

Proposal for a revision of the Public Sector Information (PSI) Directive

Eurelectric amendments

Eurelectric represents the interests of the electricity industry in Europe. Our work covers all major issues affecting our sector. Our members represent the electricity industry in over 30 European countries.

We cover the entire industry from electricity generation and markets to distribution networks and customer issues. We also have affiliates active on several other continents and business associates from a wide variety of sectors with a direct interest in the electricity industry.

We stand for

The vision of the European power sector is to enable and sustain:

- A vibrant competitive European economy, reliably powered by clean, carbon-neutral energy
- A smart, energy efficient and truly sustainable society for all citizens of Europe

We are committed to lead a cost-effective energy transition by:

investing in clean power generation and transition-enabling solutions, to reduce emissions and actively pursue efforts to become carbon-neutral well before mid-century, taking into account different starting points and commercial availability of key transition technologies;

transforming the energy system to make it more responsive, resilient and efficient. This includes increased use of renewable energy, digitalisation, demand side response and reinforcement of grids so they can function as platforms and enablers for customers, cities and communities;

accelerating the energy transition in other economic sectors by offering competitive electricity as a transformation tool for transport, heating and industry;

embedding sustainability in all parts of our value chain and take measures to support the transformation of existing assets towards a zero carbon society;

innovating to discover the cutting-edge business models and develop the breakthrough technologies that are indispensable to allow our industry to lead this transition.

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WG Customers

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Amendment Proposals

Amendment 1

Article 1(1b)

Text proposed by Commission

Amendment proposal by Eurelectric

(1.) This Directive establishes a minimum set of rules governing the re-use and the practical means of facilitating re-use of:

(a) existing documents held by public sector bodies of the Member States;

(b) *existing documents held by public undertakings active in the areas defined in Directive 2014/25/EU of the European Parliament and of the Council⁴⁷ and by public undertakings acting as public service operators pursuant to Article 2 of Regulation (EC) No 1370/2007 of the European Parliament and of the Council⁴⁸, public undertakings acting as air carriers fulfilling public service obligations pursuant to Article 16 of Regulation (EC) No 1008/2008 of the European Parliament and of the Council⁴⁹, and public undertakings acting as Community shipowners fulfilling public service obligations pursuant to Article 4 of Council Regulation (EEC) No 3577/92⁵⁰.*

1.) This Directive establishes a minimum set of rules governing the re-use and the practical means of facilitating re-use of:

(a) existing documents held by public sector bodies of the Member States;

(b) *Delete*

Justification

The Commission's proposal only obliges public undertakings to transfer data regardless of whether these public undertakings are exposed to competition from the private sector or not. This appears inconsistent with the principles of equal treatment and fair competition laid down in the Treaties.

Amendment 2

Article 1(2b)

Text proposed by Commission

Amendment proposal by Eurelectric

This Directive shall not apply to:

(a) ...

(b) documents held by public undertakings, produced outside the scope of the provision of services in the general interest as defined by law or other binding rules in the Member State;

This Directive shall not apply to:

(a) ...

(b) documents held by public undertakings, produced outside the scope of the provision of services in the general interest as defined by law or other binding rules in the Member State **or documents held by public undertakings having industrial or commercial character and documents held by public undertakings active in utility markets exempted from procurement rules under Article 34 of Directive 2014/25/EU;**

Justification

The Commission's proposal only obliges public undertakings to transfer data regardless of whether these public undertakings are exposed to competition from the private sector or not. This appears inconsistent with the principles of equal treatment and fair competition laid down in the Treaties. This is most apparent in the area of energy production, trading and sales, where public undertakings are in direct competition with other, privately-owned undertakings. Such competitive disadvantage should be mitigated by extending the possibility to exclude documents held by specific categories of public undertakings with industrial or commercial character, public undertakings providing essential services (e.g. supplying of electricity, gas, heat, water, providing health care) or public undertakings owned by the companies with shares admitted to trading on a regulated market.

Eurelectric pursues in all its activities the application of the following sustainable development values:

Economic Development

- Growth, added-value, efficiency

Environmental Leadership

- Commitment, innovation, pro-activeness

Social Responsibility

- Transparency, ethics, accountability



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