I. GENERAL PROVISIONS

STATE EXECUTIVE

7731 *Law No 18/2015, of 9 July 2015, amending Law No 37/2007, of 16 November 2007, on the re-use of public sector information.*

FELIPE VI

KING OF SPAIN

To all those who read and hear this law:

Let it be known: That Parliament has approved and We hereby give Our assent to the following law.

PREAMBLE

The information produced by the Public Administration and public sector bodies is an important resource for the promotion of the knowledge economy. Thus, the re-use and availability of public sector information for private or commercial purposes promotes the flow of information to economic agents and citizens in order to promote economic growth, social engagement and transparency.

In order to promote the availability of public sector information, Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003, on the re-use of public sector information, established a series of minimum standards and uniform criteria for the processing of information that may be re-used by natural or legal persons. That Directive was incorporated into Spanish law through the adoption of Law No 37/2007 of 16 November 2007 on the re-use of public sector information for the basic regulation of the legal system applicable to the re-use of documents produced or kept by the public sector Administration and bodies, its primary focus being the optional authorisation of the re-use of public information, guaranteeing equality of conditions to those requesting such information.

However, since the adoption of the aforementioned Directive over ten years ago, and since the adoption of Law No 37/2007 of 16 November 2007, major changes have taken place both regarding the volume of public information produced, which has increased exponentially, and the advancement of the technologies used to analyse, exploit and process data, which allows the provision of new services and applications for the use, aggregation and combination of data.

Similarly, there is growing awareness in society of the value of public information, and as a result, interest in re-use for commercial and other purposes has increased.

Moreover, regulations have been adopted affecting the interoperability and re-use of information, such as Spanish Royal Decree 4/2010, of 8 January 2010, regulating the National Interoperability Scheme for E-Government, which provides for interoperability as the capacity of information systems to enable the exchange of information.

In addition, Law 19/2013, of 9 December 2013, on transparency, access to public information and good governance, includes the principle of re-use of public information among the general principles of active publicity and of the Transparency Portal.

In this new context, the scope for improving regulation in order to enhance cross-border use of data and the need to overcome the obstacles arising from different regulations adopted by the Member States have highlighted the need to update the system of re-use of public sector information. For this reason, Directive 2013/37/EU of 26 June 2013, of the European Parliament and of the Council is adopted, amending Directive 2003/98/EC on the re-use of public sector information.

The new Directive 2013/37/EU of 26 June 2013, of the European Parliament and of the Council seeks to facilitate the creation of information products and services based on public sector documents, to ensure effective cross-border use of public sector documents by private companies

and citizens, and to promote the free flow of information and communication, ensuring respect for legal certainty, the protection of personal data as well as intellectual and industrial property.

The purpose of this amending Law is to transpose into Spanish law the amendments introduced by Directive 2013/37/EU of 26 June 2013, of the European Parliament and of the Council, on the system of re-use of public sector documents.

First, the Law sets out the provisions of the Directive on the clear obligation for public sector Administrations and bodies to authorise the re-use of documents, with the exception of those to which access is restricted or excluded under national law or that are subject to the exceptions set forth in the Directive. The scope of application has been extended to libraries, including university libraries, museums and archives, given the large volume of information resources they possess and the digitisation projects they carry out.

Second, the Directive has improved the regulation of the formats for making public sector information available, whenever possible and appropriate providing them in open and machine-readable formats along with their metadata, and hence the Law sets out the definitions of machine-readable format, open format, as well as the formal open standard that guarantees interoperability, among others.

Third, in the calculation of the charge system for the re-use of documents the Law has incorporated the marginal cost principle established in the Directive for the calculation of charges. However, it considers exceptions to surpass this threshold. On the one hand, archives, museums and libraries, including university libraries, and on the other hand, centres whose budgetary appropriations depend in part on their ability to generate revenue, a situation which applies to some government agencies whose main asset is information.

The Directive also promotes a transparency regime concerning charges as well as the use of electronic media for publishing them, and extends the means of redress to charges.

Fourth, the Law incorporates the obligation provided for in the Directive to encourage the use of open licences, so that licences for the re-use of public sector information pose the fewest possible restrictions.

