

Recent Developments in EU Tech Law

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Recent developments

- Commission's communications:
 - EU Data Strategy (COM(2020) 66 final)
 - White Paper on Artificial Intelligence (COM(2020) 65 final)

- Recent entry into force (12 July 2020):
 - Platform-to-Business (P2B) Regulation 2019/1150

State of the Union (U. von der Leyen, 16/9/20)

- Data:

“On personalized data – B2C – Europe has been too slow and is now dependent on others. This cannot happen with **industrial data**... we need to secure this data for Europe and make it widely accessible. We need **common data spaces** - for example, in the energy or healthcare sectors. This will support innovation ecosystems... And it is why we will build a European cloud »

- Artificial Intelligence:

“artificial intelligence will open up new worlds for us. But this world also needs rules.

We want a **set of rules that puts people at the centre**. Algorithms must not be a black box and there must be clear rules if something goes wrong. **The Commission will propose a law to this effect next year** »

Data Strategy: Single Market for Data

- Data governance: to facilitate access and reuse of data
 - Ex B2B or B2G (B-to-government) data sharing
- Framework: data laws

Data appropriation		Data access	
Trade Secrets D (2016)	↔	Open Data D. (2019)	
Database D. (1996)	↔	TDM in CDSM D (2019)	
Infosoc D. (2001)			
	GDPR (2016)		
	FFD R. (2018)		
		Digital Content Dir. (2019)	

European Data Spaces: Data-driven Industrial Policy

- Roll out of **common European data spaces** in industrial manufacturing, mobility or health sectors
- Sharing, accessing, selling, trading of **high-quality datasets**
- Open, based on **non-discriminatory rules** and contractual freedom
- **Secondary use of data**
 - Legal certainty
 - Legal basis other than consent
 - Exclusion of IP rights of private-sector data without agreement
 - Distribution of public data under licenses allowing commercial re-use

P2B Regulation

- Online intermediation services provided by platforms to business users established in the EU or offering goods or services to EU consumers
- Easily understandable and available T&Cs and grounds for restricting, suspending or terminating services
- Act in good faith, no retroactive amendments to T&Cs
- Information of T&Cs' effect on user's IP rights

P2B Regulation: Information and Transparency Requirements

- Ranking
- Differentiated treatment
- Technical and contractual access to data (personal or not)
- Additional distribution channels and potential affiliate programs
- Complaint-handling system

Thank you for your attention!

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