

# Romania: Summary of the public debate on the draft law implementing 2013 PSI directive

Submitted on 31 Mar 2015 by Valentina Pavel

[As reported](#), on Thursday, 26 March 2015, there has been a public debate on the draft law transposing the changes of the PSI directive in Romania. Among the 25 participants, a broad range of stakeholders such as citizens, civil society, public institutions and private companies were present.

The discussions began by highlighting that the draft law merely resumes itself to copy the text of the new directive, however Romania should take this opportunity to make one step further and go beyond the minimum requirements of the directive.

In this sense it was underlined that strong principles for facilitating the re-use of information should be clearly stated. Therefore, with few exceptions, the scope of the law should be to publish and release all available public information in digital format, and where not available in the pre-existing format. Moreover, when public information is published in a digital format, there should not be any costs. Furthermore, the public information available in a digital format must be proactively published, without costs, on the national open data portal.

It was also pointed out that there should be a more comprehensive list of defined terms, such as what is a marginal cost, what is a reasonable profit, what is an archive, what does open, unrestricted and free mean and how do these terms interact. Additional aspects to be better covered are the ones related to licenses, formats, taxes and the destination of the money, as well as harmonizing the text with intellectual property legislation and with the law on access to public information.

Another point raised during the discussions was that someone can ask just for the right to re-use and not for the information itself and the draft text does not take this option into consideration in the current version.

A highly debated issue was that of the redress mechanism. The draft law provides that complaints will be addressed in the administrative court without any intermediary procedure or effective redress option. There were strong arguments in favour of creating a new body, with the appropriate expertise, since going straight to court is not a fast and efficient enough solution for addressing complaints (the medium period for solving a case is 2 and a half years). The possibility of creating a new body should be taken into consideration even more in the context of [Recital 25 of the Directive](#), which suggests the possibility to have a body deciding on how the costs for publication should be calculated. Such a body could also have attributions for handling PSI complaints.

Comments can be made directly online [here](#) and there is a [public discussion group](#) (containing all relevant documents) also available. The document will be available online until 1st of April at 12:00 UTC/GMT +3 hours