Moreover, regarding exclusive arrangements for the re-use of documents, which, in order to foster competition should not be entered into, the Law includes the special regime of exclusive arrangements for a period no greater than ten years, as a general rule, regulated by the Directive for the case of cultural resources, in order to address the peculiarities of the digitalisation of cultural resources in libraries, museums and archives to speed up citizens' access to cultural heritage.

Finally, the Directive sets out the obligation to carry out a triennial report which the Member States shall submit to the European Commission on the extent of the re-use of public sector information, of the conditions governing its availability and of redress practices.

An additional provision is introduced which is justified by the incorporation of the euro banknote printing works of the Spanish Mint (Fábrica Nacional de Moneda y Timbre) into the Bank of Spain, the latter joining the group of national central banks with their own internal printing works. Since by implementation of European Union Law internal printing must come under the control of the Bank of Spain, it also being the case that the Bank of Spain logically acts in this regard as part of the European system of central banks and that both the definition of the legal framework for the production of banknotes and their allocation shall fall exclusively with the Governing Council of the European Central Bank, some of the functions of the Spanish Mint shall become integrated in the European institutional scope, ceasing to be a part of the State public corporate sector.

This is a basic legislative Law pursuant to the provisions of article 149.1.18. of the Spanish Constitution, with the exception of the provisions of the first additional provision.

Single article. *Amendment of Law 37/2007, of 16 November 2007, on the re-use of public sector information.*

Law 37/2007 of 16 November 2007, on the re-use of public sector information, is hereby amended as follows:

One. Article 3 is amended to read as follows:

"Article 3. *Objective scope of application.*

1. Re-use shall be understood as the use of documents kept by the public sector Administration and bodies, individuals or legal entities, for commercial or other purposes,

provided that such use does not constitute a public administrative activity. This concept excludes the exchange of documents between public sector Administrations and bodies in the exercise of the public functions attributed to them.

2. This Law shall apply to the documents produced or kept by public sector Administrations and bodies, whose re-use is not expressly limited by these authorities.

3. This Law shall not apply to the following documents kept by the public sector Administrations and bodies referred to in Article 2:

a) Documents to which the right to access is prohibited or restricted under the provisions of Article 37 of Law 30/1992, of 26 November 1992, on the Legal System applicable to Public Administrations and the Common Administrative Procedure, of Law 19/2013, of 9 December 2013, on Transparency, Access to Public Information and Good Governance and other regulations governing the right to access or the public nature of registers with specific character.

b) In accordance with the specific legislation, documents that deal with national defence, State security, the protection of public security, as well as those obtained by the Tax Administration and the Social Security Administration in the performance of their duties, those subject to statistical secrecy, commercial confidentiality, such as trade, professional or business secrets and, in general, documents related with proceedings subject by regulation to the duty of keeping reserve, secrecy or confidentiality.

c) Documents to which access requires being the holder of a right or legitimate interest.

d) Documents held by public sector Administrations and bodies for purposes other than public service functions, in accordance with the applicable legislation and in particular with the rules established by the public service concerned.

e) Documents covered by intellectual or industrial property rights of third parties.

However, this Law does not affect the existence of intellectual property rights of public sector Administrations and bodies nor their possession by these bodies, and neither does it restrict the exercise of these rights beyond the limits established by the present Law. Intellectual property rights of public sector Administrations and bodies must be exercised in such a way as to facilitate their re-use.

The above provisions shall also apply to documents regarding which libraries, including university libraries, museums and archives are the original holders of the intellectual property rights as creators thereof in accordance with intellectual property legislation, as well as when they are holders because the rights to the work concerned have been transferred to them in accordance with the provisions of the aforementioned legislation, and in this case they shall respect the terms of the transfer.

f) Documents kept by bodies that manage essential sound and television broadcasting services and their subsidiaries.

g) Documents produced or kept by educational and research institutions (including organisations for the transfer of the results of research, schools and universities, with the exception of university libraries) as well as state museums and archives as implementing agents of the Spanish System of Science, Technology and Innovation, provided that they are the result of an investigation.

h) Documents produced or kept by cultural institutions other than libraries, including university libraries, museums and archives.

i) Parts of documents containing only logos, crests and insignias.

j) Documents to which access cannot be gained or whose access is limited by virtue of the access systems on the grounds of personal data protection, pursuant to the current regulations in force and parts of documents accessible by virtue of the aforementioned systems that contain personal data for which re-use has been defined by law as being incompatible with the law concerning the protection of individuals with regard to the processing of personal data.

k) Documents produced by public sector companies and foundations in the exercise of the functions legally assigned to them and those of a commercial, industrial or mercantile nature produced in implementing the corporate purpose laid down in their Deeds.

l) Studies carried out by public sector bodies in collaboration with the private sector, through arrangements or any other type of instrument, as a means of funding them.

