

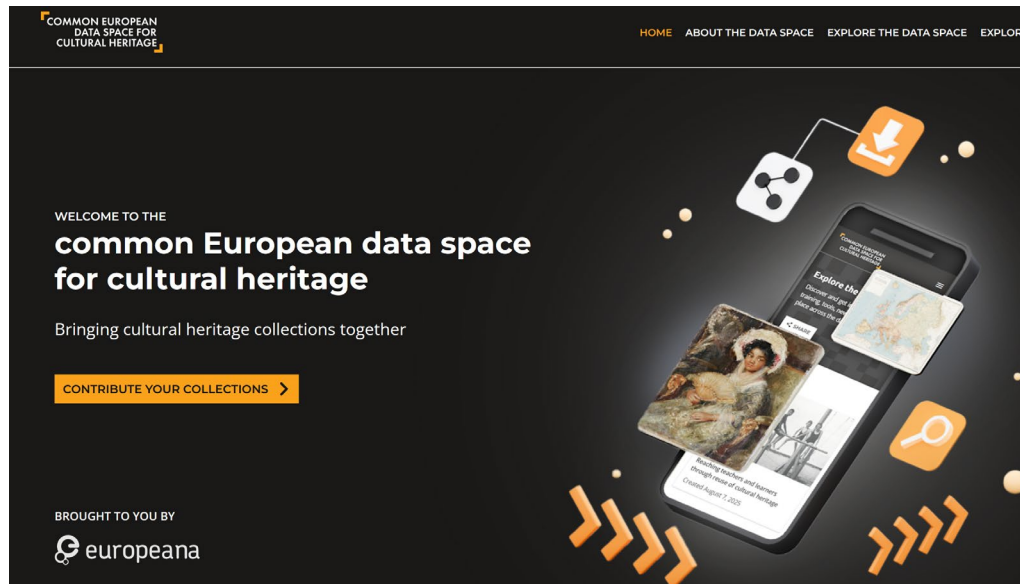
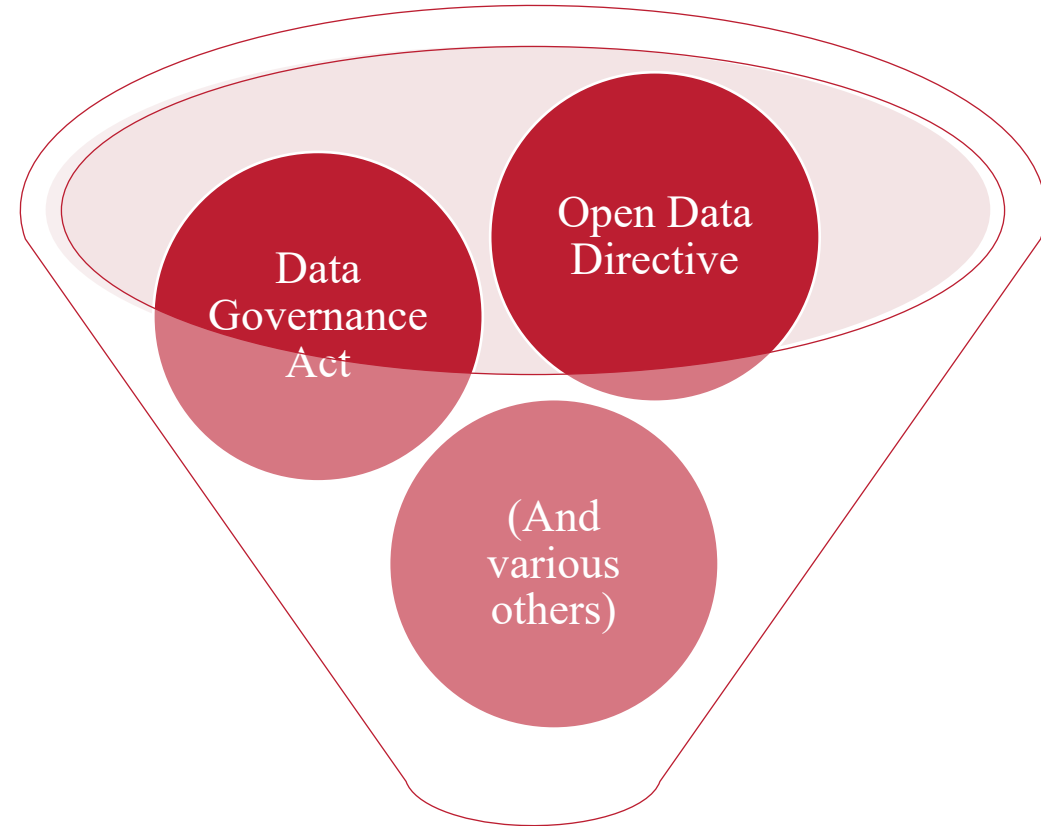


ECS 10th Conference 2026 – Château de Versailles

Open Data Provisions in the Digital Omnibus: Effect on Cultural Heritage Institutions

Mireille van Eechoud | www.ivir.nl | 26 May 2026

EU's Data Union Strategy Licensing cultural heritage after Digital Omnibus:



Data Act (revised): new Chap VIIc on open data (arts 32i ff)
◀ retained: basis voor data spaces

What does Open Data Directive do?

- Obligation for public sector bodies in Member States to allow reuse of data/documents **if** that is already ‘publicly accessible’ under EU or national law **and** not subject to third party intellectual property rights.
- Sets ambitions for *open* data (technically, legally): as few restrictions on re-use as possible, incl. re-use free of charge (‘comply or explain’).
- Special position for libraries, museums, archives (other ‘cultural establishments’ are not in scope):
 - Optional to allow re-use of documents (data / information).
 - Less procedural requirements.
 - More leeway to charge fees for re-use.
 - Exclusive digitization arrangements (like Google books project) still allowed, for > 10 yrs; comply or explain; PSB has right to free use of data after exclusivity period ends.

What does Data Governance Act do (in force 2022)?

- Expands Open Data Directive principles to public sector data that is not publicly accessible (eg because data protection, copyright, confidential)
 - Does not apply to data held by public CHI's (or public broadcasters; but CHI can be re-user)
- Regulates data altruism organizations: non-profits, aimed at (safe) data collection and sharing for public interest purposes (incl. for research, cultural projects)
- Regulates data intermediaries: offering access and use of data from dataholders to data users (typically for profit provider; must be neutral)
- Generic basis for (sectoral) data spaces, eg. Europeana initiative

What does Digital Omnibus change, problems remain?

Changes:

- ✓ More differentiated charging: allows higher fees for very large providers (eg large platforms); asks (*not*: obliges) lower fees for small-midcaps (as already case for SME, start-ups, civil society...)
- ✓ Lighter regime for data altruism organizations (no extra Rulebook, no reporting & transparency obligations)
- ✓ Lighter regime for data intermediary services
- ✓ Alignment data / document definitions

Challenge:

- ?! No definition of ‘cultural establishments’ (= CHIs?), still same categories mentioned >> asses whether Data Act applies for each individual institution & which part of the rules (are you a public sector body, if yes, are you museum, library, archive?)