BDVA's response to the European Commission's Initiative
Data sharing in the EU – common European data spaces (new rules)

Input to the inception impact assessment
July 2020

BDVA welcomes and supports the objectives described in the Inception Impact Assessment[1], focusing on the development of a framework for the governance of common European data spaces that i) make more data available, ii) make more data usable and iii) provide an environment (infrastructure) that allows for frictionless and secure data sharing. The urgent need to realise these 3 objectives is also apparent in the BDVA's latest Data Sharing Practices survey (launched by its data sharing task force TF1.SG7[2]), where around half of the respondents indicated the next 2 years as a reasonable time-frame for the setup and realisation of such a space.

The Big Data Value contractual Public-Private Partnership (BDV cPPP) is playing a key role in enabling the digital transformation of our society and economy, and in implementing the Digital Single Market Strategy where it supports areas that include data technologies and infrastructures, data platforms, data-driven business (models) and innovation, data standardisation, and skills. The Big Data Value Association (BDVA), the private counterpart of the cPPP, sees clear evidence that the BDV cPPP has successfully mobilised key stakeholders and private investment in the European Data Economy

BDVA supports further **research and experimentation on the utilisation of data**, AI technologies and data-driven innovation for the good of business and society via a smart mix of technical, legal, ethical and business methods. Research efforts should focus on the concepts, the challenges in implementation and the practical aspects of notions as public interest data, the ethics of data sharing, sustainability-by-design and responsible data engineering also trying to investigate the business opportunity of data sharing beyond their monetisation. The nine BDV PPP research and innovation projects funded under ICT13a[3] (Industrial and Personal Data Platforms) are already providing valuable insights across a diverse set of domains on how to address many of the issues mentioned in this initiative that are holding the EU back from realising its data potential: availability of data, data interoperability and quality, data governance, data infrastructures and technologies, empowering individuals, data literacy and cybersecurity. Additionally, the federation of Data-Driven Innovation Hubs and the new generation of European Data incubators (funded under DT-ICT-05[4]) have as their overarching objective the mobilisation, use and sharing of data between sectors and borders, providing different governance frameworks to align needs coming from different sides (offer / demand) and moving towards a Common European Data Space.

An **experimental research approach** is needed to identify the factors for success or failure, e.g. the technology, the nature of data and of stakeholders, the objectives assigned to the governance mechanism, and the legal framework. It is only against this background that room for further legislative initiatives (e.g. in the Data Act) can be identified. In this context BDVA urges regulators to strengthen collaboration with the Partnership activities[5].

BDVA also considers that data holders (of any type) must have the choice and control over the way in which their data is accessed and used in line with predefined, transparent rules. Public sector bodies, business and citizens should be able to take their essential data with them at the end of an engagement. Over half of the BDVA Data Sharing Practices Survey respondents (53.5%) indicated concerns arising from the perceived loss of control over their data (fear of misuse, non-fair usage, third party sharing, etc.) as a major reason to why their participation in data sharing activities remains

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[1] Ref. Ares(2020)3480073 - 02/07/2020

[2] Results of the Survey are not documented publicly yet. Results will be posted on www.bdva.eu/resources

[3] H2020 ICT-13-2019

[4] H2020 DT-ICT-05-2020

[5] Collaboration is already active e.g. in the organization of workshops with Data platforms projects and similar as mentioned in the inception impact assessment.

limited. Furthermore, 79% agree that a uniform set of rules and standards is required to build trust in peer-to-peer data sharing networks, especially those functioning without intermediaries who can oversee transactions to ensure fairness and compliance.

Considering the four main areas of intervention/four main objectives laid down in the Commission's document BDVA has significant feedback to two of them:

1. Lower the costs of the use of data through interoperability at the technical level and availability of generic enabling standards.

BDVA recognises and acknowledges that Data Spaces essentially exist in a heterogeneous landscape of different technologies, products and platforms. Innovation in tools and techniques will be required to facilitate the interoperability of data sharing among these different and diverse platforms. Standardisation has a key role to play here to ensure the broadest engagement of stakeholders in this process.
BDVA acknowledges the benefits to establish mechanisms and processes for technical standardisation in a coordinated manner. To tackle this, BDVA proposes as a policy option **to empower the existing Partnership[6] to take an active role as a coordinating body structure** that in close collaboration with the European and International SDOs[7] can bring together industry, researchers and innovators, standardisation experts and regulators to collaborate together identifying interoperability and standardisation needs early on.

