

EC public consultation on European Strategy for data

A Eurelectric response paper

Eurelectric represents the interests of the electricity industry in Europe. Our work covers all major issues affecting our sector. Our members represent the electricity industry in over 30 European countries.

We cover the entire industry from electricity generation and markets to distribution networks and customer issues. We also have affiliates active on several other continents and business associates from a wide variety of sectors with a direct interest in the electricity industry.

We stand for

The vision of the European power sector is to enable and sustain:

- A vibrant competitive European economy, reliably powered by clean, carbon-neutral energy
- A smart, energy efficient and truly sustainable society for all citizens of Europe

We are committed to lead a cost-effective energy transition by:

investing in clean power generation and transition-enabling solutions, to reduce emissions and actively pursue efforts to become carbon-neutral well before mid-century, taking into account different starting points and commercial availability of key transition technologies;

transforming the energy system to make it more responsive, resilient and efficient. This includes increased use of renewable energy, digitalisation, demand side response and reinforcement of grids so they can function as platforms and enablers for customers, cities and communities;

accelerating the energy transition in other economic sectors by offering competitive electricity as a transformation tool for transport, heating and industry;

embedding sustainability in all parts of our value chain and take measures to support the transformation of existing assets towards a zero carbon society;

innovating to discover the cutting-edge business models and develop the breakthrough technologies that are indispensable to allow our industry to lead this transition.

Dépôt légal: D/2020/12.105/35

Section 1: General questions on the data strategy

Over the last few years, digital technologies have transformed our economy and society, affecting all sectors of activity and the daily lives of all Europeans. Data is at the centre of this transformation, and more is to come as the volume of data produced in the world is growing rapidly.

Do you agree that the European Union needs an overarching data strategy to enable the digital transformation of the society?

- ☒ **Yes**
- ☐ No

“More data should be available for the common good, for example for improving mobility, delivering personalised medicine, reducing energy consumption and making our society greener.”

To what extent do you agree with this statement?

- ☒ **Strongly agree**
- ☐ Somewhat agree
- ☐ Neutral
- ☐ Somewhat disagree
- ☐ Strongly disagree
- ☐ I don't know / no opinion

Do you think that it should be made easier for individuals to give access to existing data held about them, e.g. by online platform providers, car manufacturers, producers of wearables, voice assistants or smart home appliances, to new services providers of their choosing, in line with the GDPR?

- ☒ **Yes**
- ☐ No

Which mechanism(s) do you think would help achieve this?

- ☒ **A compelling offer to use the data that brings benefits to the individuals**
- ☒ **Practical solutions that allow individuals to exercise control, such as mobile and online dashboards or apps**
- ☐ Additional rights in law
- ☐ Other
- ☐ I don't know / no opinion

Have you faced difficulties in recruiting data professionals (workers who collect, store, manage, analyse, interpret and visualise data as their primary or as a relevant part of their activity) during the last 2 years?

- ☒ **Yes**
- ☐ No

‘General data literacy across the EU population is currently insufficient for everyone to benefit from data-driven innovation and to become more active agents in the data economy.’ To what extent do you agree with this statement?

- ☐ Strongly agree
- ☒ **Somewhat agree**
- ☐ Neutral
- ☐ Somewhat disagree
- ☐ Strongly disagree
- ☐ I don't know / no opinion

One area of study are difficulties experienced in accessing and use data from other companies. With the following questions we seek to further examine the importance and the nature of data access issues in business-to-business situations.

Have you had difficulties in using data from other companies?

- ☒ **Yes**
- ☐ No

What was the nature of such difficulties?

- ☐ Impossibility to find companies to supply data of relevant quality
- ☐ Denied data access
- ☐ Prohibitive prices or other conditions considered unfair or prohibitive
- ☐ Technical aspects relating to both data interoperability and transfer mechanisms
- ☒ **Other**
- ☐ I don't know /no opinion

If other, please specify

200 character(s) maximum

As a EU trade association, answering such question is not straightforward because our members have had different experiences. However the reasons mentioned above have all been reported by at least one of our members.

