

Data Access, Consumer Interests and Public Welfare

Edited by

German Federal Ministry of Justice and Consumer Protection
Max Planck Institute for Innovation and Competition



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Foreword

Consumers play a key role in the digital economy. They increasingly shop on the Internet. They use multiple digital services offered ‘for free’ and simultaneously grant access to their personal data to the providers of these services. Consumers increasingly use other connected (‘smart’) devices that collect and further process data in IoT (Internet of Things) environments.

Thus, the focus of the consumer law debate is shifting to the digital economy and data protection issues. Yet this book does not just add another contribution to the debate. It seeks to push the discussion and the reform process further by addressing the need for and the design of new data access rules both in the interests of consumers and as legal regimes that can promote multiple other public interest objectives.

Thereby, this book builds on the discussions at the 2019 Consumer Law Conference (*Verbraucherrechtstage*) of the German Federal Ministry of Justice and Consumer Protection, which were held in Berlin on 12–13 December 2019 in cooperation with the Max Planck Institute for Innovation and Competition in Munich. This Institute, with its Director Josef Drexler, was chosen to prepare the scientific concept of the conference under the title ‘*Datenzugang, Verbraucherinteressen und Gemeinwohl*’ and to prepare the publication of the proceedings. A report in German language documents the oral presentations and the discussions of the conference. This report is freely accessible on the Internet.¹ To enhance the discussion on the European level, the Ministry decided to support a publication in English and to make this publication publicly available in an open access format.

Both the Ministry and the Max Planck Institute, as the official editors of this book, are enormously grateful to the authors of the contributions for further developing their ideas, taking into account the discussions at the conference, and for agreeing to this English-language publication. The individual chapters take into account the legal development until the summer of 2020. Thus, in principle, the most recent proposals of the European

1 Jure Globocnik and Stefan Scheuerer, ‘Datenzugang, Verbraucherinteressen und Gemeinwohl – Bericht über die Verbraucherrechtstage 2019 des Bundesministeriums der Justiz und für Verbraucherschutz in Berlin, 12. und 13. Dezember 2019’ (2020) 11 *Journal of Intellectual Property, Information Technology and E-Commerce Law* 228, <www.jipitec.eu/issues/jipitec-11-2-2020/5100/tagungsbericht_pdf> accessed 31 August 2020.

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Commission of November and December 2020 on a Data Governance Act, a Digital Services Act and a Digital Markets Act are not covered.

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Berlin and Munich, 30 September 2020

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