Open Data policy and legislation in the EU: latest developments

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Public sector and publicly funded data

Private sector data

Research data

Directive on open data and the re-use of public sector information

Guidance on sharing private sector data in the European data economy (B2B & B2G)

Updated Recommendation on access to and preservation of scientific information

2018 DATA PACKAGE

Different policy instruments for different types of data

#dataeconomy #opendata #B2Gdatasharing

European Commission

The new directive on 'Open Data and the re-use of public sector information' (I)

The new Directive is a <u>recast</u>: it brings together the original Directive 2003/98/EC and all the amendments made to it, in a single legal act. It introduces the following key changes:

- **List of High Value Datasets** (free of charge, disseminated in machine readable formats through APIs) <u>to be laid down in an implementing act</u>, within a thematic range indicated in an Annex (which can be extended via delegated act)

- **New rules on charging:** <u>free re-use becomes a principle</u>, with narrowly defined exceptions (and stronger transparency, e.g.: list of all public bodies that charge above marginal costs of dissemination to be made public)

- **Extension of scope:**

  a) <u>Re-use of data held by public undertakings</u> in utilities and transport sector will now comply with the principles of transparency, non-discrimination and non-exclusivity set out in the Directive (unless exempted from public procurement rules under article 34 of the Procurement Directive)

  a) <u>Re-use of publicly-funded research data</u> will also be governed by the rules of the Directive (if data already accessible via repositories). MS under obligation to adopt open access policies to support availability of research data.

The new directive on 'Open Data and the re-use of public sector information' (II)

- **Prevention of data lock-in:** Directive imposes new <u>transparency and review requirements</u> to public-private agreements which may lead to a situation in which the range of potential re-users would be severely restricted

- **Real-time data and APIs:** obligation on public sector bodies and public undertakings to make <u>dynamic data available for re-use immediately after collection</u>, via suitable Application Programming Interfaces (APIs) and where relevant as a bulk download

- **Licensing:** to promote openness, the re-use of documents shall not be subject to any conditions, unless justified by public interest

- **Practical arrangements to facilitate re-use:** Member States shall encourage the availability of documents according to the principle of 'open by design and by default', facilitate metadata aggregation at Union level, promote data preservation and simplify access to documents

- **New title:** The Directive will now be entitled '**<u>Directive on Open Data and the re-use of public sector information</u>**' to reflect the shift towards a fully free/open re-use. It will be adopted on April 2019.

Thematic categories of high value datasets

Geospatial

Earth observation and environment

Meteorological

Statistics

Companies and company ownership

Mobility

An **Implementing Regulation** will define the list of specific high-value data sets within the 6 thematic categories set out in Annex I and held by public sector bodies and public undertakings among the documents to which the Directive applies

Examples in recital 66:

"the thematic categories listed in the Annex could inter alia cover **postcodes**, **national and local maps** (Geospatial), **energy consumption** and **satellite images** (Earth observation and environment), **in situ data from instruments and weather forecasts** (Meteorological), **demographic and economic indicators** (Statistics), **business registers and registration identifiers** (Companies and company ownership), **road signs and inland waterways** (Mobility)."

Impact Assessment + consultation to be conducted next year.

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Supporting activities

- **Open Data digital infrastructure: European Data Portal and EU Open Data Portal**

- **Connected Europe Facility (CEF)**: actions funded from the 2019-2020 Work Programme will improve the availability for re-use of existing open data falling into the high-value datasets categories, paving the way to more targeted actions funded under the Digital Europe Programme as of 2021, focusing on the actual datasets

- **Digital Europe Programme (DEP)**: Specific Objective 2 'Data for Artificial Intelligence (AI)' will strengthen core AI capacities in Europe, including data resources. Calls will focus on, inter alia, making specific datasets interoperable and fit for AI applications. Activities could cover, for example:
  - **curation;**
  - **semantic annotation;**
  - **harmonisation of metadata;**
  - **facilitating publication in machine-readable formats and accessibility through APIs.**

