CONTENT

The Communication on a European strategy for data adopted by the European Commission in February 2020 stressed that further EU actions could be taken forward in a Data Act, inter alia, to foster business-to-government data sharing for the public interest, support business-to-business data sharing, and evaluate the IPR framework with a view to further enhance data access and use.

In February 2022, the Commission published its Data Act to ensure fairness in the digital environment, stimulate a competitive data market, open opportunities for data-driven innovation and make data more accessible for all. The proposal for the Data Act includes:

- Measures to allow users of connected devices to gain access to data generated by them and to share such data with third parties to provide aftermarket or other data-driven innovative services.
- Measures to prevent abuse of contractual imbalances in data sharing contracts.
- Means for public sector bodies to access and use data held by the private sector that is necessary for exceptional circumstances, particularly in case of a public emergency, such as floods and wildfires, or to implement a legal mandate if data are not otherwise available.
- New rules allowing customers to effectively switch between different cloud data-processing services providers and putting in place safeguards against unlawful data transfer.
- Provisions amending certain aspects of the Database Directive (including with respect to databases containing data from Internet-of-Things (IoT) devices and objects).

In the European Parliament, the Industry, Research and Energy committee (ITRE) adopted an initiative report on a European strategy for data (rapporteur: Miapetra Kumpula-Natri, S&D, Finland) which calls the European Commission to submit legislation to foster data access and interoperability in the forthcoming data act.

References:

- European Commission, Press release, Data Act: Commission proposes measures for a fair and innovative data economy, 23 February 2022
- European Commission, Consultation on the Data Act and amended rules on the legal protection of databases, June 2021
As of 20 February 2022.