4. Under no circumstances may information be re-used in which the weighting referred to in Articles 5.3 and 15 of Law 19/2013, of 9 December 2013, on Transparency, Access to Public Information and Good Governance, yields as a result the prevalence of the fundamental right to personal data protection, unless the data dissociation referred to in Article 15.4 of said law takes place."

Two. Article 4 is amended to read as follows:

"Article 4. *Administrative system for re-use.*

1. The documents of public sector Administrations and bodies shall be re-usable under the terms provided for in this Law.

2. Public sector Administrations and bodies shall ensure that the documents to which this regulation applies may be re-used for commercial or other purposes in accordance with one or more of the following means:

a) Re-use of documents made available to the public without being subject to conditions.

b) Re-use of documents made available to the public subject to conditions established in licence templates.

c) Re-use of documents upon request, in accordance with the procedure set out in Article 10 or, where appropriate, in autonomous community regulations, which may in such cases incorporate conditions established in a licence.

d) Exclusive arrangements in compliance with the procedure set forth in Article 6.

3. The conditions embodied in licences shall fulfil the following criteria:

a) They must be clear, fair and transparent.

b) They must not restrict the possibilities for re-use or limit competition.

c) They must not be discriminatory for comparable categories of re-use.

4. Public sector Administrations and bodies may facilitate licence templates for the re-use of documents, which should be available in digital format and processable by electronic means.

5. Public sector Administrations and bodies shall create document management systems that allow citizens conveniently to retrieve information, available online linked up with management systems provided for citizens by other Administrations. Likewise, they shall provide software tools to enable searching for documents available for re-use, with the relevant metadata in compliance with the provisions of the technical standards for interoperability, accessible, wherever possible and appropriate, online and in machine-readable format.

In particular, the State General Administration will keep a catalogue of re-usable public information, corresponding to at least the scope of the State General Administration and its associated or subordinate public bodies.

To the extent possible, multilingual document searching will be made available.

6. The re-use of documents that contain data of a personal nature shall be governed by the provisions of Spanish Organic Law 15/1999, of 13 December 1999, on personal data protection.

7. Datasets shall be used by users or re-using agents at their own responsibility and risk, and they shall be held exclusively responsible for claims by third parties for damages that may arise from such use.

Administrations and public bodies shall not be held responsible for the use of their information made by re-using agents or for any damages or economic losses that directly or indirectly can or may cause economic or material damage or to data, caused by the use of re-used information.

8. The provision by a public sector body of a document for re-use does not mean it waives the right to its exploitation, nor shall it prevent the amendment of the data stated therein as a consequence of the exercise of the functions or powers of said body.

9. Similarly, there may not be any mention or suggestion that administrative agencies, bodies and entities of the state public sector owning re-used information are involved in, sponsor or support the re-use of information carried out therein."

Three. Article 5 is amended to read as follows:

"Article 5. *Formats available for re-use.*

1. Public sector Administrations and bodies shall promote that the availability of documents for re-use as well as the processing of requests for re-use should be performed by electronic means and via a multi-channel platform when compatible with the technical means at their disposal.

2. Public sector Administrations and bodies shall make their documents available in any existing format or language, but shall, whenever possible and appropriate, also endeavour to provide them in open, machine-readable format in accordance with the provisions of the foregoing paragraph together with their metadata, with the highest levels of accuracy and disaggregation. Insofar as possible, both the format and the metadata should comply with norms and formal open standards. This shall not oblige public sector Administrations and bodies in any way to produce or adapt documents or provide extracts thereof where this would involve disproportionate effort, going beyond a simple operation.

3. On the basis of this Law, public sector Administrations and bodies cannot be required to continue the production and storage of a certain type of documents with a view to their re-use.

4. Without prejudice to the definitions set out in the Annex, the provision of the documents for re-use by electronic means by public sector Administrations and bodies must be carried out in the terms established by the rules governing E-Government, interoperability and open data.

