



# La stratégie européenne pour les données

## Atelier sur le cadre juridique européen et les données géolocalisées

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# Why to act?

1 Creating an **alternative for the current business models** around data

2 Development of data economy in Europe inhibited by:

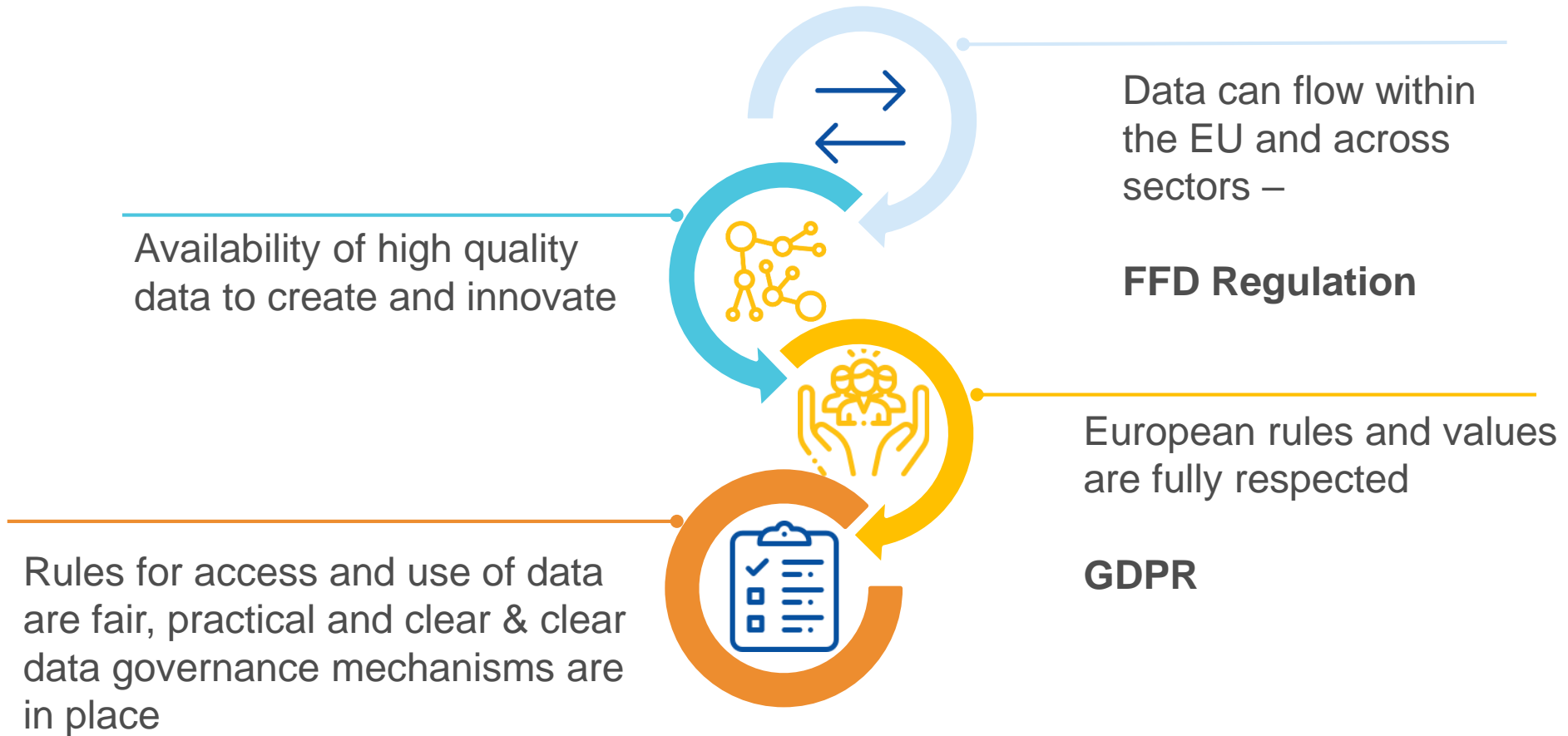
- **High transaction costs** of data sharing;
- **Insufficient availability of data** for reuse; and
- Emerging **regulatory fragmentation**

