Meeting with Microsoft
20 January 2020

Data policy

- **Scene setter**
  - The Commission is preparing a strategy on data, potentially to be adopted on 19 February 2020. The strategy shall set out the actions the Commission plans to undertake during the course of the mandate.

- **Position of the interlocutor:**
  - Microsoft Brussels is an active facilitator of policy roundtables. At such events, Microsoft tries to position itself as a company that has come to understand the benefits of data sharing, open ecosystems and collaborations.
  - At a meeting on 2 October 2019, [blank] in particular highlighted the importance of data sharing for future economic prosperity and praised the EU copyright exception for text and data mining.
  - Challenged whether Microsoft would make use of the exception the reformed EU copyright regime allows for commercial usage of copyrighted content (e.g. its LinkedIn content), [blank] said that Microsoft had not yet finalised its position. It would, however, be giving one consistent message.
  - With the publication of standard contract clauses, Microsoft seeks to make a contribution to more data sharing among companies.
  - It also has created an ‘Open Data initiative’ together with SAP and Adobe. This essentially appears to aim at building an interoperable data model, so that corporate data silos resulting from the use of software from different vendors are avoided.

- **Position of the Commission:**
  - During the past mandate, the Commission in two policy Communications has highlighted the importance of re-use and sharing of data so as to leverage the potential of data as a non-rival economic good.
  - It primarily seeks to support voluntary sharing of data in B2B situations. For certain cases (information necessary to initiate payments – PSD2 – car repair and maintenance information and utility network providers), data sharing obligations exist.
  - It is now preparing a new strategy on data in order to further define governance of this important resource as an enabler of multiple technological innovations.

Main messages data policy

- [Blank]
- [Blank]
- [Blank]
Background

- Data economy – Past and ongoing actions

In the last few years, the Commission initiated several horizontal measures relating to data. The GDPR reinforced the protection of personal data. The Regulation on the free flow of non-personal data tackles unjustified data localisation restrictions. The new Directive on open data facilitates the re-use of public sector data. The Regulation on ‘Platform to Business’ contains transparency obligations of large digital platforms.

Under the Data Economy strategy, the Commission has worked along several strands in order to make at least some data flow more easily in the economy. The 2018 Communication ‘Towards a common European data space’ sought to address re-usability of data from different origin in a holistic way: on public sector information with the Open Data Directive, on data stemming from scientific research with the review of the Recommendation on access to Scientific Information, and on Business to Business and Business to Government data sharing principles with guidelines.

The Commission also created a Support Centre for Data Sharing. Through a dedicated website, it develops and disseminates tools and technical expertise and provides practical support for data sharing. It was launched in October 2019, and the first reactions from industry are very positive.

The Commission set up an Expert Group on Business to Government data sharing to bring the policy forward. Its report will be published in February 2020.

On common European data spaces: One of the elements of the “Data for AI” specific objective in the Digital Europe Programme is the development of common European data spaces, the aim of which is precisely to ensure data access in specific sectors. Through policy measures and with the support of the Digital Europe Programme and the Connecting Europe Facility 2, these common European data spaces should ensure enhanced access to public and privately held data, via industrial and personal platforms and governance measures and agreed frameworks for the organisation of the data sharing. Support for measures giving individuals control over their data is also foreseen.

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