5. Under the provisions of the consolidated text of the General Law on the rights of persons with disabilities and their social inclusion, adopted by Royal Legislative Decree 1/2013, of 29 November 2013, electronic means of providing the documents set forth in paragraph 1 of this article shall be accessible to people with disabilities, in accordance with the existing technical regulations in this field.

In addition, to the extent possible, public sector Administrations and bodies shall adopt the appropriate measures to facilitate the availability of documents intended for people with disabilities in formats that take into account the opportunity for re-use by such persons.

This obligation shall not apply in cases in which such adaptation does not constitute a reasonable adjustment, understood as provided in Article 7 of the consolidated text of the General Law on the rights of persons with disabilities and their social inclusion."

Four. Article 6 is amended to read as follows:

"Article 6. *Ban on exclusive rights.*

1. The re-use of documents shall be open to all potential actors in the market, even if one or more agents already exploit added-value products based on these documents.

Contracts or other arrangements between the public sector bodies holding the documents and third parties shall not grant exclusive rights.

2. Exclusive arrangements may only be signed by public sector bodies granted to third parties when such exclusive rights are required for the provision of a service of public interest. In such a case, the Administration or the relevant public sector body shall carry out a periodic review, at least every three years, in order to determine if the cause that justified the granting of such exclusive arrangement remains. These exclusive arrangements must be transparent and public.

3. Exceptionally, where an exclusive right relates to the digitisation of cultural resources, the period of exclusivity shall in general not exceed 10 years. If that period exceeds 10 years, its duration shall be subject to review during the eleventh year and, if applicable, every seven years thereafter. Such arrangements must also be transparent and made public.

Where there is an exclusive arrangement as set forth in the preceding paragraph, as part of those arrangements the Administration or public sector body concerned shall be provided with a copy of the cultural resources digitised to the same quality and technical characteristics as the original, such as format, resolution, colour range, etc., with their metadata and technical requirements for digitisation established in the relevant national and international standards. This copy shall be available for re-use at the end of the period of exclusivity."

Five. Article 7 is amended to read as follows:

"Article 7. *Charges.*

1. A charge may be applied for the provision of documents for re-use under the conditions set forth in the applicable state regulations or, where appropriate, in the regulations applicable at local or autonomous (regional) level, limited to the marginal costs incurred for their reproduction, provision and dissemination. In the case of electronic official publications that have a recommended retail price, at least the same private cost of the Administration established as the sale price shall apply.

2. The provisions of the preceding paragraph shall not apply to:

a) Public sector bodies required to generate revenue to cover a substantial part of their costs relating to the performance of their public tasks.

b) By way of exception, documents for which the public sector body concerned is required to generate sufficient revenue to cover a substantial part of the costs relating to the collection, production, reproduction and dissemination of documents. These requirements shall be established in advance and published by electronic means wherever possible and appropriate.

c) Libraries, including university libraries, museums and archives.

3. In the cases referred to in a) and b) of paragraph 2, the public sector bodies concerned shall calculate the total charges according to objective, transparent and verifiable criteria to be determined by the appropriate regulation. The total revenue of those bodies from supplying and allowing the re-use of documents over the appropriate accounting period shall not exceed the cost of collection, production, reproduction and dissemination, together with a reasonable return on investment. The charge shall be calculated in line with the accounting principles applicable to the public sector bodies involved and in accordance with the applicable regulations.

4. Where charges are made by the public sector bodies referred to in point c) of paragraph 2, the total income from supplying and allowing the re-use of documents over the appropriate accounting period shall not exceed the cost of collection, production, reproduction, dissemination, preservation and rights clearance, together with a reasonable return on investment. For the purpose of calculating this return on investment, these bodies may consider the prices charged by the private sector for re-using identical or similar documents. Charges shall be calculated in line with the accounting principles applicable to the public sector bodies involved and in accordance with the applicable regulations.

5. Differentiated charges may be applied depending on whether re-use is for commercial or other purposes.

6. Wherever possible and appropriate, public sector Administrations and bodies shall publish by electronic means the charges established for the re-use of documents held by public sector bodies, as well as the conditions applicable and the actual amount thereof, including the calculation basis used.

