Information market: re-use and commercial exploitation of public sector documents. 'PSI Directive'

2002/0123(COD) - 17/11/2003 - Final act

PURPOSE : to establish a minimum set of rules governing the re-use and the practical means of facilitating re-use of existing documents held by public sector bodies of the Member States. LEGISLATIVE ACT : Directive 2003/98/EC of the European Parliament and of the Council on the re-use of public sector information. CONTENT : the Council approved the amendments proposed by the European Parliament at second reading with a view to the adoption of a Directive with a view to the adoption of a Directive on the re-use of public sector information. This Directive shall not apply to : - documents the supply of which is an activity falling outside the scope of the public task of the public sector bodies concerned as defined by law or by other binding rules in the Member State, or in the absence of such rules as defined in line with common administrative practice in the Member State in question; - documents for which third parties hold intellectual property rights; - documents which are excluded from access by virtue of the access regimes in the Member States, including on the grounds of: - the protection of national security (i.e. State security), defence, or public security; - statistical or commercial confidentiality; - documents held by public service broadcasters and their subsidiaries, and by other bodies or their subsidiaries for the fulfilment of a public service broadcasting remit; - documents held by educational and research establishments, such as schools, universities, archives, libraries and research facilities including, where relevant, organisations established for the transfer of research results; - documents held by cultural establishments, such as museums, libraries, archives, orchestras, operas, ballets and theatres. This Directive builds on and is without prejudice to the existing access regimes in the Member States. This Directive shall not apply in cases in which citizens or companies have to prove a particular interest under the access regime to obtain access to the documents. This Directive leaves intact and in no way affects the level of protection of individuals with regard to the processing of personal data under the provisions of Community and national law, and in particular does not alter the obligations and rights set out in Directive 95/46/EC. The obligations imposed by this Directive shall apply only insofar as they are compatible with the provisions of international agreements on the protection of intellectual property rights, in particular the Berne Convention and the TRIPS Agreement. It should also be noted that Member States shall ensure that, where the re-use of documents held by public sector bodies is allowed, these documents shall be re-usable for commercial or non-commercial purposes. Where possible, documents shall be made available through electronic means. ENTRY INTO FORCE : 31/12/2003. IMPLEMENTATION : 01/07/2005.