

# Can the EU Regulation of B2B data sharing achieve its desired goals?

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# Presentation Overview

## Introduction

- Key concepts
- The objectives of regulating B2B data sharing

## The Taxonomy

- Structure & Criteria
- Levels

## Evaluation & Rec.

- Increasing the data available in the EU market
- Separating the GDPR-logic from non-personal data sharing

# Introduction

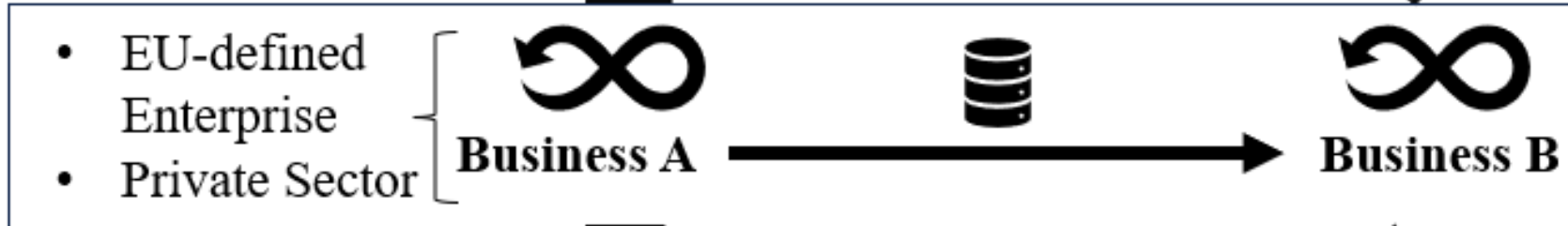
**Indirect B2B Transfer**

**Data Sharing Service**

# Key Concepts

- B2B Data sharing

- Business
  - Data controller
  - Data recipient
  - Data processor
  - Data processing service
  - Data sharing service



- EU-defined Enterprise
- Private Sector

- The user
- The user-consumer

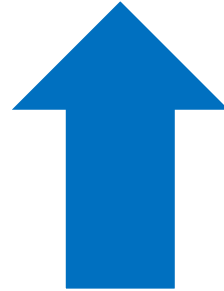
**Direct B2B Transfer**

**Indirect B2U2B Transfer**

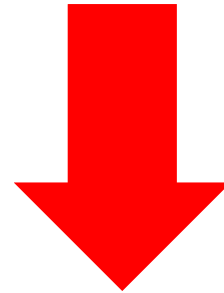
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# The objectives

To increase B2B data sharing for the  
creation of new products and services...



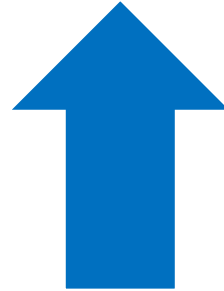
... While assuring the protection of the  
fundamental right to privacy



# The objectives

To increase B2B data sharing for the creation of new products and services...

