

# ESBG response to the European Commission's call for feedback on the Data Act

Position – Executive Summary

May 2022

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**On 12 May 2022, the ESBG submitted its position to the European Commission's call for feedback on the Data Act. All feedback received will be summarised by the Commission and presented to the Parliament and the Council with the aim of feeding into the legislative debate.**

## **A European approach to data**

ESBG welcomes the European Commission's data strategy and its commitment to create a single market for data that will constitute a potential source of growth and innovation. A European approach to data is essential to ensure competitiveness, avoid fragmentation of national regulations, and benefit from a scale effect.

## **Multi-lateral and cross-sectoral**

The horizontal regulatory approach is crucial to establish the key rules and principles for all sectors as, in ESBG's view, an open data economy should be multilateral and cross-sectoral.

## **Compensation of costs**

ESBG welcomes the introduction of the compensation for the costs of granting access and the prevention of any negative impact on its business opportunities. We believe these principles will be key to maintain a proper functioning of a data economy and to incentivise data holders to continue investing in high quality data. It will be important at sectorial level that any new EU legislation or review of existing EU legislation takes those principles into consideration. The possibility to exclude compensation for making data available or providing it for lower compensation should only be allowed in exceptional circumstances and would have to be duly justified.

## **Consistency with other regulations**

ESBG shares the ambitions of this second building block of the Commission's data strategy, particularly the wish to ensure fairness in the digital environment and to stimulate a competitive data market. Therefore, it is important that the Data Act and the Data Governance Act are complementary and consistent with each other.

## **A level-playing field**

Exempting micro and small enterprises from the scope would constitute an un-level playing field that could limit innovation. More proportionality in the application could be achieved by limiting this exemption to microenterprises.

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