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ETNO policy position European Commission proposal for a Regulation – COM(2020)767 “Data Governance Act” (DGA)

With the ever-growing number of data generated today, the EU needs the right governance model to unleash the potential of the data economy that could benefit to the society, citizens and companies. A key pillar of the EU Data Strategy (February 2020) [welcomed by ETNO](#), the proposed Data Governance Act aims **at boosting data sharing across sectors and member states while increasing citizens’ and companies’ trust and control over their data.**

As the telecom industry can provide data market places and data broker services¹, ETNO welcomes the opportunity to provide feedback to the DGA and share its views to achieve a successful, competitive, and innovative single data market.

Re-use of public sector data

We **welcome the mechanism setting conditions to make public sector data protected available** for re-use (Chapter II). Although public entities are not required to share data, it creates a coherent and voluntary framework of rules to guide them if they decide to do so. An Open Data approach can create important benefits for the society and economy. In the case of telecom operators, **solutions that facilitate voluntary G2B data sharing are essential for future network deployment**, especially *vis à vis* network planning. While we do appreciate this **voluntary mechanism**, the EU should be cautious not to impose obligations that overlap with the GDPR, or that may deviate from its rules. Additionally, implementation of the conditions for re-use in art. 5 should not overburden public entities willing to share their data, or it will run counter the very objective of the DGA.

Requirements for data sharing services

We **welcome incentives to foster B2B and C2B voluntary data sharing**. The sets of conditions for data intermediaries can allow innovation and competition to blossom. However, the EU should find the right balance to not hinder this innovation by imposing an overly constraining framework.

For example, ETNO believes that the notion of “structural separation” between the data sharing service and any other services provided needs clarification (see recital (26) of the DGA): e.g. it is common practice that today’s data market places offer analytical tools for companies to

¹ See, for instance, Deutsche Telekom’s Data Intelligence Hub (<https://dih.telekom.net/en/>) and the KPN Data Services Hub (<http://www.kpn.com/dsh>).



enrich/analyse their data (e.g. data preparation services such as quality, interoperability, commercial presentation, statistical evaluations), alongside the possibility to share it with other interested parties. If such provision of analytical tools as a value added service were to be prohibited under the proposal, existing intermediary service providers would be stripped away from the possibility of differentiating themselves from competitors and would consequently be restricted to becoming “sharing-only” intermediaries. This would have disincentive effects especially for SMEs that oftentimes lack the know-how and resources needed to enrich and optimize their data before sharing can take place. If this narrow position were to be upheld, it would lead to a counter-productive approach regarding the aim of the DGA: foster the availability of data and in the long run, incentivize the development of common European data spaces.

In this regard, to achieve the DGA goals in the most effective and efficient way, it is very important that all relevant stakeholders play an active role in the process and contribute to the definition of a new framework by advising the Commission on best practices in data sharing. To this end, we support the creation of an Advisory Council, comprising representatives from industry, SMEs, research and standardization organizations, to the European Data Innovation Board, which is only composed by representatives from Member States.