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Public Sector Information - Open Data

By Alexander Balthasar

Facultas.Wuv Universitäts Aug 2014, 2014. Buch. Book Condition: Neu. 228x154x17 mm. Neuware - The original Directive 2003/98/EC on the re-use of public sector information aimed to promote and encourage the re-use of documents held by public bodies (recital 9). On the one hand, this information was considered to be an important primary material for digital content products and services (recital 5) and, thus, put into an economic/commercial context. On the other hand, when it comes to compliance with fundamental rights, reference was made (in recital 9) not to Article 16 (freedom to conduct a business), but to Articles 41 (right to good administration) and Article 42 (right of access to documents) of the EU Charter of Fundamental Rights which implement the values of democracy and of the rule of law in the context of citizens rights . Pursuant to the General Principle set out in Article 3, the same legal framework shall apply for the re-use of public sector information, the purpose of the private actor be commercial or non-commercial . Given, however, the crucial differences between these two sectors: isn't it, under the principle of equal treatment (Article 20 EUCFR), highly problematic to treat these two different situations...



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