

Directive 2003/98/EC of the European Parliament and of the Council
of 17 November 2003 on the re-use of public sector information

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter and scope

1 This Directive establishes 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.

2 This Directive shall not apply to:

[^{F1}a 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, provided that the scope of the public tasks is transparent and subject to review;]

b documents for which third parties hold intellectual property rights;

[^{F1}c 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 confidentiality,

— commercial confidentiality (e.g. business, professional or company secrets);]

[^{F2}ca documents access to which is restricted by virtue of the access regimes in the Member States, including cases whereby citizens or companies have to prove a particular interest to obtain access to documents;

cb parts of documents containing only logos, crests and insignia;

cc documents access to which is excluded or restricted by virtue of the access regimes on the grounds of protection of personal data, and parts of documents accessible by virtue of those regimes 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;]

d 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;

[^{F1}e documents held by educational and research establishments, including organisations established for the transfer of research results, schools and universities, except university libraries and]

[^{F1}f documents held by cultural establishments other than libraries, museums and archives.]

[^{F13} This Directive builds on and is without prejudice to access regimes in the Member States.]

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

4 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 [F1Union] and national law, and in particular does not alter the obligations and rights set out in Directive 95/46/EC.

5 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.

Textual Amendments

- F1** Substituted by [Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information \(Text with EEA relevance\)](#).
- F2** Inserted by [Directive 2013/37/EU of the European Parliament and of the Council of 26 June 2013 amending Directive 2003/98/EC on the re-use of public sector information \(Text with EEA relevance\)](#).