

# Legal basis of EU document handling I: Copyright

Training Seminar for European Documentation Centres  
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[ec.europa.eu/jrc](http://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 posted it online, 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)

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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# European Parliament

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

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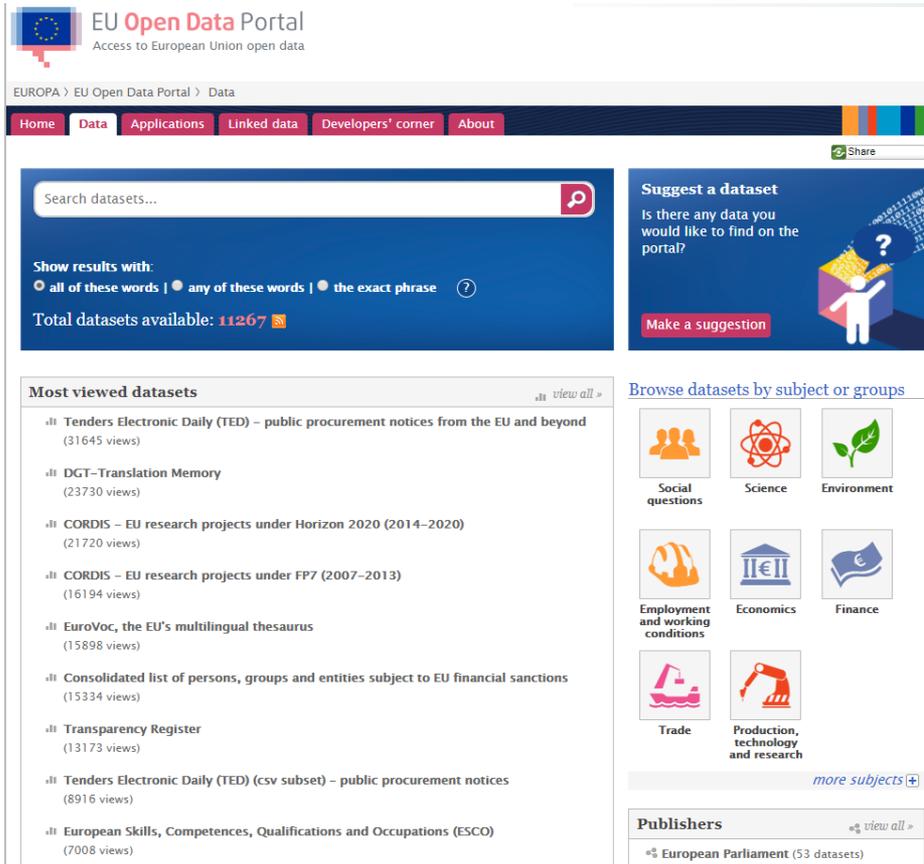


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# a) EU Open Data Portal



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## 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)

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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:  
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