

# Which Role for Research in the Future Data Act?

## Science Europe Response to the European Commission Inception Impact Assessment for a Data Act

Access, interoperability, and the use of high-quality data are cornerstones of research and innovation. Science Europe, therefore, welcomes the initiative of the European Commission, as outlined in the European Strategy for Data from 19 February 2020, to create a single market for data that would enable the digital transformation of society through more and better access to data.

Science Europe and its Member Organisations, major national public Research Funding Organisations (RFOs) and Research Performing Organisations (RPOs), strongly promote the sharing, interoperability, and re-use of data in research. Re-using data can have impacts that go beyond its initial purpose and is necessary to generate further knowledge by building on existing information. Science Europe welcomes the EC intention of increasing access and use of data to facilitate use by public and private actors and ensure positive effects for the use of data in the public interest. This includes the use of data for research purposes.

We, therefore, appreciate the opportunity to comment on the Inception Impact Assessment for a Data Act and would like to draw the Commission's attention to two aspects, both relating to the scope of the future legislation:

### 1. Which public sector bodies will be in the scope of the Data Act?

The Inception Impact Assessment (IIA) for the Data Act does not indicate clearly which public actors will be in the scope of the future legislation. The section 'Use of privately held data by the public sector' broadly refers to the 'public sector' and to 'data whose use are necessary to serve the public interest'. However, the following sentence in the same paragraph only refers to business-to-government (B2G) data sharing. This raises the question of which parts of the public sector the new legislation is aimed at. Many public RFOs and RPOs are public sector bodies according to their national legislation and they all fund and support research which is in the public interest, but they are not part of a government. As these organisations, and the researchers they employ and fund, play a vital role in fostering innovation in Europe, clarity on whether the research sector will fall under the scope of the Data Act would be welcomed. The Data Act should specify the characteristics of the 'public bodies and entities acting in the public interest' to provide legal clarity for the research and innovation community.

## 2. How will research and innovation be affected by the Data Act?

While the IIA refers multiple times to the potential of data for innovation, research is only mentioned in the social and environmental categories of the preliminary assessment of expected impacts. Yet, it remains the main bedrock of education, innovation, and economic competitiveness. As research contributes to all the impact areas mentioned in the Inception Impact Assessment, any Impact Assessment in preparation of the legislative proposal for the Data Act should also assess the potential impact of the act on the research sector.

The absence of substantial research considerations in the Inception Impact Assessment raises even more than the issue described under point 1, the question in how far research and innovation will be affected by the future Data Act. The research sector has vast experience in data generation, storage, curation and (re-)use. Taking into account its relevant expertise and knowledge, the research sector can contribute to making the European single market for data useful for the society and economy at large.

Science Europe will be happy to participate in further consultation activities and provide input to inform the future Data Act.