

# THE CURRENT EUROPEAN LEGAL FRAMEWORK ON DATA SHARING : HOW APIS FIT IN?

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LEADING BELGIAN NICHE LAW FIRM

Information  
technology

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protection

Intellectual  
property

Media &  
entertainment

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legislation

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innovation

Sources say:

*“High marks for expertise and prompt, well-executed work.”*

*“In data protection, I doubt that there are other firms more aware of the key compliance and regulatory issues than this firm.”*

*“This TMT boutique is highly praised for its IT and data protection expertise.”*



# [HTTPS://EUDATASHARING.EU/](https://eudatasharing.eu/) - SUPPORT CENTRE FOR DATA SHARING

Support Centre for Data Sharing

HOME PRACTICE EXAMPLES LEGAL FRAMEWORK TECHNOLOGY NEWS & EVENTS SUPPORT

EU NON-PERSONAL DATA SHARING  
 EXAMPLES OF CONTRACT TERMS  
 RECOMMENDED CONTRACT TERMS  
 API LICENSING ASSISTANT

Data Sharing

What is data sharing?

What do we refer to with the term data sharing?  
[Read more](#)

**NEWS**

- 02.12.2021 Digital Europe Programme explained: the data space for...
- 30.11.2021 Digital Europe Programme explained: the data space for...
- 25.11.2021 Digital Europe Programme explained: The Green Deal Data...

**EVENTS**

- 07.12.2021 Data on Board 2021
- 03.02.2022 Masters of Digital 2022

**TWEETS BY @EU\_DATASHARING**

EU Support Centre for Data Sharing @EU\_DataSharing  
 Tomorrow (7 Dec.) at 08:00 CET  
 @ITU\_AIForGood presents part 2 of the panel on standardisation for a trustworthy #Digital #AI driven society  
[ow.ly/ZPC650H42nc](https://ow.ly/ZPC650H42nc)  
[pic.twitter.com/5Ldawy6rvD](https://pic.twitter.com/5Ldawy6rvD)

# EU POLICIES FOLLOWING THE MARKET

The shift to data as a service

# XAAS AND DATA AS A SERVICE

## The pitch...

Buy a media carrier!

Buy a download!

Buy a service!

## The legal model...

Ownership

Licence

Subscription

# DYNAMIC DATA AND APIS MAKING THEIR WAY INTO LEGISLATION

- Public Sector Information, via the 2019 Open Data Directive
  - Dynamic data access and APIs
  - Emphasis on high value datasets
- Banking, via the 2015 Payment Services Directive 2
  - Account data through APIs to third party payment service providers and account information service providers (with the consent of the account holder)
- Energy, via the (2018 update of the) 2012 Directive on Energy efficiency
  - Mandates the use of intelligent metering systems (e.g. smart meters) to enhance energy saving and support the development of energy networks (smart grids).
- Automotive, via the (2019 update of the) 2007 Regulation on access to vehicle repair and maintenance information
  - Access to independent operators, in a non-discriminatory manner compared to the access granted to authorised dealers and repairers.
- Not all about APIs, but all about dynamic data access

# DO APIS IMPROVE EVERYTHING?

Legally speaking.

# ARE APIS BETTER THAN LICENCES, FROM A LAWYER'S PERSPECTIVE?

- As lawyers say: “It depends”
- From ownership and licensing to subscriptions
  - Less traditional intellectual property rights, more contracts
  - Less constraints? OK, but also fewer safeguards for lawful users
- APIs are more conducive to establishing ecosystems
  - Governance and consultation become more important
- Critical homework for subscriptions
  - IPR claims and licenses
  - Usage constraints and innovations (including third party – AI, for instance)
  - SLAs
  - Availability, retention, and continued usage of historical data



## QUESTIONS OR COMMENTS?

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