



EUROPEAN COMMISSION

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C(2020) 5034 final*

*Dear President,*

*The Commission would like to thank the Bundesrat for its Opinion on the Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions – A European Strategy for Data {COM(2020) 66 final}.*

*The Commission appreciates that the Bundesrat decided to analyse this Communication and welcomes the support for its aims.*

*The Commission supports the vision of the Bundesrat on the ways to shape digitalisation in Europe and fostering the data economy according to European values, fundamental rights and rules. Considering the potential offered by the large amount of data produced and expected to be produced in the near future in Europe, we consider that we have to act fast to equip the EU with the tools – both regulatory and technological – to ensure that this data exploitation will benefit the European citizens and industries.*

*The implementation of the European strategy for data will combine Europe's industrial strength, technologies and digital infrastructure to benefit from the future waves of data-based innovation, with many opportunities in particular in the area of industrial data.*

*The Commission supports the view that the sharing of private-sector data should be in principle voluntary and based on a 'sovereign' decision of the data holder, respecting contractual freedom. Data access rights should only be formulated exceptionally, where necessary and proportionate in the light of duly justified public policy objectives, such as the preservation of competition in a certain field.*

*The common European data spaces aim indeed at preserving data 'sovereignty' of the data holders. The prime objective of processing of data within such spaces shall be that all data holders retain control over the use of the data they make available. This may be achieved by further developing technical standards as it is currently happening under the GAIA-X initiative. It could also be achieved by supporting novel types of data intermediaries that will support data holders in sharing their data only for the agreed purposes. In doing so, the Commission will take account of national initiatives, in*

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*particular the GAIA-X initiative, and avoid diverging conceptual approaches when implementing common European data spaces.*

*A human centric approach is one of the guiding principles for the measures presented in the European Strategy for Data. The Commission intends to move towards a more human-centric data economy, i.e. empowering but not over-burdening the consumer. In this context, personal data shall be considered as an important source of innovation, which should be processed with care. The General Data Protection Regulation is an important achievement of the past years. We need to make sure that citizens will profit from its implementation.*

*In the short-term, the Commission is working on a proposal for a horizontal legislative framework for common European data spaces to be set up in critical sectors. Amongst other things, the Commission is exploring the concept of ‘data altruism’, sometimes also referred to as ‘data donation’, i.e. making available, on a voluntary basis, data for a wider public benefit. If citizens had the possibility to share their data for research, sectors such as health and the development of smart cities would benefit from it.*

*In the longer term, the Commission will also explore ways to enhance the portability right for individuals under Article 20 of the General Data Protection Regulation, giving them more control over who can access and use machine-generated data. As part of the Data Act, which the Commission intends to propose in 2021, the Commission will consider legal ways to offer consumers more choice with respect to services that would depend on having access to certain data generated by smart objects connected to the Internet-of-Things.*

*Finally, the Commission welcomes the support of the Bundesrat for the development of private sector data reuse for consumer protection or policy purposes. As part of its proposal for the Data Act, the Commission is also exploring solutions to enhance access to and use of data sources held by private companies that can contain valuable information for better policy-making or delivery of public services.*

*The Commission believes that the political dialogue with national Parliaments is essential for linking the Institutions and the citizens of the European Union, and looks forward to continuing it with the Bundesrat in the future.*

*Yours faithfully,*

*Maroš Šefčovič  
Vice-President*

*Thierry Breton  
Member of the Commission*