

WEBINAR

Navigating the European data strategy: the progress towards the single market of data

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data.
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academy

31 January 2025

10.00 - 11:00 CET

Rules of the game



The webinar will be recorded and published on the data.europa academy



For questions, please use the ClickMeeting chat



Please reserve 3 min after the webinar to help us improve by filling in our feedback form



Introduction



Inmaculada Farfan Velasco
data.europa.eu,
Publications Office of the EU



Jiří Pilař
Legal & Policy Officer,
DG CONNECT



Michal Kubáň
Policy Officer,
DG CONNECT



Agenda

10.00 – 10.10	Opening and introduction <i>Inmaculada Farfan Velasco</i>
10.10 – 10.40	Introduction and overview of the European Data Strategy and key EU data policies – <i>Jiří Pilař, Michal Kubáň</i>
10.40 – 11.00	Q&A session and closing remarks



Navigating the European data strategy: The progress towards the single market of data

DEU Academy Webinar, 31 January 2025

Jiri PILAR, Michal KUBAN

*European Commission, DG for Communications Networks, Content
and Technology, unit G1*

Data can help EU competitiveness



Innovators including GenAI companies are running out of data

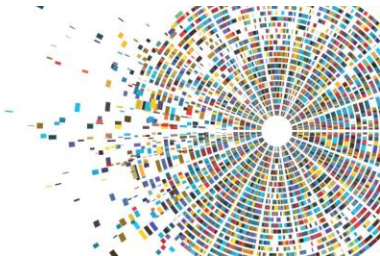
Lack of harmonisation of data legislation, including sector-specific laws, and overlapping governance bodies

Data is underutilized for compliance purposes (beyond data legislation)

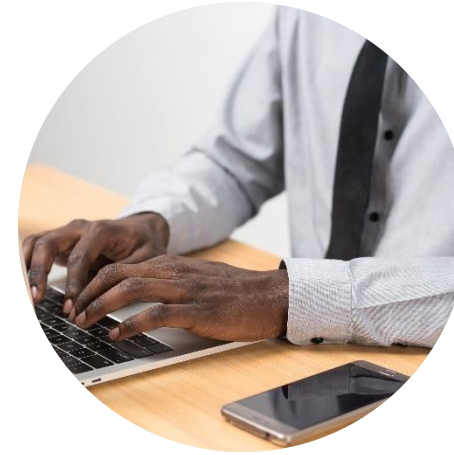
Scaling up of data markets

Businesses fear sharing data due to competition concerns

Geopolitical tensions lead to uncertainty in international data flows



Deploying the European Strategy for Data through 4 Pillars



A cross-sectoral legal framework on data

including a legislative framework for European data governance and horizontal rules increasing legal certainty on data access and use

