

## Digital Single Market

# European legislation on re-use of public sector information

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.

The directive on the re-use of public sector information ([Directive 2003/98/EC](#) [1], known as the 'PSI Directive') entered into force on 31 December 2003. It was revised by [Directive 2013/37/EU](#) [2] which entered into force on 17 July 2013.

In 2017, the European Commission has launched a [public online consultation](#) [3] on the Review of the Directive 2013/37/EU, fulfilling the periodic review obligation prescribed by the Directive.

The PSI directive 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). Since 2013 content held by museums, libraries and archives falls within the scope of application as well.

The directive covers written texts, databases, audio files and film fragments; it does not apply to the educational, scientific, and broadcasting sectors.

See the consolidated text of the [revised directive](#) [4] from 2013.

## Summary of the directive

- All content that can be accessed under national access to documents laws is in principle re-usable beyond its initial purpose of collection for commercial and non-commercial purposes; by way of exception, content held by museums, libraries and archives is only re-useable if it is made available by the institutions for re-use;
- Conditions for re-use shall be non-discriminatory for comparable categories of re-use.
- Charges for re-use should in principle be limited to the marginal costs of the individual request (reproduction, provision and dissemination costs);
- Exceptions apply to museums, libraries and archives and to situations in which either the public sector body as such is required to generate revenue to cover a substantial part of the costs relating

to the performance of its public tasks or situations in which such requirement applies to a specific piece of content ('document');

- In such cases, the 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.

- 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.
- 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.  
Two exceptions apply: Exclusive rights may be authorised in exceptional circumstances if they are necessary to provide services in the public interest; or in the context of digitisation of cultural resources.

In both cases, review clauses ensure that exclusive arrangements are regularly reviewed against the evolution of technology and the market for digitisation and provision of electronic services;

- 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.

In July 2014, the Commission published [guidelines](#) [5] 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.

[Read more](#) [6] about the process of revising Directive 2003/98/EC, leading to the adoption of Directive 2013/37/EU, including the results of the stakeholder consultation.

## Implementation into national law

Member States were obliged to transpose Directive 2013/37/EU by 18 July 2015.

Please see our [detailed overview](#) [7] of legislation implementing the PSI Directive in each EU Member State and the countries of the European Economic Area.

## What about the Commission's documents?

The Directive puts obligations only on Member States. Therefore the Commission has adopted a separate decision to allow [re-use of its own documents](#) [8] - going beyond the rules of the PSI Directive.

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Team responsible

[Data Policy and Innovation \(Unit G.1\)](#) [9]

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