

## **Forced Change. Museums in the European Union under the new PSI-legislation**

I would like to give a brief talk to You today about a rather complicated topic and a somehow boring one too – but it is of great significance for all Museum in the EU and a very important change in legislation in relation to museums in the European Union,

So all of you who are from museums outside the European Union – You can relax now and learn something about how the European Union its legislation and its bureaucracy actually works.

To all of you inside the EU, this topic should be of great relevance for You as we all do not know yet, where this new legislation will lead to and to what changes it will force us.

The Museums in Germany and all the museum lobby organization like the Deutsche Museumsbund or the German branch of ICOM and if I am well informed all museums lobby organizations in Europe did not realize for a long time what actually happened there in Bruxelles three years ago when the European Parliament was dealing with copyright and public information issues

All our EU member museums are affected by this as long as they are financed by public money.

If You are a company museum and you are not financed predominantly by public money, you can relax now too.

So what is PSI?

PSI means Public sector information. It means all sorts of information that originate in the public sector, in state organizations or the administrations of the EU countries.

Since 2003 a Public Sector Information guideline is in existence in the EU. 2013 the guideline has been altered by the EU parliament. The EU states have to transfer that new directive in to national law until 2015.

The EU itself says:

***The new directive encourages Member States to make much information available for reuse as possible. It addresses material held by public sector bodies in the Member States at national, regional and local levels, such as ministries, state agencies, municipalities, as well as organisations funded for the most part or under the control of public authorities. The Directive covers written texts, databases, audiofiles and film fragments; it does not apply to the educational, scientific and broadcasting sectors.***

That means, libraries, universities and public broadcasting networks are excluded by the directive, but museums are explicitly not!

PSI means that every piece of information that arises from the public sector that means in our case from museums is essentially public and must be published or must be handed over for free, if anyone else wants to get hold on this information.

Until this year, museums were not part of this legislation.

From this year on they will be. The bill has already passed the EU parliament two years ago. The member states have to adopt this legislation now until the end of this year into national law. So what I urge you to do is to look closely what your legislation bodies are doing right now to fulfill those requirements that the EU is asking for.

Why is there a change in the handling of public sector information?

The idea behind all that is: all public sector information is like a huge gold deposit that sits there and can be dug out so to say by private enterprises who will make a business case out of it, create jobs and growth in the EU for the well-being of all of us!

The EU estimates that this resource is more than 32 Billion Euros worth of possible market value.

The shining example is what happened with all the information that the states had about cartography. The big Google maps and Car navigation business that arose in the last ten, fifteen years is mainly based on information that has been collected by public bodies over the last decades.

The idea behind all that is that there is much more public information out there that could be used for application we cannot even think of today. And the idea is that especially museum collection could be one of those deposits that could be exploited for that purpose. And because those collections are public, you will not actually be allowed to charge those who want your information for the use of it –and that is the core problem! It is about copyrights and it is about the work, that museums did for centuries to collect the three-dimensional collective memory of our society.

In Germany we could at least attain that in our national legislation, museums can claim a reasonable copyright for their informations, so third parties will not be able to use information from our collection without paying for it. But we will have to be transparent in explaining why we charge and how much we charge. There must be an obvious correlation between the charge and the capital outlay of the museum to put the information at disposal of a third party. This will I am convinced open up the road for numerous legal proceedings in Germany, where third parties will not accept what museums will charge them.

But this is the national law in Germany, It was not the aim of the EU to allow museums charging third parties for copyright reasons. I suggest you try to find out in your country what will be the case there. The original purpose of the EU was to make all this information copyright free.

In addition originally the EU wanted to compel all museums to hand over the information that is asked for in within 8 weeks to the requester. The information must be digitalized in a common format that can be used by everyone.

Otherwise someone who wants to get the information could have been able to sue you. I can already imagine the hundreds of railway enthusiast who desperately need the detail drawings of an exotic type of firebox of a locomotive for example. If you will not hand over the information in time, they could actually cause You some real problems

At least in national German law, there is no more timeframe like this. But you should have a look in your legislation process what is planned in your country.

My conclusion is: It is already too late to make any fundamental changes in the SPI directive of the EU. Museums in the EU will be affected by this. Museums

could become objects of commercial interests without benefiting themselves from this development.

Nevertheless there might be a time slot left in your countries to alter at least some details that will be national law in within this year. I suggest you try to find out, if You do not know yet, what is planned in your country and what this will mean for your future work.