In all other cases where a charge is applied, the public sector body concerned shall indicate in advance which factors will be taken into account for their calculation. Upon

request, the public sector body concerned shall also indicate the way in which such charges have been calculated in relation to the specific request for re-use.

However, the provisions of the preceding paragraph may not apply in the case of libraries (including university libraries) museums and archives when setting their charges.

7. When the charges required are in the form of a fee, they shall be established and their essential elements regulated in compliance with the provisions of Law 8/1989, of 13 April 1989, on Public Fees and Prices, and other tax regulations."

Six. Article 8 is to read as follows:

"Article 8. *Conditions for re-use.*

The re-use of information of the public sector Administrations and bodies referred to in Article 2 of the present Law may be subject, among others, to the following general terms and conditions:

a) That the content of the information, including its metadata, is not altered.
b) That the meaning of the information is not distorted.
c) That the source is acknowledged.
d) That the date of the latest update is mentioned.
e) When the information contains personal data, the specific purpose or purposes for which future re-use of the data is possible.
f) When despite being provided by a dissociated means the information were to contain sufficient evidence that would enable identifying the interested parties in the process of re-use, the prohibition to reverse the dissociation procedure through the addition of new data obtained from other sources."

Seven. Article 9 is to read as follows:

"Article 9. *Licences.*

1. Public sector Administrations and bodies included within the scope of application of this Law shall promote the use of open licences with the minimum possible restrictions on the re-use of information.

2. In the cases in which a licence is issued, it must reflect at least the information relating to the specific purpose for which re-use is granted, also indicating whether it may be commercial or other, the duration of the licence, the obligations of the beneficiary and the granting body, the responsibilities of use and financial arrangements, indicating that re-use is free of charge or, where applicable, stating the applicable charge."

Eight. Article 10 is amended to read as follows:

"Article 10. *Procedure for processing requests for re-use.*

1. Requests for re-use of administrative documents should be addressed to the competent body, understood as that which holds the documents requested for re-use. Requests should be submitted by natural or legal persons intending to re-use documents in accordance with the provisions of this Law.

However, when the body to which the request is addressed does not possess the information required but is aware of the Administration or agency that does, it shall refer the request to said Administration or agency as soon as possible and notify the applicant.

When this is not possible, it shall directly notify the applicant as to the Administration or public sector agency that, to its knowledge, should be contacted in order to make their request for information.

2. The request should stipulate the content set out in Article 70.1 of Law 30/1992, of 26 November 1992, and identify the document or documents for re-use and specify the purposes of re-use, whether commercial or other. However, when a request is formulated imprecisely, the competent body shall ask the applicant for clarification and shall expressly state that failure to provide such will result in the withdrawal of the request, under the terms

set forth in article 71 of Law 30/1992, of 26 November 1992. The applicant shall clarify their request within ten days of the day following receipt of said instruction. For these purposes, the competent body shall assist the applicant in defining the content of the information requested.

The date from which the limitation period for a decision to be taken on the request for information starts to run shall be deemed suspended for the period between servicing the instruction and its effective compliance by the addressee or, failing that, upon expiry of the period granted, and the applicant shall be notified of the suspension of the time limit for the decision to be taken on the request.

3. Generally speaking, the competent body shall decide upon requests for re-use within a maximum of twenty days of receipt of the request at the registry of the competent body for processing. When the volume and complexity of the information requested renders it impossible to meet this deadline, this period may be extended by a further twenty days. In this case the applicant must be informed of any extension of the deadline and the reasons for it within a maximum period of ten days.

4. Decisions with a positive outcome may either authorise the re-use of documents without conditions or will involve the granting of an appropriate licence for re-use under the relevant conditions imposed by such licence. In any case a positive decision shall entail the provision of the document within the same period provided for in the preceding paragraph.

5. If the decision were wholly or partly to refuse the requested re-use, the applicant shall be notified, offering the reasons for such refusal within the periods referred to in paragraph 3, which must be founded on one or more of the provisions of this Law or on the legal system in force.

6. If a negative decision is on the grounds of the existence of intellectual or industrial property rights held by third parties, the competent body shall include a reference to the individual or legal entity who is the right holder, where known, or alternatively, to the licensor from which the body has obtained the documents. Libraries, including university libraries, museums and archives shall not be required to include such reference.