- B2B data sharing market failure
  - Hoarding data

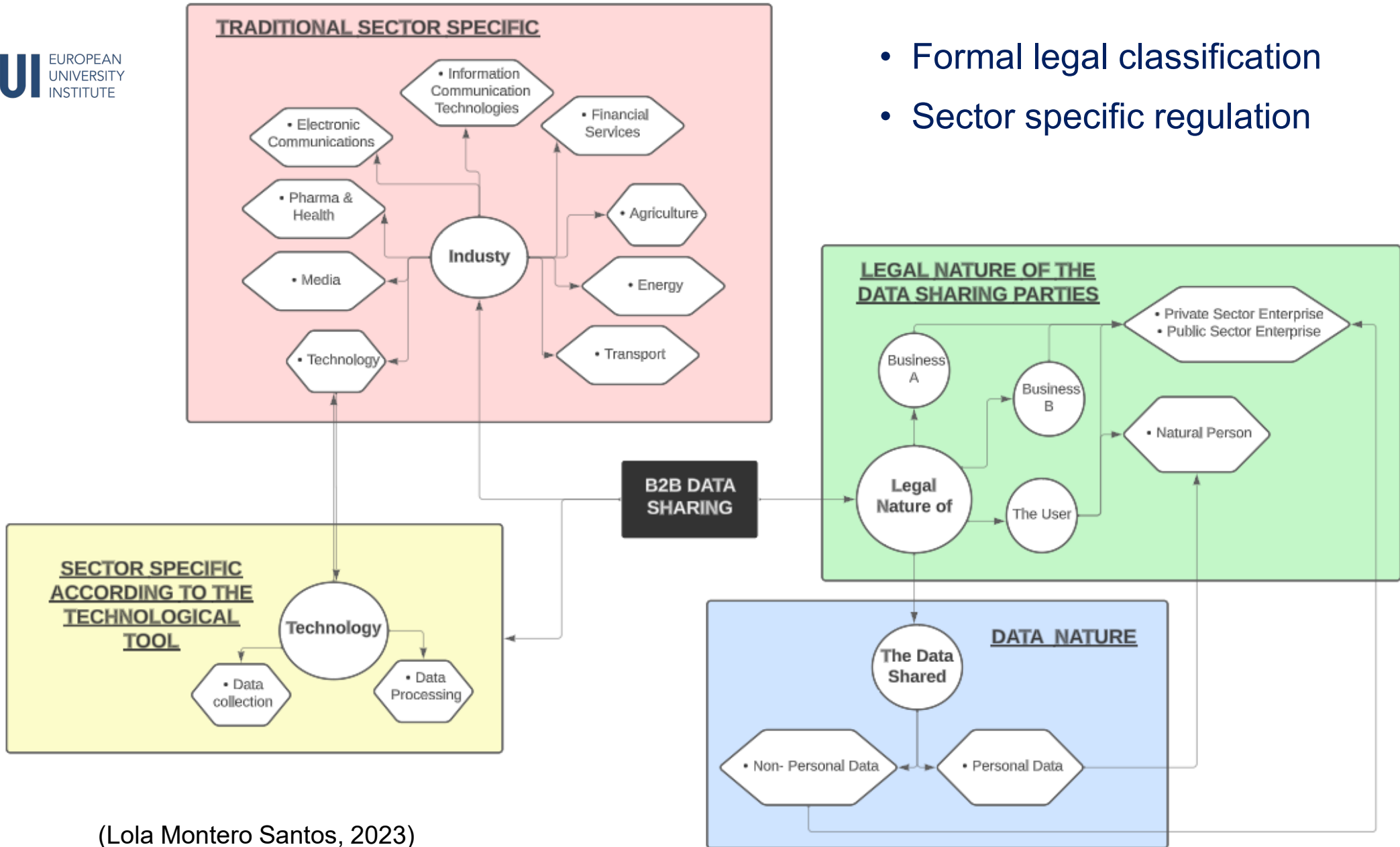


- The Charter
- The GDPR-logic



**... While assuring the protection of the fundamental