Objective

**A Single Market for data, open and sovereign**

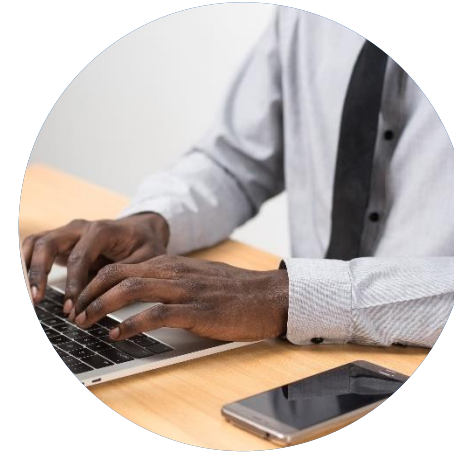
# European Strategy for Data

A common European data space, a single market for data



Benefitting from the second wave of industrial data

# Deploying the European Strategy for Data through 4 Pillars



**A cross-sectoral governance framework for data access and use**  
including a legislative framework for European data governance and other cross- sectoral measures for data access and use as part of the Data Act

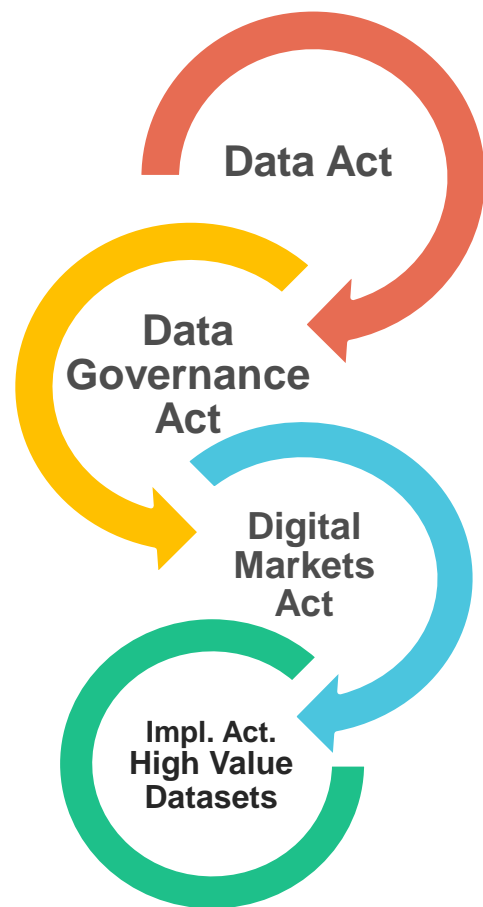
**Enablers**  
Investments in data spaces and federated cloud infrastructures

**Competences**  
Empowering individuals, investing in digital skills & data literacy and in dedicated capacity building for SMEs.

**Rollout of common European data spaces**  
in crucial economic sectors and domains of public interest, looking at data governance and practical arrangements.