7. In any case, the decisions adopted shall contain a reference to the means of redress available, should the applicant wish to appeal, under the terms provided in article 58.2 of Law 30/1992 of 26 November 1992.

8. If by the deadline for a decision and notification no express decision has been issued, the applicant shall understand their request to have been refused."

Nine. A third additional provision is introduced to read as follows:

"Third additional provision. *Obligation to Provide Information to the European Commission*

1. The Government shall submit a report every 3 years to the European Commission on the availability of public sector information for re-use including the conditions under which it is made available and the relevant redress practices. This report will be public and shall include a review of the application of Article 7 concerning charges, particularly in regard to the calculation of charges exceeding marginal costs.

2. To fulfil the provisions of the preceding paragraph, issues relating to coordination between the General State Administration, the Administrations of the Autonomous Communities and Entities comprising Local Government and the public bodies set forth in Article 2 shall be subject to regulatory implementation.'

Ten. A fourth additional provision is introduced to read as follows:

"Fourth Additional Provision. *Transfer for Public Re-use of Survey Micro-data from Sociological Research.*

1. The design of research, analysis, or social diagnosis projects to be conducted by the subjects listed in article 2 a), b), c) and d) whenever they involve conducting quantitative surveys in the field of the social sciences involving data collection must incorporate a plan for including survey documentation and anonymous micro-data in a specific Data Bank, created at the Spanish Centre for Sociological Research. This Plan shall be deposited in the

aforementioned Data Bank in the 12 months following the adoption of the project, and anonymised micro-data pertaining to the study must be transferred within four years of the adoption of the project. This period may be extended exceptionally for reasons arising from the development and completion of the project.

2. Notwithstanding the provisions of the preceding paragraph, the following are excluded from such obligation:

a) Surveys conducted by State Agencies, public corporations, state commercial companies, public foundations and entities of Public Law with functional independence or with special autonomy recognised by the Law when they act the private law system.

b) Surveys conducted by the Sociedad Estatal de Participaciones Industriales state industrial holdings company, or any of the companies or foundations of its Group, the National Statistics Institute (INE) and similar bodies of the Autonomous Communities.

c) Surveys that constitute the official statistics included in the corresponding National Statistical Plans and subject to Law 12/1989, of 9 May 1989, on Public Statistical Function, as well as the European statistics offices subject to their specific regulations. However, in this case, the INE shall, as coordinator of the Statistical System of the State Administration, promote the provision of due publicity to the micro-data of these surveys for statistical purposes produced by these organisations.

3. Micro-data shall not be transferred when obtained from administrative data records or when used for surveys that are decisive or essential for the internal strategic policy of the entities that carry them out in the manner established by regulation.

4. Companies, private research teams and individuals or legal entities that also carry out such projects through quantitative surveys in the field of the social sciences involving data collection and that receive public aid or subsidies, provided such public aid and subsidies represent more than 50 % of the funds that finance their research projects, shall also have to present the plan and transfer data in order to obtain aid or subsidies. In the governing regulations of the public aid subsidy system for such projects and their subsequent calls, especially those resulting from the National R&D&I Plan and the National Science Plan, these obligations shall be recorded. However, the same possibility of exclusion regarding these subjects shall apply when the publication of micro-data may cause irreparable competitive harm to its business position in the market.

5. Breach of this obligation by the research teams responsible, especially within the framework of the National Scientific Research, Development and Technological Innovation Plans, shall be cause for exclusion when requesting new public funding, in accordance with the disciplinary procedures set out in the General Law on Subsidies, Law 38/2003 of 17 November 2003."

Eleven. A fifth additional provision is introduced to read as follows:

"Fifth additional provision. *Re-use of documents, archives and collections of private origin.*

In regard to documents, archives and collections of private origin, kept in archives, libraries (including university libraries) and museums, their provision for re-use shall comply with the conditions laid down in the corresponding legal instrument that has given rise to the preservation and custody of these funds in public cultural institutions."

Twelve. The single transitional provision is amended, to read as follows:

"Single transitional provision. *Transitional regime applicable to exclusive arrangements.*

Exclusive arrangements existing on 1 July 2005 that do not qualify for exception under paragraph 6.2 shall be terminated at the end of the contract or in any event not later than 31 December 2008.