[Some report that the data quality is not always good enough or there may be a lack of security requirements or a lack of granularity. Others explain that uncertainties and grey areas linked to the GDPR regulation can be an issue when sharing information between companies. Yet others say that better access to vehicle data (e.g. charging progress, amount of energy required, power demanded, etc.) are necessary to integrate better EVs into the energy infrastructure (e.g. for load management in the grid); however this is not always properly made available by OEMs via standardized interfaces. The vehicle user should be able to access this data and decide to whom he makes it available.]

A specific class of data are non-personal data generated by smart machines or devices connected to the Internet-of-Things in professional use, such as smart tractors used in farms or smart robots in use in a factory. Data generated by such machines or devices are typically 'co-generated' by several parties, such as: manufacturer of a smart device, lawful user of the smart machine or device etc.

'It is currently challenging to define solutions on the allocation of the rights to use data coming from smart machines or devices that are fair for all parties concerned'. To what extent do you agree with this statement?

- ☐ Strongly agree

- ☒ **Somewhat agree**
- ☐ Neutral
- ☐ Somewhat disagree
- ☐ Strongly disagree
- ☐ I don't know / no opinion

'The EU should make major investments in technologies and infrastructures that enhance data access and use, while giving individuals as well as public and private organisations full control over the data they generate.' To what extent do you agree with this statement?

- ☒ **Strongly agree**
- ☐ Somewhat agree
- ☐ Neutral
- ☐ Somewhat disagree
- ☐ Strongly disagree
- ☐ I don't know / no opinion

'The development of common European data spaces should be supported by the EU in strategic industry sectors and domains of public interest (industry /manufacturing, Green Deal, mobility, health, finance, energy, agriculture, public administration, skills).' To what extent do you agree with this statement?

- ☐ Strongly agree
- ☒ **Somewhat agree**
- ☐ Neutral
- ☐ Somewhat disagree
- ☐ Strongly disagree
- ☐ I don't know / no opinion

Are there general comments you would like to make about the data strategy?

300 character(s) maximum

The EU should invest in - or facilitate the emergence of - effective European mass data storing services, especially in strategic sectors. This would grant European companies (which are today reliant on foreign services) legal and operational sovereignty.

[Another key objective of the Data Strategy should be to increase data literacy, establish a data culture and ensure data availability across the EU. People, companies, institutions/authorities should be empowered to use existing data effectively and responsibly.]

Section 2.1 - Specific questions on future actions: Data governance

The use of data in the society and the economy raises a series of questions of legal, ethical, organisational and technical nature. Many angles need to be looked at in order to fully reap the benefits of the use of data without harm.

With the term 'data governance' we seek to refer to the set of legal, organisational and technical rules, tools and processes that determine the use of data by the public sector, business, individuals, civil society organisations, researchers.

This may translate into establishing mechanisms for data governance at European level which may support data-driven innovation in different ways:

- At cross-sector level, it could identify the need for standards to facilitate data-sharing, including for the various actions to be taken in this regard (identification, authentication, access control). It could identify use cases in which cross-sector data re-use is supported by standardisation. It could provide technical guidance on technologies for lawful processing of data in accordance with data protection legislation, the need to protect of commercially sensitive information as well as competition law.
- At sector-specific level, data governance could be developed, building on existing structures and coordination mechanisms.

'Data governance mechanisms are needed to capture the enormous potential of data in particular for cross-sector data use.' To what extent do you agree with this statement?

- ☒ **Strongly agree**
- ☐ Somewhat agree
- ☐ Neutral
- ☐ Somewhat disagree
- ☐ Strongly disagree
- ☐ I don't know / no opinion

Standardisation

Significant interoperability issues impede the combination of data from different sources within sectors, and even more so between sectors. One such issue is the absence of a consistent description of the data, including information on how it has been gathered. This can impact on data discoverability and on the capacity to evaluate data quality. Another issue is the differences between data models used for similar or identical information assets. This constitutes a barrier for re-users, both commercial and from academia. Standardisation is one of the means to respond to these challenges.