right to privacy**

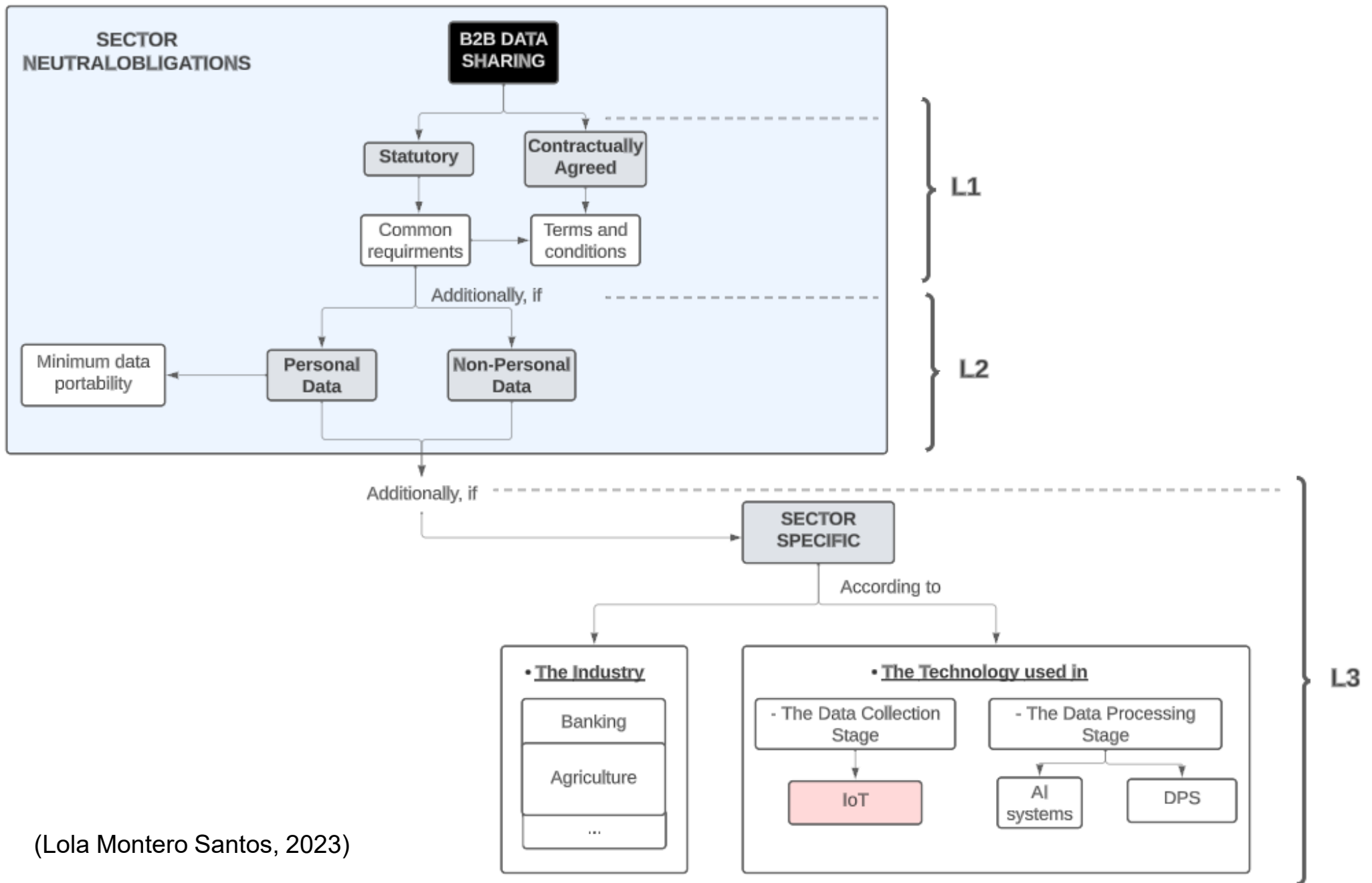
# The Taxonomy



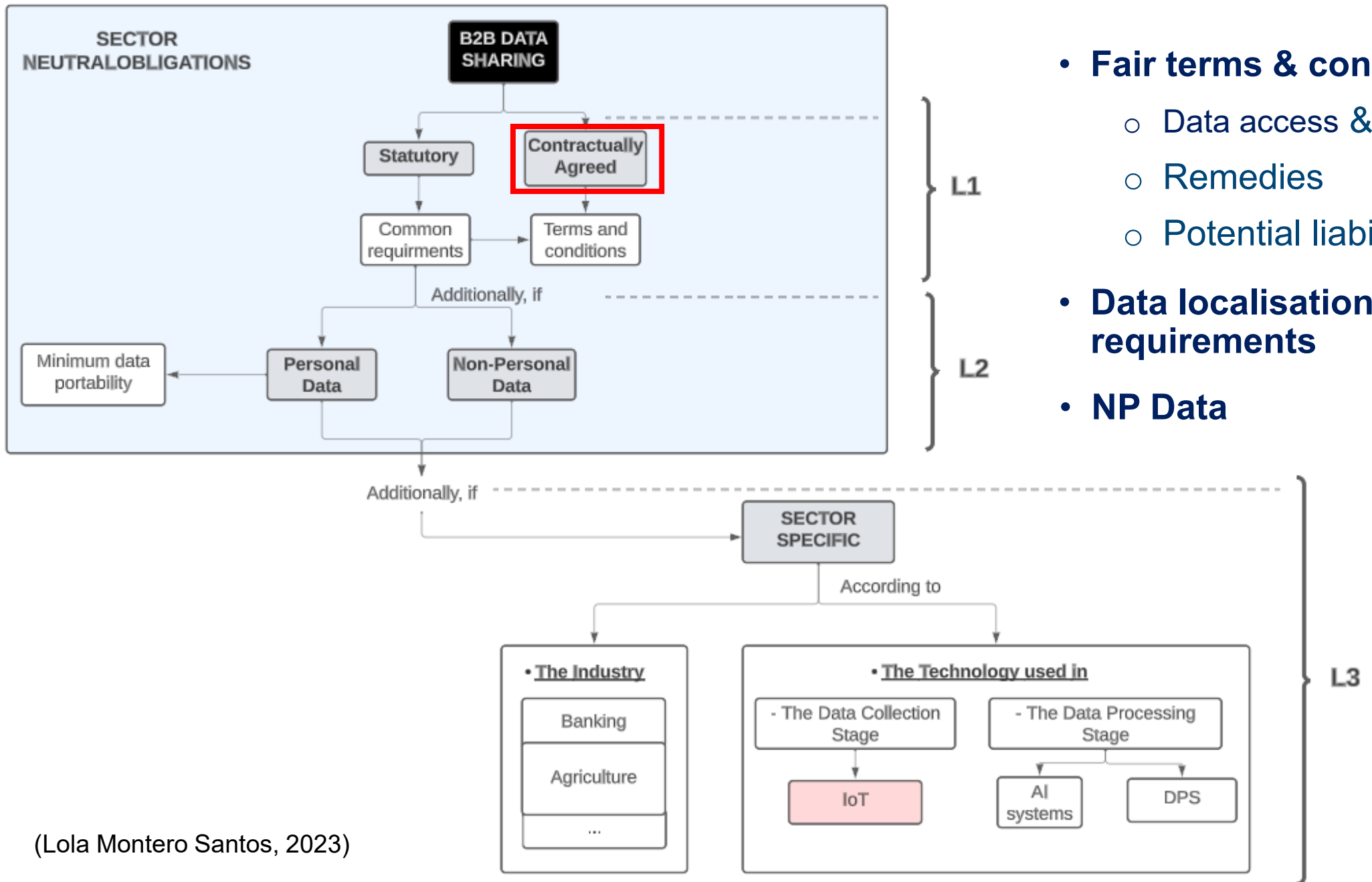
- Formal legal classification
- Sector specific regulation