International Aspects

# Cross-sectoral legislation to enable the EU Data Strategy

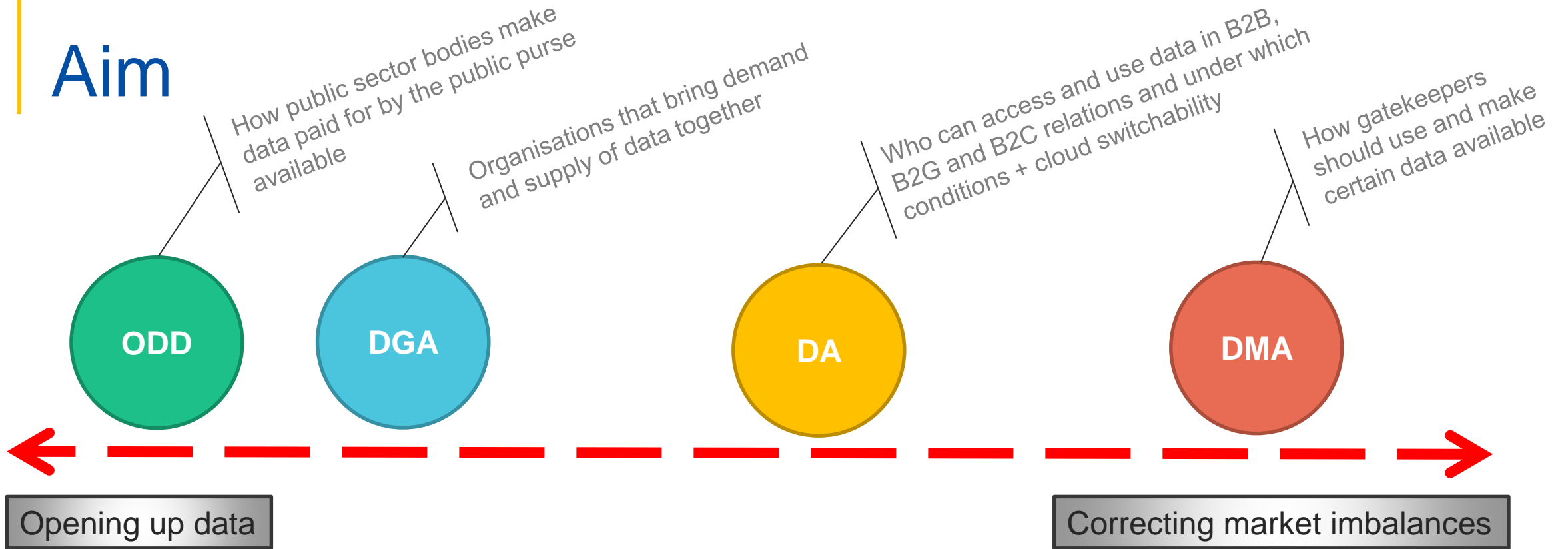


Aim
Ensure <b>FAIRNESS</b> in the allocation of data value among the actors of the data economy
Ensure <b>TRUST</b> in data transactions (adopted on 30 May 2022)
Tackle imbalances caused by the <b>MARKET POWER</b> of gatekeepers
Unleash the socio-economic potential of data as a raw material for <b>INNOVATION</b> , in particular for <b>SMEs</b>

**GDPR:** *The Data Act does not change or amend, but complements and builds on the rights existing under the GDPR.*

**Sectoral legislation:** *Further requirements on technical aspects, limits on the rights of data holders and aspects going beyond data access and use can be specified.*

# Aim



- DA Data Act
- DMA Digital Markets Act
- DGA Data Governance Act
- ODD Open Data Directive
- FFoD Free Flow of Data Regulation
- GDPR General Data Protection Regulation

Legend

GDPR and FFoD ensure data protection and free flow of data across the board

For the processing of personal data, GDPR *always* applies

**GDPR**

**FFoD**

Data localisation requirements in the Union, introduces basis of CoC for cloud service providers

# Data Governance Act

Leveraging the potential of data for the economy and society



**Pillar 1:**  
Re-use of **sensitive data** held by **public sector bodies**



**Pillar 2:**  
Framework for new **data intermediaries** in the Single Market:  
Data broker



**Pillar3:**  
Corporate and Individual **data altruism** for purposes of general interest



**Pillar4:**  
Co-ordination and interoperability:  
**European Data Innovation Board**

Horizontal framework for the creation of a single market for data

# Pillar 1: Re-use of sensitive public data

**Complementary to Open Data Directive.**

It covers **data that can only be used under certain conditions**, because others have rights on that data (personal data, trade secrets, confidential business information, IP)

Leaves room for MS, but **aims to create at least one contact point** (single information point) for liaison between re-users and public sector bodies/competent bodies.



**Building on national access regimes:** where re-use happens, it should do so in a harmonised manner, **subject to conditions.**



# Pillar 4: Co-ordination and interoperability

**Governance of technical standardisation** to enhance interoperability.



Establish a **European Data Innovation Board** as expert group

**Advising and assisting** the Commission in developing a consistent practice for re-use.

**Facilitating the cooperation of the work of national competent authorities** for enhanced data use.

# Pillar 4: the European Data Innovation Board

The EDIB will consist of representatives from relevant national and EU authorities and bodies as well as from representatives of other relevant bodies.

It will operate through at least three sub-groups:

- 1) a sub-group consisting of representatives of Member State competent authorities,
- 2) a sub-group for technical discussions on standardisation, portability and interoperability, and
- 3) a sub-group for stakeholder involvement.

The Commission will chair the meetings of the EDIB and provide it with a secretariat. The Commission will set up the EDIB in the form of a Commission expert group by the end of 2022 and it will become fully operational on 24 September 2023.

# Data Act – topics covered



## Better access to IoT data



*Rules for IoT data also frame data sharing in other sectors*



**Tackle contractual unfairness**



**Make business data available for the common good**



**Easier switching between cloud services**



**Facilitate data flows through technical standards and interoperability**

# Use of data in an Internet of Things context (B2B & B2C)

Before



**User**  
(individual or company)

Limited application of portability

Little to no interaction



**Manufacturer**

Various obstacles for data sharing  
(technical, legal, etc.)



