

Position paper – The governance of the Single market for data

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The « context » paragraph shows how clear rules for access and use of the data are essential for the success of the Single Market for data but also how important it is to consider the features of the different sectors.

GFII works for years on data produced and re-used by public and private professionals, whose end-users are also professionals. From this experience, GFII can testify that the “one size fits all” principle in terms of access and reuse rights within one or between sectors won’t generate the expected results in terms of innovation, growth or job creation.

Thus we strongly encourage:

- to work on the basis of real use cases in each sector as well as having a flexible and open understanding of each of them. If not, it would reduce the data flows potential;
- to consider different conditions for access and re-use of data, according to the specificity of each particular sector or cross-sectoral exchanges, as well as the purpose of re-use of re-user’s end-users.

Horizontal legislative actions will have to go hand in hand together with sector specific measures and other existing or future national or EU legislations, in order to avoid what has happened and is still happening with, for example, the GDPR.

That is why we insist on the idea to work from real use cases in order to fix the existing and future “grey zones” that generate difficulties for data holders and re-users.

Data exchanges aren’t as important as they could be because of interoperability issues, but also because of legal/contractual ones as well as the question of the remuneration of the service provided by public or private data holders.

We fully agree with “The value of data lies in its use and re-use” (Strategy for data)”. But enabling an effective reuse of data has a cost for the data holder, public or private, in terms of data quality (all aspects), technical documentation and infrastructures, human resources etc.

Insufficient resourcing of public data holders may then occur in another situations than legal ones like having to ascertain requests for use of data that is in principle not accessible and the use of which is conditional on the respect of rights of others.

The re-use of data has a cost for the re-user too, but it will depend on interoperability standards as well as potential fees. Interoperability and standards being key (but often forgotten til today), we strongly support the idea to establish a European coordination body, which will have to be funded.



But it is essential to keep in mind that:

- this is not an “IT issue” only. The type of data must be considered, in terms of domain / sector, ie. case-law is very different from meteorological or mobility data. “Data understanding” is a key condition to make the data “speak” and should not be underestimated.

- when standards will have been defined, it may be necessary to require data holders and re-users to be compliant

We support the idea to encourage Member States to offer certain support services to researchers and business innovators as it may be compared to sand boxes or innovation hubs in the financial sector.

And the European body/structure that should support experts in the MS and ensure that expertise is re-used should organize the participation and contribution of the different authorities, as well as the ones of re-users across Member States

We are in line with the principle that BtoG data-sharing shouldn't be mandatory. Once again, the legal/contractual issues are key, as well as the one of the remuneration of the service.

Supporting data intermediaries is interesting if they can help to resolve technical, legal, contractual and pricing issues.

Criteria for voluntary labels or fully fledged certification should be defined by stakeholders, ie data holders and reusers, in a co-regulatory process.

We agree that conditions to data access from outside the EU should be assessed, as access and reuse of data from Europe is a sovereignty issue. According to the sector and the type of data, reciprocity might be an option.