

Legal basis of EU document handling I: Copyright

Training Seminar for European Documentation Centres
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ec.europa.eu/jrc

The Central IP Service

The JRC hosts the Central IP Service (CIPS), which is responsible for:

Management of the European Commission IP rights;

Provision of legal advice to European Commission services;

Raising staff awareness on the importance of proper handling of IP assets.

Objective of this session



Provide information on the rules governing the dissemination of documents produced by the EU.

"Question-question-mark-response"
Peggy Marco (CC0)

About copyright...

If I credit the author, I can freely use the work without the need for a prior authorisation.

If I am not using the work for commercial purposes, I can freely use it.

Since I work at a public institution, I can freely use images, videos or music.

Someone else has created it, so I can use it freely.

I won't get caught. No one will ever know the difference.

**Some of the
most
common
myths**

What is Copyright?

Intellectual property right (IPR) granting a **bundle of exclusive rights** to authors of original works.

Automatic right: no formalities for protection.

Territorial (despite some EU harmonisation on the rules).

Limited: generally, 70 years after the death of the author.

Are Public administration Documents subject to copyright?

YES!

And this can even include legislation and court decisions!

Excludes
official
acts



Crown
Copyright



*"It shall be a matter for legislation in the countries (...) to determine the protection to be granted to **official texts of a legislative, administrative and legal nature, and to official translations of such texts**" (2(4) Berne Convention)*

In EU Member States, Public Documents can be protected, but they are (normally) reusable...

The PSI Directive lays down a clear obligation for Member States to make public documents **reusable** (i.e. allow their use, for commercial or non-commercial purposes, other than the ones for which they were produced).

WHY?

SOURCE OF POTENTIAL GROWTH



OPENNESS



AVOID ADMINISTRATIVE BURDENS



What about EU documents?

There is no legal provision at the EU level which stipulates that legal texts (e.g. regulations and directives) are deprived of copyright protection.

In most cases, **REPRODUCTION of documents (whose copyright is owned by the EU) is allowed** (including legal texts) as long as the source is acknowledged...

But there is **no overarching policy on the reuse of documents at the European Union**. The reuse possibilities vary according to different Institutions, Bodies and Agencies.

European Commission Reuse Decision

Commission Decision of 12 December 2011 on the reuse of
Commission documents (2011/833/EU)

A thick blue arrow that starts from the bottom left of the first box and points towards the second box.

Limited to data and documents held by the
Commission or on its behalf!

European Commission Reuse Decision: scope

Applies to **(public) documents** produced by the Commission or by entities on its behalf.

Includes (unpublished) documents "which have not been published for economic or other practical reasons".



Excludes:

- Software;
- Documents covered by industrial property rights;
- Documents subject to third parties' rights;
- Confidential documents.

European Commission Reuse Decision: principles

As a default rule, all Commission documents within the scope of the decision are available for reuse:

Without distinction between commercial or non-commercial uses;

Without charge;

Without the need to make an individual application;

European Commission

Reuse Decision: conditions

The permission is not absolute. Reuse "in a manner calculated to deceive or to defraud" is excluded.

Reuse can also be subject to conditions (pre-established and published) that do not unnecessarily restrict it. E.g.:

Acknowledgement of the source;

No distortion;

Non-liability of the Commission.

European Council

(Presently), no unified reuse policy for Council documents...

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REPRODUCTION is authorised, provided the **source is acknowledged, unless otherwise stated**. Where prior permission must be obtained for the reproduction or use of textual and multimedia information (sound, images, software, etc.), such permission shall cancel the abovementioned general permission and indicate clearly any restrictions on use.

European Parliament

(Presently), no unified reuse policy for EP documents...

(...) **the REUSE (reproduction or use)** of textual data and multimedia items which are the property of the European Union (...) and for which the European Union holds the rights of use, **is authorised** (...) **provided that the entire item is reproduced and the source is acknowledged.** (...) the reuse of certain data may be subject to different conditions (...); in this case, the item (...) is accompanied by a mention of the specific conditions (...).

Any **PARTIAL REPRODUCTION** of data or multimedia items from this website must also cite the URL link of the complete item or the web page from which it was sourced.

