



## Wikimedia Position Paper

on the European Commission's  
**"Building The European Data Economy" Consultation**

The European Commission is fuelling the debate around a so-called "data right" by explicitly proposing [a new "data producer's right"](#) as a possible way forward. Not only is it completely unclear how this new related right might work, but such a step seems at best counter-intuitive considering the Commission's [very own objectives](#) in this field, which include "improving access to anonymous, machine-generated data", "facilitate [...] sharing of such data" and "minimise lock-in effects".

This might be a good moment to recall the last time the EU has created a new related-right with regards to data, namely the sui generis database right created by Directive 96/9/EC. According to the Commission's [evaluation report](#) this new right had "no proven impact on the production of databases" and states that the empirical evidence casts doubts on its necessity. While not helping the economy, this right has brought about numerous problems for research, education and innovation in Europe. It restricts access, hinders sharing and increases lock-in effects.

No other country or economic block has followed suit by introducing similar legislation and the European Union remains the only place where databases are locked-in in such a way. At the end of 2015 the [European Parliament called on the Commission to abolish](#) the database right. We see little to no reason why a new right on data, or a "data producer's right" should expect a different faith.

One of Wikipedia's sister-projects, [Wikidata](#), allows for the creation of new knowledge by connecting aggregated data items. Similarly to Wikipedia, the use and reuse of all the available data is legally uncomplicated and straightforward. But Wikidata is just one example of the potential that data has in our society. Access to data defines how we see, interact and communicate with each other and how our economy grows. One of the



effects of exclusive rights is always a restriction on access. A new exclusive right would, logically, restrict access to and the sharing of data. It would restrict our society and economy.

It is laudable that the European Commission wants to improve access and foster the re-use of non-personal data! These are objective Wikimedia truly shares and wants to work on. But it seems that this consultation is biased and looking to obtain specific results from the start. It seems like the conversation is neither open nor open-minded.

**The focus of the debate should be on access and re-usability of non-personal data, the safeguard of data protection and privacy rules and the establishment of data sovereignty. Wikimedia is eager to join forces with the European Commission to make such a conversation happen.**

## Contact

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