EU wetgeving met een data-impact

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DIGITAAL VLAANDEREN

Vlaamse overheid
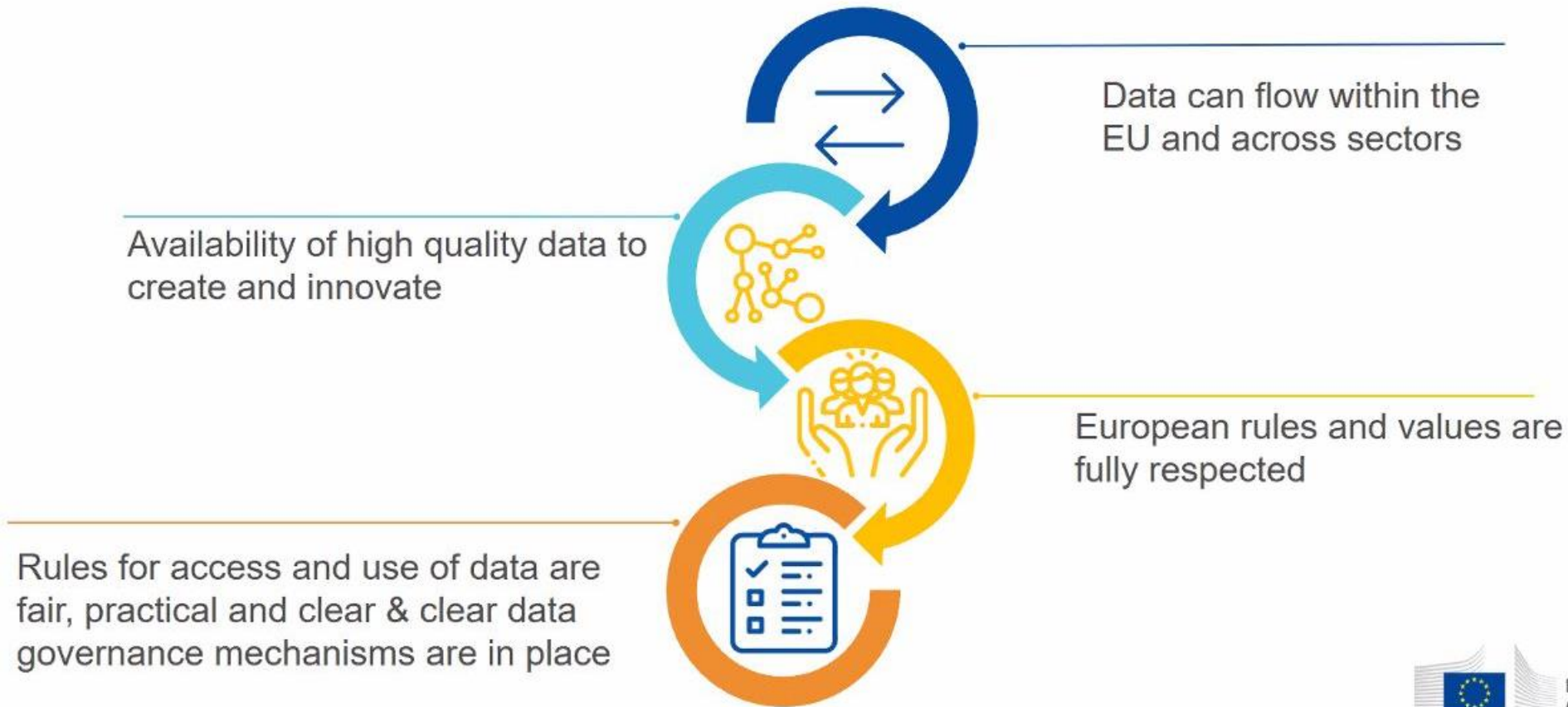
Why a European data strategy?

"Data is an essential resource for economic growth, competitiveness, innovation, job creation and societal progress in general."