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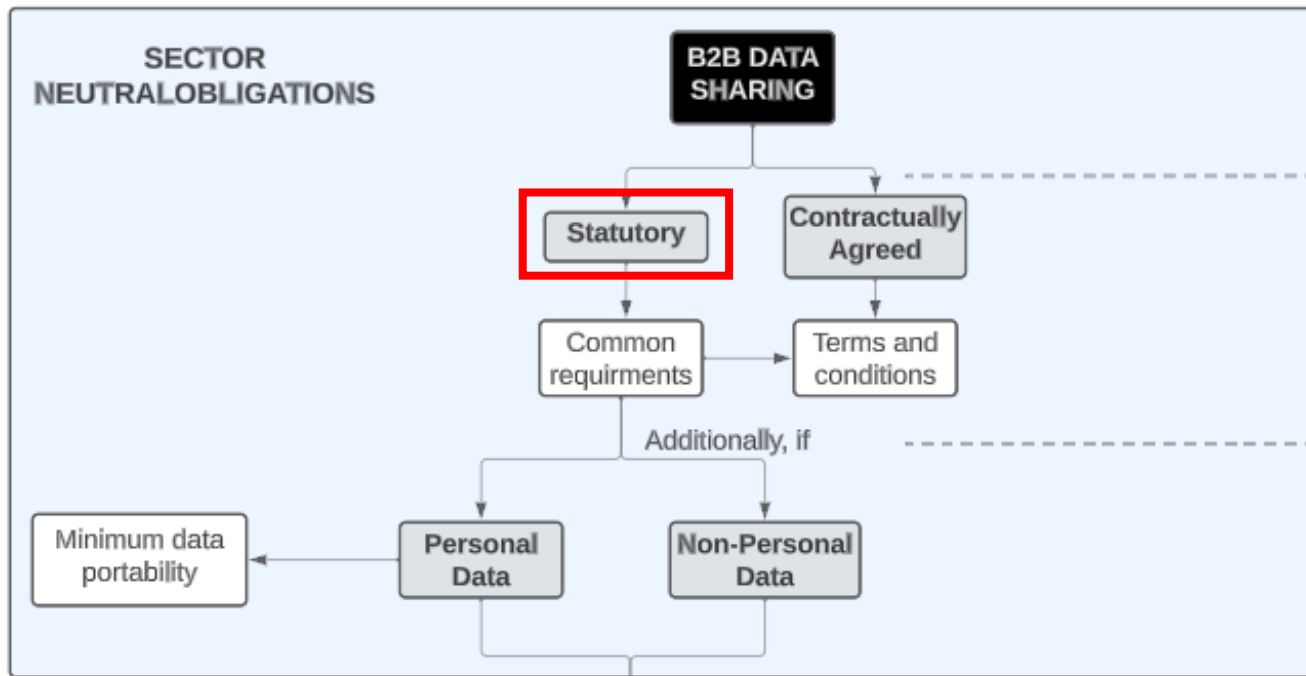
- **Fair terms & conditions**

- Data access & use
- Remedies
- Potential liability

- **Data localisation requirements**

- **NP Data**

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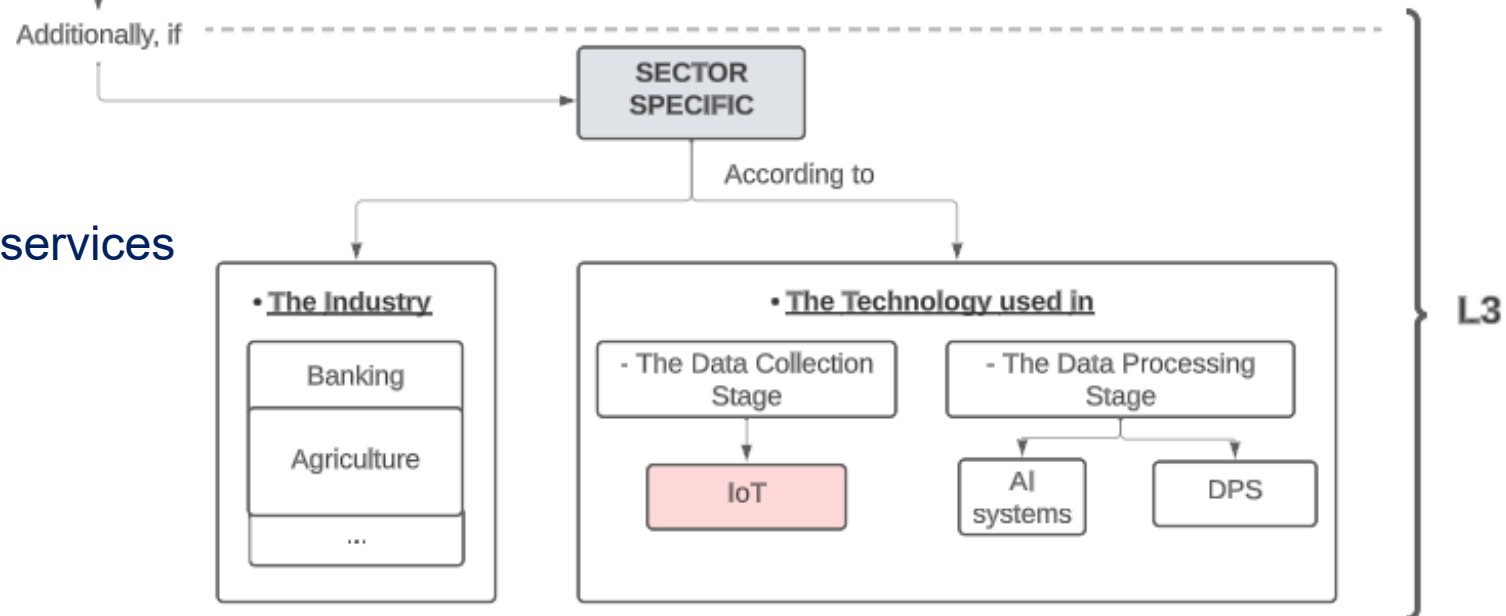


