

12 March 2020

The Commission unveils data strategy

On the same day as the publication of its white paper on artificial intelligence, the European Commission unveiled a new European data strategy. With this five-year plan, the Commission wants to create a single European data space, which is a single market for data that will be open to data from across the world. The European data strategy and the white paper on artificial intelligence are the first pillars of broader policy initiatives that involve a digital strategy and a framework for the development of Artificial Intelligence.

To achieve its European data space, the Commission will both pursue a regulatory approach and deploy the competition rules.

On the regulatory front, the Commission will develop new rules with regard to data governance, access and data re-use in various relationships involving businesses, businesses and government, and within administrations. This implies creating incentives for data sharing and establishing clear rules on data access and use. It also means making public sector data more widely available and thus going beyond the limits of existing rules such as the Directive 2019/1024 on open data and the re-use of public sector information. All of this will have to be achieved in compliance with other European rules governing the protection of personal data and consumer rights.

The Commission plans to support the establishment of what it refers to as nine common European data spaces across a range of industries. One such space will be called the “common European health data space” and will serve to secure advances in preventing, detecting and curing diseases and inform evidence-based decisions in healthcare. Another one will be called the “common European energy data space” and will serve to facilitate innovative solutions and support the decarbonisation of the energy system.

In the competition arena, the Commission says it will:

- provide more guidance on the compatibility of data sharing and pooling arrangements with EU competition law;
- offer individual guidance on the compatibility of specific projects with EU competition rules;
- in the area of merger control, look at the possible effects on competition of large-scale data accumulation through acquisitions and at the utility of data-access or data-sharing remedies to resolve possible concerns;

CLIENT ALERT MEMORANDUM

- examine the relationship between public aid to businesses (for example, for digital transformation) and the minimisation of competition distortions through data-sharing requirements imposed on beneficiaries of such aid; and
- consider how best to address systemic issues related to platforms and data and possibly introduce *ex ante* regulation to ensure that markets stay open and fair.

The new European data strategy can be consulted [here](#) and is open for consultation until 31 May 2020.

Authors

Peter L'Ecluse	plecluse@vbb.com
Thibaut D'hulst	tdhulst@vbb.com
Justine Van den Bon	jvandenbon@vbb.com

Get in touch

If you have any questions concerning this memorandum, please call us at +32 2 647 73 50

or send us an e-mail at brussels@vbb.com