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The Directive on the re-use of public sector information provides a common legal framework for a European market for government-held data (public sector information). It is built around two key pillars of the internal market: transparency and fair competition.
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The Directive on the re-use of public sector information (Directive 2003/98/EC, known as the 'PSI Directive') entered into force on 31 December 2003. It focuses on the economic aspects of re-use of information rather than on the access of citizens to information. It encourages the Member States to make as much information available for re-use 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 by or under the control of public authorities (e.g. meteorological institutes). The Directive covers written texts, databases, audio files and film fragments; it does not apply to the educational, scientific, broadcasting and cultural sectors.

- Full text of the Directive here [1].

Summary of the Directive

- Charges for re-use have to be limited at a ceiling calculated on the basis of actual costs. Public sector bodies need to calculate charges per re-user in a way so that the total income from charging does not exceed the costs incurred to produce and disseminate the information, together with a reasonable return on investment.
  Public sector bodies are encouraged to apply lower charges or to apply no charges at all. On request, public sector bodies must indicate the method used to calculate charges.
- Conditions for re-use shall be non-discriminatory for comparable categories of re-use.
- Prohibition of cross-subsidies: If public sector bodies re-use their own documents to offer added-value information services in competition with other re-users, equal charges and other conditions must apply to all of them.
- Prohibition of exclusive arrangements: Public sector bodies may not enter into exclusive arrangements with individual re-users, excluding others. Such exclusive rights may only be authorised in exceptional circumstances if they are necessary to provide services in the public interest.
- Charges and other conditions for re-use have to be pre-established and published. If a request for re-use is refused, the grounds for refusal and the means of redress need to be explained.
- Requests for re-use shall be processed within a specific timeframe (20 days for standard cases).
- Licences should not unnecessarily restrict possibilities for re-use or be used to restrict competition. Member States are encouraged to use standard licences in digital format.

Implementation into national law

Please see our detailed overview [2] of legislation implementing the PSI Directive in each EU Member

State and the countries of the European Economic Area.

Revision of the Directive

In June 2013, a revision of the Directive [3]has been adopted by the Union legislator. Member States now have 2 years to transpose the provisions of the revised Directive into national law. Read more [4]on what will change. A consolidated version of the Directive is available here [5]. Click here [6]for more background on the process of revising the Directive.

In July 2014, the Commission published guidelines [7] to help the Member States transpose the revised rules and to indicate best practice in several fields of importance for the re-use of public sector information.

...and what about the Commission's own documents?

Directives put obligations only on Member States. Therefore the Commission has adopted a separate decision to allow re-use of its own documents - going beyond the rules of the PSI Directive. Read more here [8].

Tags:

European rules [9]
directive on the re-use of psi [10]

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