'The re-use of data in the economy and society would benefit greatly from standardisation to improve interoperability.' To what extent do you agree with this statement?

- ☐ Strongly agree
- ☒ **Somewhat agree**
- ☐ Neutral
- ☐ Somewhat disagree
- ☐ Strongly disagree
- ☐ I don't know / no opinion

'Future standardisation activities need to better address the use of data across sectors of the economy or domains of society.' To what extent do you agree with this statement?

- ☒ **Strongly agree**
- ☐ Somewhat agree
- ☐ Neutral
- ☐ Somewhat disagree
- ☐ Strongly disagree
- ☐ I don't know / no opinion

Which of the following elements do you consider to be the most useful in terms of standardisation?

- ☒ **Metadata schema**
- ☒ **Metadata variables (semantic interoperability at the metadata level), including ontologies, controlled vocabularies and agreed thesauri**
- ☐ Data formats
- ☐ Common data models
- ☒ **Data exchange protocols**
- ☒ **Application Programming Interfaces (APIs)**
- ☒ **Licences or licence terms**
- ☒ **Other**
- ☐ I don't know / no opinion

If other, please specify

200 character(s) maximum

Existing national practices must always be taken into account when standardising data formats.

What role should EU or national government bodies take in standardisation?

- ☒ **Provide necessary funding in order to ensure open standards**
- ☒ **Take an active role in the prioritisation and coordination of standardisation needs, creation and updates**
- ☐ Be directly involved in defining standards
- ☒ **Provide funding to test draft standards in practice and develop tools to implement them early-on**
- ☒ **Other**
- ☐ Governments should not have a role in standardisation
- ☐ I don't know / no opinion

If other, please specify

200 character(s) maximum

[Governments, institutions and agencies of the EU should be the first to experiment those standardisation services (i.e. on semantic and linguistic components, by publishing controlled vocabulary), on e.g. Official Journal publications.]

[In terms of standardisation the EU should bear in mind that] there can be high costs for pioneering countries that have already moved forward with their solutions, if the new standards are not compatible with the existing systems. It is indeed important to avoid unnecessary sunk costs [that ultimately would have to be paid by the citizens of each Member State.]

Secondary use of data

Sensitive data (e.g. health data) stored in public databases has a high potential for re-use for the public interest. However, it is normally not possible to open such data as 'open data' and specific efforts are necessary on the side of the public sector data holder. Some statistical offices

have put structures in place for processing of statistical micro-data for research. In some countries, similar approaches are taken for certain social services or health information. With these questions we seek to understand whether such approaches should be broadened to other types of data and what types of services should be offered.

'Public authorities should do more to make available a broader range of sensitive data for R&I purposes for the public interest, in full respect of data protection rights.' To what extent do you agree with this statement?

- ☐ Strongly agree
- ☒ **Somewhat agree**
- ☐ Neutral
- ☐ Somewhat disagree
- ☐ Strongly disagree
- ☐ I don't know / no opinion

Which of the following should public authorities do to facilitate data re-use:

- ☒ **Help the re-user to identify the exact authority that is holder of a specific set of data (one-stop-shop)**
- ☒ **Ensure that the request for data access is processed faster, within agreed deadlines**
- ☒ **Assess whether the re-use of the data could potentially harm the interests of others (of the persons/companies whose data is being used) for concrete use-cases**
- ☒ **Be able to provide anonymisation of specific data for concrete use-cases**
- ☒ **Offer the possibility to process data within a secure environment it makes available, so that the user does not need to obtain a copy of the data**
- ☒ **Clarify from the outset the legal rules on the purposes for which the data can be used**
- ☐ Provide for recourse mechanisms to challenge decisions on one or several of the above.
- ☐ Other
- ☐ I don't know / no opinion

If other, please specify

200 character(s) maximum

Data altruism

Data altruism is about making it easier for individuals to allow the use of the data they generate for the public good, if they wish to do so, in full compliance with the GDPR and namely on the basis of consent as a legal basis. This is sometimes referred to as 'data donation', a term that could be misunderstood to mean that the consent to the processing of such data in question cannot be withdrawn. Article 7 of the GDPR provides that consent can always be withdrawn and there is no intention to change this rule for 'data altruism'.

