Revision of the Framework Regulation on European Statistics

and facilitating the use of new data sources for official statistics

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Expert Meeting on Modernization of Statistical Legislation

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Outline

- Context: European Data Strategy

- Revision of Regulation 223/2009 on European statistics

- Expert group on facilitating the use of new data sources for official statistics

- Conclusions

Empowering society by reusing privately held data for official statistics — A European approach

FINAL REPORT PREPARED BY THE HIGH-LEVEL EXPERT GROUP ON FACILITATING THE USE OF NEW DATA SOURCES FOR OFFICIAL STATISTICS

2022 edition

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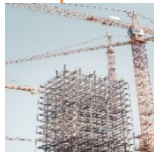# The European data strategy

European Data Strategy

- Create a single European data space in a way that:

  - **Data can flow within the EU and across sectors** for the benefit of businesses, researchers and public administrations.
  - Fair, practical and **clear rules apply** for access to and use of data.
  - There are clear and trustworthy **data governance mechanisms.**
  - **European rules and values**, in particular personal data protection, consumer protection legislation and competition law, are fully respected.
  - Next generation **standards, tools and infrastructures** to store and process data is invested in.

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Pillars of the European Data Strategy

Governance framework

- for data access and use

Enablers

- Investments in data and strengthening Europe's capabilities and infrastructures

Competences

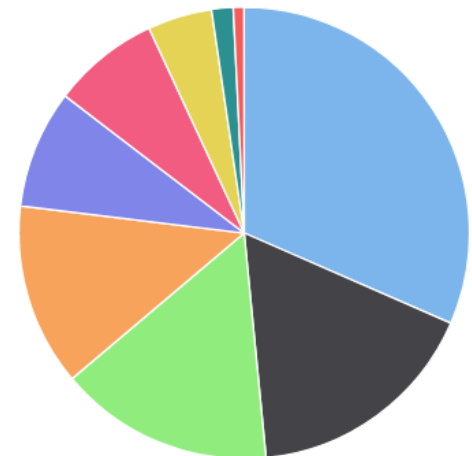- Empowering individuals, investing in skills and in SMEs

Common European data spaces

- in strategic sectors and domains of public interest

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European Data Strategy: legislation (1)

Open Data Directive and High Value Datasets

- Target: Data with a high commercial potential and that can speed up the emergence of value-added EU-wide information products (Open Data Directive of 2019)

- High Value Datasets identified in the Open Data Directive to be implemented by an implementing regulation

- Implementing regulation includes a list of statistics as prepared by Eurostat in cooperation with the national statistical institutes

- Public feedback on the draft implementing act:130 unique comments received, comments are currently analysed

- Adoption by European Commission foreseen for 1st quarter 2023

- Public authority: 41 (31.54%)
- Non-governmental organisation (NGO): 22 (16.92%)
- EU citizen: 20 (15.38%)
- Company/business organisation: 17 (13.08%)
- Other: 11 (8.46%)
- Business association: 10 (7.69%)
- Academic/research Institution: 6 (4.62%)
- Non-EU citizen: 2 (1.54%)
- Trade union: 1 (0.77%)

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Open Data Directive Implementing Act : List of High-Value Datasets

Geospatial

Earth observation and environment

Meteorological

Statistics

Companies and company ownership

Mobility

- HVD are considered of high socioeconomic potential in their re-use

- Datasets listed in the Implementing Act are *open data*, that is, to be made available:

  ➢ for free

  ➢ in machine-readable formats

  ➢ via APIs and (where relevant) as bulk downloads

- Implementing Act addresses public sector bodies in the Member States holding HVD

European Data Strategy: legislation (2)

Data Governance Act

- Establish an enabling governance framework for the **Common European data spaces**
- Common European data spaces to be implemented in strategic economic sectors and domains of public interest, fostering availability for use by
  - increasing trust in data intermediaries
  - strengthening data sharing mechanisms across the EU
- Issues addressed
  - B2B data sharing
  - Reuse of public sector data
  - Facilitate use of voluntary data contributions by individuals or businesses for common good
- Creation of governance mechanisms: **European Data Innovation Board**
- Publication of **Regulation (EU) 2022/868** of the European Parliament and of the Council of 30 May 2022 on European data governance and amending Regulation (EU) 2018/1724 (Data Governance Act) on 3 June 2022 in the OJ

Current list of common European data spaces

- Common European data spaces being created:

  - Agriculture
  - Cultural heritage
  - Energy
  - Financial
  - Green Deal
  - Health
  - Language
  - Manufacturing
  - Media
  - Mobility

  - Agriculture
  - Public procurement
  - Security and law enforcement
  - Legal
  - Open science cloud
  - Skills
  - Smart communities
  - Tourism
  - Semantic interoperability (across data spaces)

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Current efforts to create common European data spaces

- Types of actions and initiatives:

  - Political initiatives
  - Legislative initiatives
  - Funding initiatives
    - Digital Europe programme (DIGITAL)
    - Horizon Europe
    - Etc, etc.
  - Other actions and initiatives
    - Pilots, studies, evaluations, community building, etc.