**Third Party**

After



**User**  
(individual or company)

Enhanced access and transparency

Granting access to data for improved services



**Manufacturer**

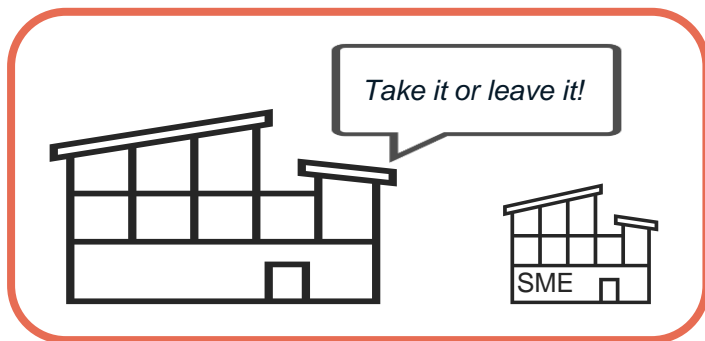
Clear and fair rules on data use



**Third Party**

## Unfairness test for B2B contracts:

**Unfair contractual terms** unilaterally imposed on a micro, small or medium-sized enterprise **are non-binding**.



*From this situation...*



*...to an actual negotiation.*

### General provision on unfairness concerns clauses which

- Grossly deviate from good commercial practice in data access and use and are contrary to good faith and fair dealing.

### Listed clauses that are always/presumed unfair (examples)

- Exclude or limit liability of the imposing party
- SME prevented from using contributed data or exploiting their value
- Unreasonably short termination conditions

### Model contractual terms

- Developed and recommended by the Commission to assist parties in drafting contracts based on fair terms.

# Proportionate, limited and predictable business-to-government rules

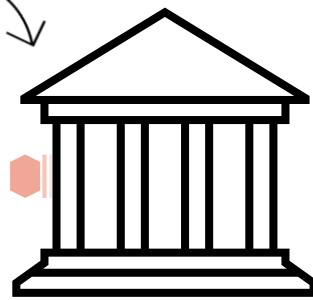
Data is requested based on an exceptional need:

- a) to respond to a public emergency (*free*)
- b) to prevent or to address the aftermath of a public emergency (*cost + margin*)
- c) for other exceptional needs (*cost + margin*)

Public sector body must demonstrate the exceptional need

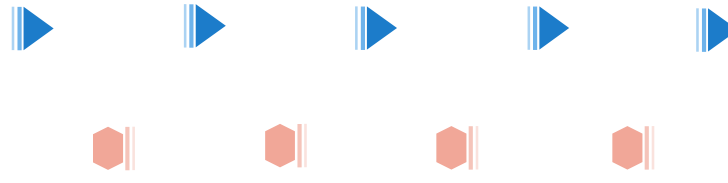
Private sector will benefit from streamlined procedures and from the "once-only principle"

Data is destroyed after use

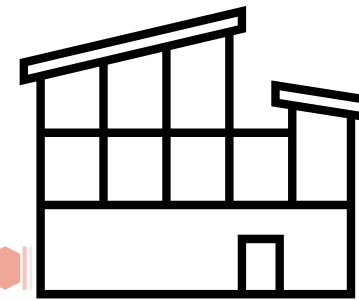


Public sector body

Public sector body requests data based on an exceptional need



Private sector body makes data available



Private sector

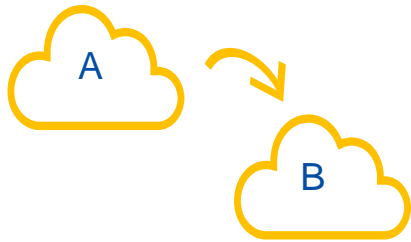
If request is valid, data must be made available

# Improving trust in and performance of

## Data processing services

&

## Interoperability and standards



Minimum requirements will ensure **easier switching** between providers of data processing services for customers



Providers of data processing services must **prevent unlawful data access** and transfer based on requests from third countries



