

ANDRUS ANSIP

VICE-PRESIDENT OF THE EUROPEAN COMMISSION

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Ms Anna Streżyńska
Minister of Digital Affairs
Poland
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Dear Minister,

Thank you for your letter of 30 November 2016, also addressed to First Vice-President Timmermans, Vice-President Katainen, Commissioners Oettinger, Bieńkowska and Moedas, which conveys the joint position paper of the Digital Like-Minded Group of the EU Member States on the Single Market, data economy and the free movement of data. In particular, the joint position paper calls for a legislative proposal to address unjustified barriers to free flow of data, such as localisation requirements.

The free flow of data initiative was included in the Digital Single Market strategy to promote the free movement of data in the European Union, considered essential for the EU's successful transition to industry 4.0 and a modern data economy. One of the aims is to tackle unnecessary restrictions on where data is located and thus encourage innovation in the data economy.

At this stage, a Communication is being prepared for adoption in January, presenting the main issues to be addressed, clarifying the Commission's position on the free flow of data, and presenting the way forward, including possible legislation. We will also assess existing data localisation measures against the established provisions on the free movement of services, freedom of establishment and free movement of personal data and will enter into discussions with the Member States to clarify to what extent localisation is justified and proportionate when considered from that perspective.

In order to collect more evidence on access to data, localisation, ownership, liability and portability of data, the Commission will launch a public consultation together with the Communication. The Commission will consider the evidence gathered when defining further steps.

I count on your continued support and remain available for further discussions.

Yours sincerely,


Andrus Ansip