



Open data

In the EU, the public sector is one of the most data intensive in terms of the amount of data that it generates, collects and pays for. Examples include weather data, geographical information, statistics, publicly funded research project data and digitised library books. 'Open' public data refers to public sector information (PSI) that is accessible and reusable, preferably without restrictions.

Allowing public sector data to be reused for other purposes, including commercial ones, can:

- foster economic growth and innovation through the development of new products and services;
- help address societal challenges through innovative solutions, such as in healthcare and transport;
- enhance evidence-based policymaking and boost efficiency in public administrations;
- become a vital asset for developing new technologies like artificial intelligence (AI), which requires the processing of vast amounts of high-quality data;
- foster citizen participation in political and social life, and increase government transparency.

The current [Directive on open data and the re-use of public sector information](https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1561563110433&uri=CELEX%3A32019L1024) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1561563110433&uri=CELEX%3A32019L1024>), also known as the Open Data Directive, entered into force on 16 July 2019, replacing the 2003 PSI Directive. It builds on two key strands of the internal market: transparency and fair competition.

EU countries were required to transpose the Open Data Directive by 16 July 2021. The national transposition measures communicated by the Member States are available [here](https://eur-lex.europa.eu/legal-content/EN/NIM/?uri=uriserv%3A0J.L_2019.172.01.0056.01.ENG) (https://eur-lex.europa.eu/legal-content/EN/NIM/?uri=uriserv%3A0J.L_2019.172.01.0056.01.ENG).

Under these rules:

- Public sector data that is accessible under national freedom of information laws is in principle available for reuse. Public sector bodies should not charge more than the marginal cost for the reuse of their data, except in very limited cases. This allows more SMEs and startups to enter new markets by developing data-based products and services.
- A particular focus is placed on high-value datasets, the reuse of which offers significant benefits for society and the economy. These datasets must be available free of charge, in machine-readable formats, and through APIs and bulk download. Within the limits of the thematic scope set out in annex to the Directive, and with the assistance of [a Committee composed of representatives of EU countries](https://ec.europa.eu/transparency/comitology-register/screen/committees/C51600/consult?lang=en) (<https://ec.europa.eu/transparency/comitology-register/screen/committees/C51600/consult?lang=en>), the Commission adopted [a list of specific high-value datasets](https://digital-strategy.ec.europa.eu/en/news/commission-defines-high-value-datasets-be-made-available-re-use) (<https://digital-strategy.ec.europa.eu/en/news/commission-defines-high-value-datasets-be-made-available-re-use>).
- More real-time data, available via APIs, can allow companies, especially startups, to create innovative products and services, like mobility apps.
- Public undertakings in the transport and utilities sectors generate valuable data when providing services in the general interest. When they make available such data, they must adhere to the principles of transparency, non-discrimination and non-exclusivity and use suitable data formats and dissemination methods. They can still set reasonable charges to recover the costs of producing the data and of making it available for reuse.
- Some public bodies engage in complex data agreements with private firms, which can lead to the 'lock in' of public sector information by a few private partners. The Directive includes safeguards to reinforce transparency and limit such agreements.
- The Directive also covers publicly funded research data: EU countries must develop open access policies for such data, ensuring harmonised rules for its reuse when made accessible via repositories.

The Commission leads by example, with a solid [legal framework](https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ%3AL%3A2011%3A330%3A0039%3A0042%3AEN%3APDF) (<https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ%3AL%3A2011%3A330%3A0039%3A0042%3AEN%3APDF>) for the reuse of its own data, complemented by the EU-funded [official portal for European data](https://data.europa.eu/en) (<https://data.europa.eu/en>). Datasets from EU Member States and EU institutions and agencies are available on the portal, as well as training material on open data reuse and a database of research studies and success stories.

Background

In 2003, the European Commission set up a [legal framework](http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32003L0098) (<http://eur-lex.europa.eu/legal-content/en/ALL/?uri=CELEX%3A32003L0098>) for the reuse of public sector information (PSI), which was later revised by [Directive 2013/37/EU](#)

(<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32013L0037>). The study supporting the [impact assessment](https://digital-strategy.ec.europa.eu/en/library/impact-assessment-support-study-revision-public-sector-information-directive) (<https://digital-strategy.ec.europa.eu/en/library/impact-assessment-support-study-revision-public-sector-information-directive>) for the review of the 2003 Directive projects the total direct economic value of PSI to rise from €52 billion in 2018 (EU27 and UK) to €194 billion in 2030.

The Directive focuses on the economic aspects of information reuse, while the question of what information should be made public is mostly addressed on the Member State level in freedom of information laws. In 2014 the Commission published '[Guidelines on recommended standard licences, datasets and charging for the re-use of documents](https://digital-strategy.ec.europa.eu/en/library/commission-notice-guidelines-recommended-standard-licences-datasets-and-charging-re-use-documents)' (<https://digital-strategy.ec.europa.eu/en/library/commission-notice-guidelines-recommended-standard-licences-datasets-and-charging-re-use-documents>) to make it easier for public sector data holders to apply the Directive in their daily practice.

The Commission performed a review of the PSI Directive, informed by a public consultation, an extensive evaluation of the PSI Directive and an impact assessment. The current [Directive](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L1024) (<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32019L1024>) on open data and the reuse of PSI, adopted and published on 20 June 2019, is the result of this process.

The key changes as compared to the PSI Directive focused on:

- reducing market entry barriers, especially for SMEs, by limiting the exceptions that allow public bodies to charge more than marginal dissemination costs for the reuse of their data;
- increasing data availability by including new types of public and publicly funded data within the Directive's scope. This includes data held by public undertakings in the utilities and transport sectors as well as publicly funded research data;
- minimising the risk of excessive first-mover advantage, which favours large companies and limits potential data reusers, by requiring a transparent process for public-private data arrangements;
- boosting business opportunities by promoting dynamic data dissemination via APIs.

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