contract period or by discontinuing the exclusive arrangement before the end of the contract period. Member States have to publicly review exclusive arrangements that are left intact.

## 6 Local and regional PSI availability and open data communities (3 indicators; 40, 40 and 20 points, respectively)

### 6.1. Some local or regional PSI available and community activity

Indicator Question	Are there at least two local or regional governments that publish at least 10 PSI data sets for re-use, and do they have active open data communities in their jurisdiction?
Number of points awarded	40 points, if the question is answered with a 'yes'.
Sources relied on	Local, regional, national data catalogues, local and regional data sets available for re-use; open data community mailing lists, websites or web pages.
Semantics	Open data community: a (locally or regionally oriented) group of re-users, actively promoting PSI re-use, engaging with government.

## 6.2. Moderate local or regional PSI available and community activity

Indicator Question	Are there at least six local or regional governments that publish at least 10 PSI data sets for re-use, and do they have active open data communities in their jurisdiction?
Number of points awarded	40 points, if the question is answered with a 'yes'.
Sources relied on	Local, regional, national data catalogues, local and regional data sets available for re-use; open data community mailing lists, websites or web pages.
Semantics	Open data community: a (locally or regionally oriented) group of re-users, actively promoting PSI re-use, engaging with government.

## 6.3. Considerable local or regional PSI available and community activity

Indicator Question	Are there at least twelve local or regional governments that publish at least 10 PSI data sets for re-use, and do they have active open data communities in their jurisdiction?
Number of points awarded	20 points, if the question is answered with a 'yes'.
Sources relied on	Local, regional, national data catalogues, local and regional data sets available for re-use; open data community mailing lists, websites or web pages.
Semantics	Open data community: a (locally or regionally oriented) group of re-users, actively promoting PSI re-use, engaging with government.

## 7 Events and activities (3 indicators; 50, 25 and 25 points, respectively)

### 7.1. Some national or inter-regional events

Indicator Question	Have there been at least four national or inter-regional events held annually to promote Open Data and PSI re-use (organized by whichever organization or group)?
Number of points awarded	50 points, if the question is answered with a 'yes'.
Sources relied on	Links to online event announcements and event reports.
Semantics	A national or inter-regional event: an event that has a target audience that is either inter-regional or national, and covers a variety of PSI re-use related topics.

### 7.2. A moderate number of national or inter-regional events

Indicator Question	Have there been at least eight national or inter-regional events held annually to promote Open Data and PSI re-use (organized by whichever organization or group)?
Number of points awarded	25 points, if the question is answered with a 'yes'.
Sources relied on	Links to online event announcements and event reports.
Semantics	A national or inter-regional event: an event that has a target audience that is either inter-regional or national, and covers a variety of PSI re-use related topics.

### 7.3. A considerable number of national or inter-regional events

Indicator Question	Have there been at least twelve national or inter-regional events held annually to promote Open Data and PSI re-use (organized by whichever organization or group)?
Number of points awarded	25 points, if the question is answered with a 'yes'.
Sources relied on	Links to online event announcements and event reports.
Semantics	A national or inter-regional event: an event that has a target audience that is either inter-regional or national, and covers a variety of PSI re-use related topics.