

DESCRIPTION FOR THE GENERAL PUBLIC (IN ENGLISH)

Data is often defined as the oil of the new economy. For sure, it has become a crucial asset for conducting business and its relevance continues to grow. In this context, the European Commission has given priority to fostering the European data economy, to increase the value of the European economy in general, generate business opportunities and ease access to knowledge and capital across the whole Union. In particular, the third pillar of the EU Digital Single Market strategy is dedicated to the maximisation of the growth potential of the European Digital Economy and in this respect the EU put several policies and actions in place, to increase the generation, transfer and use of digital data within the internal market. The notion of data-driven innovation is also extensively explored and promoted by international organizations, such as the OECD. In other words, an extended availability of data is widely recognized as crucial for the maximization of value of data or, using the opposite perspective, data is a source of innovation and growth that should be available for re-use as much as possible.

However, the current shortage of B2B non-personal data sharing initiatives causes a constant waste of value and social benefits due to the non-sharing and, therefore, lack of reuse of data. Furthermore, interdisciplinary and comparative research in the field is missing and – as a consequence – extensive research in this area should be conducted. Therefore, this research project will both fill a gap in the literature and propose policy recommendations concerning B2B data sharing.

The project will involve interdisciplinary and comparative research, in order to develop the optimal model for B2B data sharing within the EU market, gaining support from different branches of law (EU general law, competition law, intellectual property and data protection) and looking at models and principles for B2B data sharing discussed or developed in different States.

Specifically, the project will first categorize data and actors which can be involved in data sharing operations. Second, the research will frame B2B data-sharing within the EU framework looking both at binding and non-binding measures as well as at case-law. Third, the research will assess the effects that B2B data sharing may have on competition and innovation. The research will then analyse these effects in light of existing and proposed legal models. Comparison of EU and other systems will be offered. The functional legal categories of data ownership and data localization rules will be discussed, since their definition has an impact on data sharing practices. Finally, the project will verify research hypotheses and propose an optimal regulatory and contractual scenario for B2B non-personal data sharing.

Along this path, the research will answer further crucial questions such as: is B2B data sharing regulation necessary to preserve pro-competitive effects and/or an increase in innovation brought about by data sharing itself? How should a proper model of B2B data sharing be balanced to favour competition and innovation? Should standard contracts be proposed and – if yes – how should they be structured?