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Lord Boswell of Aynho  
Chairman of the European Union Committee  
House of Lords  
London SW1A 0PW

TO2017/08717/DC  
13 December 2017

Dear Lord Boswell

**Update on Explanatory Memorandum 12244/17 (item 39028) on the European Commission's proposal for a Regulation on the free flow of non-personal data in the EU**

I am writing to update you on progress on this proposal. Following your most recent letter on 16 November 2017.

There was a debate on the proposal at the 4 December Telecommunications Council - which focussed on three aspects of the Regulation: the scope; the inclusion of the public sector data, and provisions governing cross-border data access.

There was general consensus on the importance of the proposal for the digital economy and the UK, along with several Member States, argued that public authorities should set an example by limiting their use of data localisation measures. There was some debate about creating additional exemptions to data localisation provisions, where we and other member states expressed doubts about agreeing extensive exemptions

Most Member States, including the UK, highlighted the importance of a speedy adoption of this file, as set out in the conclusions of the October European Council which called for the file to be concluded in the first half of next year. The digital agenda has been a high priority for the Estonian Presidency and it has confirmed its plan to seek to obtain an informal mandate for trilogue at the 20 December meeting of COREPER. As soon as I have a copy of that text I will send it to the Committee.

I would like to assure the Committees that we will maintain our parliamentary reserve, operating under ministerial direction, and that no final decision will be taken on this file without political agreement by Ministers.



There will be further negotiation of the proposal at working party level where we will continue to support the Commission's proposal and resist changes to the text that could weaken its scope and impact. While we are broadly supportive of the Commission's original proposal, any decision on voting will be taken under Ministerial instruction, and on the basis of the compromise text that is presented for an informal mandate.

I will continue to keep the Committee informed and I will write to you early in the New Year to update you on progress and to respond to the points you raised in your most recent letter of 16 November.

I am copying this to Sir William Cash MP, Chairman of the European Scrutiny Committee House of Commons and to Les Saunders, DEXEU and to Matthew Hull, DCMS lead of ongoing business and to Agim Zekaj, DCMS scrutiny coordinator.

Yours ever

A handwritten signature in blue ink, appearing to read 'Matt Hancock', with a long, sweeping flourish extending to the right.

**THE RT HON MATT HANCOCK MP**