

EU Data Policy

Simplifying Data Rules Across Europe

Sem Enzerink, 29 April 2026

Faglig arena for datadeling og informasjonsforvaltning

Capgemini  invent



Agenda

EU Data Policy – Simplifying Data Rules Across Europe

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- 04 Questions & Discussion



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Now



Europe is in the technological race for AI and innovation, addressed by the Data Union Strategy and Digital Omnibus

Key Issues

Data is increasingly used as a strategic asset in global competition

#1

Data scarcity is an immediate bottleneck for AI training

#2

Regulatory complexity hampers scale

#3



How helpful are the Free Flow of Non-Personal Data Regulation, Open Data Directive, Data Governance Act?

European Commission Study

The primary purpose of the study – conducted by Caggemini, Spark Legal and Policy Consulting, Open Evidence – is to provide the Commission with a robust, evidence-based foundation to support the evaluation of three key legislative instruments.

Desk research

Systematic review of legislative texts, preparatory works, previous evaluation studies, Commission guidance documents, academic literature, industry reports and national-level legal and policy documents

Stakeholder consultation

- Surveys
 - Businesses
 - Civil society
 - EU27 national competent authorities
 - Public undertakings
 - Research organisations
- Semi-structured interviews
- Focus groups and workshops





The three legal foundations are ought to work together as a coherent set of building blocks

Cross-Cutting Coherence – Synergies and Complementarities

Open Data Directive

Builds a **pan-European market** for public sector data.

Free Flow of Non-Personal Data Regulation

Establishes the **principle of free movement** of non-personal data, forming the foundation for subsequent instruments.



Data Governance Act

Creates a new option for sharing data, allowing **controlled re-use of protected data** and increasing the amount of data available for innovation.

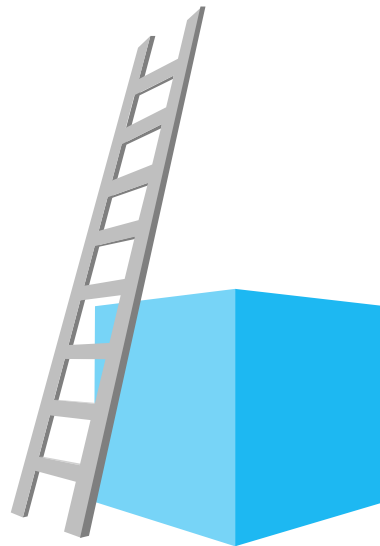


Can non-personal data flow freely, with relevant cloud procedures in place?

The Free Flow of Non-Personal Data Regulation

Free Flow of Non-Personal Data Regulation

Establishes the **principle of free movement** of non-personal data, forming the foundation for subsequent instruments.



- Legal uncertainty persists in relation to the application of the Free Flow of Non-Personal Data Regulation to datasets containing both **personal and non-personal data**.
- Removal of **Data Localization Requirements (DLRs)** is slow, largely incidental and hard to supervise, with many restrictions remaining and significant gaps persisting due to national security exemptions beyond the Regulation's scope.
- **Transparency and awareness mechanisms** are underperforming, with awareness and perceived relevance being low in the private sector.
- There is a **gap** between the Regulation's objectives and its real-world impact.

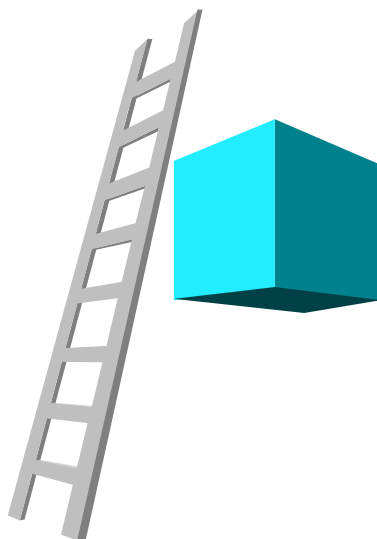


Do governments, public undertakings and research (funding) institutions publish sufficient open data for reuse?

The Open Data Directive

Open Data Directive

Builds a **pan-European market** for public sector data.



- The number of available **open datasets** grew with 44% between July 2021 and May 2025. Yet, High-Value Datasets are scarce, <1% of all data and accounting for just 0.3% of reuse.
- **Legal, public undertaking and research (funding) data** are hard to access, with unclear rules and limited sharing.
- Open data **reuse** is rising, weekly reuse grew from 7% to 27% in four years.
- Access gaps remain, Large Enterprises dominate reuse (25%, versus 5% Small and Medium-Sized Enterprises), creating a **competitive imbalance**. Over 39% of data.europa.eu downloads come from non-EU countries (Norway not in the top 5 reusers), while intra-EU reuse is fragmented due to inconsistent formats, e.g. 400+ license models are practiced.

Do governments ensure adequate data sharing of protected data?