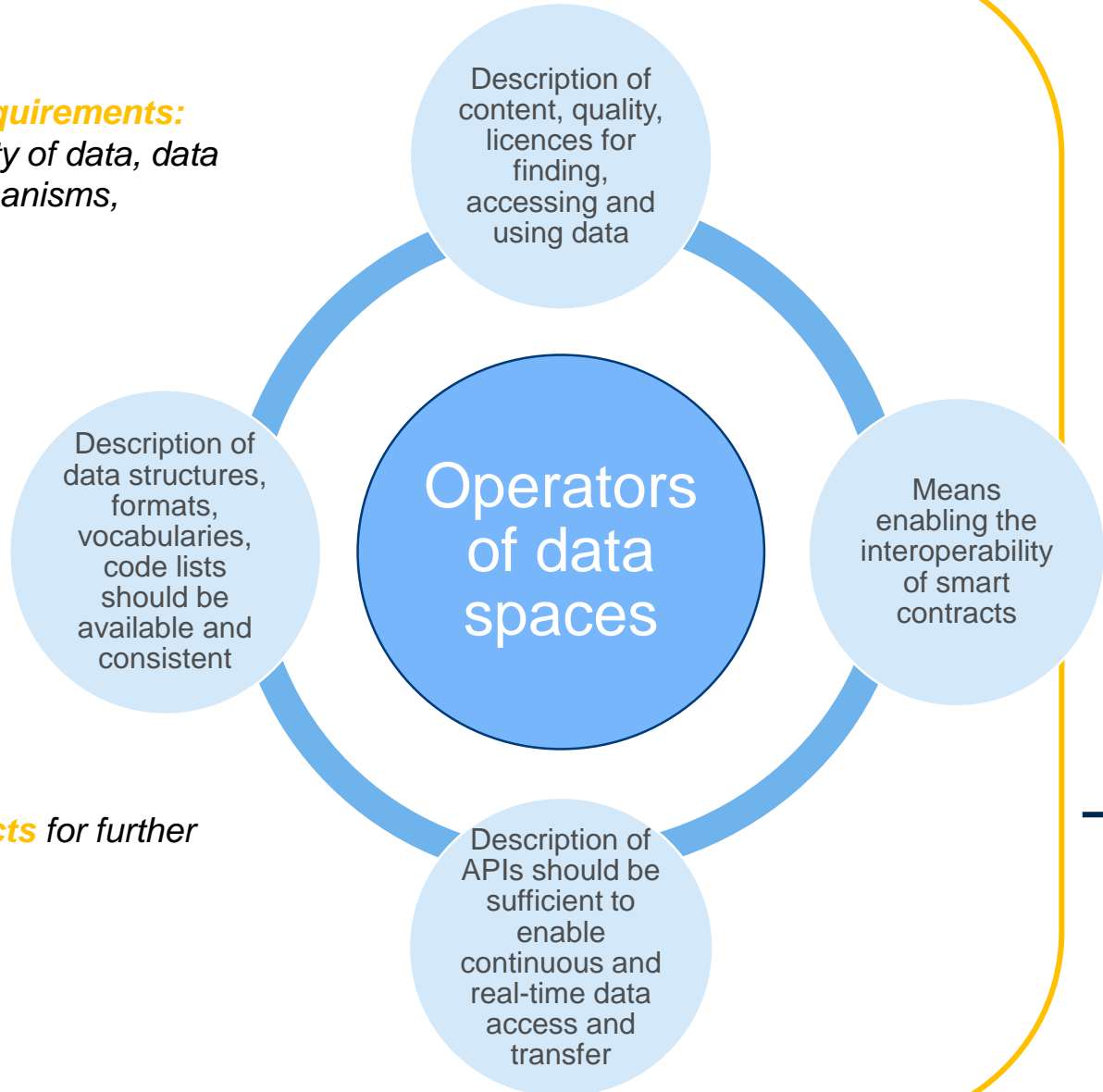
Increase **interoperability** by facilitating the development of common specifications to address the lack of harmonised **standards** and technical specifications

# Interoperability (Art 28)

**Essential requirements:**  
interoperability of data, data sharing mechanisms, services



**Delegated acts** for further specification



**Request to ESOs** to draft harmonised standards



**Implementing acts** to adopt common specifications where standards do not exist or are insufficient ("fall-back" option)



**Guidelines on interoperability specifications for the functioning of common European data spaces**



# Open Data directive (2019/1024 of 20/6/2019)

## Implementing Act : list of high value datasets

*Geospatial*

*Earth observation  
and environment*

*Meteorological*

*Statistics*

*Companies and  
company ownership*

*Mobility*

- Datasets listed in the implementing act to be made available:
  - for free
  - in machine-readable formats
  - via APIs and (where relevant) as bulk downloads
- [Impact Assessment](#): positive opinion
- Inter-service consultation in April
- Public consultation of [4 weeks](#) 24 May – 21 June
- Open Data Committee opinion
- Expected adoption: Q3/2022