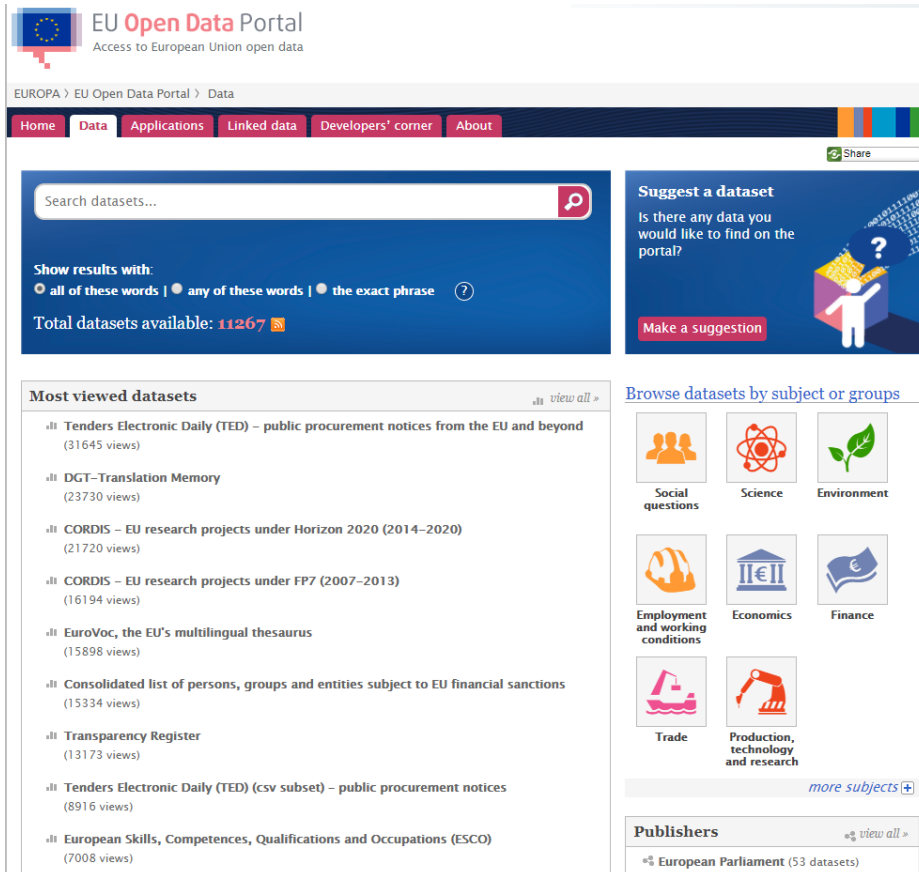


The Publications Office

The Publications Office of the European Union is an interinstitutional office whose task is to publish and manage the publications of the EU institutions.

It manages a range of websites providing EU citizens, governments and businesses with digital access to official information and data from the EU, including EUR-Lex, the EU Open Data Portal and the EU Bookshop.

a) EU Open Data Portal



The screenshot shows the EU Open Data Portal interface. At the top, there's a navigation bar with links: Home, Data, Applications, Linked data, Developers' corner, and About. Below this is a search bar with the text "Search datasets..." and a magnifying glass icon. To the right of the search bar is a "Suggest a dataset" section with the text "Is there any data you would like to find on the portal?" and a "Make a suggestion" button. Below the search bar, it says "Show results with:" followed by radio buttons for "all of these words", "any of these words", and "the exact phrase". It also displays "Total datasets available: 11267". On the left, there's a "Most viewed datasets" section with a list of datasets and their view counts. On the right, there's a "Browse datasets by subject or groups" section with icons for Social questions, Science, Environment, Employment and working conditions, Economics, Finance, Trade, and Production, technology and research. At the bottom, there's a "Publishers" section with a link to "European Parliament (53 datasets)".

EU Open Data Portal
Access to European Union open data

EUROPA > EU Open Data Portal > Data

Home Data Applications Linked data Developers' corner About

Search datasets...

Show results with:
☒ all of these words | ☐ any of these words | ☐ the exact phrase ?

Total datasets available: 11267

Suggest a dataset
Is there any data you would like to find on the portal?
Make a suggestion

Most viewed datasets [view all »](#)

- Tenders Electronic Daily (TED) – public procurement notices from the EU and beyond (31645 views)
- DGT–Translation Memory (23730 views)
- CORDIS – EU research projects under Horizon 2020 (2014–2020) (21720 views)
- CORDIS – EU research projects under FP7 (2007–2013) (16194 views)
- EuroVoc, the EU's multilingual thesaurus (15898 views)
- Consolidated list of persons, groups and entities subject to EU financial sanctions (15334 views)
- Transparency Register (13173 views)
- Tenders Electronic Daily (TED) (csv subset) – public procurement notices (8916 views)
- European Skills, Competences, Qualifications and Occupations (ESCO) (7008 views)

Browse datasets by subject or groups

- Social questions
- Science
- Environment
- Employment and working conditions
- Economics
- Finance
- Trade
- Production, technology and research

[more subjects +](#)

Publishers [view all »](#)

- European Parliament (53 datasets)

The **European Union Open Data Portal (EU ODP)** provides access to data from the EU institutions and bodies (freely available for commercial or non-commercial purposes) as well as links to 26 Open Data Portals of the Member States.

b) EU Law and Publications website Copyright notice



Reuse of **legal, administrative and case-law documents** and data published on this website for commercial or non-commercial purposes is authorised provided the source is acknowledged.



Not the Commission (for EC publications, Reuse Decision)

For **general publications of other EU institutions**, bodies, offices and agencies, the following rules apply:

- Downloading and reproduction are authorised provided the source is acknowledged.
- Translations of publications into languages other than the language editions published on this website are subject to the conclusion of a free-of-charge licence agreement.
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<https://publications.europa.eu/en/web/about-us/legal-notices/eu-law-and-publications-website#copyright>

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Some documents, like the International Accounting Standards, may be subject to special conditions of use, which are mentioned in the respective Official Journal. (...)

Official Journal
of the European Union



English edition

Legislation

In summary...

EU documents are generally protected by copyright.

There is **no overarching policy on the reuse of documents at the European Union**. The reuse possibilities vary according to different Institutions, Bodies and Agencies.

As a rule, **REPRODUCTION of EU documents** (whose copyright is owned by the EU) **is allowed** if the source is acknowledged. **In certain cases, full REUSE is allowed.**



Questions on products of the
Publications Office: [op-customer-
support@publications.europa.eu](mailto:op-customer-support@publications.europa.eu).

For the future...

More detailed policies for other Institutions of the EU:
e.g. Draft Council Decision on open data and the reuse of
Council documents (ST 8627 2017 INIT) - 16-06-2017

And, ideally, a common clear open reuse policy throughout the
EU Institutions, bodies and agencies...

Additional Resources:

- Publications Office of the European Union:
<https://publications.europa.eu/en/home>
- EU Open Data Portal:
<http://data.europa.eu/euodp/en/home>
- Rules for the re-use of Commission information:
<https://ec.europa.eu/digital-single-market/en/news/rules-re-use-commission-information>
- Public consultation on the review of the directive on the re-use of Public Sector Information:
https://ec.europa.eu/info/consultations/public-consultation-review-directive-re-use-public-sector-information-psi-directive_en

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