L1  
L2

- **Fair terms & conditions**
  - + non-discriminatory
- **Compensation**
  - Only direct costs (SME)
  - Investments + margin
- **Trade secrets**

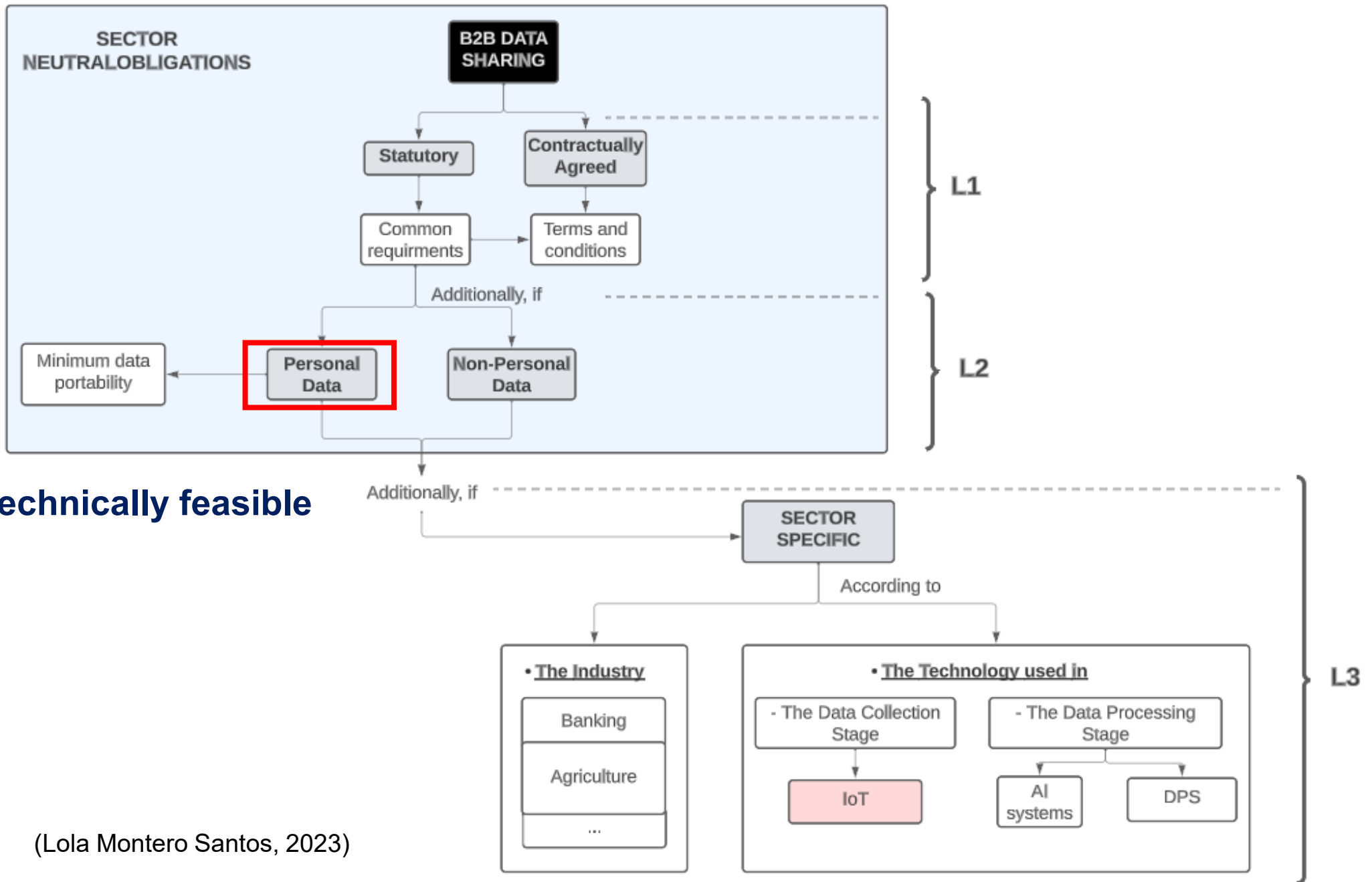
• **Business B**

- No unlawful behavior
- No competing goods or services



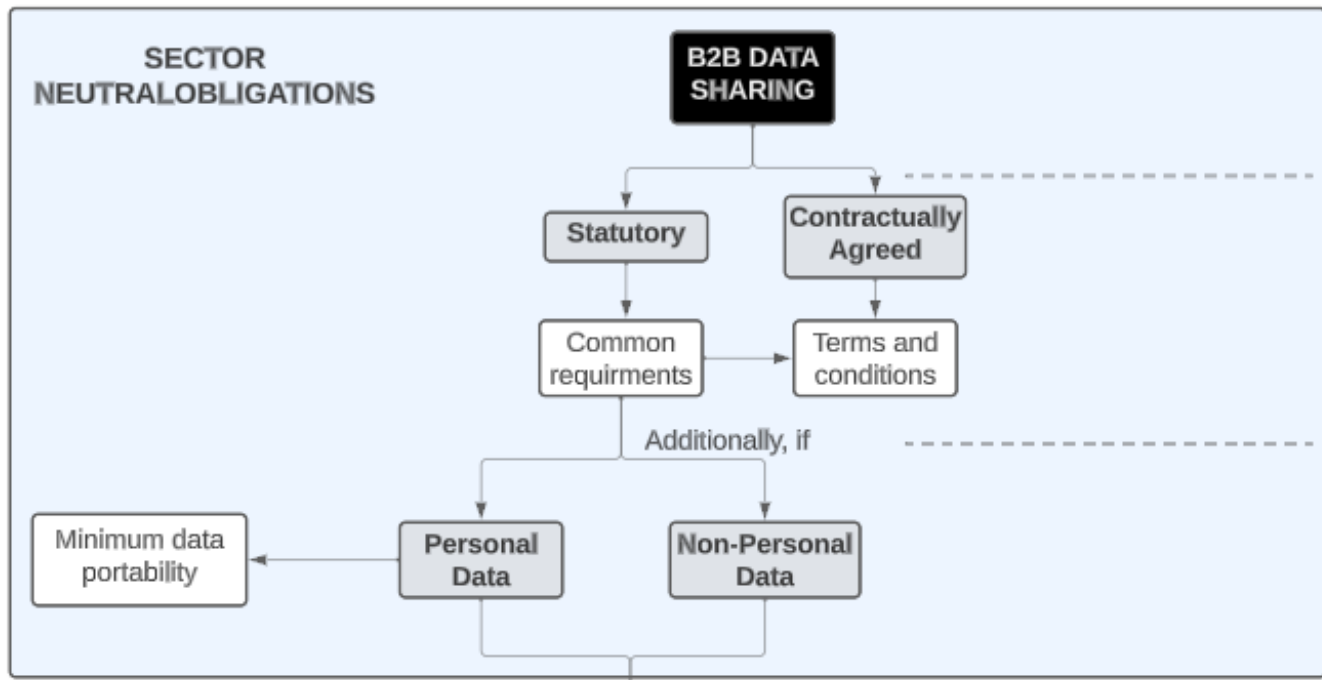
L3

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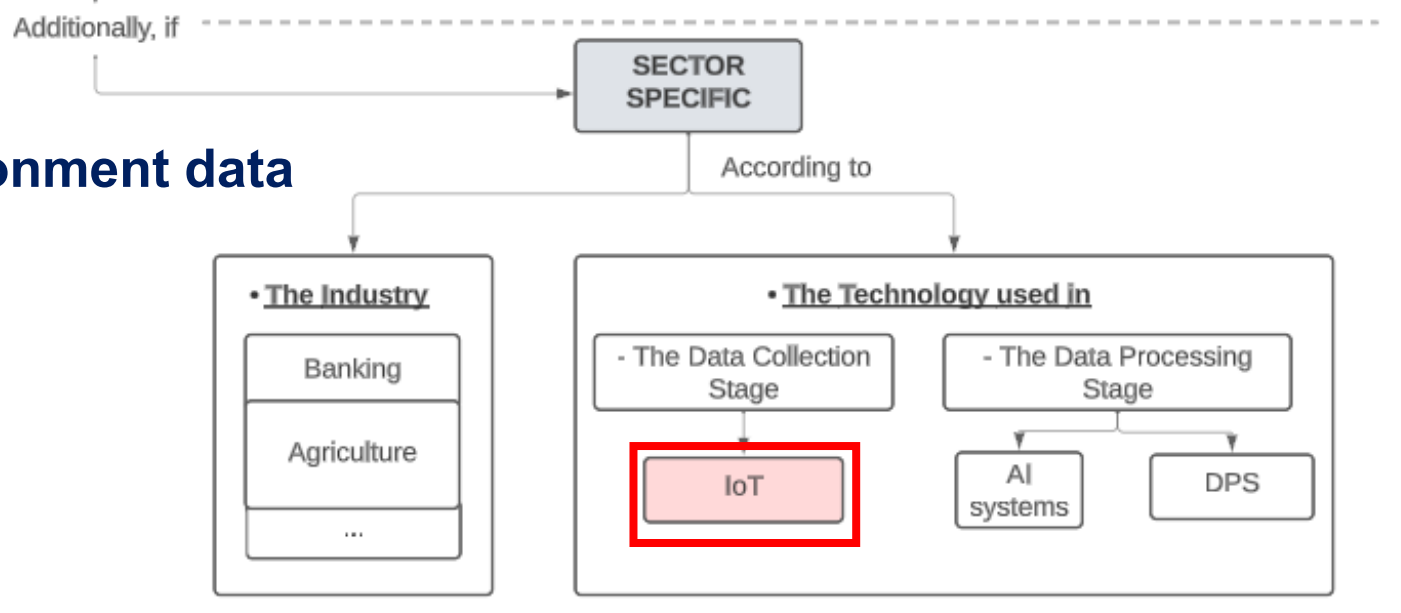
- **Technically feasible**

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L1  
L2

- **Exceptions**
  - Testing data
  - 3<sup>rd</sup> party personal data
  - (Trade secrets)
- **Gatekeepers**
- **SMEs**
- **Obligations**
  - **Business A & Business B**



L3

- **Performance, use, environment data**
- **Connected product**
  - Related Service