Without prejudice to the preceding paragraph, exclusive arrangements existing on 17 July 2013 that do not qualify for the exceptions under paragraphs 6.2 and 6.3 shall be terminated at the end of the contract or in any event not later than 18 July 2043."

Thirteen. An annex is included to read as follows:

"Definitions

For the purposes of this Law the following definitions shall apply:

1. Open data: Data that anyone is free to use, re-use and re-distribute, with the sole limit, where appropriate, of the requirement of citing its source or author recognition.

2. Document: All information or part thereof, whatever the medium or form of expression, whether textual, graphic, audio visual or audiovisual, including associated metadata and data content with the highest levels of accuracy and disaggregation. For these purposes, computer programmes protected by the specific legislation applicable to them shall not be considered documents.

3. Machine-readable format: A file format structured so that software applications can easily identify, recognise and extract specific data, including individual statements of fact, and their internal structure.

4. Open format: A file format that is platform-independent and made available to the public without any restriction that impedes the re-use of documents.

5. Formal open standard: A standard which has been laid down in written form, detailing specifications for the requirements on how to ensure software interoperability.

6. University: Any public sector body that provides post-secondary-school higher education leading to academic degrees."

First Additional Provision. *Budgetary arrangements.*

The measures included in this regulation may not assume an increase in provisions, or remuneration or other personnel costs.

Second additional provision. *Specific arrangements for the personnel of the Fábrica Nacional de Moneda y Timbre (FNMT) Spanish Mint.*

1. Employees of the Fábrica Nacional de Moneda y Timbre at the time of the incorporation of the publicly owned corporation under eighth additional provision of Law 13/1994, of 1 June 1994, on the Autonomy of the Bank of Spain, and who are assigned to this corporation, shall, in the event of a process of collective dismissal on economic, technical, organisational or production grounds, have the right to opt for the appropriate compensation or their incorporation into the Fábrica Nacional de Moneda y Timbre, preserving in this case their seniority and other labour rights to which they may be entitled in view of their job classification.

2. When the Fábrica Nacional de Moneda y Timbre accredits, in the event of a collective dismissal procedure based on economic grounds, that the causes are directly related to the transfer of the production of euro banknotes, the remaining workers at the Fábrica Nacional de Moneda y Timbre at the time of the incorporation of the aforementioned corporation that had not been affiliated to it, shall have the right to opt either for the corresponding compensation or their incorporation into a suitable vacancy in line with their professional qualifications, in the State General Administration or a state public sector entity in this case retaining their seniority and other labour rights to which they may be entitled.

3. The provisions of the preceding paragraph shall also apply to the workers referred to in paragraph 1 of this provision who opt to join the Fábrica Nacional de Moneda y Timbre from the aforementioned corporation.

First final provision. *Amendment of Law 14/2006, of 26 May 2006 on assisted human reproduction techniques.*

A sixth additional provision is added to Law 14/2006, of 26 May 2006, on assisted human reproduction techniques in the following terms:

"Sixth additional provision.

The constitution, organisation and operation of the national activity register and results of assisted reproduction centres and services referred to in Article 22 of this Law may be carried out, via the relevant legal instruments, by scientific entities or companies that can accredit to the Ministry of Health, Social Services and Equality that they possess the necessary experience and ability to implement and maintain a register of such nature ensuring the quality, reliability, confidentiality, scope and organisation of the information as may be required of it by the competent bodies of said Department.

Failure to supply the register with the data pertaining to a particular centre during an annual period shall be treated as serious misconduct under paragraph 2.b).4 of Article 26 of this Law, which will result in the application of sanctions under Article 27 of this legal standard."

Second final provision. *Amendment of Law 27/2013, of 27 December 2013, on the rationalisation and sustainability of the Local Government.*

The seventh transitional provision of Law 27/2013, of 27 December 2013, on the rationalisation and sustainability of the Local Government is amended to read as follows:

"Seventh transitional provision. *Transitional arrangements for state-qualified officials of Local Government.*

1. Pending the entry into force of the Regulation referred to Article 92a of Law No 7/1985 of 2 April 1985 regulating the Bases of Local Government, and in everything which does not oppose the provisions of this Law, the regulatory rules relating to the public servants included in the scope of the aforementioned article shall remain in force.