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

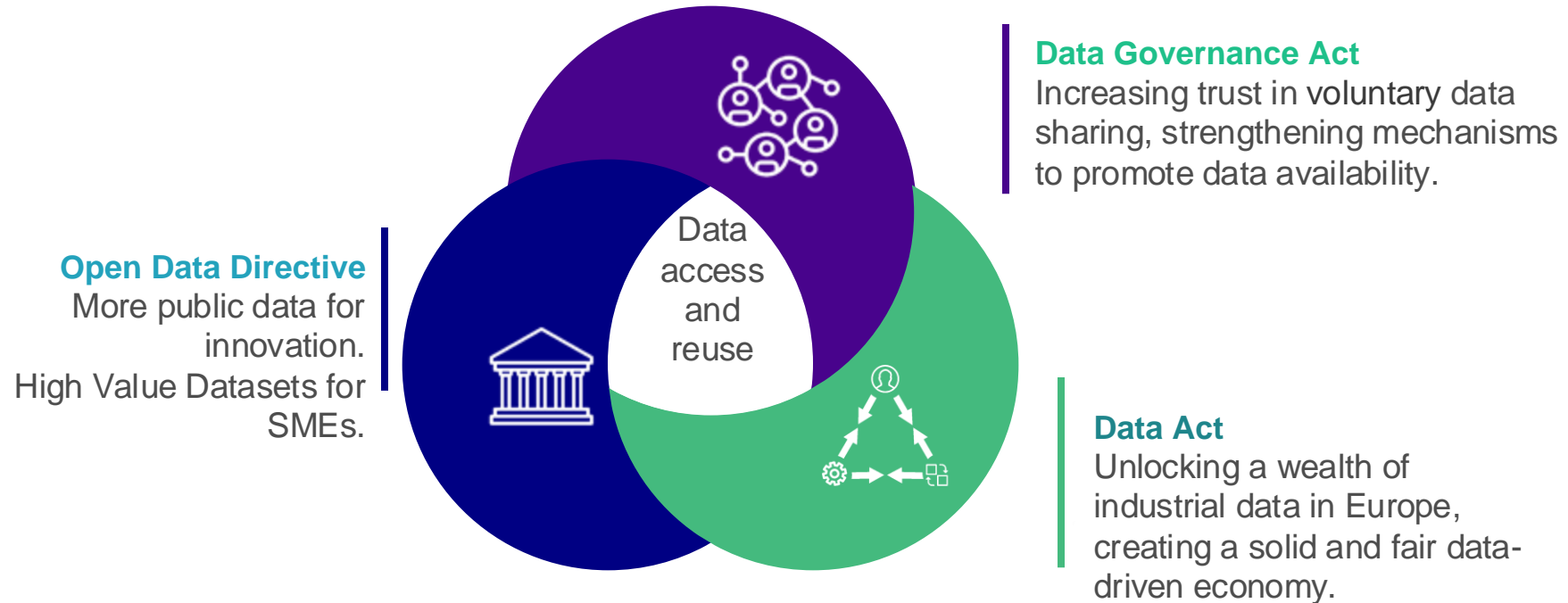
in crucial economic sectors and domains of public interest, looking at data governance and practical arrangements.

International Aspects



Policy goal - Creating a single European market for data (European Data Strategy 2020)

Legal instruments from the perspective of the type of data



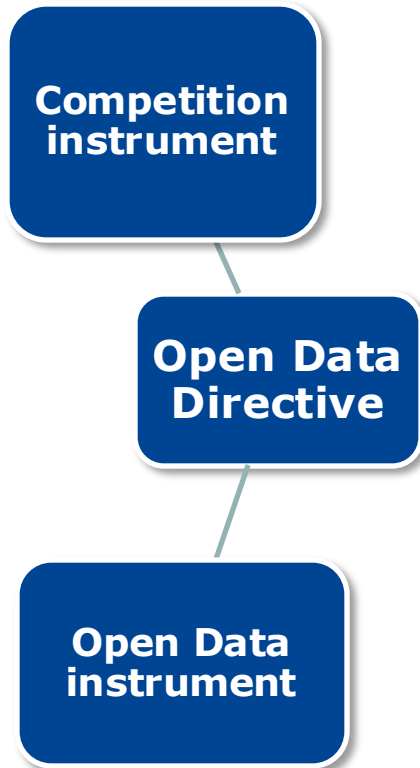
Without prejudice to the GDPR

Open data directive

High-value datasets



Open Data Directive – basic facts



- Introduces a minimal set of rules to make more data from the public sector easier and cheaper to use for innovation
- The Directive does not apply to:
 - data not publicly accessible under access to information regimes
 - information protected by third party intellectual rights or interests
- Application of the Directive must fully respect the Union and the national data protection rules
- **Latest revision in 2019: ex-"PSI Directive" now entitled 'Directive on Open Data and the re-use of public sector information'**



Open Data Directive – am I in the scope?

Who is concerned

- Bodies of **public administration** – central, regional, local (all branches of power)
- Certain **cultural institutions**: museums, libraries and archives
- Certain **public undertakings**

Re-use of data held by public undertakings in utilities and transport sector to respect the principles of transparency, non-discrimination and non-exclusivity set out in the Directive.

- **Research funding and research performing organisations**

Re-use of publicly-funded research data is governed by the rules of the Directive (if data already accessible via repositories). Countries must adopt open access policies to support availability of research data.

Who is NOT concerned

- Public service broadcasters, most cultural establishments, most educational establishments



Open Data Directive – is my data in the scope?