European Commission

European Data Strategy: legislation (3)

Data Act

- Proposal by European Commission 23 Feb 2022

- Basic rules for all sectors (B2B, B2C, B2G) on data access and use

  - Facilitate access to and use of data from electronic devices

  - Measures against unfair contractual terms in data access and use in business relationships (B2B);

  - New rules allowing customers to effectively switch between different cloud data-processing service providers (B2C).

  - Access to privately held data in exceptional and limited cases (B2G)

Data Act: Proportionate, limited and predictable B2G rules

Data is requested based on an <u>exceptional need:</u>

a) to respond to a public emergency (*free*)

b) to prevent or to address the aftermath of a public emergency (*cost + margin*)

c) for other exceptional needs (*cost + margin*)

Public sector body must demonstrate the exceptional need

Private sector will benefit from streamlined procedures and from the "once-only principle"
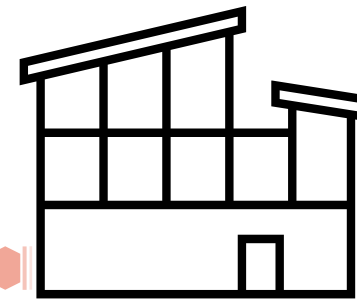
Data is destroyed after use

Public sector body requests data based on an exceptional need

Public sector body

Private sector body makes data available

Private sector
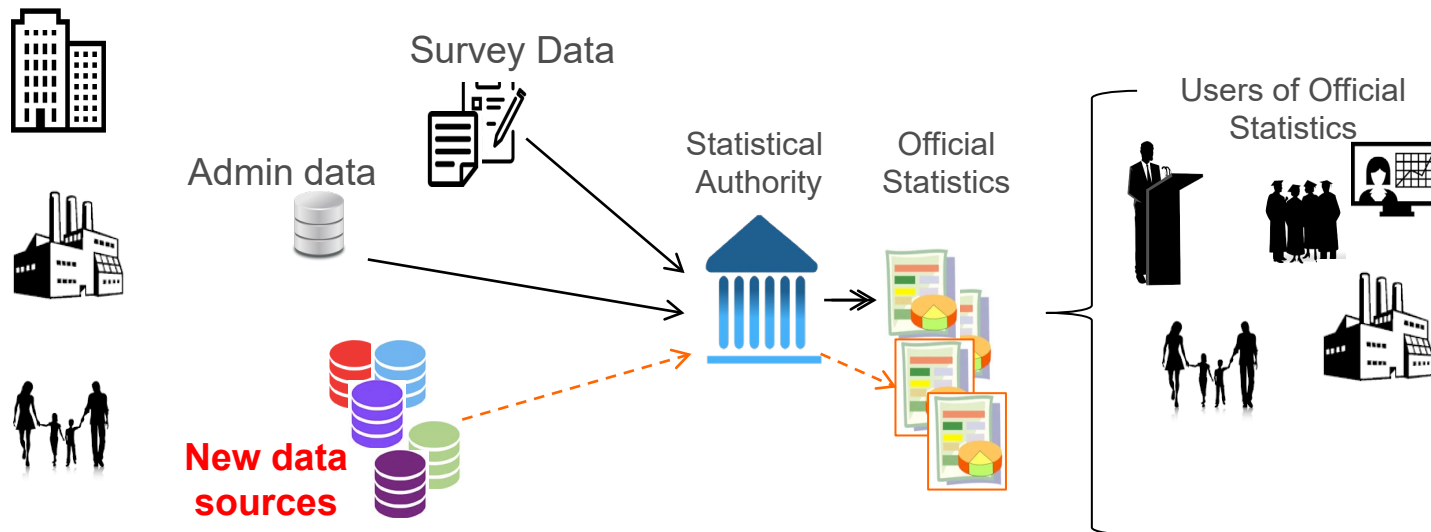
Public sector body
or
Union institution, agency or body

Existing and future [compliance, reporting] sectoral obligations (incl. for law enforcement purposes) continue to apply