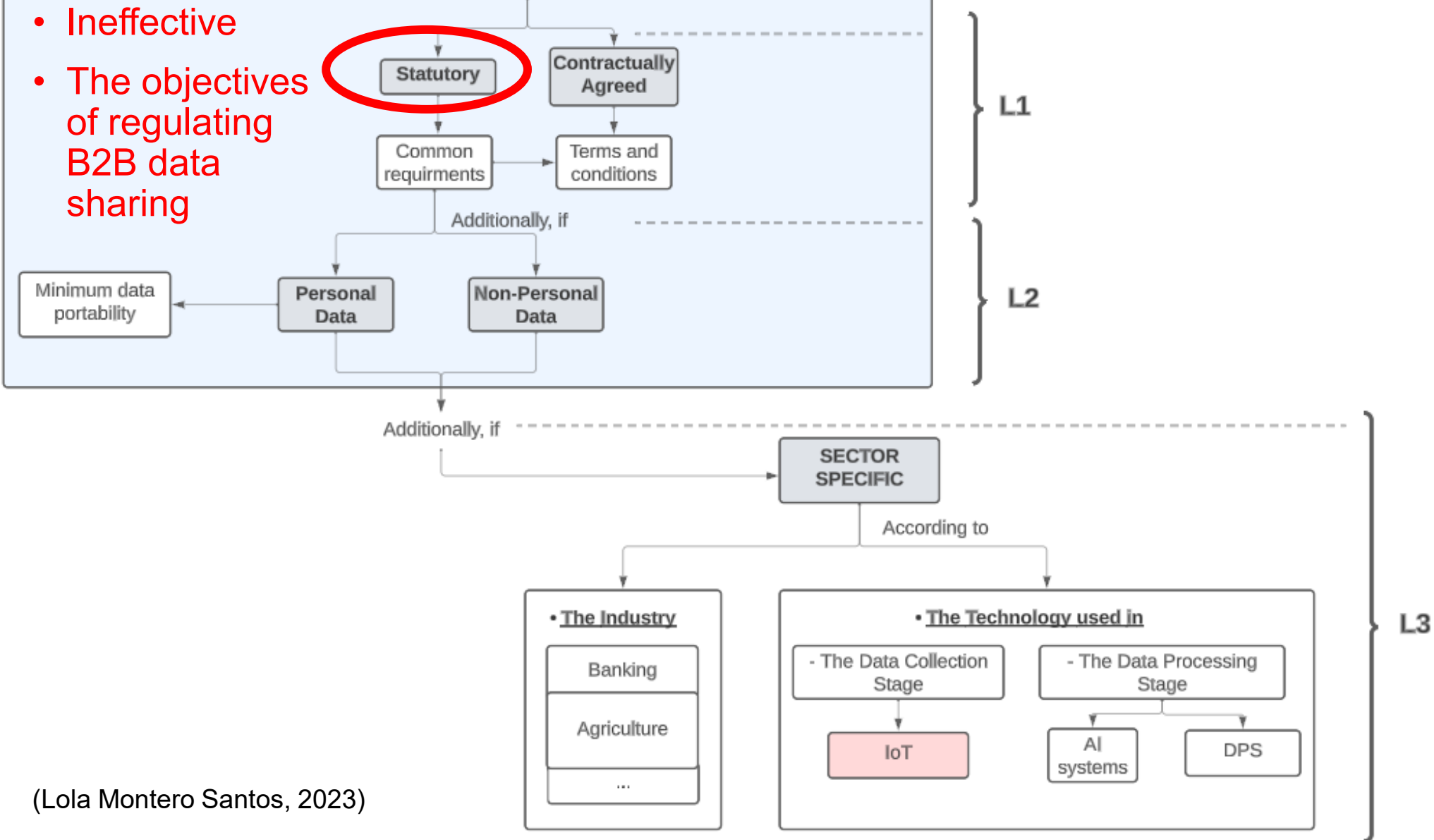
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# Evaluation & Rec.

