



EU Data Strategy

Position paper

"A European strategy for data"

Schibsted is an international media group with world-class Scandinavian media houses, leading international marketplaces and tech start-ups in the field of personal finance and collaborative economies. Millions of people interact with Schibsted companies every day, and our digital services aim to empower consumers. Schibsted constitutes an ecosystem of various brands that offer different products and services to users and customers, and where we utilize data across the ecosystem both to attract users and customers, develop and personalise our products and services as well as keep users and customers engaged.

In our business we see how crucial a well-functioning digital economy and a fair competitive environment online is. It is also a key element in the development of the Digital Single Market. We are of the opinion that in order to ensure a level playing field for European businesses in competition with large international platforms, there is a need to ensure that there is efficient and fair competition on the European digital market.

In light of the European Commission's proposed data strategy to *ensure Europe's global competitiveness and data sovereignty*, we would like to make clear our positions on four points related to mandatory data sharing, voluntary data sharing, access to data on our own users, and privacy legislation:

Providing room for companies to collaborate with other players around data is essential.

European companies must be given adequate room to collaborate with local and regional players, also around data sharing. It is particularly important to make sure that EU competition law does not hinder this, as such collaboration might be necessary in order for European companies to compete with the global giants.

We are strongly against mandatory data sharing.

It should not be made mandatory to share data with other players. Any data sharing between private companies must be based on identified business potential between the parties. We are concerned with provisions within the data strategy outlined by the Commission for data sharing to be made compulsory under specific circumstances.

One primary area of concern relates to the resources of the global giants and their ability to delay or resist any mandatory sharing. Smaller players do not have this luxury, and a situation in which companies such as Schibsted are forced to share their data while the global giants are not will only serve to weaken European players against both local and international competitors. We believe that updating and better enforcing competition law will

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be far more effective than mandating data sharing in helping European companies become truly competitive against global giants.

We need better regulation and enforcement to ensure we have predictable access to our own data/data about our users.

We need regulation and enforcement to ensure that we have access to data about our own users in a predictable manner. In some cases, anti-competitive practices of the global giants prevent us from obtaining this data. A prime example is Apple's policy on in-app purchases. Apple has required some of Schibsted's news media apps to implement Apple's payment system (IAP) exclusively. For those news media apps that have implemented IAP, Schibsted is not able to establish a customer relationship with and collect data about those customers that have purchased an online news subscription through the app, as the subscription is fully handled by Apple. As a result, Schibsted loses access to data that gives valuable insights about needs for product development and personalisation.

Particular measures must be taken if data sharing involves personal data.

If data sharing includes personal data, it is of utmost importance to make sure that this happens in a manner in which privacy is ensured. As we see it, data subjects' expectations and privacy rights could be a hindrance for mandatory data sharing involving personal data.

Privacy legislation is of utmost importance, but it must ensure not only privacy protection but also a level playing field.

Schibsted fully supports privacy legislation and truly sees transparency and efficient means for data subjects to control their own data as core principles.

Our experience since GDPR entered into force shows that privacy legislation also impacts different players' data positions. It is therefore crucial to make sure that privacy legislation and practice do not only cater to protection of privacy and data protection, but also ensure a level playing field.

This is important, for instance, when it comes to choice of legal basis following from GDPR. In practice, *consent* is often the preferred alternative legal basis from a privacy perspective. We do, however, see a large dilemma following from this, namely that consent is, in practice, much easier for large logged-in ecosystems, such as Google and Facebook, both to obtain and store across various sessions, sites and devices.

Privacy regulation and practice must focus on ensuring privacy while preventing global giants from using their market positions to dictate how smaller players approach consent and data collection. We have seen this sort of behavior in, for example, Google's efforts to dictate how publishers and advertisers must comply with GDPR when using Google's ads products. Google requires consent and does not accept other legal basis that follow from

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GDPR.