Do you think that law and technology should enable citizens to make available their data for the public interest, without any direct reward?

- ☒ **Yes**
- ☐ No
- ☐ I don't know / no opinion

For which of the following purposes would you be willing to make data available:

- ☐ For health-related research

- ☒ **For aspects relating to the city/municipality/region I live in, including for example improving mobility, to improve environmental challenges that can be addressed through action at local or regional level**
- ☒ **For other public interest purposes**
- ☐ None of the above
- ☐ I don't know / no opinion

If for other public interest purposes, please specify

200 character(s) maximum

Other purposes could include reducing climate and environmental risks, optimising electricity grids, improving public services, etc.

Do you think there are sufficient tools and mechanisms to “donate” your data?

- ☐ Yes
- ☒ **No**
- ☐ I don't know / no opinion

In which of the following domains do you see potential for the use of ‘contributed’ data:

- ☐ For health-related research
- ☒ **For aspects relating to the city/municipality/region I live in, including for example improving mobility, to improve environmental challenges that can be addressed through action at local or regional level**
- ☒ **For other public interest purposes**
- ☐ None of the above
- ☐ I don't know / no opinion

If for other public interest purposes, please specify

200 character(s) maximum

Other purposes could include reducing climate and environmental risks, optimising electricity grids, improving public services, etc.

What would support the usefulness of ‘data altruism’ mechanisms as a means to build up data pools for research and innovation:

- ☒ **A standard form for obtaining consent (and, where necessary, requesting data portability) from the individual in line with the GDPR**
- ☒ **A European approach to obtaining consent that is compliant with the GDPR**
- ☐ Public registers of persons that are willing to make available some of their data for research or innovation purposes
- ☐ The existence of intermediary infrastructures such as personal data spaces /wallets/stores controlled by each individual from which the data could be retrieved
- ☐ Additional EU legislation on data altruism relating to deceased persons
- ☐ Information campaigns sensitising individuals on the subject matter, e.g. via clinical practitioners
- ☐ Measures to mitigate inherent bias in the data collected through this means
- ☐ Other

If other, please specify
200 character(s) maximum

[It will be important to take into account any possible bias in the data collected (e.g. if data mostly come from young people)]

Data intermediaries

In the data economy, novel intermediaries such as 'data marketplaces' or 'data brokers' are increasingly aiming to support business-to-business data sharing with a range of services such as match-making, offering dedicated sharing platforms, including technology on controlled access and use, as well as legal support.

'Such intermediaries are useful enablers of the data economy.' To what extent do you agree with this statement?

- ☐ Strongly agree
- ☒ **Somewhat agree**
- ☐ Neutral
- ☐ Somewhat disagree
- ☐ Strongly disagree
- ☐ I don't know / no opinion

Section 2.2 - Specific questions on future actions: identification of high-value datasets

The recently adopted [Directive 2019/1024/EU](#) (Open Data Directive) introduces the concept of high-value datasets (HVDs), defined as documents the re-use of which is associated with important benefits for society and the economy (e.g. job creation, new digital services, more efficient and evidence-based policy making). Under the directive, the Commission is required to adopt an implementing act setting out a list of specific high value datasets within the thematic categories listed in Annex I to the directive (geospatial; earth observation and environment; meteorological; statistics; companies and company ownership; mobility). The directive specifies that those datasets shall be made available for re-use free of charge, in machine-readable formats, provided via application programming interfaces (APIs) and, where relevant, as bulk download.

The answers to the questions below will help the Commission draw up an EU-wide list of specific highvalue datasets.

The establishment of a list of high-value datasets, to be made available free of charge, without restrictions and via APIs, is a good way to ensure that public sector data has a positive impact on the EU's economy and society.' To what extent do you agree with this statement?

