



2023/0205(COD)

2.2.2024

AMENDMENTS

365 - 588

Draft report
Michiel Hoogeveen
(PE757.355v01-00)

Framework for Financial Data Access and amending Regulations (EU) No 1093/2010, (EU) No 1094/2010, (EU) No 1095/2010 and (EU) 2022/2554

Proposal for a regulation
(COM(2023)0360 – C9-0215/2023 – 2023/0205(COD))

Amendment 365
Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. A data user shall only be eligible to ***access customer data pursuant to Article 5(1)*** if that data user is ***subject to prior authorisation by a competent authority as a financial institution or is a financial information service provider pursuant to Article 14.***

Amendment

1. A data user shall only be eligible to ***provide financial information services within the Union*** if that data user is a financial institution or ***a legal person that has a registered office in the Union and has been authorised as*** financial information service provider pursuant to Article 14.

Or. en

Amendment 366
Stéphanie Yon-Courtin, Gilles Boyer

Proposal for a regulation
Article 6 – paragraph 1

Text proposed by the Commission

1. A data user shall only be eligible to ***access customer data pursuant to Article 5(1)*** if that data user is ***subject to prior authorisation by a competent authority as a financial institution or is a financial information service provider pursuant to Article 14.***

Amendment

1. A data user shall only be eligible to ***provide financial information services within the Union*** if that data user is a financial institution or ***a legal person established in the Union that has been authorised as*** financial information service provider pursuant to Article 14.

Or. en

Justification

Only FISPs established in the Union or regulated entities should have access to customer data under FIDA. To protect consumers from potential misuse of their data by third-country entities, ensure better supervision of these entities and a better level playing field, FISPs should only be allowed access to EU customer data if they are established in the EU and authorized by a competent authority, opposing the possibility for non-EU businesses to obtain authorization as FISPs.

Amendment 367

Marco Zanni, Valentino Grant, Antonio Maria Rinaldi

Proposal for a regulation

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Any undertaking providing core platform services for which one or more of such services have been designated as a gatekeeper under Article 3 of Regulation (EU) 2022/1925 of the European Parliament and of the Council of 14 September 2022 on contestable and fair markets in the digital sector and amending Directives (EU) 2019/1937 and (EU) 2020/1828 (Digital Markets Act) shall not be an eligible third party for the purposes of data-sharing and therefore cannot request or be granted access to customers' data.

Or. en

Amendment 368

Fabio Massimo Castaldo

Proposal for a regulation

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. Any undertaking providing core platform services for which one or more of such services have been designated as a gatekeeper under Article 3 of Regulation (EU) 2022/1925 (Digital Markets Act) shall not be an eligible third party for the purposes of data-sharing and therefore cannot request or be granted access to customers' data.

Or. en

Amendment 369

Frances Fitzgerald

**Proposal for a regulation
Article 6 – paragraph 1 a (new)**

Text proposed by the Commission

Amendment

1 a. Consumers shall not be prevented from accessing a financial product by a data user solely because they did not give permission for their data to be accessed in the manner set out under Article 5(1). For the purposes of the implementation of this paragraph, the burden shall be on the data user to show that permission was given.

Or. en

Amendment 370

Ville Niinistö

on behalf of the Verts/ALE Group

**Proposal for a regulation
Article 6 – paragraph 2**

Text proposed by the Commission

Amendment

2. A data user shall only access customer data made available under Article 5(1) for the purposes and under the conditions for which the customer has granted its permission. A data user shall delete customer data when it is no longer necessary for the purposes for which the permission has been granted by a customer.

2. A data user shall only **request and access *adequate, relevant and necessary*** customer data made available under Article 5(1) for the purposes and under the conditions for which the customer has granted its permission, **and *insofar as they demonstrate they have a valid legal basis under article 6(1)(a) or (b) of Regulation (EU) 2016/679.*** A data user shall delete customer data when it is no longer necessary for the purposes for which the permission has been granted by a customer.

Or. en

Amendment 371

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. A data user shall only access customer data made available under Article 5(1) for the purposes and under the conditions for which the customer has granted its permission. A data user shall delete customer data when it is no longer necessary for the purposes for which the permission has been granted by a customer.