2. Lower the costs of data sharing by supporting an emerging offer of data intermediaries.

Data sharing comes in many shapes and colours, depending on who are the data providers and users, the nature of the data but also of the purpose for (re-)use, the technical environment, the sector, etc. Any hard or soft law initiative **should take into account this diversity** and consequently **restraint from imposing a one-fits-all model for data intermediaries**. Additionally, Data Intermediaries should not be seen as companies or individuals taking a direct part in any data exchange processes but rather as trusted third parties providing the essential environments, functionalities and mechanisms for enabling data exchange at a large scale.
While data sharing is generally expected to benefit the economy and society as a whole, it may also interfere with other societal objectives and values, such as personal data protection and environmental protection. This consideration is certainly not an impediment to strong legislative action but rather calls for balance, caution and consistency. It should also be reflected in international cooperation.

Data quality, which may entail aspects like accuracy, availability, FAIR aspects, and bias, can become an important issue when data sharing is formalized through certified intermediaries that will be held responsible for the quality of the data that they provide (liability). The BDVA members expressed this as one of the main concerns in the context of data 'ownership'[8]. To a lesser extent, such considerations also apply in the 'data sharing from public bodies' and 'data altruism' as well, where potential liability issues may be explicitly addressed.

Data transactions require efforts from organizations, therefore **structured environments that help organize, streamline and simplify those processes play an important role to remove frictions**, also by securing the transaction and reinsuring participants engaged in the data exchange.

Overall BDVA suggests two practical policies that could translate into high impact data sharing activities:
- Policies that create the conditions for the development of a trusted European data sharing framework, in order to enrol a critical mass of stakeholders to engage in pan-European data sharing, including all Member States to encourage showcasing evidence-based benefits for business, government, science and individuals alike;

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[6] Big Data Value PPP in H2020 and follow-up AI, Data and Robotics Partnership in HE and DEP.
[7] Standards Development Organisations
[8] Ref: the survey on 'data ownership' by BDVA TF5, 2017

- Policies that provide supportive measures for European businesses to safely embrace new technologies and practices, supported with data sharing facilities and environments where new business and innovation models can be safely tested. Therefore the EU should focus on a digital sovereign infrastructure in which a level playing field for both non-European and European (data sharing) platforms is created. Existing mechanisms such as the network of European Digital Innovation Hubs (DIH) (in particular the Big Data Innovation Hubs network to be implemented by the EUHubs4Data project) and the BDVA i-Spaces should be leveraged by industry for safe experimentation and validation under recognised labels. In addition, new mechanisms and instruments like European-wide Regulatory Sandboxes need to be made available as flexible experimental facilities to incentivise and de-risk the exploration and testing of new business and innovation models enabled by disruptive data sharing technology.

About BDVA

The Big Data Value Association (BDVA) is an industry-driven international not–for-profit organisation with over 200 members all over Europe and a well-balanced composition of large, small, and medium-sized industries as well as research and user organisations.

BDVA is the private counterpart to the European Commission to implement the Big Data Value PPP program. BDVA and the Big Data Value PPP pursue a common shared vision of positioning Europe as the world leader in the creation of Big Data Value. BDVA is also a private member of the EuroHPC JU and one of the main promoters and driving forces of the AI, Data and Robotics Partnership planned for the MFF 2021-27.

The mission of the BDVA is "*to develop the Innovation Ecosystem that will enable the data-driven digital transformation in Europe delivering maximum economic and societal benefit, and, achieving and sustaining Europe's leadership on Big Data Value creation and Artificial Intelligence*". BDVA enables existing regional multi-partner cooperation, to collaborate at European level through the provision of tools and know-how to support the co-creation, development and experimentation of pan-European data-driven applications and services, and know-how exchange.

BDVA maintains and fulfils a Strategic Research and Innovation Agenda (SRIA) for Big Data Value domain, contributes to the Horizon 2020 work programmes and calls for proposals and it monitors the progress of the BDV PPP (BDVA is in charge of producing the Monitoring Report of the whole programme). BDVA manages over 25 working groups organised in Task Forces and subgroups, and tackling all the technical and non-technical challenges of Big Data Value. BDVA has developed, together with euRobotics, the consultation version of the SRIDA (Strategic Research, Innovation and Deployment Agenda) for the AI, Big Data and Robotics Partnership.

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This paper has been developed by the BDVA TF1.SG7 (Simon Scerri, Irene López de Vallejo and Tuomo Tuikka), TF5 (Freek Bomhof, Natalie Bertels), the BDVA Office (Ana García Robles and Martina Barbero) with contributions from the members of the BDVA. Parts of this document literally reflect input provided by BDVA in other position papers in particular the "BDVA response to the EC Data Strategy"[9] and "Towards a European Data Spaces"[10].

[9] https://www.bdva.eu/sites/default/files/BDVA%27s%20response%20to%20the%20EC%20Data%20Strategy_May%202020_ed1.pdf
[10] https://www.bdva.eu/sites/default/files/BDVA%20DataSharingSpace%20PositionPaper_April2019_V1.pdf