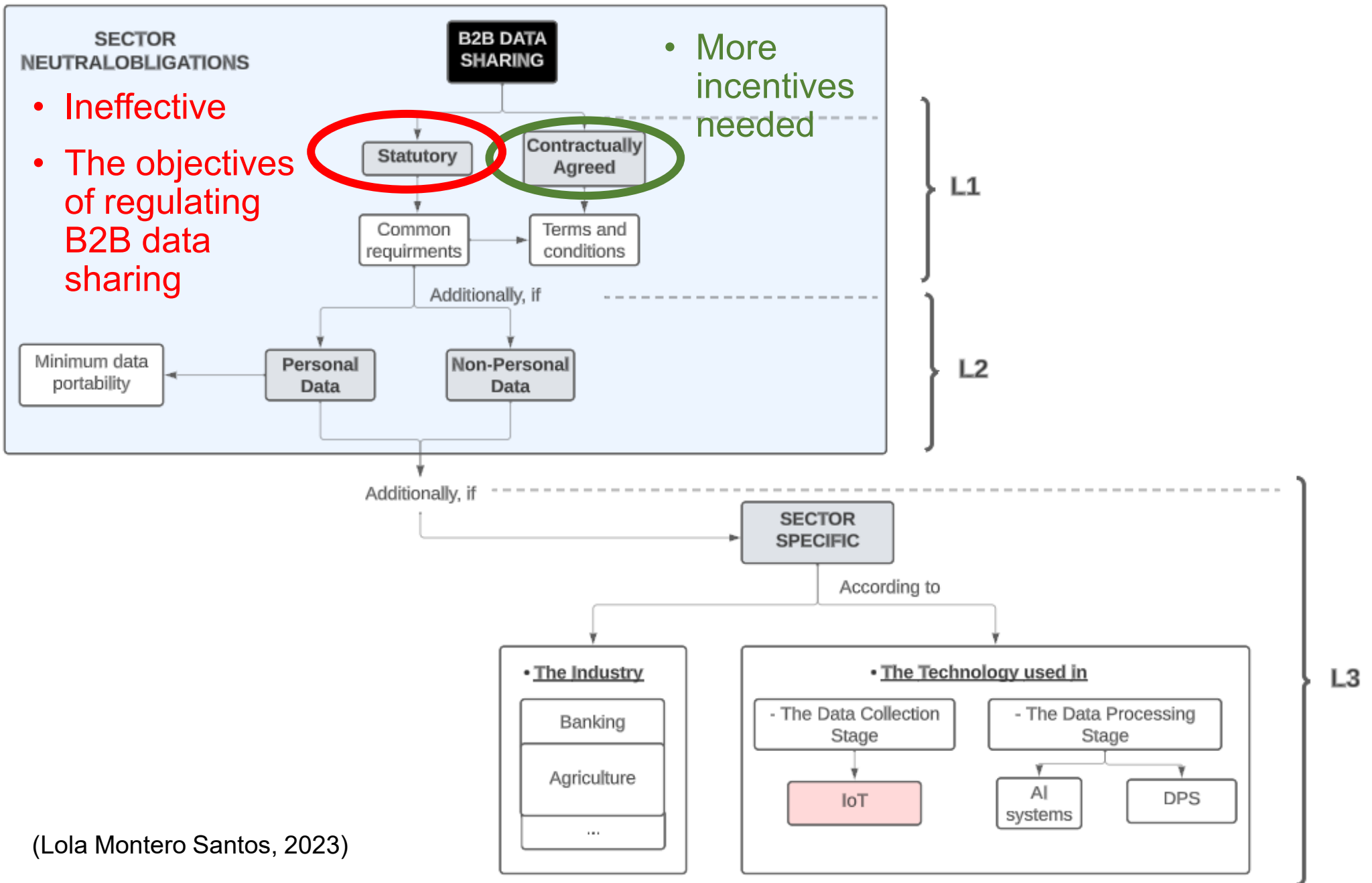
SECTOR NEUTRAL OBLIGATIONS

- Ineffective
- The objectives of regulating B2B data sharing

B2B DATA SHARING

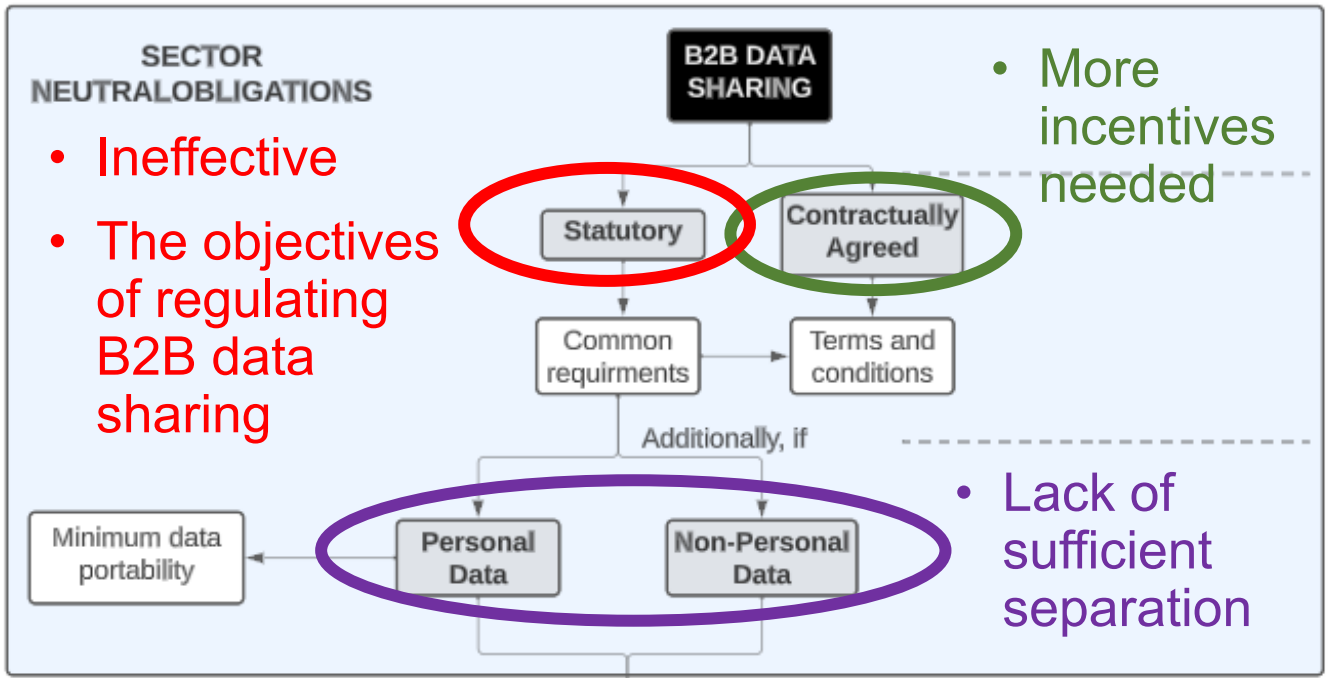


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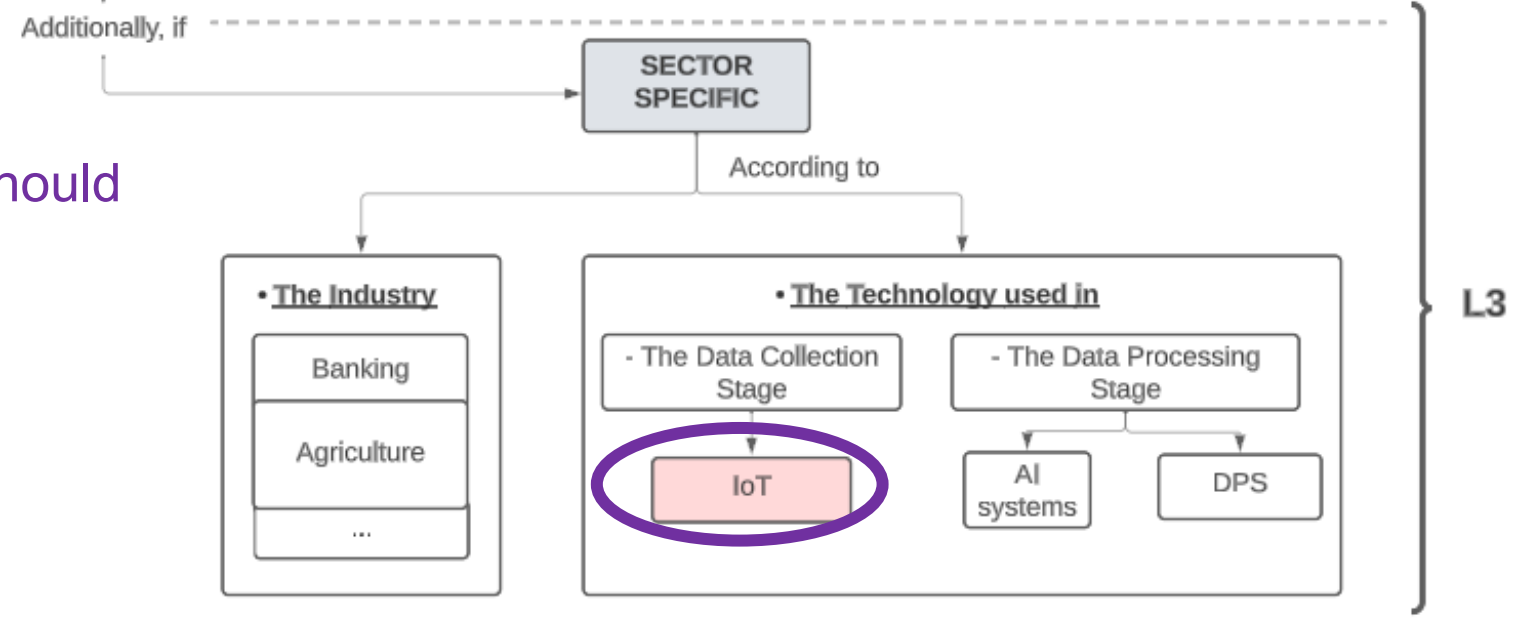