What it covers

- Any type of content held by public bodies that is accessible to the public

What is out of scope

- Data for which third parties hold **intellectual property rights**;
- Documents to which access is excluded or restricted by a (national) **access regime**;
- Documents to which access is excluded on the grounds of sensitive **critical infrastructure** protection or **commercial or statistical confidentiality**;
- Documents to which access is excluded on grounds of **protection of personal data**;
- Documents whose supply falls **outside the scope of the public task** of a public-sector body or outside the scope of provision of services in the general interest of a public undertaking, documents held by public undertakings that are related to **activities directly exposed to competition**;
- Other documents referred to in Article 1(2) of the Directive.



Open Data Directive: can I charge for my data?

- **Default rule:** reuse of documents should be **free of charge**.
- If needed, **marginal costs** incurred to reproduce and disseminate documents, anonymise personal data and protect commercially confidential information may be recovered.
- By way of exception, full cost of data can be charged by:
 - **museums, libraries and archives,**
 - **public undertakings, and**
 - **public-sector bodies that required to generate revenue to cover a substantial part of their costs relating to the performance of their public tasks.**
- **Transparency:** list of all public bodies that charge above marginal costs of dissemination must be made public.
- **High Value Datasets:** always free of charge



Open Data Directive – how to deal with reusers?

- Process **requests for re-use** timely, deliver positive or negative decisions
- **Publish** data in high demand **proactively**, facilitate the online search and discovery
- Let your **portal** get **harvested** by the central national portal, in turn harvested by data.europa.eu



data.europa.eu



Open Data Directive – what conditions for reusers?

- **Fair trading and non-discrimination**
- The reuse of documents is open to everyone in the market and any applicable reuse conditions should be non-discriminatory.
- **Default rule:** arrangements between public-sector bodies or public undertakings holding the documents and third parties **cannot grant exclusive rights**.
- **Exceptions:** where the directive allows for exclusive arrangements, their validity is subject to regular review and special transparency requirements apply.
- **Prevention of data lock-in:** Directive imposes new transparency and review requirements to public-private agreements which may lead to a situation in which the range of potential re-users would be severely restricted.
- **Licensing:** to promote openness, the re-use of documents shall not be subject to any conditions, unless justified by public interest. Use of open licences (CC-BY) encouraged.



Open Data Directive – any practical measure to take?

- Make documents available in **any pre-existing format** or language.
- By electronic means in **formats that are open, machine readable**, accessible, findable and reusable, complete with their metadata.
- Real-time data and APIs: **make dynamic data available for re-use immediately** after collection, via suitable Application Programming Interfaces (APIs) and as a bulk download.
- Practical arrangements to facilitate re-use: encouraging the availability of documents according to the principle of '**open by design and by default**', facilitate metadata aggregation at Union level, promote data preservation and simplify access to documents.
- **High-value datasets** listed in the implementing act must be made available for **free**, in **machine-readable** formats, via **APIs** and (where relevant) as **bulk** downloads.



The beginning: try to open public sector data for re-use.

Open Data Directive => high-value datasets.

Open Data Directive

of 2019
(its predecessor
in place since 2003)

- **The Directive**: all publicly accessible data from the public sector should be easier and cheaper to re-use for innovation.
- Access to information rules are mostly set by the MS.
- Application of the Directive must fully respect the data protection rules, confidentiality, security, IPRs etc.
 - **Next level:** Commission Implementing Regulation applicable from 9 June 2024.
 - List of public sector datasets with a high reuse potential for the society and economy that **have to be made available**:
 - for free, in machine-readable formats, via APIs and (where relevant) as bulk downloads.

Geospatial

*Earth observation
and environment*

Meteorological

Statistics

*Companies and
company ownership*

Mobility



Member States to report on High Value Datasets

- Under Article 5(3) of the [Implementing Regulation](#) each Member State must „*provide the Commission with a report on the measures they have carried out to implement this Implementing Regulation*“.
- The Commission made tools available to make the reporting simple, thanks to concrete **SPARQL queries**.
- By 9 February 2025 and then **every 2 years**.

