



January 2018 EU affairs newsletter

FEBIS Regulatory Committee	2
FEBIS takes part in DG CNECT hearing on the PSI review	2
FEBIS sends comments on the G29 guidelines on transparency	2
Data	2
European Parliament starts discussion on the free flow of non-personal data regulation	2
Access to finance	4
World Bank releases “Doing Business 2017”- an extensive overview of Business Regulation for Domestic Firms in 190 Economies	4
Data protection	5
European Commission new GDPR guidance web site released	5
ICCR	5
FEBIS represented at the ICCR virtual meeting of 31 st January 2018 and sent comments to the working paper	5
About FEBIS– Federation of Business Information Services	6



FEBIS Regulatory Committee

FEBIS takes part in DG CNECT hearing on the PSI review

On 19th January, Stephanie Verilhac and Claire-Elisabeth Fritz represented FEBIS at the hearing organized by DG CNECT on the review of the Public-Sector Information Directive. This hearing was the occasion for the European Commission to hear the views of the Public-sector bodies and private organizations on the review of the PSI directive and the potential enlargement of its scope. FEBIS raised the issues faced by the credit reporting sector, mainly concentrating on the question of access to data and of the existing conflicts between several EU regulations such as PSI and GDPR. The latter point was picked up by several other representatives of the hearing and got the attention of the head of unit of Data Policy at DG CNECT.

The European Commission will follow-up on the public consultation on the PSI review with some potential revision planned for second half 2018.

FEBIS sends comments on the G29 guidelines on transparency

The G29 working party (grouping together all EU Data protection authorities) released its last draft guidelines on consent and on transparency right before the Christmas break and the deadline for comments was set to 23rd January 2018. FEBIS Regulatory Committee has produced another comments paper on the guidelines on transparency which insists on the need to consider business information as such and to leave flexibility to credit reporting service providers in setting their own transparency measures re the GDPR. The paper has been communicated to the G29 and is available upon request (email to stephanie@svmconsult.com)

Data

European Parliament starts discussion on the free flow of non-personal data regulation

Following the Council's position on the free flow on non-personal data regulation adopted at the end of December 2017, the European Parliament has started the discussions on the initiative, with a first debate held in IMCO Committee on 23 January 2018.



The planned timetable for the EP discussion is as follows :

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- 23 January : first exchange of views in IMCO
 - 28 February : draft report to be sent to translation
 - 21 or 22 March : discussion of the draft report in IMCO
 - 26 March : deadline for amendments
 - 23 or 24 April : discussions of amendments in IMCO
 - 16 or 17 May : discussion of compromise amendments
 - 18 or 19 June : vote in IMCO

During the first exchange of views MEP concentrated on the 3 following major issues

- Data portability
- Mixed datasets
- Public security exemptions

On data portability, the Commission would like to push for standards and contractual transparency in article 6, whereas industry representatives speak more in favour of voluntary codes of conduct. The EPP and ECR support self-regulation and the rapporteur, MEP Corrazza-Bildt (EPP, Sweden) insists on giving companies enough time to adapt. The Liberals agree with the Commission approach but questions its articulation with article 20 of the GDPR, whereas socialists and greens would like to get more stringent rules on data portability.

On mixed datasets, the EP does not seem to want to go in the same direction than the Council which adopted a recital stating that GDPR should apply to all personal data and free-flow of data to all other data. One big question for MEPs is the clarification of the definition of what is personal data and ALDE and Greens are of the opinion that GDPR should apply also to mixed datasets and that for safety companies should consider application of GDPR anytime there is personal data involved. MEP Schaldemose asked the question of clarification of personal data definition.

On exceptions, all groups agree with the Council text limiting the exceptions to public security only. The rapporteur warned the Council that there should be no further exceptions put forward by member States on data localisation removal.



