

## Note on the licensing of EMEP observation data

### Background:

Open access to data has been essential to understand the transboundary fluxes and to find collaborative agreements on the abatement policies ever since the scientific work leading up to the establishment of CLRTAP started. EMEP air pollution observations are thus openly and freely available for users, and they are used in a vast number of scientific reports and publications. Open access to environmental information has later also been founded in international legislation (e.g. Aarhus Convention, EU-Open data Directive, and others). In recent years, there has been a strong move to secure that also research data are to the extent possible openly available. There is not a clear boundary between research data, and monitoring data and as EMEP observations are largely produced by scientists and scientific institutions, and further mainly used by scientists (in assessing atmospheric process, exposure/deposition and effects on health, ecosystems, materials and crops), future data management in EMEP needs to comply with the emerging expectations as regards open access. Especially the so-called FAIR-principles (Wilkinson et al., 2016, [https://en.wikipedia.org/wiki/FAIR\\_data](https://en.wikipedia.org/wiki/FAIR_data)) are now in most countries setting the ambition levels for scientific data management. Specifically, there is an expectation that data (in order to comply with the FAIR-principles) are made available under a free/open data license (Reusable: *R1.1. (Meta)data are released with a clear and accessible data usage license*). Having a license on data secures the rights and conditions of users to use the data as the license allows, while the license protects the licensor against any legal liability related to misuse of data. The most common free/open license in use for atmospheric science data is the so-called Creative Commons BY 4.0 (<https://creativecommons.org/licenses/by/4.0/>) which requires the user to give appropriate credit to the “creator and attribution parties” of the data. Beyond this, the user is free to use the data in any way the user may wish, even for commercial purposes.

It is only the creator(s) of the IPR (Intellectual Property Rights) associated with the data which can legally issue any data license. Legal considerations also suggest that in general the production of “objective data” (e.g. observations of the state of environment which specifically are made according to standardized methods to avoid individual creativity) are not qualified for IPR-rights per se. Further, IPR does not follow from the provision of funding, so generally funding agencies are not positioned to issue a license on the data which they have funded). Also international organizations and programs will likely not be in position to claim IPR-rights for data collected under their auspices. The creator of a database does however have so-called Sui Generis Database rights ([https://en.wikipedia.org/wiki/Database\\_right](https://en.wikipedia.org/wiki/Database_right)). This right will formally allow NILU (serving as the EMEP-CCC and hosting the EMEP database) to issue a license on all EMEP data. With this, NILU wishes to secure that appropriate attribution is given to EMEP (and other contributing frameworks) and the data originators, and to avoid potential liability issues related to the use of data.

To clarify formally for users that that EMEP data are free to use for all purposes, and make sure to attribute the importance of EMEP, the EMEP Steering Body is hereby invited to take note of NILUs intention to (based on its Sui Generis database rights) introduce the Create Commons Open data license CC BY 4.0 under the terms of attribution to EMEP, the data originators and NILU hosting the EMEP database. The licensing will affect all EMEP data in the EBAS database (<http://ebas.nilu.no>).