Amendment

2. A data user shall only **request and** access customer data made available under Article 5(1) **that is adequate, relevant and necessary** for the purposes and under the conditions for which the customer has granted its permission. A data user shall delete customer data when it is no longer necessary for the purposes for which the permission has been granted by a customer.

Or. en

Amendment 372
Frances Fitzgerald

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

2. A data user shall only access customer data made available under Article 5(1) for the purposes and under the conditions for which the customer has granted its permission. A data user shall delete customer data when it is no longer necessary for the purposes for which the permission has been granted by a customer.

Amendment

2. A data user shall only access customer data made available under Article 5(1) for the purposes and under the conditions for which the customer has granted its permission. A data user shall delete **this** customer data, **including all backups, without undue delay** when it is no longer necessary for the purposes for which the permission has been granted by a customer.

Or. en

Amendment 373
Stéphanie Yon-Courtin, Gilles Boyer

Proposal for a regulation
Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. *A customer may withdraw the permission it has granted to a data user. When processing is necessary for the performance of a contract, a customer may withdraw the permission it has granted to make customer data available to a data user according to the contractual obligations to which it is subject.*

deleted

Or. en

Justification

See specific new article on customer permission

Amendment 374

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 6 – paragraph 3

Text proposed by the Commission

3. A customer *may* withdraw the permission it has granted to a data user. When processing is necessary for the performance of a contract, a customer may withdraw the permission it has granted to make customer data available to a data user according to the contractual obligations to which it is subject.

Amendment

3. A customer *shall be able to* withdraw the permission it has granted to a data user *at any time*. When processing is necessary for the performance of a contract, a customer may withdraw the permission it has granted to make customer data available to a data user according to the contractual obligations to which it is subject.

Or. en

Amendment 375

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Alfred Sant, Aurore Lalucq

Proposal for a regulation

Article 6 – paragraph 4 – point a a (new)

Text proposed by the Commission

Amendment

(a a) not transfer any customer data to any third party without the customer's

explicit permission;

Or. en

Amendment 376

Markus Ferber

Proposal for a regulation

Article 6 – paragraph 4 – point b

Text proposed by the Commission

Amendment

(b) respect the confidentiality of trade secrets and intellectual property rights when customer data is accessed in accordance with Article 5(1); **deleted**

Or. en

Justification

The data holder cannot assess which data relates to trade secrets or intellectual property rights. This can only be done by the customer. Therefore, the data holder should not be held liable for any infringements.

Amendment 377

Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation

Article 6 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(b a) respect the data protection rights of data subject and the level of protection guaranteed by General Data Protection Regulation.

Or. en

Amendment 378

Marco Zanni, Valentino Grant, Antonio Maria Rinaldi

Proposal for a regulation

Article 6 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(b a) respect the data protection rights of data subject and the level of protection guaranteed by General Data Protection Regulation.

Or. en

Amendment 379

Stéphanie Yon-Courtin, Gilles Boyer

Proposal for a regulation

Article 6 – paragraph 4 – point e

Text proposed by the Commission

Amendment

(e) not process customer data for advertising purposes, ***except for direct marketing in accordance with Union and national law;***

(e) not process customer data for advertising purposes

Or. en

Justification

The notion of “direct marketing” is not clearly defined in the text. Data shared by the customer must not be used for advertising or targeted marketing purposes.

Amendment 380

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 6 – paragraph 4 – point e

Text proposed by the Commission

Amendment

(e) not process customer data for advertising purposes, except for direct marketing ***in accordance with Union and national law;***

(e) not process customer data for advertising purposes, except for direct marketing ***subject to the prior consent of the consumer;***

Or. en

Amendment 381

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq

Proposal for a regulation

Article 6 – paragraph 4 – point e

Text proposed by the Commission

(e) not process customer data for advertising purposes, except for direct marketing *in accordance with Union and national law*;

Amendment

(e) not process customer data for advertising purposes, except for direct marketing *subject to their prior consent*;

Or. en

Amendment 382

Marco Zanni, Valentino Grant, Antonio Maria Rinaldi

Proposal for a regulation

Article 6 – paragraph 4 – point e a (new)

Text proposed by the Commission

Amendment

(e a) not make the data it receives available to an undertaking designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925;

