Law | Re use ofPublic Sector Data

DGAr.03 No exclusive reuse arrangements

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Art. 4 DGA:

(1) Agreements or other practices pertaining to the re-use of data held by public sector bodies containing categories of data referred to in Article 3 (1) which grant exclusive rights or which have as their object or effect to grant such exclusive rights or to restrict the availability of data for re-use by entities other than the parties to such agreements or other practices shall be prohibited.

(2) By way of derogation from paragraph 1, an exclusive right to reuse data referred to in that paragraph may be granted to the extent necessary for the provision of a service or the supply of a product in the general interest that would otherwise not be possible.

(3) An exclusive right according to paragraph 2 shall be granted through an administrative act or contractual arrangement in accordance with applicable Union or national law and in compliance with the principles of transparency, equal treatment and non-discrimination.

(4) deleted

(5) The period of exclusivity of the right to re-use data shall not exceed 12 months. Where a contract is concluded, the duration of the contract awarded shall be as aligned with the period of exclusivity.

(6) The award of an exclusive right pursuant to paragraphs (2) to (5), including the reasoned justification why it is necessary to grant such a right, shall be transparent and be made publicly available online, where relevant, in a form that is in accordance with Union law on public procurement.

(7) Agreements or other practices falling within the scope of the prohibition in paragraph 1, which do not meet the conditions set out in paragraphs 2 and 3, and which were concluded before the date of entry into force of this Regulation shall be terminated at the end of the contract and in any event at the latest within thirty months after the date of entry into force of this Regulation.