Article 5 (3): The report shall contain the following information:

(a) a list of specific datasets at Member State level;

(b) persistent link to the licensing conditions;

(c) persistent link to the APIs;

(d) where available, guidance documents issued by the Member State on publishing and reusing their high-value datasets;

(e) where available, the existence of data protection impact assessments carried out in accordance with Article 35 of Regulation (EU) 2016/679;

(f) the number of public sector bodies exempted in accordance with Article 14(5) of Directive (EU) 2019/1024.



Extension of thematic categories of HVDs

- Final [study published](#) in 2023
- Potentially for the new Commission.
- Candidates:
 - Climate loss;
 - Energy;
 - Financial;
 - Government and public administration;
 - Health;
 - Justice and Legal;
 - Language.



Data Governance Act



Data Governance Act

Regulation (EU) 2022/868 of the European Parliament and of the Council of 30 May 2022, applicable since 24 September 2023

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



Pillar 3:
Corporate and Individual **data altruism** for purposes of general interest



Pillar 4:
Co-ordination and interoperability: **European Data Innovation Board**

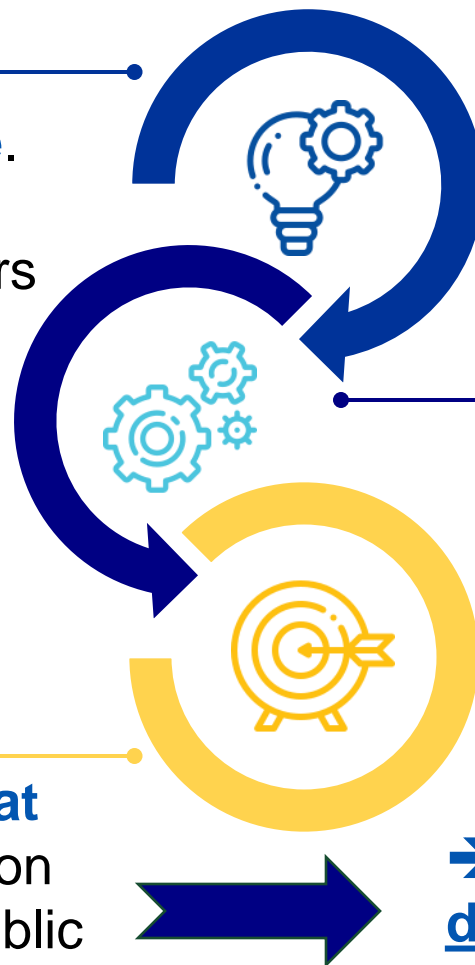
Horizontal framework for the creation of a single market for data



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.**

European single access point →
→ European register for protected data held by public sector
available on **DATA.EUROPA.EU**



Pillar 2: Data sharing intermediaries ‘European style’

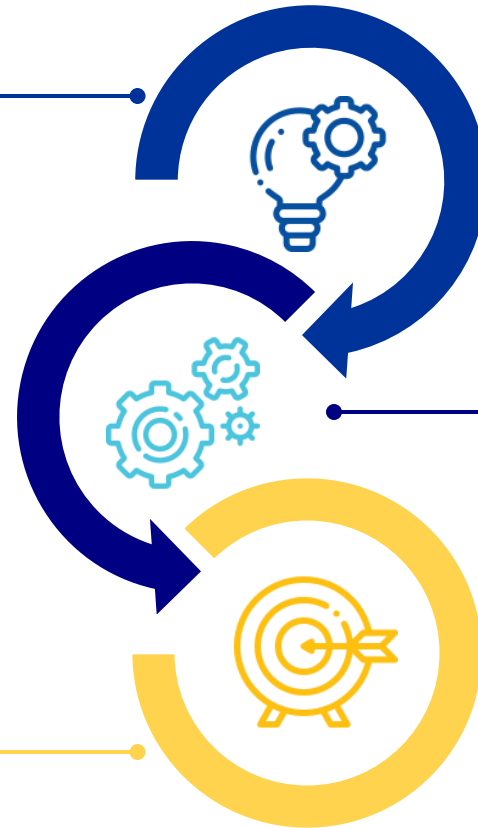
Principles and requirements for **novel intermediaries for B2B and C2B data sharing – Neutral Data Intermediaries**

- to support voluntary data sharing preserving control over the data by companies and individuals

Notification to competent authorities in MS before functioning



The **EU register of recognised data intermediation services**, provides the list of all data intermediation services providers offering their services in the EU.