- ☐ Strongly agree
- ☐ Somewhat agree
- ☒ **Neutral**
- ☐ Somewhat disagree
- ☐ Strongly disagree
- ☐ I don't know / no opinion

Apart from the potential to generate socio-economic benefits, please indicate the relevance of the following additional factors to be taken into account when selecting datasets for the future list of high value datasets:

	Very relevant	Relevant	Neutral	Not relevant	Not relevant at all	I don't know / no opinion
The re-use of the dataset would increase if it was provided free of charge.			X			
The dataset belongs to a thematic area in which there are few EU-level requirements for opening up data.			X			
The re-use of the dataset would increase if its availability under uniform conditions was ensured across the entire EU.			X			
The re-use of the dataset would increase if it was available via an application programming interface (API).			X			

If other factors: please specify
200 character(s) maximum

The provision of high-quality data for re-use can induce additional costs for public sector companies for which they would need to be compensated for.

Under the Open Data Directive, specific high-value datasets will have to be available free of charge, in a machine-readable format, provided via APIs and, where relevant, provided as a bulk download. Please indicate the relevance of each of the other arrangements indicated below to improve the re-usability of specific high-value datasets.

	Very relevant	Relevant	Neutral	Not relevant	Not relevant at all	I don't know / no opinion
Licensing and other terms applicable to re-use		X				
Standardised formats of data and metadata		X				
Possibility of user feedback		X				
Specific technical arrangements for dissemination		X				

EU programmes may provide funding to enhance the availability and re-use of high value datasets across Europe. For each of the following activities, please indicate how relevant it is to support them.

	Very relevant	Relevant	Neutral	Not relevant	Not relevant at all	I don't know / no opinion
Improving the quality (e.g. machine-readability) and interoperability of the data /metadata	X					
Ensuring sustainable data provision via application programming interfaces (APIs)	X					
Engaging with re-users (promoting the data, co-defining use-cases)	X					

According to your experience and the expected potential of concrete datasets, indicate up to three specific datasets that should be listed in each of the thematic categories of high-value datasets, as referred to in Article 13(1) of the Open Data Directive:

	Specific datasets
Geospatial	Datasets Inspire Openstreetmap Data Soil quality
Earth observation and environment	Satellite photos Hourly levels of smog in cities
Meteorological	Weather data (e.g. dry periods, precipitation, amounts of wind, temperature history)
Statistics	Eurostat data Inhabitants segmentations by gender, instruction, employment, age Population growth
Companies and company ownership	
Mobility	EV charging stations usage statistics (number of sessions, load curve profiles) Electric vehicles fleet statistics (per region, per month) Data on EV connected to the grid (state of charge)

Section 2.3 - Specific questions on future actions: the (self-/co-) regulatory context of cloud computing

Data processing that underpins data sharing, in particular in common European data spaces will increasingly be performed in cloud and edge infrastructures. Such infrastructures can present cost-effective alternatives and, in the case of edge computing, enable real-time data processing in a connected device. Cloud and edge services are covered by European rules like the General Data Protection Regulation and the Free Flow of Non-personal Data Regulation, and implementation of these rules can happen by means of self-regulatory schemes like codes of conduct. To ensure that cloud and edge services offered in Europe are secure, user friendly and compliant with the rules, the applicable rules should be implemented by service providers in an appropriate and transparent way.

Does your organisation use and/or provide cloud or edge services?

- ☒ **Yes, my organisation *uses* cloud or edge services**
- ☐ Yes, my organisation ***provides*** cloud or edge services
- ☐ None of the two

Does your organisation use:

- ☐ Cloud
- ☐ Edge
- ☒ **Both cloud and edge**

Does your organisation provide:

- ☐ Cloud
- ☐ Edge
- ☐ Both cloud and edge

Please explain why you do not use cloud, edge or neither of the two:

200 character(s) maximum

Do you believe the cloud market currently offers the technological solutions that you need to grow and innovate your business?

- ☒ **Yes**
- ☐ No

Do you feel that your organisation's sensitive data is adequately protected and secured by the cloud services you use?

