

European legislation on open data

The Directive on open data and the re-use of public sector information provides common rules for a European market for government-held data (public sector information).



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The Directive on open data and the re-use of public sector information, also known as the 'Open Data Directive' (Directive (EU) 2019/1024) entered into force on 16 July 2019. It replaces the Public Sector Information Directive, also known as the 'PSI Directive' (Directive 2003/98/EC) which dated from 2003 and was subsequently amended by the Directive 2013/37/EU.

The review process that led to the adoption of the Open Data Directive was launched in 2017, when the European Commission opened a public online consultation on the review of Directive 2013/37/EU, fulfilling the periodic review obligation prescribed by the Directive. Building on the results of the consultation, together with an extensive evaluation of the Directive and an impact assessment, a proposal for a revision of the Directive was adopted by the European Commission on 25 April 2018. On 22 January 2019, negotiators from the European Parliament, the Council of the EU and the Commission reached an agreement on the revision proposed by the Commission. When adopted in June 2019, the Directive was renamed as the Open Data and Public Sector Information Directive and will make public sector and publicly funded data re-usable.

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 reuse 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 Open Data Directive

The Directive is built around two key pillars of the internal market: transparency and fair competition.

Once fully transposed on the national level, the new rules will:

- stimulate the publishing of dynamic data and the uptake of Application Programme Interfaces (APIs).
- limit the exceptions which currently allow public bodies to charge more than the marginal costs of dissemination for the re-use of their data.
- enlarge the scope of the Directive to:
 - data held by public undertakings, under a specific set of rules. In principle, the Directive will only apply to data which the undertakings make available for re-use. Charges for the re-use of such data can be above marginal costs for dissemination;
 - research data resulting from public funding – Member States will be asked to develop policies for open access to publicly funded research data. New rules will also facilitate the re-usability of research data that is already contained in open repositories.
- strengthen the transparency requirements for public-private agreements involving public sector information, avoiding exclusive arrangements.

In addition, the Open Data Directive requires the adoption by the Commission (via a future implementing act) of a list of high-value datasets to be provided free of charge. These datasets, to be identified within a thematic range described in the Annex to the Directive, have a high commercial potential and can speed up the emergence of value-added EU-wide information products. They will also serve as key data sources for the development of Artificial Intelligence.

Implementation into national law

Member States have to transpose Directive (EU) 2019/1024 by 16 July 2021.

Please see our detailed overview of legislation implementing the former 'PSI Directive' in each EU Member State and the countries of the European Economic Area.

Towards a list of High-Value datasets

The Directive introduces the concept of high value datasets, defined as documents the re-use of which is associated with important benefits for the society and economy. They are subject to a separate set of rules ensuring their availability free of charge, in machine readable formats, provided via Application Programming Interfaces (APIs) and, where relevant, as bulk download. The thematic scope of high value datasets is provided in an Annex to the Directive.

The thematic categories of high-value datasets, as referred to in Article 13(1) of the Directive, are:

1. geospatial
2. earth observation and environment
3. meteorological
4. statistics
5. companies and company ownership

6. mobility

Within these limits, and with the assistance of a Committee on open data and the re-use of public sector information composed of Member States representatives, the Commission will adopt in 2021 a list of specific high value datasets by way of an implementing act, following an impact assessment.

More information about the Committee on open data and the re-use of public sector information (Code: C51600) is available in the Comitology Register.

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 - going beyond the rules of the former 'PSI Directive'.

Read about the Revision of the PSI Directive

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