



# POLICY BRIEF

15 09 2025

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## OPEN DATA DIRECTIVE

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The Open Data Directive	
BACKGROUND AND FIELD OF APPLICATION	<p>The Open Data Directive (ODD)<sup>1</sup> is a central legislative measure aimed at enhancing the EU data economy by mandating that <b>public sector data be made available in free and open formats</b>. It supports key European policy goals related to <b>open science</b>, particularly by encouraging the re-use of research data. Through its provisions, the ODD seeks to promote fair competition, improve access to public information, and foster cross-border innovation.</p>
HIGHLIGHTS	<p>The core principle of the Open Data Directive (ODD), as stated in Article 5, is that public sector data should be <b>open by design and by default</b>. It requires the publication of non-personal data in <b>open, machine-readable formats that comply with open standards</b>, and encourages real-time access through <b>APIs</b> where feasible.</p> <p>Article 6 establishes free re-use as the default rule for charging, while Article 10 promotes the <b>re-use of data from publicly funded research</b>. Article 12 ensures that re-use is open to all market actors and restricts exclusive agreements to prevent data lock-in.</p> <p>Articles 13 and 14, along with Annex I, identify categories of <b>High Value Datasets (HVDs)</b>, such as geospatial, meteorological, and mobility data. The Directive defines public data as documents produced or collected by public sector bodies, and expands this definition to include research data. However, it excludes documents protected by third-party intellectual property rights and personal data, which fall under the scope of the Data Governance Act, as specified in Articles 1(2)(c) and 1(2)(h).</p>
IMPACT	<p>The obligations concerning the availability and reuse of research data are particularly relevant to the BRIEF project. Article 10 of the Open Data Directive requires Member States to <b>establish national open access policies aligned with the FAIR principles</b>: ensuring data is findable, accessible, interoperable, and reusable. These policies should promote <b>openness by default, while respecting limitations</b> related to intellectual property, personal data protection, security, and commercial interests.</p> <p>However, the Directive's re-use rules do not apply to educational materials or administrative data from universities. Crucially, they only concern <b>data generated through public funding that has already been made publicly available in repositories</b>, thereby reducing the burden on researchers.</p> <p><b>Member States must define key aspects of these policies</b>, including scope, embargo periods, opt-out options, and the criteria for determining whether data repositories meet the required level of openness.</p>

<sup>1</sup> Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information (recast) PE/28/2019/REV/1, OJ L 172, 26.6.2019, pp. 56–83



	<p><b>Italy has begun laying the groundwork for national open science policies</b>, though the process remains ongoing and its future development will need to be closely observed. The most notable institutional step so far is the <b>Piano Nazionale per la Scienza Aperta</b> (PNSA), which was formalized as a ministerial-level regulatory act through Ministerial Decree No. 268/2022 issued by the Ministry of Universities and Research (MUR). The PNSA serves as an implementation tool for the National Research Programme (PNR) 2021–2027 and includes among its objectives the application of Article 10 of the Open Data Directive. Following its adoption, a Working Group was established to oversee implementation, and in 2024 it produced an <b>initial assessment of the state of Open Science in Italy</b>. This assessment provides a starting point for addressing the challenges and sustainability of the PNSA, identifying existing resources and gaps that must be addressed as the national strategy continues to evolve.</p>
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