Numeum

Contribution to the European Commission's Consultation on the Data Union Strategy

Introduction

Numeum represents thousands of digital companies across France, from startups and SMEs to larger industrial and service groups. We welcome the European Commission's initiative to advance the Data Union Strategy. This is a critical opportunity to consolidate Europe's digital competitiveness and strategic autonomy while fostering innovation rooted in trust and legal clarity.

The Data Union Strategy must ensure that European companies, especially SMEs, can access, share, and use data confidently and responsibly. The entry into application of the Data Act, alongside ongoing work on the AI Act, DGA, and Cybersecurity framework, makes this the right time to step back, clarify concepts, align rules, and make the data ecosystem work for innovators and users alike.

Persistent challenges in the data landscape

Despite progress since the 2020 EU Data Strategy, key structural barriers remain. These challenges have grown more urgent as **generative and agentic AI** rapidly redefine competitiveness:

- **Unclear regulatory boundaries**: Companies lack certainty around what data they can use, under what conditions, and how obligations from different frameworks (GDPR, Data Act, DGA, AI Act) interrelate.

- **Complex and fragmented data governance**: Divergent national practices, unclear definitions (e.g. personal vs. non-personal data), and overlapping supervisory bodies create friction.

- **Limited access to high-quality data**: Especially for SMEs and AI developers, finding domain-specific, multilingual, or public sector datasets remains challenging.

- **Disincentives to share data**: Fears around IP theft, cybersecurity, unclear liability, and insufficient incentives limit voluntary contributions to data spaces.

- **Develop interoperable, sector-specific European data spaces:** Create and accelerate data pools in strategic sectors like manufacturing, healthcare, and AI, with emphasis on European languages and data types.

Key priorities for the Data Union Strategy

1) Harmonize and simplify data regulations

The Strategy should consolidate and streamline the EU data regulatory landscape to reduce compliance costs and complexity. We recommend:

- **Harmonizing definitions** of core concepts—especially "data," "personal/non-personal data," "IoT data," and "connected devices" to reduce ambiguity.

- **Providing actionable guidance** to help determine when data qualifies as personal under the GDPR. Current uncertainty obstructs data use, especially in AI model training.

- **Enabling a future-proof understanding of personal data**, based on a "reasonable risk of identification" standard, not purely theoretical linkage possibilities.

- **Clearly exempting industrial/technical data** from personal data rules when risk to individuals is remote.

- **Merging relevant parts of the e-Privacy Directive** into the GDPR to improve coherence and simplify the framework.

- **Aligning the Data Act, AI Act, and GDPR** more systematically to reduce duplication, resolve conflicts, and ensure risk-based consistency.

A meaningful consolidation of EU data legislation (including the GDPR) would reduce regulatory friction and enhance legal certainty for all players.

The Data Union Strategy must support effective implementation of the Data Act, recognising both its potential and its limits.

The focus should now shift to **purposeful industry-friendly application** of the Data Act, not layering additional mandatory obligations that risk undermining innovation and legal clarity.

To address these issues, the Data Act should:

- Make data sharing **voluntary by default** to build trust and promote organic data ecosystem growth.

- Strengthen **protections for trade secrets and cybersecurity** to safeguard sensitive business information.

- **Clarify the temporal scope** of data sharing obligations to reduce uncertainty and complexity.

- Radically **simplify governance structures** to cut fragmentation and ease compliance burdens.

- **Eliminate overlapping data transfer** rules to prevent conflicting requirements.

- Engage into revision of the Data Act through the Digital omnibus, to ensure **practical cloud portability rules** by restricting portability obligations to infrastructure layers, simplifying technical requirements, and allowing flexible switching timelines and to ensure that its interoperability requirements follow well-established standardization processes under the umbrella of international or European standard organisations

- Consolidate a targeted public-sector data access framework that respects privacy and competition concerns.

- **Clarify GDPR interpretations** without reopening the regulation, enabling legitimate interest and applying a risk-based approach to pseudonymisation and anonymisation.

This coherent set of measures will help build a balanced, innovation-friendly framework that empowers European businesses and fosters sustainable data sharing.

2) Leverage synthetic data and privacy-enhancing technologies (PETs)

To address data scarcity and privacy constraints (especially in AI) the Strategy should promote the use of **synthetic data** and **PETs**.

Synthetic data and privacy-enhancing technologies (PETs) are vital for enabling AI innovation while protecting privacy. To facilitate data sharing across organizations and borders, PETs must be developed at scale and made widely accessible to all market players at reasonable cost. The Data Union Strategy should provide incentives for their development and promote the adoption of relevant technical frameworks. Clear standards and support will help unlock data potential responsibly and securely, especially benefiting SMEs and researchers.

- Scale public and private investment in **PETs and synthetic data technologies**.

- Encourage **standardisation and guidance** to ensure safe and interoperable use of these tools.

- Support the inclusion of **PETs in European Data Spaces** to foster adoption.

- **Limited access to relevant, high-quality data:** Startups and SMEs struggle to access domain-specific, multilingual data sets needed to train AI models and develop competitive products tailored to European markets.

This is a critical area to build trust, enable privacy, and empower AI innovation.

3) Enable streamlined and trusted cross-border data use

The Data Union Strategy must unlock **cross-border data flows** that are secure, lawful, and competitive:

- Develop **trusted frameworks for international data exchange**, in alignment with GDPR and relevant adequacy mechanisms.

- Support **interoperable infrastructures** and **common legal templates** to reduce administrative burden for cross-border data sharing.

4) Simplify cybersecurity compliance and certification

The interplay of the **Cyber Resilience Act**, **NIS2**, and other cyber regulations creates real burdens on innovation. The Strategy should advocate:

- **Streamlined cybersecurity certification**: Allow smooth migration between certification regimes and mutual recognition of industry standards (e.g., ISO 27001).

- **Unified incident reporting**: Implement a single EU reporting portal and adopt a "report once, comply many" model across GDPR, NIS2, CRA, DORA, etc.

These changes will reduce complexity and free up resources for meaningful security efforts rather than redundant paperwork.

5) Strengthen governance

Current regulatory governance is fragmented, with overlapping roles between data protection authorities, competition regulators, cybersecurity bodies, and emerging AI oversight entities.

- A **single EU-level governance body** could unify interpretation and enforcement of data rules.

- The remit of the **European AI Office or AI Board** could be expanded to include coordination across data protection, cybersecurity, and innovation.

- Ensure **multi-stakeholder involvement** in governance, reflecting the diverse needs of startups, corporates, researchers, and civil society.

Conclusion

Europe has made significant efforts in establishing a digital framework rooted in trust, transparency, and fairness. The Data Union Strategy is a critical opportunity to take the next step, by simplifying the landscape, and ensuring that all actors, from SMEs to large companies, can participate in a European-led data economy.

Numeum stands ready to support the Commission and its partners in shaping a practical, forward-looking Data Union.