

Exclusive agreements study: I hope we won't find too many!

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PSI is a raw material which can be re-used by many at the same time. Exclusive agreements limit the re-use of PSI to one or few re-users and the opportunities this can bring to the markets. It distorts fair competition which is central to the operation of the EU markets, and limits innovation, productivity and growth, all of which bring better, cheaper and higher quality products and services to the citizens.

The PSI Directive stipulates that the re-use of PSI shall be open to all potential actors in the market. This means that public sector bodies are not allowed to grant exclusive rights for the re-use of PSI. There may be however exceptions, notably if the existence of such exclusive agreement is a must for re-use itself. In that case the exclusive agreement has to be transparent and made public, and the reasons for granting the exclusive right have to be regularly reviewed, at least every 3 years.

The UK and the Netherlands have taken actions to identify possible exclusive agreements within their public sector bodies. Both assessments have identified the existence of some exclusive agreements and their specific nature. It has been reported that currently remedy measures are being taken by the above mentioned MS to terminate these agreements. Sweden also plans to carry out a similar exercise.

Last June my Unit launched the "Exclusive Agreements Study" in the following countries: Austria, Belgium, Czech Republic, Denmark, France, Germany, Italy, Poland and Spain. These MS represent, together with the UK, NL and SW, more than 80 % of the GDP and more than 75 % of the inhabitants of the EU27. In terms of the market size and its potential it could be assumed that for these countries the study would cover 80 % of the EU25 market. We will investigate the situation in other MS next year. The work already started in Austria, Belgium and Italy, while we are finishing with the administrative procedures for the others.

The main purpose of the study is to investigate the possible existence of exclusive agreements. We want to get this information from both the PSI holders and the re-users. Subsequently we will investigate the nature of these arrangements and will work with the MS to phase them out or make them fully transparent if the exceptions provisions would apply.

You can follow the progress of this activity on our [PSI Website](#). I am also inviting you to let us know if you are aware of any exclusive agreements in your respected countries. I personally hope that the study will not result in too many exclusive agreements as this would mean that the PSI Directive works.