# Main Act

- Scope
- Definitions
- Arrangements for publication (e.g. details on APIs)
- Arrangements for reuse (e.g. charging exception, time series, licences, personal data issues)
- Reporting by Member States
- Applicability: proposed 6 months after entry into force

# Annex:

- Datasets or their description and arrangements for the publication and re-use for individual categories

# Geospatial – draft Implementing Regulation

Datasets	Administrative units	Geographical names	Addresses	Buildings	Cadastral parcels	Reference parcels	Agricultural parcels
<b>Granularity</b>	All generalisation levels available up to the level of scale 1:5000. From municipalities to countries; sea-frontiers.	N/A	N/A	All generalisation levels available up to the level of scale 1:5000.	All generalisation levels available up to the level of scale 1:5000.	Equivalent at least to 1:10 000 and, as from 2016, to 1:5000 as referred to in Article 70(1) of Regulation (EU) 1306/2013	Equivalent at least to 1:10 000 and, as from 2016, to 1:5000 as referred to in Article 70(1) of the Regulation (EU) 1306/2013
<b>Geographical coverage</b>	Single or multiple datasets that shall cover the entire country when combined.						
<b>Key attributes</b>	Unique identifier; Unit type (administrative or maritime unit); Geometry; Boundary status; National identification code; Identification code of the upper administrative level; Official name; Country code; Name in multiple languages (only for countries with more than one official language) including a language with Latin characters, when feasible.	Unique identifier; Geometry; Name in multiple languages (only for countries with more than one official language) including a language with Latin characters, when feasible; Category.	Unique identifier; Geometry; Address locator (e.g. house number); Thoroughfare (street); name; Administrative units (e.g. municipality, province, country); Postal descriptor (e.g. post code); Date of last update.	Unique identifier; Geometry (footprint of the building); Number of floors; Type of use.	Unique identifier; Geometry (boundary of cadastral parcels); Type of parcel; Parcel code; References to the administrative area to which the parcel belongs.	Unique identifier; Geometry (boundary and area); Land cover; organic; Stable landscape elements (“EFA-layer”); areas with natural/specific constraints; animal (total number); Animal (species type); Animal (production type)	Unique identifier; Geometry (boundary and area of each agricultural parcel); Land uses (crops or crop groups); Organic; Individual landscape element; Permanent grassland.

# Arrangements for the publication and re-use

The datasets shall be made available for re-use:

- under the conditions of the Creative Commons BY 4.0 licence or any equivalent or less restrictive open licence;
- in a publicly documented, Union or internationally recognised open, machine-readable format;
- through application processing interfaces ('APIs') and bulk download;
- in their most up-to-date version.

The metadata describing the datasets within the scope of the INSPIRE data themes shall contain at least the metadata elements set out in Commission Regulation (EC) No 1205/2008.

For the implementation of the Reference parcels and Agricultural parcels datasets, Member States shall take into consideration the ongoing implementation of Directive 2007/2/EC as well as the obligation foreseen by Article 67(3) of Regulation (EU) 2021/2116.

# High Value Datasets and Data Spaces

## Common European data spaces



- Driven by stakeholders
- Rich pool of data of varying degree of openness
- Sectoral data governance (contracts, licenses, access rights, usage rights)
- Technical tools for data pooling and sharing

### Data Spaces Support Centre

- Coordinating the development of data spaces
- Assuring common standards and interoperability