Cannot monetise on the data companies share through them; Should be established in Europe or have a legal representative in a MS.



Pillar 3: Individual & corporate data altruism

Individuals and companies could share their data for the common good, without direct reward



Data altruism entities have the option to register as 'Data Altruism organisations recognised in the Union' by their national competent bodies in the [EU register of recognised data altruism organisations](#).

Data altruism entities constituted to meet objectives of general interest, transparency.
European data altruism consent form to facilitate the collection of data.



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.



Data Act



Data Act

Entry into application 12 September 2025



Portability of **IoT data**

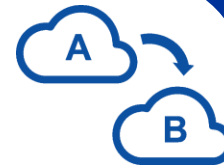
Users of IoT



Tackle **contractual unfairness** in B2B data sharing



Make **business data available** to government in emergency situations (B2G)



Easier **switching** between cloud services



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

European Single Market for Data

Data legislation

Data Act

Data Governance Act

Open data directive

GDPR

...

Common European Data Spaces



Health



Industrial & Manufact.



Agriculture



Finance



Mobility



Green Deal



Energy



Public Admin.



Skills



EOSC



Tourism



Cultural heritage



Media



Language

High Value Datasets from public sector

European Data Innovation Board

- Facilitate the sharing of best practices
- Prioritisation of cross-sectoral interoperability standards

Data Spaces Support Centre

- Development of blueprint, glossary, etc.
- Support of data space projects

Technical infrastructure

Standards

Digital identity (eIDAS)

Smart Middleware solutions (Simpl)

High-Performance Computing

Testing and Experimentation Facilities

Future policies – New Commission 2024-2029



The new Commission 2024-2029

Boosting productivity with digital tech diffusion

To support the development of AI and other frontier technologies, **Europe needs to exploit the untapped potential of data.**

Europe needs a **data revolution.**

We will put forward a **European Data Union Strategy**. This will draw on existing data rules to ensure a simplified, clear and coherent legal framework for businesses and administrations to share data seamlessly and at scale, while respecting high privacy and security standards.

Political guidelines 2024-2029



Data is key for competitiveness of the EU

Data is *crucial* for AI

“Companies in Europe struggle to get access to the data they need – while large foreign tech companies use European data to fuel their business.”

Political Guidelines, July 2024



Those who can freely access new research, increasingly **accurate data**, and more efficient technologies can **innovate more quickly**, improve their processes, and **maintain competitiveness** in the global market.

Letta report, April 2024



The EU should **promote cross-industry coordination and data sharing** to **accelerate the integration of AI** into European industry.

Draghi report, September 2024



Commissioner- Henna Virkkunen

Executive Vice president for Tech Sovereignty, Security and Democracy



[Mission Letter to Henna Virkkunen](#)



