[PT] New Open Standards Law

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On 6 April the Portuguese Parliament adopted Law 421/XI on the use of open standards on public IT systems. Although this law concerns the public administration, it is expected to open a discussion on open standards in other areas as well, as it contains a clear definition of both open standards and interoperability.

The law defines "open standard" as a technical standard intended for the publication, transmission and storage of digital information, meeting the necessary requirements established by its provisions. Accordingly, an open standard has to be adopted and maintained by a non-profit organisation and its development has to takes place on the basis of a decision-making process that is open and available to the participation of all stakeholders. The specification documents have to be published and be freely available and have to permit unrestricted copying, distribution and use. Any applicable intellectual property rights (including patents) must be in whole or in substantial part, publicly available on an irrevocable and irreversible way. Finally, there must be no restrictions on its reuse.

The law defines "interoperability" as the ability of two or more systems (computers, media, networks, software and other information technology components) to interact and exchange data according to a defined method in order to obtain the expected results.

The law will be followed by a National Regulation of Digital Interoperability, which will be created within 90 days after its entry into force, and subjected to a process of public discussion for a period of 30 days, establishing deadlines for the implementation of open standards. Technical aspects relating to the implementation of the law will be drawn up by the Agência para a Modernização Administrativa (Agency for Administrative Modernisation - AMA). The agency will monitor, supervise and coordinate technical support for implementation and compliance.

Lei n.º 36/2011 de 21 de Junho - Estabelece a adopção de normas abertas nos sistemas informáticos do Estado

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Act 36/2011 of 21 June 2011 establishing the adoption of open standards on public IT systems

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