

**QUICK GUIDE THROUGH THE
DIRECTIVE 2003/98/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
ON THE RE-USE OF PUBLIC SECTOR INFORMATION**

Adopted: 17 November 2003

Published in the Official Journal of the European Union L345/90: 31 December 2003

Addressed: To all Member States

Implementation deadline: 1 July 2005

The directive is built around two key pillars of the internal market:

- transparency and
- fair competition.

It contains rules on the following aspects:

- the procedures to deal with requests for re-use;
- the availability of documents for re-use in all formats and languages in which the information exists; where possible, the material shall be made available by electronic means;
- an upper limit for charging; the upper-limit is based on costs incurred to produce the information, together with a reasonable return on investment; lower charges (or no charges at all) can certainly be applied, and public sector bodies are encouraged to do so; on request, public sector bodies have to indicate the calculation base for the charges;
- transparency of conditions applicable to re-use; charges and other conditions have to be pre-established and published; it also has to be clear where applicants can complain about decisions that affect them;
- an obligation to avoid discrimination between market players in the conditions for re-use;
- a provision to avoid cross-subsidies between the public part and the commercial part of the same public sector body, that re-uses the information;
- a prohibition of exclusive arrangements, with an exception for exclusive rights necessary for the provision of a service in the public interest;
- the availability of standard, on-line licences; in any case, licences should not unnecessarily restrict possibilities for re-use or be used to restrict competition;
- practical tools that make it easier to find the material available for re-use; this could be lists of information assets or portal sites.