- ☒ **Yes**
- ☐ No

Have you experienced problems in the context of the current functioning and constitution of the market for cloud services in Europe?

- ☒ **Yes**
- ☐ No

Do these problems relate to:

- ☐ Cost of cloud services
- ☐ A limited possibility to switch providers, please specify
- ☐ Asymmetry of power of negotiation between customer and provide, please specify
- ☐ Contractual practice on the market, including unilateral change of terms and conditions, please specify
- ☐ Security risks, including leakage of data or intellectual property
- ☒ **Other**

Please specify

200 character(s) maximum

As a EU trade association, answering such question is not straightforward because our members have had different experiences. However the reasons mentioned above have all been reported by at least one of our members

Do you perceive risks emerging from the current functioning and constitution of the market for cloud services in Europe?

☒ **Yes**

☐ No

Do these risks relate to:

- ☐ Cost of cloud services
- ☐ A limited possibility to switch providers, please specify
- ☐ Asymmetry of power of negotiation between customer and provide, please specify
- ☐ Contractual practice on the market, including unilateral change of terms and conditions, please specify
- ☐ Security risks, including leakage of data or intellectual property
- ☒ **Other**

Please specify

200 character(s) maximum

As a EU trade association, answering such question is difficult because our members have had different experiences. However the reasons mentioned above have all been reported by at least one of our members

Does your organisation have flexibility to procure/adopt new and innovative cloud solutions if they emerge on the market?

☐ Yes

☐ No

Is this related to:

- ☐ Technical barriers
- ☐ Legal/contractual barriers
- ☐ Economic/cost barriers
- ☐ Security barriers
- ☐ Other barriers

If technical barriers, please specify

200 character(s) maximum

[As a EU trade association, answering such question is difficult because our members have had different experiences. However the barriers mentioned above have all been reported by at least one of our members.

Many technologies exist and companies are developing their own approach based on historical choices and on their own cost/risk analysis. Step by step experimentation will be the way forward.]

If legal/contractual barriers, please specify
200 character(s) maximum

[Some of our members report that, next to contractual and legal barriers, there are often risks linked to potential transfer of ownership or costs. It is therefore necessary to assess the evolution of the risk level and to allow for reversibility.]

If economic/cost barriers, please specify
200 character(s) maximum

If security barriers, please specify
200 character(s) maximum

[Some of our members report that many cloud services are hosted on non-European servers. This is problematic in the area of critical infrastructure, where IT security requirements must be met.]

If other barriers, please specify
200 character(s) maximum

Is your organisation aware of self-regulatory schemes for cloud/edge services (for example, codes of conduct or certification schemes)?

- ☒ **Yes**
- ☐ **No**

Please indicate in which of the following areas you are aware of self-regulatory approaches:

- ☒ **Data protection**
- ☒ **Data portability**
- ☒ **Security**
- ☒ **Energy efficiency**
- ☐ **Other**

Please specify

200 character(s) maximum

As a EU trade association, answering such question is difficult because our members have had different experiences. However the areas mentioned above have all been reported by at least one of our members.

How do you believe market awareness of these schemes could be raised?

300 character(s) maximum

Do you believe a self-regulatory approach is appropriate to identify best practices to apply EU legislation or self-regulation?

- ☒ **Yes**
☐ No

If yes, do you believe a self-regulatory approach is appropriate to identify best practices to apply EU legislation or self-regulation relating to:

	Yes	No	I don't know/ no opinion
Data protection	☒	☐	☐
Data portability	☒	☐	☐
Security	☒	☐	☐
Energy-efficiency	☒	☐	☐
Other	☐	☐	☐

Please explain why:

200 character(s) maximum

Would it be beneficial for your organisation if applicable rules for cloud and edge would be bundled and corresponding information made available by the European Commission?

- ☒ **Yes**
☐ No
☐ I don't know / no opinion

Final comments

Eurelectric pursues in all its activities the application of the following sustainable development values:

Economic Development

- Growth, added-value, efficiency

Environmental Leadership

- Commitment, innovation, pro-activeness

Social Responsibility

- Transparency, ethics, accountability



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