



# European Data Economy

**Wolfgang Höfs**  
**European Commission**  
**DG Communication Networks, Content & Technology (CONNECT)**  
**Directorate Digital Society, Trust & Cybersecurity**  
**Unit Smart Mobility and Living**

# Building the European Data Economy

- *Why is Commission acting on data?*
- *What is Commission doing on data?*
- *What kind of data is concerned?*
- *How will access to data be addressed?*
- *How will the mobility sector be impacted?*

# Why is EC acting on data?

- *There exists no digital single market for data because of*
  - Barriers to the free flow of data
  - Legal uncertainties regarding data
- *Consequence:*
  - Missed economic, social and business opportunities
- *Coordinated European approach essential for the development of the data economy as part of the Digital Single Market*

## The digital revolution is built on data

Most economic activity will depend on data within a decade  
Potential of the data-driven economy

2015

2020

€272 bn

With adapted policy  
& legal solutions

€643 bn

 1.9% GDP

 3.17% GDP

 6 million  
people  
employed

 7.4 million  
people  
employed

## What is Commission doing?

- *Exploration of potential obstacles to the free movement of data*
- *Checking issues raised by new technologies like the Internet of Things and automated products, e.g. vehicles*
- *Outlining legal issues*
- *Public consultation and dialogue with Member States*

# What kind of data are concerned?

- *Mixture of public and private sector data*
- *Personal and non-personal data*
- *Machine-generated data can be personal or non-personal data*
  - Example: Location data of a satellite navigation system

## Data protection at the core of data economy

- GDPR prescribes **pan-European** rules as of May 2018
- **Risk-based** approach
- Transfers to non-EU countries subject to the **same level of protection** as within EU
- All data subjects will have a right to (personal) **data portability**
- **Non-personal or anonymised data** out of scope

# 1. Free Flow of Data

Data should be able to flow freely across borders and within a single data space. We need a coordinated and pan-European approach to make the most of data opportunities, building on strong EU rules to protect personal data and privacy.



**Andrus Ansip**



European  
Commission

#dataeconomy



# 1. Free Flow of Data

## OBJECTIVE

**Removing data localisation** restrictions except if they are required for national security and similar objectives

## POSSIBLE ACTIONS

- **Structured dialogues** with the Member States and other stakeholders
- Followed by, where needed and appropriate, **infringement proceedings** and if necessary, **further initiatives** on the free flow of data

# How will access to data be addressed?

- *Data access, sharing, transfer and use is crucial for the success of the data economy*
- *No pre-determined view on the most appropriate way forward*
- *Any action will*
  - Take full account of contractual freedom
  - Avoid side-effects that could stifle innovation or hinder competition

## 2. Data access and transfer



Data is vital for innovation, new products & services, but:

- **Data-holding** companies analyse data in-house
- Lack of **comprehensive policy framework**
- **Contract** is king – risk of unfair terms
- Manufacturers **de facto data "owners"**
- **Data silos hamper innovation**

## 2. Data access and transfer

### OBJECTIVE

Making machine-generated data more accessible for businesses to boost innovation and the digital economy

### POSSIBLE ACTIONS

- **Guidance on data sharing**
- **Foster technical solutions to identify and exchange data**
- **Default contract rules**
- **Access for public interest and scientific purposes**
- **Data producer's right**
- **Access against remuneration**

### 3. Data portability, interoperability and standards

- GDPR does not apply to **non-personal data**
- Portability of non-personal data could foster **innovation/ new services** and stimulate **competition**
- Portability should be **easier and cheaper** in B2B contexts
- **Interoperability** of services, technical **standards**

#### POSSIBLE ACTIONS

- **Recommended contract terms** to facilitate switching
- Developing further **rights to data portability**
- Improving **technical interoperability** and **sector-specific standards**

## 4. Liability in the context of IoT and autonomous systems

- **Hardware, software & data combined – difficult to identify who is responsible**
- **Difficulty to legally qualify as either products or services**

### POSSIBLE ACTIONS

- **Defining responsibilities according to how a risk is generated or how it is managed**
- **Considering voluntary or mandatory insurance schemes**

## 5. Experimentation and testing



- Important part of the **exploration of the emerging issues**
- **Dedicated trials** should be organised for testing possible solutions

### EXAMPLES

- Cooperative connected and automated **mobility** – with trials based on 5G
- Experimenting with **geo-spatial** data

## Way forward

- Communication and **Staff Working Document** to inform the debate
- **Launching wide dialogue** with Member States and stakeholders, including **public consultation** (until 26 April 2017) on:
  - Free flow of data
  - Access to/transfer of data
  - Portability
  - Liability (IoT and robotics)
- **Studies** to gather further evidence



How much do **data localisation restrictions** limit your business?

bit.ly/DataConsultEU #dataeconomy

The graphic features a dark purple background with white text. On the right, there is an illustration of a server rack, a computer monitor, and a document with a pie chart. An '@' symbol is positioned above the server rack. At the bottom, there is a light purple banner containing the European Commission logo, the URL 'bit.ly/DataConsultEU', and the hashtag '#dataeconomy'.

## Links for more information

- [Commission outlines next steps towards a European data economy](#)
- [Communication "Building the European Data Economy"](#)
- [Staff Working Document accompanying the Communication](#)
- [Public consultation on Building the European data economy](#)

Thanks for your attention



Wolfgang Höfs  
European Commission  
DG Communication Networks,  
Content & Technology (CONNECT)  
Directorate Digital Society, Trust &  
Cybersecurity  
Unit Smart Mobility and Living  
[wolfgang.hoefs@ec.europa.eu](mailto:wolfgang.hoefs@ec.europa.eu)