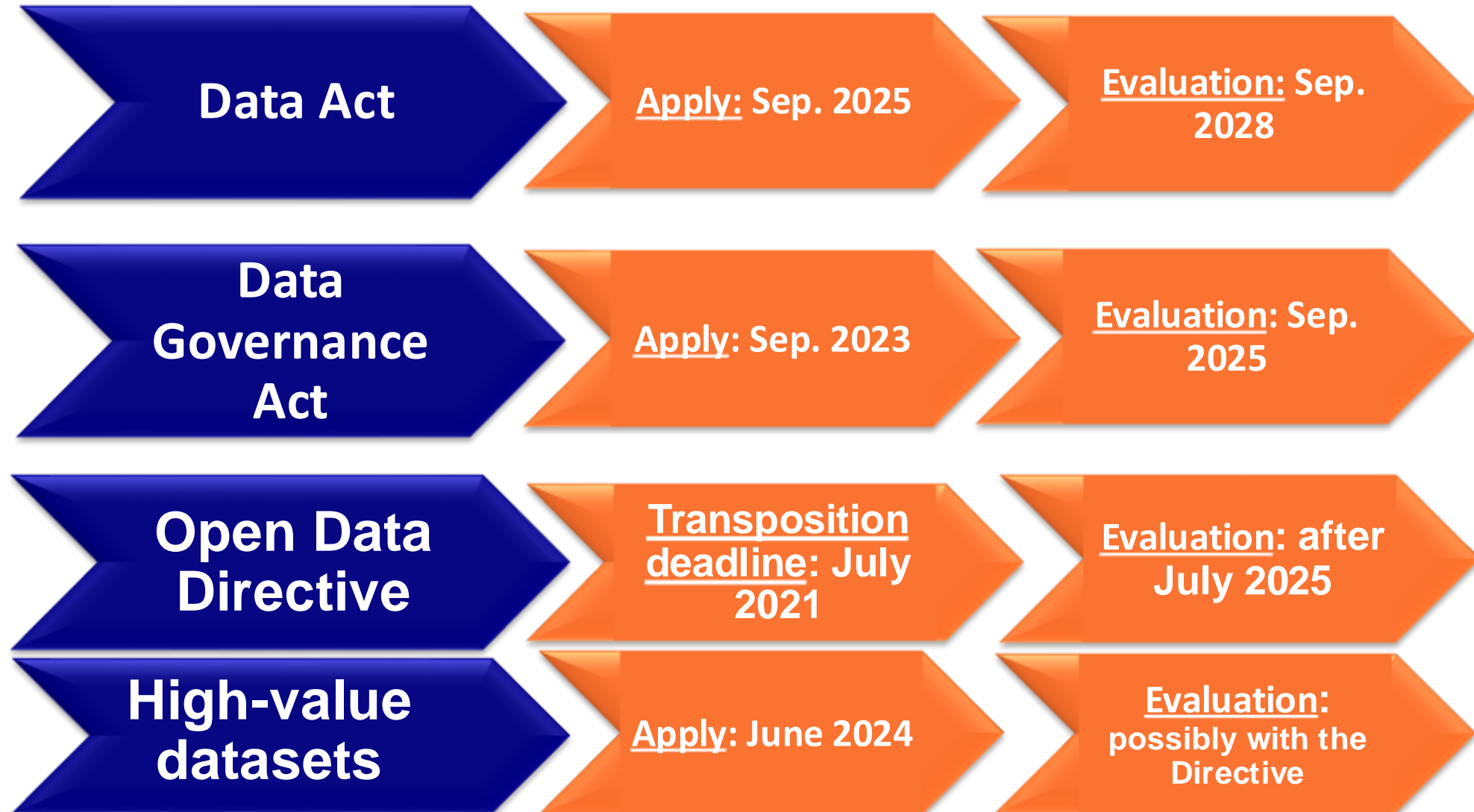
- **Accessible High-Quality Data**
Ensure high-quality data is available to European innovators addressing the scarcity of fresh datasets for AI.
- **Streamlined legislation**
Clarify and streamline the existing data legislation to make it more coherent and understandable and user friendly.
- **International Data Flows**
Enhance, secure cross-border data exchanges, balancing privacy with innovation potential.

Our goal: building a genuine single market for data

Data Union Strategy



Timeline – where we are



Website with more information

- **European Data strategy** - https://ec.europa.eu/info/strategy/priorities-2019-2024/europe-fit-digital-age/european-data-strategy_en
- **Open data policies**
 - <https://digital-strategy.ec.europa.eu/en/policies/open-data>
 - <https://digital-strategy.ec.europa.eu/en/factpages/open-data-and-high-value-datasets-step-step-access-guide>
- **Data Governance Act explained** - <https://digital-strategy.ec.europa.eu/en/policies/data-governance-act-explained>
- **Data Act explained** - <https://digital-strategy.ec.europa.eu/en/factpages/data-act-explained>
- **Implementing regulation on HVDs** - https://eur-lex.europa.eu/eli/reg_impl/2023/138/oj



Thank you very much for your attention



Email: CNECT-G1@ec.europa.eu
Unit G1 of DG CONNECT

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Q&A



Inmaculada Farfan Velasco
data.europa.eu,
Publications Office of the EU



Jiří Pilař
Legal & Policy Officer,
DG CONNECT



Michal Kubáň
Policy Officer,
DG CONNECT



Stay up-to-date on our
2025 activities!

