

To Deloitte and the European commission

Comments following the Online Focus Group on company and company ownership information for Deloitte Study

The Undersigned thank you for including us into the Online Focus Group on company and company ownership information on 23rd March and 13th May and for sharing your legal mapping with us. Below are some suggestions and considerations to be made when defining the scope of the thematic category as mentioned in the annex I of the PSI III directive.

In the last discussion, the issue of the scope of this thematic category was raised especially regarding the definition of companies and the type of businesses that should be involved.

The view of participating PSI reusers of companies & companies ownership information is that the scope of this category of HVDS should be broad and should include all information that is made available through any type of business register, including enterprises, craftsmen, sole traders, no matter the legal form of the business. Data should encompass as PSI all attributes that are collected and made publicly available to ensure effective business identification and adequate transparency. This would include inter alia all information on sole traders but also on legal representatives, beneficial owners, filing and any other items that are available in the different national business registers which should be made available as high-value datasets.

The scope of the “business information” HVD should be considering all the items that are currently available (free of charge or for a fee) in national registers and other kind of enterprises’ registers existing in a MS, and not the lowest common denominator of common datasets. The aim of the PSI & Open Data Directive is to enlarge the scope of possible items to be re-used, not to restrict it, especially for data which are – by nature – very used for cross-border commercial relationships.

In our opinion “Company” has to be seen as an umbrella term for every kind of organization / economic actor that does business, which means every entity in the meaning of the second paragraph of Article 54 of the Treaty on the Functioning of the European Union. (*“Companies or firms’ means companies or firms constituted under civil or commercial law, including cooperative societies, and other legal persons governed by public or private law, save for those which are non-profit-making.”*). We would recommend to consider the “capacity” argument which already prevails in a number of EU laws (including EU consumer law and e-privacy) and to consider that companies and company information refers to all businesses, including natural persons that act in a professional and business capacity.

Moreover, one should be careful **not to allow restricted terms of use with an open licence**, which would completely restrict the open data principle enshrined in the PSI directive. There is also a need to have **daily updates on all data, including business status and insolvency**, and also a need to get complete information on insolvency such as data starting or filing.