If request is valid, data must be made available

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The revision of Regulation 223/2009 on European statistics

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The need to make the European Statistical System (ESS) fit for the future

- Users demand faster, better and more detailed statistics

- Data ecosystem is quickly developing due to technology (e.g. Internet of things)

  ➢ **Need for including new data sources in the system of official statistics**

  ➢ **Need for high responsiveness to newly emerging needs (e.g. during crises)**

  ➢ **Need to look at task distribution within the ESS and role within the data ecosystem**

The revision of Regulation 223/2009: objectives

- Enable **sustainable use** of privately held data for the development and production of European statistics

- Increase agility and **responsiveness** to meet urgent users' demands

- Promote **data sharing** and strengthen coordination within the ESS

- Update the **tasks of ESS partners** responding to digitalization and creation of new data ecosystems

- Specify **new functions** and outline the roles of statistical authorities in the emerging European and national data ecosystems

https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13332-European-Statistical-System-making-it-fit-for-the-future_en

The revision of Regulation 223/2009: approach

- Coordination within the European Statistical System (ESS)

  ➢ ESS position paper on access to privately held data (June 2021)

- Collect independent advice from experts

  ➢ Expert Group on facilitating the use of new data sources for official statistics

- Impact assessment

  ➢ In accordance with the Better Regulation Guidelines

- Online public consultation and various stakeholder consultations

  ➢ Take into account all interests in an optimal, balanced and fair way

- Coordination within the European Commission

  ➢ Revision is part of the European data strategy

- Commission proposal during first semester 2023

  ➢ To be discussed with the Council and European Parliament and adapted accordingly
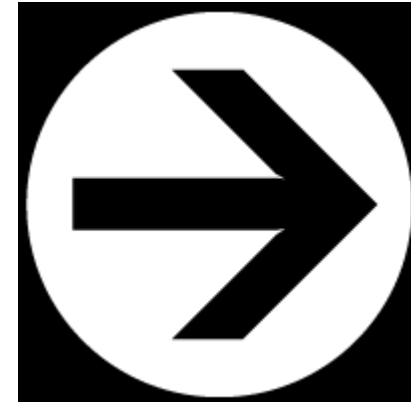
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The revision of Regulation 223/2009: some considerations

- New data can be used to provide information for society
  - Informed public
  - Better decision making
  - Better policy making
  - Better administration

- Enable 'access' to new data sources for statistical purposes
- Data on which society thrives are mainly collected by private actors
- Voluntary partnerships do not lead to sustainable reuse of privately held data for official statistics
- Pandemic proved usefulness of data and need for transparent and reliable access

Norms for access to new data sources

- confidentiality
- professional standards
- business interest
- minimal data
- proportionality
- level playing field
- equal access
- transparency
- proper access modality
- free data

Link to paper Struijs & Wirthmann for Q2022 conference:

https://lsvdv-my.sharepoint.com/:w:/g/personal/ingabal_stat_gov_lt/EUIpCm3a58NFt7Y7T0iqkWEBFCKFvQKmchVA82_IWaaetg?e=FHMb28
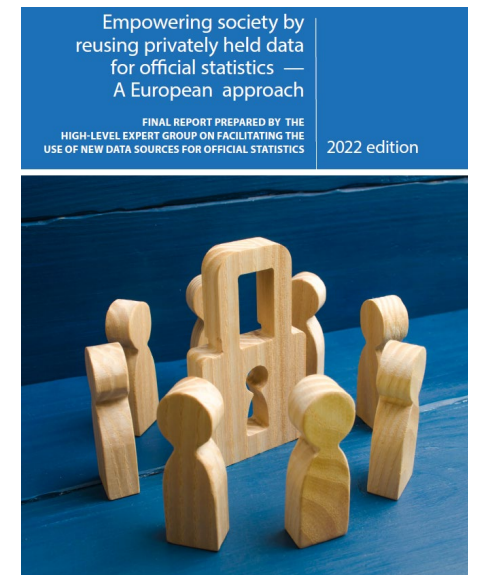
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The Expert Group on facilitating the use of new data sources for official statistics

