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## Digital Single Market

# European legislation on the re-use of public sector information

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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.

The Directive on the re-use of public sector information, also known as the 'PSI Directive' ([Directive 2003/98/EC](#) [2]) entered into force on 31 December 2003. It was revised by the [Directive 2013/37/EU](#) [3], which entered into force on 17 July 2013. You can read the [consolidated text](#) [4] of the 2013 revised Directive, and [more](#) [5] [about the process](#) [6] of the revision.

In 2017, the European Commission launched a [public online consultation](#) [7] on the review of Directive 2013/37/EU, fulfilling the periodic review obligation prescribed by the Directive. Building on the [results of the consultation](#) [8], together with an extensive evaluation of the Directive and an [impact assessment](#), [9] a [proposal for a revision of the Directive](#) [10] was adopted by the European Commission on 25 April 2018. This proposal is now being discussed with the European Parliament and the Council.

The PSI Directive focuses on the economic aspects of the re-use of information rather than on access to information by citizens. 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 and municipalities, as well as organisations funded mostly by or under the control of public authorities (e.g. meteorological institutes).

Since its 2013 revision, content held by museums, libraries and archives also falls within the scope of application of the Directive.

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

# Summary of the Directive

- All content that can be accessed under national laws on access to documents 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 institution itself 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 a requirement applies to a specific piece of content ('document').
- Public sector bodies are encouraged to apply lower charges or 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.
- 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](#) [11] 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.

## Implementation into national law

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

Please see our [detailed overview](#) [12] 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](#) [13] - going beyond the rules of the PSI Directive.

Published:

7 November 2013

Last update:

25 April 2018

Team responsible

[Data Policy and Innovation \(Unit G.1\)](#) [14]

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[8] <https://ec.europa.eu/digital-single-market/news-redirect/621219>

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