Projections (Feb 2020)

- improve health care

- create safer and cleaner transport systems

- generate new products and services

- reduce the costs of public services: 120 billion/year in the health care sector

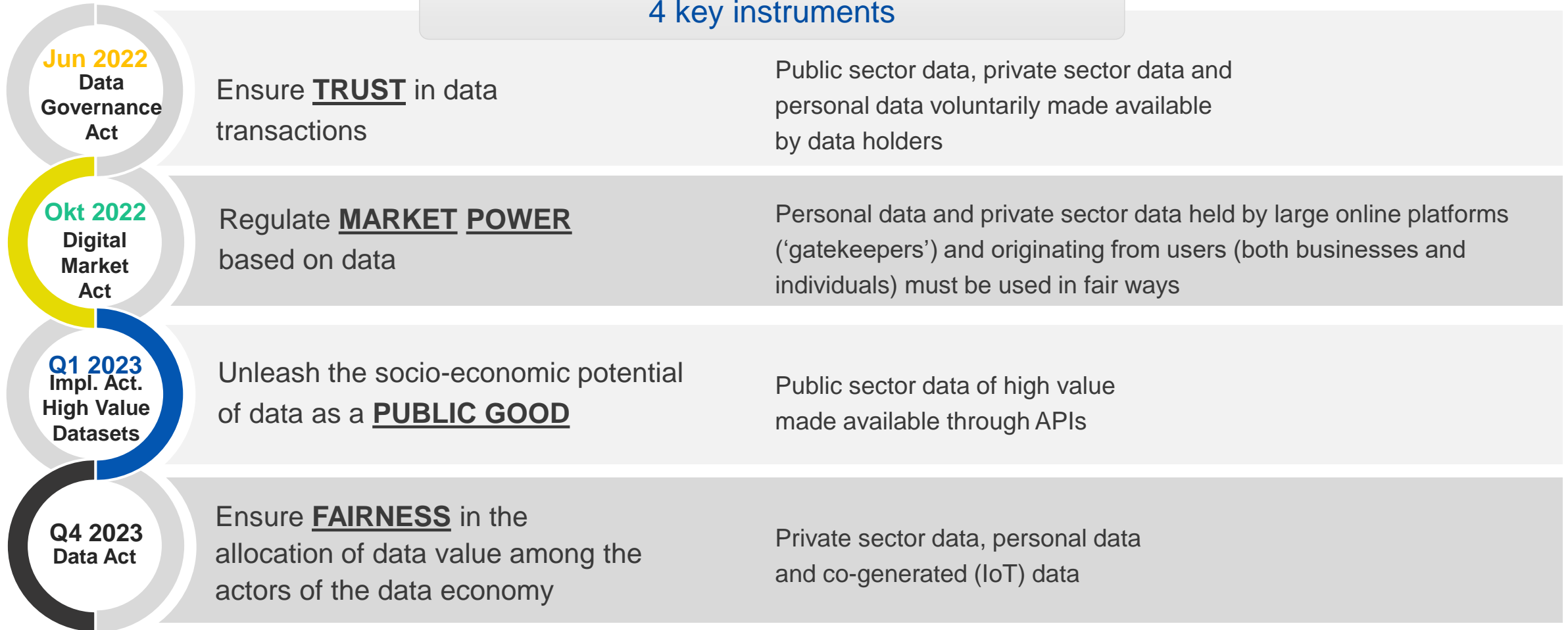- improve sustainability and energy efficiency

What does the European data strategy include?

A common European data space, a single market for data

Data can flow within the EU and across sectors

Availability of high quality data to create and innovate

European rules and values are fully respected

Rules for access and use of data are fair, practical and clear & clear data governance mechanisms are in place

European Commission

What does the European data strategy include?

4 key instruments

Jun 2022 Data Governance Act	Ensure **TRUST** in data transactions	Public sector data, private sector data and personal data voluntarily made available by data holders
Okt 2022 Digital Market Act	Regulate **MARKET POWER** based on data	Personal data and private sector data held by large online platforms ('gatekeepers') and originating from users (both businesses and individuals) must be used in fair ways
Q1 2023 Impl. Act. High Value Datasets	Unleash the socio-economic potential of data as a **PUBLIC GOOD**	Public sector data of high value made available through APIs
Q4 2023 Data Act	Ensure **FAIRNESS** in the allocation of data value among the actors of the data economy	Private sector data, personal data and co-generated (IoT) data

GOAL: the creation of **common European data spaces,** resulting in one **European single market for dat**a

What does the implementing act on High-Value Data sets entail?