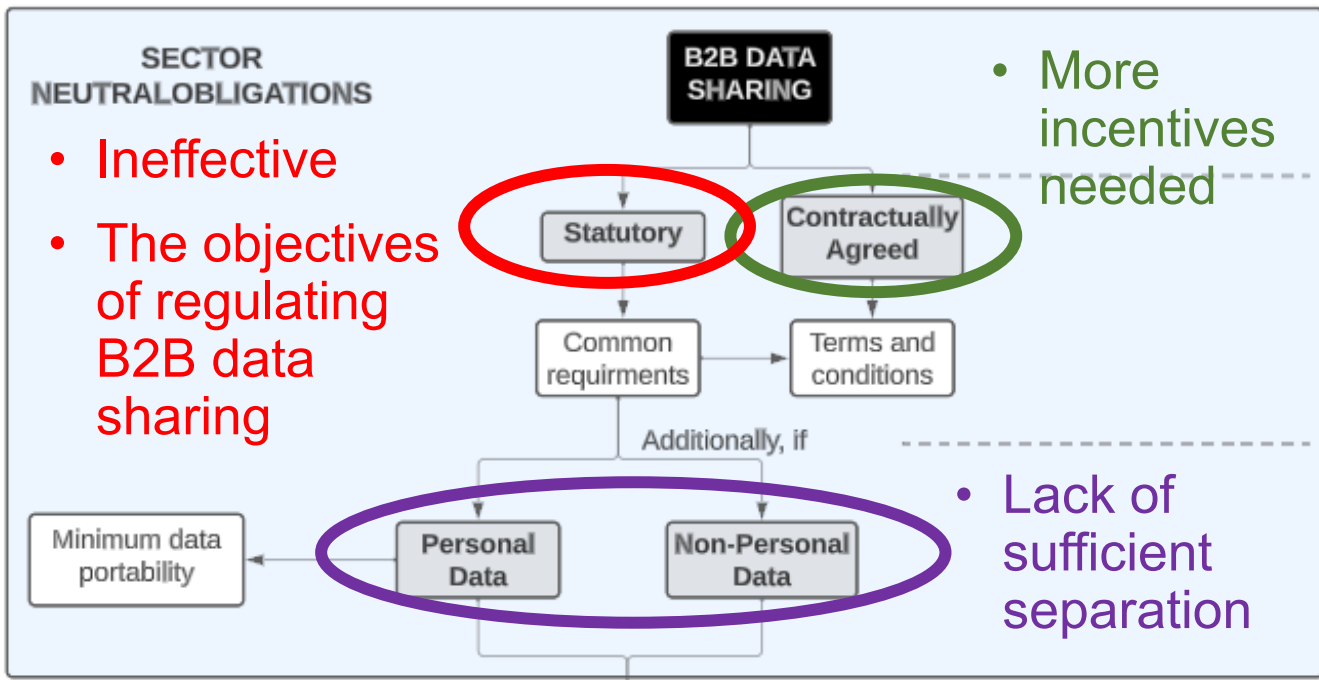
L1

L2

The GDPR-logic should not condition non-personal B2B data sharing

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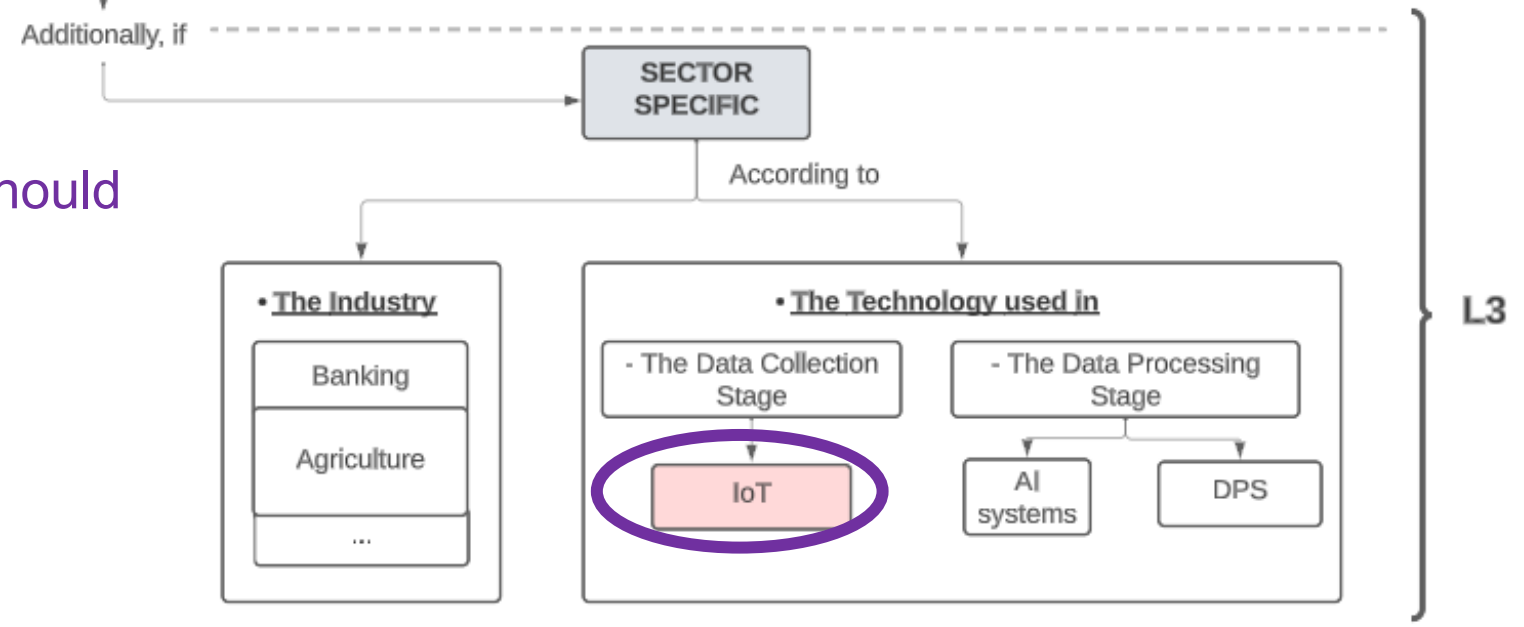




- Sector-specificities
- Position alongside the Data Value Chain
- Theory of incentives
- Balancing conflicting rights
  - Fundamental right to privacy
  - Economic Value maximisation

The GDPR-logic should not condition non-personal B2B data sharing

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# Thank you!

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