



Notification Number: 2015/621/F

Article 14 of the Digital Republic Bill (projet de loi pour une République numérique)

Date received : 10/11/2015

End of Standstill : 11/02/2016

Message

Message 002

Communication from the Commission - TRIS/(2015) 03472

Directive (EU) 2015/1535

Translation of the message 001

Notification: 2015/0621/F

No abre el plazo - Nezahajuje odklady - Fristerne indledes ikke - Kein Fristbeginn - Viivituste perioodi ei avata - Καμμία έναρξη προθεσμίας - Does not open the delays - N'ouvre pas de délais - Non fa decorrere la mora - Neietekmē atlikšanu - Atidėjimai nepradedami - Nem nyitja meg a késések - Ma' jiftaħ il-perijodi ta' dawmien - Geen termijnbegin - Nie otwiera opóźnień - Nao inicia o prazo - Neotvorí oneskorenia - Ne uvaja zamud - Määräaika ei ala tästä - Inleder ingen frist - He ce предвижда период на прекъсване - Nu deschide perioadele de stagnare - Nu deschide perioadele de stagnare.

(MSG: 201503472.EN)

1. Structured Information Line

MSG 002 IND 2015 0621 F EN 10-11-2015 F NOTIF

2. Member State

F

3. Department Responsible

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3. Originating Department

Ministère de l'économie, de l'industrie et du numérique

Direction générale des entreprises

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4. Notification Number

2015/0621/F - SERV

5. Title

Article 14 of the Digital Republic Bill (projet de loi pour une République numérique)

6. Products Concerned

Access to public research findings

7. Notification Under Another Act

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8. Main Content

Article 14 of the Digital Bill relates to access to public research findings.

This Article seeks to encourage the free dissemination of public research findings, in line with the European Commission recommendations of 17 July 2012 on access to and preservation of scientific information, and with the guidelines of the EU Framework Programme for Research, Horizon 2020 (2014-2020).

Under point I, the Article provides that publications arising from research activity that is primarily publicly funded can be made public and accessible online free of charge by their authors after a maximum period of 6 months after initial publication for scientific works and 12 months for works in humanities and social sciences. They may be freely reused but may not be used in commercial publishing, as this could prejudice the publisher. Provision extends to the final version of the text transmitted by the author to the publisher prior to publication, and to all protected research data relating to the publication.

Point II of Article 14 specifies that research data resulting from research activity that is primarily publicly funded is common property as defined in Article 714 of the Civil Code, provided it has been published legally and is not protected by any specific law. Point III provides that the publication of data may not be restricted contractually for a publication to which the data relates where the paper was written as part of research that was primarily publicly funded.

9. Brief Statement of Grounds

Academia produces a considerable amount of information in the form of scientific publications and data of all kinds. The issue of accessing and reusing this information is both scientific (sharing and updating knowledge, repeatability of research, interdisciplinary research and encouraging collaborations), economic (opportunities for the knowledge and innovation economy, particularly for SMEs, rationalising research funding, trends in subscription costs to reviews for libraries), and social (citizen engagement with research, popularising science, education, etc.).

Despite the opportunities opened up by digital dissemination, access to this information is not as easy as it should be. Although the amount of data generated by research is estimated to be growing by 30% a year, almost 80% of data generated over the past twenty years is estimated to have been lost due to a lack of



coordinated backup policies. Alongside these issues is the new risk that this data will be captured, particularly by scientific publishers demanding the assignment of licences to data sets integrated or associated with their research publications.

In this context, Article 14 seeks to encourage the free dissemination of public research findings.

10. Reference Documents - Basic Texts

No basic text(s) available

11. Invocation of the Emergency Procedure

No

12. Grounds for the Emergency

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13. Confidentiality

No

14. Fiscal measures

No

15. Impact assessment

Yes

16. TBT and SPS aspects

TBT aspect

No - the draft is neither a technical provision nor a conformity assessment procedure.

SPS aspect

No - the draft is neither a sanitary nor phytosanitary measure.

European Commission

Contact point Directive (EU) 2015/1535

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