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WEBINAR

**Data spaces:
experience from the
European Financial
Data Space**



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14 February 2025
10.00 – 11.00 CET

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WEBINAR

**Open data maturity
in Europe 2024:
best practices and
key takeaways**

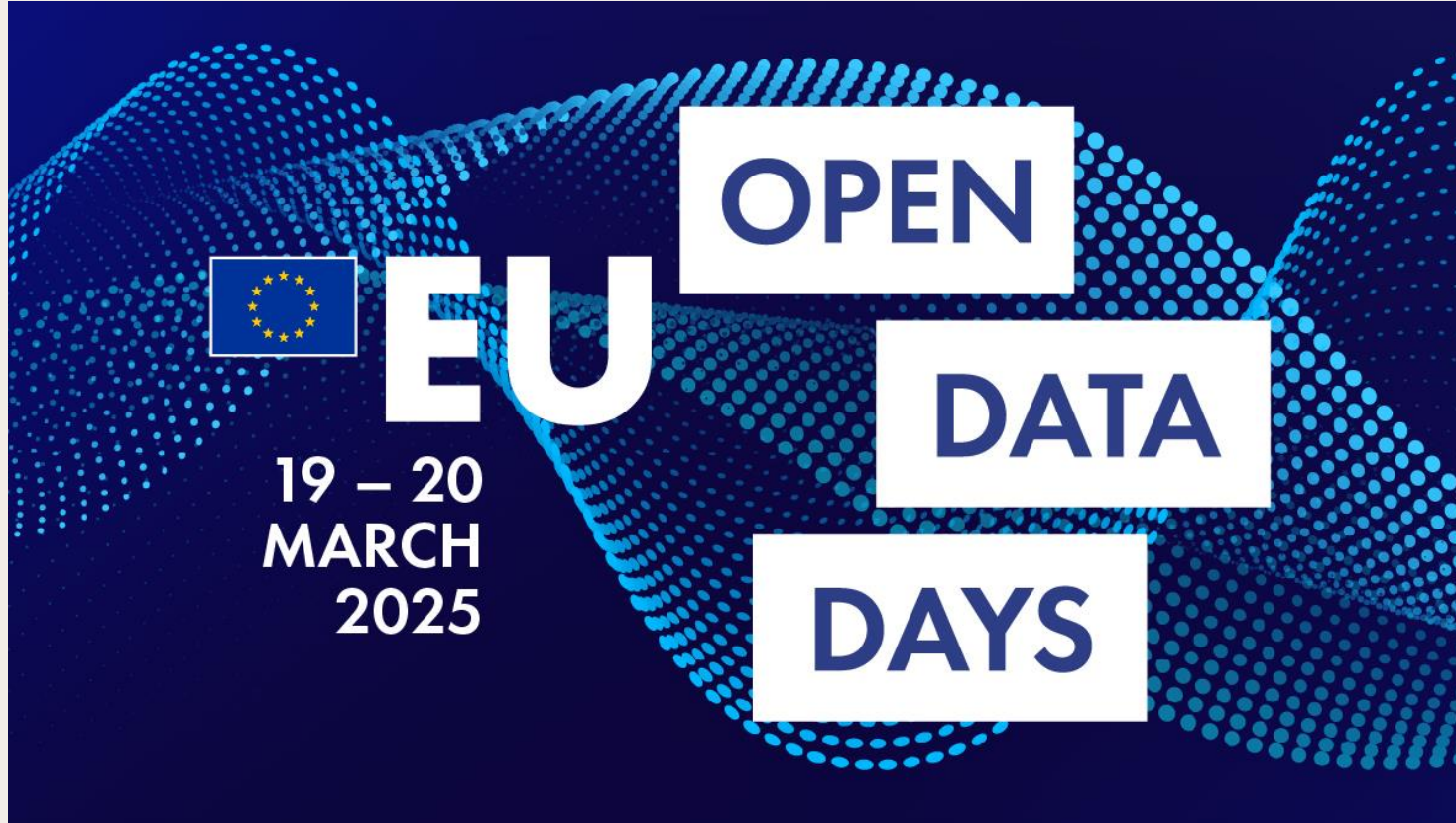


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28 February 2025
10.00 – 11.30 CET



