

# Re-use of public sector information. Recast

2018/0111(COD) - 04/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 560 votes to 34, with 25 abstentions, a legislative resolution on the proposal for a directive of the European Parliament and of the Council on the re-use of public sector information (recast).

The European Parliament's position adopted at first reading under the ordinary legislative procedure amended the Commission proposal as follows:

## *Subject matter*

In order to promote the use of open data and stimulate innovation in products and services, this Directive establishes a set of minimum rules governing the re-use and the practical arrangements for facilitating re-use of: (i) existing documents held by public sector bodies of the Member States; (ii) existing documents held by public undertakings; (iii) research data.

The Directive shall be based on the general principle that Member States shall ensure that the documents to which the Directive applies are reusable for commercial or non-commercial purposes.

This Directive does not apply to documents:

- related to activities directly exposed to competition and therefore, pursuant to Article 34 of [Directive 2014/25/EU](#), not subject to procurement rules;
- on the protection of national security (that is to say, State security), defence, or public security;
- access to which is excluded or restricted on the grounds of sensitive critical infrastructure protection related information;
- which contain personal data the re-use of which has been defined by law as being incompatible with the law concerning the protection of individuals with regard to the processing of personal data or as undermining the protection of privacy and the integrity of the individual, in particular in accordance with Union or national law regarding the protection of personal data.

## *Processing of requests for re-use*

Member States shall establish practical arrangements to facilitate effective re-use of documents. Those arrangements may in particular include the means to supply adequate information on the rights provided for in this Directive and to offer relevant assistance and guidance.

## *Open data*

Since the amended Directive also promotes the use of open data (data presented in open formats that can be freely used and shared for any purpose), the notion of open data has been added to its title to reflect this fact.

Public sector bodies and public undertakings shall make their documents available in any pre-existing format or language and, where possible and appropriate, by electronic means, in formats that are open, machine-readable, accessible, findable and re-usable, together with their metadata.

Member States shall encourage public sector bodies and public undertakings to produce and make available documents falling within the scope of this Directive in accordance with the principle of "open by design and by default".

### ***Research data***

Member States shall support the availability of research data by adopting national policies and relevant actions aiming at making publicly funded research data openly available ('open access policies'), following the principle of "open by default" and compatible with the FAIR principles.

In that context, concerns relating to intellectual property rights, personal data protection and confidentiality, security and legitimate commercial interests, shall be taken into account in accordance with the principle of "as open as possible, as closed as necessary"

### ***High value datasets***

The amended text introduces the notion of high-value datasets to be made available free of charge through application programming interfaces (APIs). It provides, in Annex I, a list of six main categories of high-value datasets: (i) geospatial, (ii) earth observation and environment, (iii) meteorological, (iv) statistics, (v) companies and company ownership, and (vi) mobility.

The Commission may adopt delegated acts to amend Annex I by adding new thematic categories of high value datasets to reflect technological and market developments.

It shall also adopt implementing acts establishing a list of specific high-value datasets falling within the categories set out in Annex I and held by public sector bodies and public undertakings among the documents to which the Directive applies. Those implementing acts may specify the arrangements for the publication and re-use of high-value datasets. Such arrangements shall be compatible with open standard licences.

In order to identify such high-value datasets, the Commission shall carry out appropriate consultations, including at expert level, carry out an impact assessment and ensure complementarity with existing legal acts with regard to the re-use of documents.

### ***Charging***

The re-use of documents shall be free of charge. However, the recovery of the marginal costs incurred for the reproduction, provision and dissemination of documents as well as for anonymisation of personal data and measures taken to protect commercially confidential information may be allowed.