

Appendix 3

ASSOCIATED LICENCE:

Scale of fees payable to the Metropole de Lyon

The reuse of the Data, listed in Appendix 1 of this licence as coming under this licence, is subject to the payment of a fee in accordance with the terms and conditions specified by this appendix.

The fee amount is decided by the City Council. This amount varies depending on whether the reuse that the Licensee intends to make of the data is of a commercial or non-commercial nature, and on the volume of activity of the product or service which is marketed and which comes from the Data. It can be varied by the Metropole de Lyon depending on the changes in uses and reuses.

Based on the information which is sent to it in the statement of service, detailed in Appendix 2, and depending on the price list shown below, the Metropole de Lyon will issue an invoice to the licensee. The price list also allows for cases of fee exemption, as well as thresholds below which no fee will be charged.

Definition of pricing criteria

Fee Exemption

Case 1: The non-commercial reuse of the Data is exempt from fees. The criterion used for determining whether a use is commercial or non-commercial is whether the Licensee is registered or not with the trade and companies register (RCS).

Licensees who are not registered with the trade and companies register are exempt from the payment of the fee.

Case 2: The reuse of the data for experimental and testing purposes is exempt from fees for a period of 6 (six) months from the date on which the licence was signed. This period may be extended following the agreement of the Metropole de Lyon and for the needs of the experiments and tests.

Case 3: If the re-user is an innovative SME (small or medium sized business) which can prove that it is developing an innovative project using public data, the non-commercial reuse of the data is exempt from fees for a period of 2 (two) years. This period cannot be combined with that referred to in case no.2 above. This exemption is part of the State aid scheme for research, development and innovation (scheme no.X60/2008).

To be eligible for this exemption, the re-user must:

- be an SME as defined by the EC Commission Regulation no. 800/2008 of 6 August 2008;
- be able to demonstrate an innovative project, that is to say hold "innovation" certification or receive assistance in the matter;
- be able to provide evidence of a link between the innovative project and the purchase of public data.

Case 4: The reuse of the data solely for the internal purposes of a company and therefore without any participation in a commercial service is exempt from fees.

Measurement of the activity in terms of volume of the product or service resulting from the data item

Depending on the use of the Data item, two pricing scales have been produced in order to reflect the volume of activity of the product or service arising from the data item from Greater Lyon or from the Producers. The volume of activity reflects the position that the company occupies in its market. It is calculated using two factors:

- either the number of monthly visits to the internet site of the service (including access via mobile phones) in the case of a service funded directly by advertising or indirectly with the use of data from internet users for example,
- or the activity generated by the reuse of data which is calculated according to the number of products or services sold by reusing the data from the Metropole de Lyon.

If the re-user supplies certain services or products which come under the first case, and others which correspond to the second case, the two scales will apply independently.

The amount of the fee is the same for the use of one or more Data items from the Metropole de Lyon or the Producers listed in Appendix 1

Activity based on internet sites not funded directly by users: Average number of total monthly visits

Should the service be offered for free on the internet, the market share is calculated as a function of the average number of total monthly visits in France (web sites, mobile applications, tablet applications). One visit corresponds to one consultation of a website or mobile or tablet application, i.e. the loading by the internet user of at least one page of this web site or application. A 30 (thirty) minute session from the same visitor corresponds to only one visit.

In order to calculate as accurately as possible the market share enjoyed by this service, as part of a service that goes beyond the Lyon agglomeration, a weighting is applied to express this figure as a proportion of the Lyon agglomeration: which is to say 4% (four per cent) of the total number of visitors with regard to the population ratio of the Lyon agglomeration compared to the national population.

The amount of the fee is the same for the use within the same service of one or several Data items from the Metropole de Lyon listed in Appendix 1.

The number of visits is estimated on the basis of a statement from the Licensee, with the latter having to provide the details which were used to calculate this number of visits. The Metropole de Lyon may

nevertheless carry out, on the basis of a representative sample of the population of the Lyon agglomeration, a specific survey for assessing the market or the rate of penetration and the shares of the different parties. In this case, the results of these surveys shall take precedence over the statement of the declarant, and the fee can be modified accordingly.

Activity based on the sale or distribution of products: number of products sold or installed

Should the service or the product be marketed or distributed, the fee is calculated as a function of the total number of products sold or access licences to the service sold in France, which is then expressed as the total number of equipment items sold in France. The number of units sold will be indicated by the service or product supplier in the declaration attached in Appendix 2.

In order to calculate as accurately as possible the volume of activity generated by this service, as part of a service that goes beyond the Lyon agglomeration, a weighting is applied to express this figure as a proportion of the size of the Lyon agglomeration: which is to say 4% (four per cent) of the total number of products sold or access licences to the service which have been sold with regard to the population ratio of the Lyon agglomeration compared to the national population.

The market includes equipment sold and which was fitted brand new in vehicles (all types included: cars, motorcycles, heavy goods vehicles, etc.), portable equipment which is sold as being dedicated to information mobility, the applications which are sold installed on mobile phones or tablets.

The volume of activity is estimated on the basis of a statement by the licensee.

The Metropole de Lyon may nevertheless carry out on the basis of a representative sample of the population of the Lyon agglomeration a specific survey to assess the market or the penetration rate and the share of the different interested parties. In this case, the results of these surveys shall take precedence over the declarant's statement, and the fee may be modified accordingly. Should the user refuse these new conditions, the provision of data may be interrupted by the Metropole de Lyon.

Should the statement and the measurement made by the Metropole de Lyon differ, a margin of error of 5% (five per cent) will be tolerated for invoicing purposes.

Price list

Number of monthly visits	Volume of activity or penetration rate	Annual Fee (<i>non-fixed</i>)
< 300 000	< 40%	€0
From 300,000 to 600,000	From 40 to 50%	€50,000
From 600,001 to 1,000,000	From 50 to 75%	€150,000
> 1,000,000	> 75%	€450,000

Invoicing and payment conditions of the fee

During the 7th (seventh) month after the signing of the agreement, and then every 6 (six) months on the same date, the Licensee will send, at its own expense, to the City of Lyon a statement of use for the Data. This information must be sufficiently precise to allow the calculation of the fee corresponding to the marketing rights. On the basis of this information, the Metropole de Lyon will send an invoice to the Licensee indicating the fee due. This fee is net of tax.

The annual invoice is issued at the end of the first half of each year in accordance with this appendix, on the basis of statements provided by the Licensee. It is accompanied by a statement of account issued by the Metropole de Lyon. It is payable within 30 (thirty) days from the date of receipt, net and with no discount. All payments are to be made to:

Metropole de Lyon
Direction des Systèmes d'Information et de Télécommunications
20 rue du Lac
69399 Lyon Cedex 03

In the event of late payment for whatever reason, the amounts owed by the Licensee will attract as of rights, from the due date and without the need for a prior formal notice, late payment interest calculated daily at a rate of 3 (three) times the rate of the legal interest.

Beyond a delay of 100 (one hundred) days, from each of the due dates, the City of Lyon may request the termination of the Licence as a result of the fault of the Licensee, notwithstanding the right to seek compensation for the prejudice incurred. The sums already paid by the Licensee will remain retained by the Metropole de Lyon.