CSC – IT Center for Science Ltd.

Statement on European Commission's proposal for a regulation on a framework for the free flow of non-personal data in the European Union, COM(2017) 495

The free flow of data is crucial for European competitiveness. Europe needs to urgently create a supportive environment as well as a stable and coherent legislative basis for capitalizing on data in creating innovation and growth in Europe. New trends and developments, such as artificial intelligence and platform economy are dependent on data.

However, regulation is not the solution. Europe should avoid building new barriers for data movement. Thus, the need for new regulation should be critically assessed. Instead, active attempts to reduce and harmonize legislation should be made across the Member States. With European legislation we cannot regulate American or Asian actors who already dominate the data-driven markets in Europe – but we only hinder the European data industry.

Removing data location restrictions is not enough for creating efficient preconditions for new data-driven business. More focus should be put on ensuring that the data can actually be used. The EC should actively support the re-use of data between different sectors (commercial, academic and public) and interoperability on all levels: legal, organizational, semantic and technical. The European Interoperability Framework[1] should be applied.

Specific focus should be put on semantic interoperability: the ability to exchange and process data in a way that preserves the usability, intelligibility and meaning of data. User-drivenness is essential in building a sustainable data management framework. The benefits of these actions should be visible and tangible for both end-users and stakeholders to ensure successful implementation. Europe should leverage existing work and achievements, such as the outputs of Research Data Alliance (RDA) and the EU ICT Technical Specifications[2].

EC encourages the development of self-regulatory codes of conduct at EU level in porting data. It is essential to broadly engage different stakeholders. However, this process should not create diverse overlapping or conflicting guidelines that might slow down data flows. Furthermore, information security must be a clear, cross-cutting theme.

In developing the data economy, there should be a strong link to the EC Skills Agenda[3] in terms of analysing data skills requirements and generating solutions. Skills and know-how for data management are urgently needed. EU should systematically invest in developing relevant skills on all education levels and sectors, including teachers' education.

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[1] https://ec.europa.eu/isa2/eif_en
[2] https://ec.europa.eu/digital-single-market/en/identification-ict-specifications
[3] http://ec.europa.eu/social/main.jsp?catId=1223

It is critical that all initiatives under the Digital Single Market strategy are consistent and coherent, in order to avoid a siloed approach where new barriers might be built. All relevant legislation should be analyzed critically and removed if necessary. One dangerous example is the proposed DSM directive[4], in which the text and data mining (TDM) exception is narrowed only to research organisations for the purposes of scientific research. TDM provides considerable benefits for the European economy and research, it is e.g. a key feature in developing artificial intelligence. European startups need to be supported by a TDM exception that allows for commercial use. If the use of TDM is not fostered and supported in Europe, there is a huge risk of losing the brightest minds and economic benefits.

The European Open Science Cloud (EOSC) will place the seamless flow of data, scientific results and knowledge at the heart of the research and innovation process. All issues discussed in this statement apply to the EOSC context. To make the EOSC a success, Europe should focus on making data FAIR (findable, accessible, interoperable and reusable) within and between scientific disciplines, promoting also data usage between research and industry. EU is investing heavily in building the infrastructure for EOSC, thus it is essential to make sure that no legislative barriers exist. Special attention should be paid on commonly agreed usage of metadata and data management plans as well as data provenance.

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[4] https://ec.europa.eu/digital-single-market/en/news/proposal-directive-european-parliament-and-council-copyright-digital-single-market