Access to finance

World Bank releases “Doing Business 2017”- an extensive overview of Business Regulation for Domestic Firms in 190 Economies

At its core, Doing Business seeks to provide quantitative measures of business regulation in 11 regulatory areas that are central to how the private sector functions which go from rules for registering a business, paying taxes, getting credit and registering property. The overall aim is to get better transparency and to help create a level playing field for doing business. Evidence from 175 economies reveals that economies with more stringent entry regulations often experience higher levels of income inequality as measured by the Gini index.

Very interestingly for FEBIS members, some criteria that is measured is the access to credit and the main report features a case study focusing on *Getting Credit: Credit Information Casting a wide net to expand financial inclusion*”.

The whole report can be accessed at <http://www.doingbusiness.org/~media/WBG/DoingBusiness/Documents/Annual-Reports/English/DB17-Report.pdf>

Another report on Doing Business 2018 is also available and it notably features a complete section on [Transparency of information at business registries](#) outlining the differences in the availability of business information and especially beneficial ownership information.



Data protection

European Commission new GDPR guidance web site released

The European Commission [has released a new website](#) with extensive guidance on GDPR implementation for just about every stakeholder: DPAs and member states, businesses, and data subjects. Found with the short URL [europa.eu/data protection](http://europa.eu/data-protection), there are infographics, explainer documents, a guide to GDPR enforcement, and general FAQ-style information that is part of a larger effort by the Commission to educate the entire EU about the looming GDPR, until it comes into force.

In total, according to a press release, the Commission has earmarked 1.7 million euros to help fund data protection authorities and train data protection professionals, as well as another 2 million euros for member state-level information campaigns, particularly targeted at small businesses.

Will businesses and data subjects have similar GDPR experiences in all 28-member states? The Commission is already planning a one-year-anniversary get together with subject matter experts, politicians, DPAs and other stakeholders to evaluate what has worked thus far and what needs addressing.

There is quite a lot of material, much of it well known, but there are some nuggets of new information. In its [communication to Parliament and the Council](#), for example, the Commission notes that it has convened an "Expert Group" to assist member states in their implementation of the GDPR, and that the group has met 13 times already. The [activity minutes](#) are an interesting window into the interplay between the Commission and member state representatives

ICCR

FEBIS represented at the ICCR virtual meeting of 31st January 2018 and sent comments to the working paper

FEBIS vice presidents, Bernie Grady and Luis Carmona took part together with Stephanie in the latest ICCR conference call which was a virtual meeting on 31st January 2018.



The major aim of the meeting was to discuss the policy work mandate that ICCR received from the G20 – GPFI - . ICCR has been asked to draft guidelines on alternative data, more specifically **a working document on Alternative Data for SME Finance Policy Guidance**.

This document took into consideration the GPFI's alternative data transforming SME finance report dated in November 2017.

During the ICCR virtual meeting, many participants insisted on the importance of not neglecting traditional data as crucial compared to abstract information (that is still not too reliable) and some also raised the fact that information was needed on individuals conducting businesses.

After the virtual meeting FEBIS has provided written comments that have been incorporated into the matrix that ICCR will consider when elaborating their working paper. The ICCR's policy guidelines brief will be presented to the GPFI in the next G20 meeting in Argentina in February.

The next ICCR meeting will, presumably, take place at the end of March to discuss the last issues of the document mainly. Then, in April, the policy document will be circulated to GPFI to incorporate its comments

Thus, in June, the Final policy guideline report will be transmitted to GPFI.



About FEBIS– Federation of Business Information Services

Benefiting from the opening of markets within Europe and overseas, world-wide business has experienced substantial growth. As business grows so does the demand for business information, in particular, intelligence for cross-border business activities.

In 1973, leading European credit information agencies joined forces to form the Federation of Business Information Services FEBIS (initially known as FECRO), with its registered office in Frankfurt. Today, FEBIS has developed into a sizable organization comprising more than 100 members from all over the world involved in providing Business Information and credit information services of national and International importance.

As the industry association, FEBIS strives to look after common interests of its members. While monitoring new legislation like data protection laws and insolvency laws, FEBIS also oversees and the application of public sources and information.