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Commission Expert Group

Expert Group on facilitating the use of new data sources
for official statistics

- Created in March 2021, reported in June 2022
- Context: data strategy, from B2G to B2G4S
- 20 experts in personal capacity, wide range of backgrounds
- Chair and support from Eurostat

https://ec.europa.eu/eurostat/product?code=KS-FT-22-004

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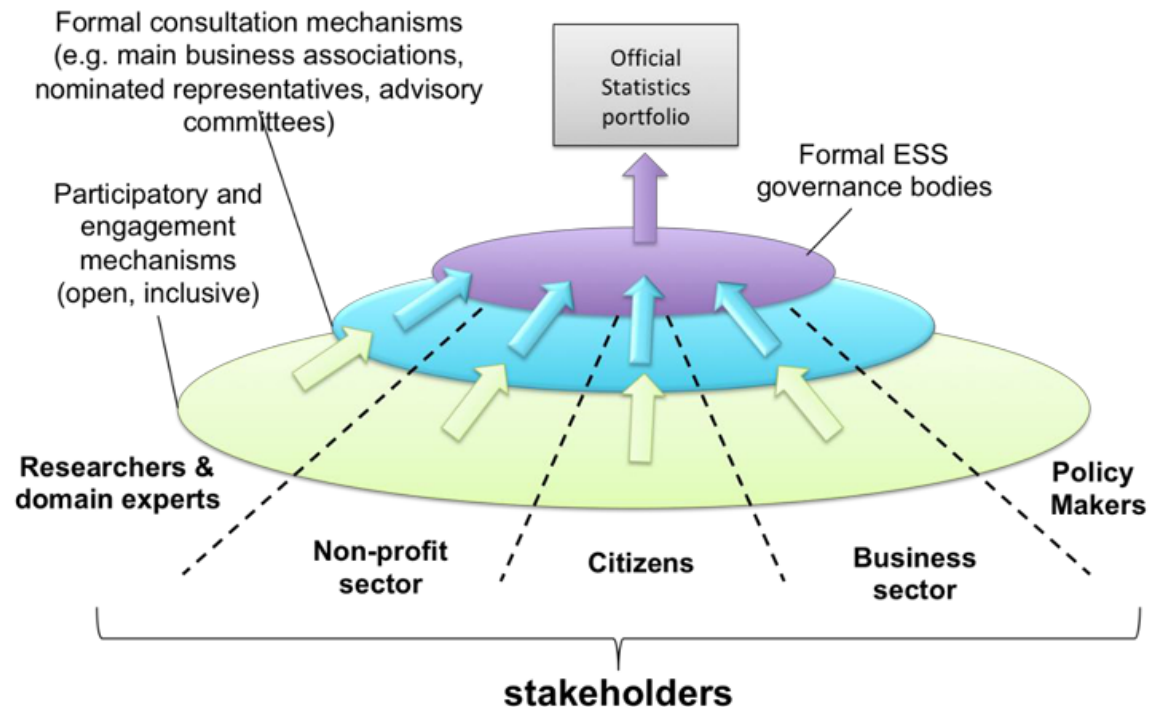European Commission

Recommendations in five areas

1. Engaging with citizens and businesses
2. The approach to data
3. Balanced partnerships
4. Engaging with researchers
5. Improving the institutional environment

1. Engaging with citizens and businesses

The decision process leading to determination of the statistics portfolio.

Legitimacy and public acceptance are achieved through participative mechanisms and systematic consultation with relevant stakeholders.

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2. The approach to data

- Harmonisation at EU and global level

- Security and confidentiality

- Reassessment of ESS quality framework

- Development of methodological framework

- Openness to private sector processing methods

3. Balanced partnerships

- Balanced partnership approach
- Non-financial incentives
- Requirements and safeguards for data reuse
- Cost model and compensation

4. Engaging with researchers

- Strategy collaborative research
- Multi-party research agreements
- Building trust and collaboration in research

5. Improving the institutional environment

- Central data reuse on behalf of the ESS in some cases
- Common services and shared infrastructures
- Need for investments and proper funding
- Data stewardship functions

Conclusions

Where are we now?

- June 2011: ESS adopted position paper
- February 2022: Call for Evidence published (intention of Commission to revise Regulation 223/2009)
- June 2022: Publication of the report of the Expert Group
- July – October 2022: Online public consultation
- June – November 2022: Impact assessment including stakeholders consultation
- Continuously: Consultation within the European Commission
- January 2023: Opinion of the Regulatory Scrutiny Board
- Early spring 2023 (?): Publication of the Commission proposal for the revision of Regulation 223/2009

Some takeaways

Legislation and the use of new data sources:

- Simply widening the scope of statistical legislation may not be sufficient
- Provide safeguards
  - Safeguard the business interest
  - Don't ask for more than is really needed
  - Requests must be proportional
- Partnership approach is essential
  - Together find the optimal access modality
  - Be realistic about costs
- Foresee dispute resolution
- Be transparent
- Ensure 'social license'

Consider the place and roles of your institute in the data ecosystem

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Thank you

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