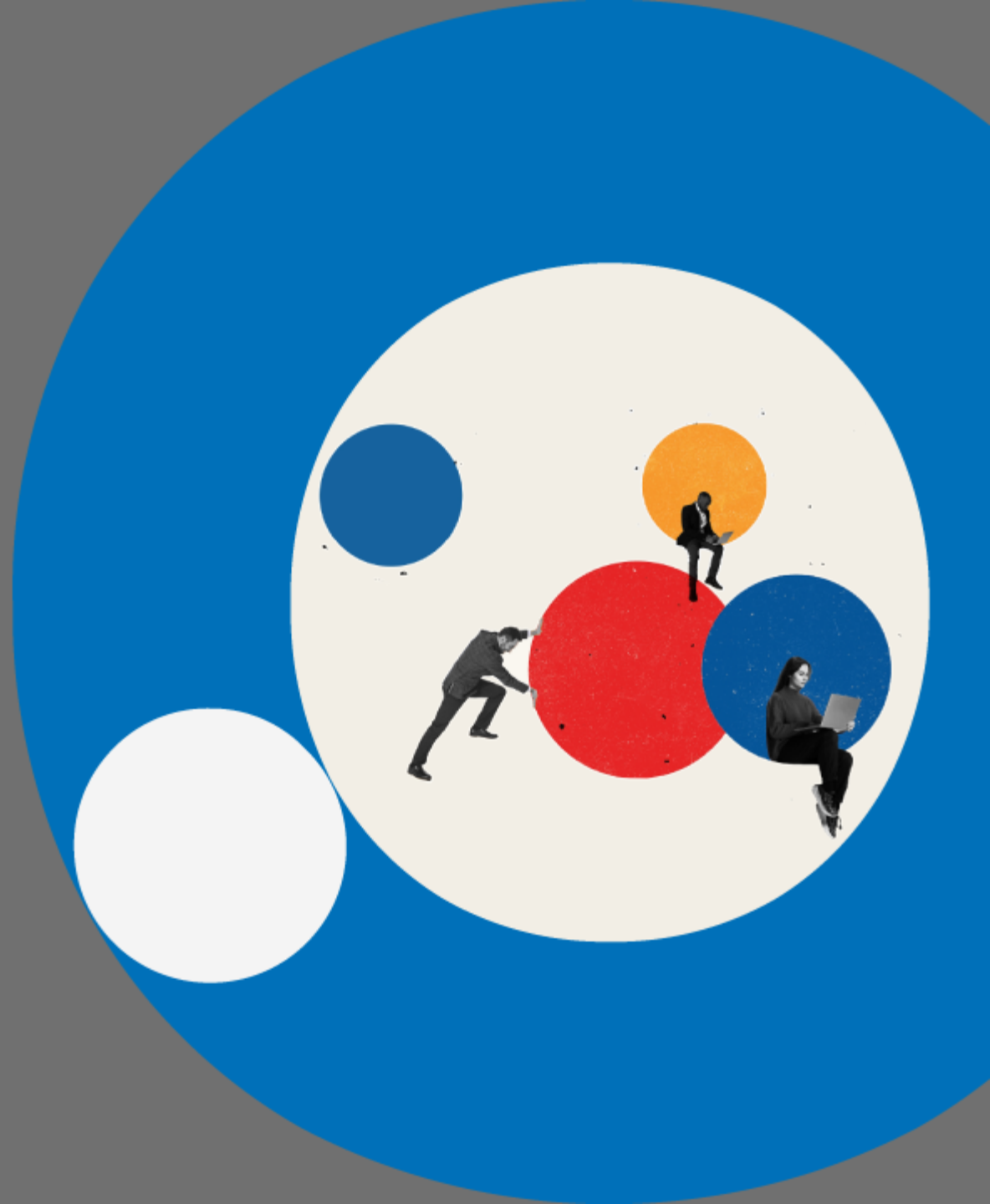
Sign up for the Open Data Days!



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Your opinion is
important to us!



Thank you!

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