Data Governance Act

- The Data Governance Act showed **limited effectiveness** so far, due to incomplete application, low uptake from business and other actors concerned, with lack of awareness, and weak incentives (high perceived costs and burdens).
- Uncertainties in relation to the meaning of **intermediation services** operating within a “closed group” and “aim to establish commercial relationships for the purposes of data sharing” (internal coherence).
- Current legal framework **overly prescriptive** – inhibited the development of data intermediation services. Conditions for obtaining the label more flexible – in particular the strict legal separation with other services.



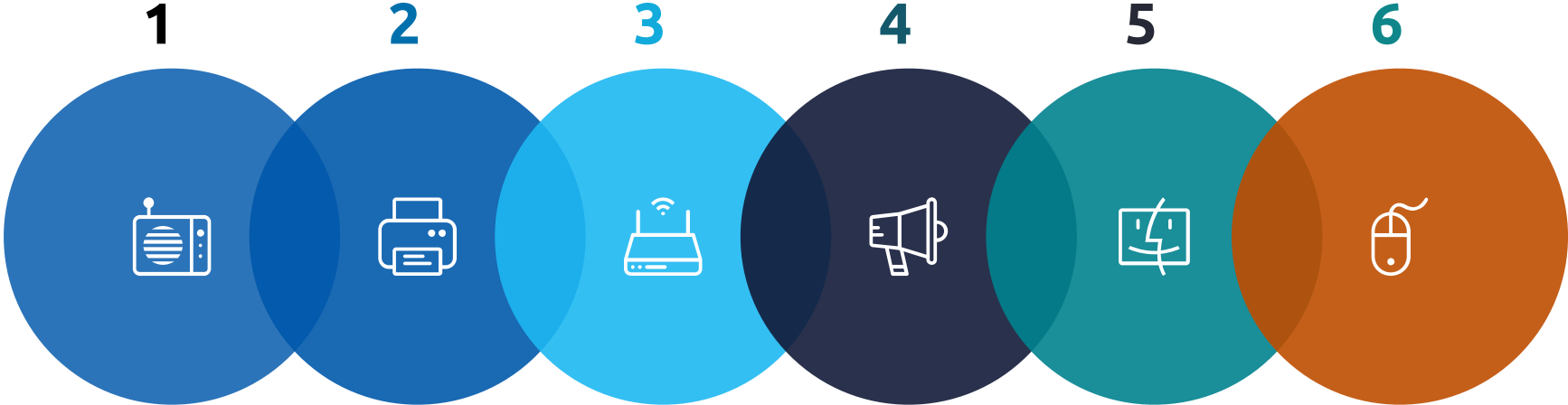
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Current data rules challenge data stakeholders, implementation and interpretation

Cross-Cutting Issues



Unclear Data Boundaries

Difficult to separate personal vs non-personal data; tech makes anonymisation uncertain.

Grey Zones Between Laws

Confusion over whether Open Data Directive or Data Governance Act applies.

Conflicting Cost Models

Free access vs fees for protection data creating risk of monetization bias.

Fragmented Governance

Multiple bodies, incomplete Single Information Points, missing authorities.

Complex Global Rules

Different approaches for international transfers creating a perception of complexity.

GDPR Conflicts & Mixed Data

Diverging definitions and unclear anonymisation criteria; most datasets are mixed.



2

Next



The EU is consolidating the data rulebook, by integrating data regulations into the Data Act

Data Act

Data sharing of IoT data (connected products & related services), rules on fair data-sharing clauses in B2B contracts, B2G data sharing, rules on cloud switching.

Data Governance Act

Re-use of protected data held by public sector bodies increase data sharing (data intermediation services, data altruism), governance (EDIB).

Free Flow of Non-Personal Data Regulation

Ensure the free flow of non-personal data within the Union (prohibition of data localization requirements), provisions on cloud.

Open Data Directive

Re-use of public sector information, including research data and high value data sets.





3

Norway



For Norway, the simplified data rules across Europe may affect cross-border data sharing and reuse practices

Implications and practical consequences

1. Legal harmonization

1. “Create synergies between Norwegian and European digitalization policy” ([Digitaliserings- og forvaltningsdepartementet / The Digital Norway of the Future, National Digitalization Strategy 2024-2030](#)).
2. Potential transpositions into Norwegian national legislation and policies, following EU simplifications under the EU Data Act.

2. Institutional rearrangements

1. More streamlined roles and responsibilities for statistical offices, public sector bodies, national supervisors, data intermediation services, data altruism organizations.
2. Greater uptake leading to more voluntary data sharing, e.g. in the context of common European data spaces.

3. Less, better

1. Potentially fewer reuse possibilities for EU open, shared and protected data.
2. Greater interoperability with a focus on data standards, licenses, High-Value Datasets, etc.
3. Promoting fairness, fighting reinforcement of dominant market positions. New rules may allow public sector bodies to set out different rules for very large enterprises.



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Questions & Discussion

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