Until 31 December 2016, unless extended by the corresponding Finance Law, exceptionally, when in Municipalities with a population of less than 20,000 inhabitants a report to the plenary accredits that treasury and collection functions cannot be performed by a state-qualified Local Government officer, whether definitively, provisionally, due to accumulation or pooling, these functions may be exercised by established public servants of the Provincial Council (*Diputación*) or equivalent entities, in accordance with the provisions of Article 36 of Law 7/1985, of 2 April 1985, or when there is proof that this is not possible, by established public servants who provide services at the Local Corporation. In both cases, they must be established public servants and shall be coordinated by group A1 public servants of the Provincial Councils or equivalent bodies.

2. Administrative procedures relating to state-qualified Local Government public servants initiated prior to the entry into force of this Law shall continue to be processed and will be settled in accordance with current regulations at the time of initiation.

3. References to the Scale of state-qualified officials shall be construed as being made to the Scale of state-qualified Local Government public servants."

Third final provision. *Amendment of the regulation of the use of cash and account balances and abandoned deposits.*

Law 33/2003, of 3 November 2003, on the Assets of Public Administrations, is amended in the following sense:

One. Article 18 will now read as follows:

"Article 18. *Abandoned balances and deposits.*

1. Securities, cash and other movable property deposited in the Caja General de Depósitos and credit institutions, securities companies or agencies or any other financial institutions, as well as the balances of current accounts, savings accounts or other similar instruments opened with these establishments, in respect of which no management has

been practised by the stakeholders involving the exercise of their right to property in a period of twenty years shall correspond to the State General Administration.

2. Cash and balances of accounts and savings accounts referred to in the preceding paragraph shall be used to finance programmes to promote improved educational conditions for people with disabilities in the manner provided for in additional provision twenty-one.

3. The management, administration and operation of the remaining assets as illustrated in paragraph 1 of this article shall fall with the Directorate General for State Assets, which may dispose thereof, depending on the nature of the property or law, via the procedure it deems most appropriate, having provided a reasoned justification in the relevant file.

4. The depository institutions shall be required to report the existence of these deposits and balances to the Ministry of Finance in the manner established by order of the Department Minister.

5. Where applicable, the audit reports issued concerning the accounts of these entities shall include the existence of balances and abandoned deposits pursuant to paragraph 1 of this article."

Two. An additional provision is added and reads as follows:

"Twenty-fourth additional provision. *Programme for the Improvement of Educational Conditions of Persons with Disabilities.*

Through the Royal Board on Disability, the State General Administration shall implement a programme to promote improvements in the educational conditions of disabled persons, with special attention to issues related to their professional development and to innovation and research applied to these policies, through direct aid to the beneficiaries.

When granting this aid, subject to the principles of publicity, transparency, competition, objectivity and non-discrimination, special attention will be paid to the needs of the applicants, as well as their suitability to gain the fullest possible benefit in terms of an independent life, social participation and inclusion in the community.

Cash and balances of current accounts, savings accounts and other cash deposits referred to in Article 18(2) of this Law shall apply to a specific item of the State Budget Revenue, and may generate credit, in accordance with the provisions of the Budget Law, the Ministry of Health, Social Services and Equality destined for the Royal Board on Disability to fund the implementation of the Programme for the Improvement of Educational Conditions of Persons with Disabilities."

Fourth final provision. *Competences.*

This is a basic legislative law pursuant to the provisions of Article 149.1.18.a of the Spanish Constitution which grants the State the power to issue the bases of the legal system of Public Administrations, barring the first additional provision.

Fifth final provision. *Inclusion of European Union law*

Through this Law, Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information is incorporated into Spanish Law.

Sixth final provision. *Regulatory development.*

The Government shall, in the scope of its powers, issue as many provisions as may be required for the implementation and development of the contents of this Law, taking into account the guidelines that the European Commission may formulate, especially with regard to the recommended licence templates, data sets, and charging for the re-use of documents.

A deadline is set of one year from the time this standard enters into force to adapt the previous implementing provisions of Law 37/2007, of 16 November 2007, on the re-use of public sector information hereto.

Seventh final disposition. *Effective date.*

This Law shall enter into force on the day following its publication in the 'Official State Bulletin'.

Therefore,

I order all Spaniards, individuals and authorities, to abide by and ensure observance of this law.

Madrid, 9 July 2015.

FELIPE R.

The President of the Government,

MARIANO RAJOY BREY