- Revised PSI directive (2019) aims to make even more open data available
- In particular, 'high-value datasets' means datasets whose re-use can bring significant benefits to society and the economy
- Obligation to open them for re-use:
  - Free, via APIs
  - Available in machine-readable format
  - Where possible and relevant, available as a bulk download
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- Implementing act (early 2023) lays down:
  - Which datasets should be considered as high-value datasets
  - Technical requirements for the data formats and APIs of the high-value datasets
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Geospatial   Environmental   Meteorological   Statistical   Commercial   Mobility

What is the Digital Markets Act (DMA)?

- A set of rules for large digital players, so-called "**gatekeepers**" with
  - a strong economic position and active in several EU countries
  - a strong intermediary position between users and companies
  - an anchored and sustainable position in the internal market
  - E.g. search engines, social networks or online trading platforms

- The aim is to avoid unfair commercial practices …
- e.g. unfair use of data from companies operating on the platform
- … through an 'enforcement' mechanism based on market research
  - quantitative thresholds to be designated as a "gatekeeper" (GAMTAM)
  - prohibiting a number of commercial practices that are clearly unfair
  - penalties for non-compliance (fines up to 10% of worldwide turnover)
  -
  *Legislation (02/05/2023) intended for companies, not for governments

What is the Data Governance Act? (24/09/2023)

- ## What problem is the DGA trying to solve?
  ### => Data sharing remains limited
  - Low confidence
  - Problems with the reuse of certain government data & private data and the collection of data for public interest purposes
  - Technical barriers to data re-use
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- ## What is the purpose of the DGA?
  ### => Achieve a better (re)use of data
  - Increase trust
  - Strengthen mechanisms that increase data availability
    - Re-use of protected public sector data: more public sector data available
    - Data intermediation services: more data sharing between companies
    - Data altruism: more voluntary data sharing by citizens and businesses for non-profit purposes but in the public interest
  - More standards for data reuse
  -

What is the Data Act (DA) about?

- ## What problem is the DA trying to solve?
  - Huge potential of unused data
  - Uncertainty about data rights & data collection by connected devices
  - Imbalance in power ratio / allocation of the value of data
  - Barriers to moving between cloud and edge services
  - Lack of cross-sectoral data interoperability

- # What is the purpose of the DA?
  - Achieve better access to data: focus on SMEs – contracting issues
  - Right to share data generated by IOT
  - Making private data available for the public interest in the event of exceptional need
  - Easier transition between cloud and edge services
  - Facilitating data exchange through technical standards and interoperability
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Relevant as well: Artificial Intelligence Act (AIA) (trilogue)

- Establishes a set of horizontal rules
  - for the development, commercialisation and use of AI-driven products, services and systems on EU territory
  - applicable to all industries
- Aims to define high standards of a European "trustworthy AI" model
  - AI that is legally, ethically and technically robust, respecting democratic values, human rights and the rule of law
  - Based on reliable, unbiased data
  - Combines a risk-based approach based on a pyramid of risk levels, with a modern, layered enforcement mechanism
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Relevant as well: Interoperable Europe Act (IEA) (proposal phase)

- Objective: to substantially strengthen cooperation on interoperability between public administrations in the EU.
  - Ensuring a **consistent, human-centred EU approach to interoperability**
    - Strengthening the existing recommendations of the European Interoperability Strategy (EIF), in particular data
    - Performing ex-ante interoperability assessments for cross-border services and sharing (making available & supporting) interoperability solutions within the public sector
  - Developing a **governance structure for interoperability**
    - Interoperable Europe Board ondersteund door Interoperable Europe Community
  - Co-creating an ecosystem of interoperability solutions for the EU's public sector
    - Interoperable Europe Portal met Interoperable Europe Solutions
    -

Link with other European initiatives

DATA AS A NEW RAW MATERIAL/RESOURCE

- The Data Governance Act and the Data Act should contribute to the creation of common European data spaces
(funded by the DEP - Digital Europe Programme)
  - in nine domains, ranging from industry and energy
to health (EHDS) and the European Green Deal
  - e.g. more efficient management of energy consumption, personalised medicine and better government services
- Other relevant European initiatives:
  - Gaia-X: set of standards and principles for interoperable European cloud services to guarantee data portability when stored in the European data spaces
  - Data Space Support Centre (DSSC): supporting European data spaces
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Thank you for your attention
Any questions?