### Technical infrastructure for data spaces



Edge & cloud Services

Smart Middleware solutions

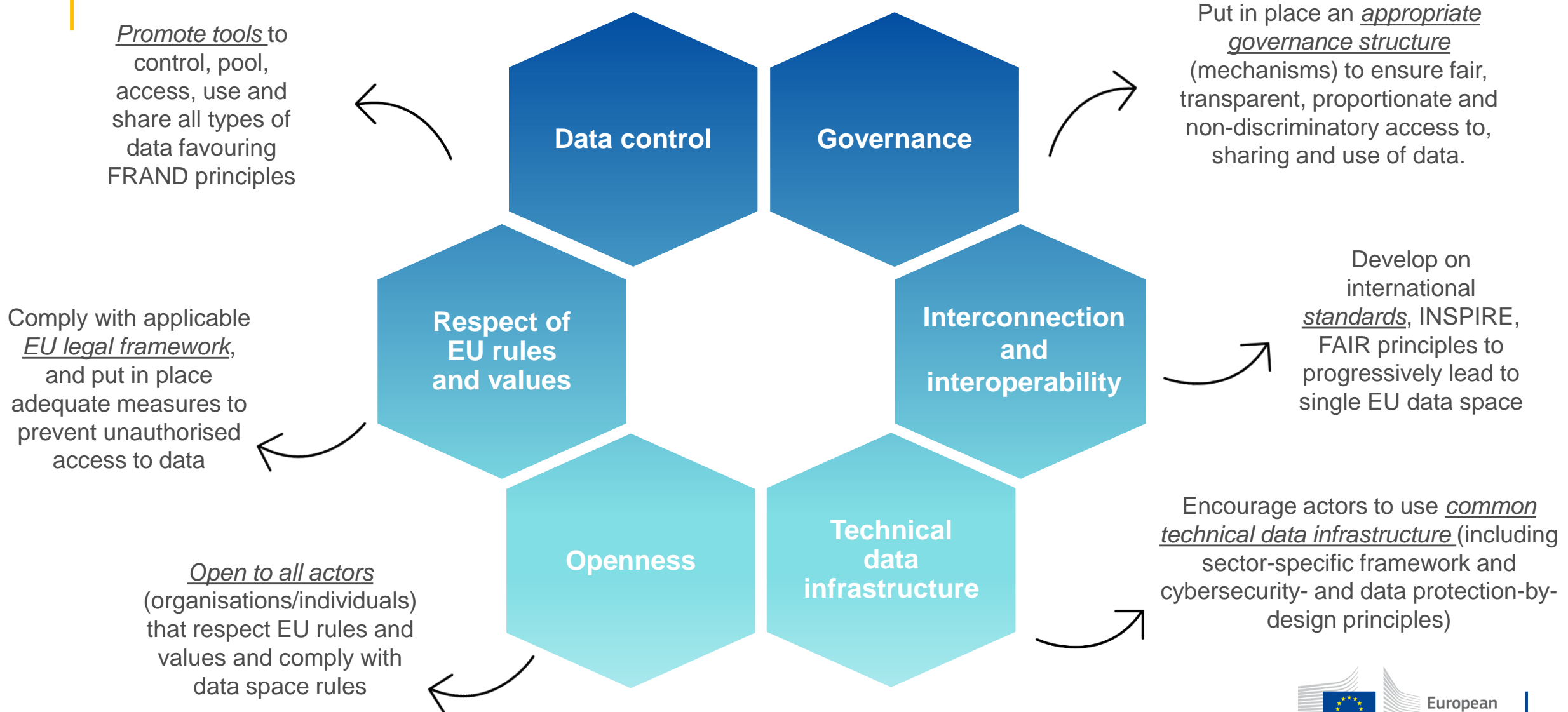
Marketplace

High-Performance Computing

AI on demand platform

AI Testing and Experimentation Facilities

# Design principles for common European data spaces



# Data Spaces Support Centre

Closely work with CSAs and projects funded under DIGITAL

Create a network of stakeholders

Identify the common requirements

Support the work of the envisaged European Data Innovation Board

Create a platform for knowledge exchange

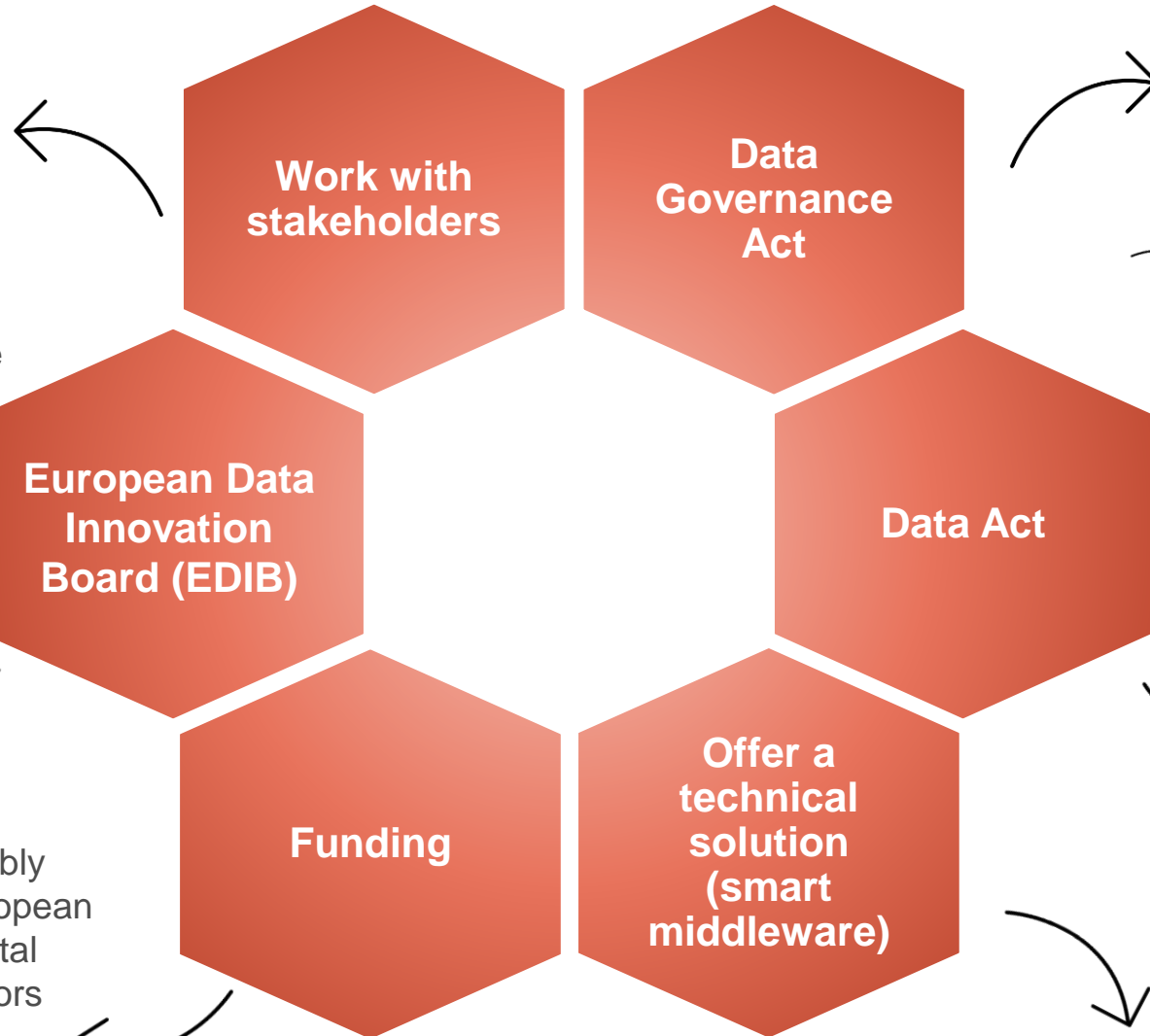
Support the deployment of data spaces





# The EC's role in supporting the creation of data spaces

Contribute to the *definition of objectives* for each data space and promote use of EDIB guidelines



Lays down a number principles to increase trust in *neutral data intermediaries*, i.e., the *orchestrators* of the data spaces

Support the Commission in:

- *Issuing guidelines* to facilitate the development of the common European data spaces
- Identifying the relevant standards and interoperability requirements for *cross-sector data sharing*

Ensure that companies and individuals can benefit from *international data flows*, while guaranteeing compliance with the Union's data protection and security rules

Facilitates *interoperability* of data, data sharing mechanisms and services (incl. data spaces) between sectors

*EU financial contribution* (notably DIGITAL) to deploy common European data spaces as European digital infrastructures in specific sectors

This helps *pool existing data infrastructures* (cloud federation)

# Conclusions

- Approche horizontale sur la stratégie données de la Commission (donnée géographique « cross-domain »)
- Génération de richesses (publiques et privées) à partir des données publiques
- Espaces européens de données et interopérabilité
- Besoin de clarté sur le marché européen de la donnée
- Quelques spécificités des données géographiques : marché de données transfrontalier (cross-border), l'un des six domaines des données de forte valeur (high value datasets).



**Merci de votre attention!**

**Quelques liens utiles:**

[European Commission's policies on the reuse of public sector information](#)

[A European Strategy for data](#)

[Data Governance Act](#)

[Data Act](#)

[Digital Europe Programme](#)

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