European Commission

CEF: Public Open Data - Access to re-usable PSI

The overall objective of the DSI is to help boost the development of information products and services based on the re-use and combination of data held by public and commercial actors across the EU:
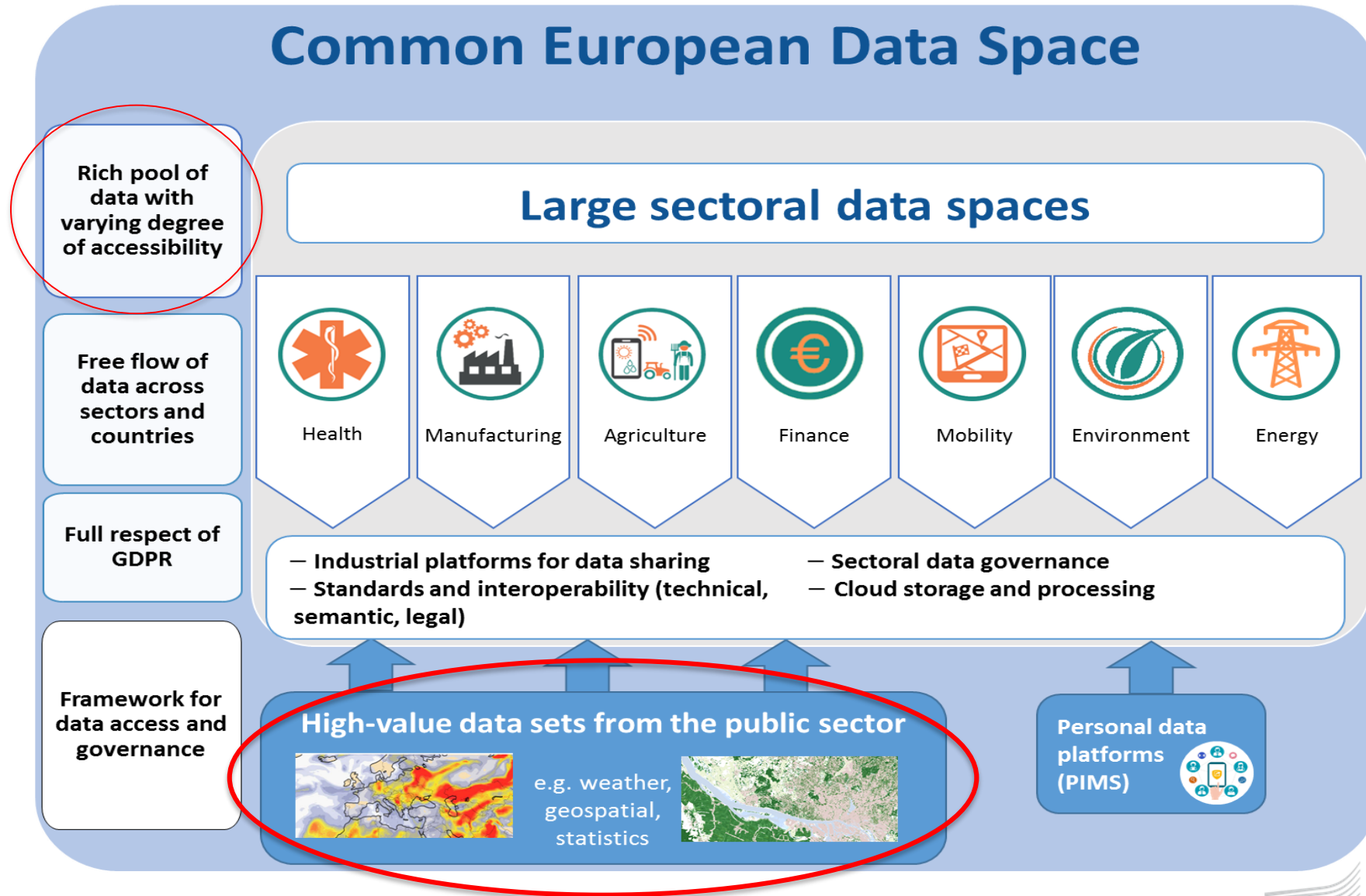
- Harmonisation in terms of data content
- Deployment of PSI-based innovative services
- Focus on High Value Datasets

Calls for 2019 and 2020

- Budget: 5 M€ in 2019 – slightly less in 2020
- Co-funding rate: up to 75% of eligible costs
- Indicative duration of the actions: up to 36 months
- 2029 Call closes on 14 November

European Commission

Where we want to be:

Common European Data Space

Rich pool of data with varying degree of accessibility

Free flow of data across sectors and countries

Full respect of GDPR

Framework for data access and governance

Large sectoral data spaces

Health | Manufacturing | Agriculture | Finance | Mobility | Environment | Energy

— Industrial platforms for data sharing
— Standards and interoperability (technical, semantic, legal)

— Sectoral data governance
— Cloud storage and processing

High-value data sets from the public sector

e.g. weather, geospatial, statistics

Personal data platforms (PIMS)

European Commission

Thank you!

http://www.europeandataportal.eu/

http://data.europa.eu/euodp/en/home

http://ec.europa.eu/digital-single-market/en/open-data

European Commission