Or. en

Amendment 383

Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation

Article 6 – paragraph 4 – point e a (new)

Text proposed by the Commission

Amendment

(e a) not make the data it receives available to an undertaking designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925;

Or. en

Amendment 384
Stéphanie Yon-Courtin, Gilles Boyer

Proposal for a regulation
Article 6 – paragraph 4 – point e a (new)

Text proposed by the Commission

Amendment

(e a) not transfer customer data to any third party, including in an outsourcing scheme, without the customer's explicit permission;

Or. en

Justification

The text stipulates that the customer's consent is required for the transfer of data to another group entity. A fortiori, it should also be required prior to any transfer to another entity that is not part of the group, or even in an outsourcing scheme. Consumers should keep control over their data in any situation

Amendment 385
Stéphanie Yon-Courtin, Gilles Boyer

Proposal for a regulation
Article 6 – paragraph 4 – point e b (new)

Text proposed by the Commission

Amendment

(e b) not make the data it receives available to an undertaking designated as a gatekeeper pursuant to Article 3 of Regulation (EU) 2022/1925;

Or. en

Amendment 386
Marco Zanni, Valentino Grant, Antonio Maria Rinaldi

Proposal for a regulation
Article 6 – paragraph 4 – point f a (new)

Text proposed by the Commission

Amendment

(f a) not use the data it receives to develop a product that competes with the product from which the accessed data originate or share the data with another third party for that purpose.

Or. en

Amendment 387
Fabio Massimo Castaldo

Proposal for a regulation
Article 6 – paragraph 4 – point f a (new)

Text proposed by the Commission

Amendment

(f a) not use the data it receives to develop a product that competes with the product from which the accessed data originate or share the data with another third party for that purpose.

Or. en

Amendment 388
Frances Fitzgerald

Proposal for a regulation
Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The obligations contained in this Article apply to the initial receipt of data by a data user. Once the data user collects, stores and processes data as per the definition in Article 3(5), it should be considered a data holder and therefore subject to the corresponding obligations on data holders in Article 5.

Or. en

Justification

Clarification that a data user will become a data holder once it collects and stores customer

data

Amendment 389

Marco Zanni, Antonio Maria Rinaldi, Valentino Grant

Proposal for a regulation

Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Once the data user collects, stores and processes data as per the definition in Article 3(5), it should be considered as a data holder and therefore subject to the obligations on data holders in Article 5.

Or. en

Amendment 390

Fabio Massimo Castaldo

Proposal for a regulation

Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Once the data user collects, stores and processes data as per the definition in Article 3(5), it should be considered as a data holder and therefore subject to the obligations on data holders in Article 5.

Or. en

Amendment 391

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Data under this Regulation shall

be stored on the territory of the Union.

Or. en

Amendment 392
Frances Fitzgerald

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. The processing of customer data referred to in Article 2(1) of this Regulation that constitutes personal data shall be limited to what is necessary in relation to the purposes for which they are processed.

Amendment

1. The processing of customer data referred to in Article 2(1) of this Regulation that constitutes personal data shall be limited to what is necessary in relation to the purposes for which they are processed. ***Customers that refuse to grant permission to share sets of their data shall not be refused access to financial products for this reason.***

Or. en

Amendment 393
Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation
Article 7 – paragraph 1

Text proposed by the Commission

1. The processing of customer data referred to in Article 2(1) of this Regulation ***that constitutes personal data*** shall be limited to what is necessary in relation to the purposes for which they are processed.

Amendment

1. The processing of customer data referred to in Article 2(1) of this Regulation shall be limited to what is necessary in relation to the purposes for which they are processed. ***The processing of personal data referred to in Article 2(1) of this Regulation shall be made in accordance with art. 5.1 of the Regulation (EU) 2016/679.***

Or. en

Amendment 394

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

2. In accordance with Article **16** of Regulation (EU) No 1093/2010, the European Banking Authority (EBA) shall develop **guidelines** on the implementation of paragraph 1 of this Article for products and services related to the credit score of the consumer.

Amendment

2. In accordance with Article **10** of Regulation (EU) No 1093/2010, the European Banking Authority (EBA) shall develop **regulatory technical standards on the implementation of paragraph 1 of this Article for products and services related to the credit score of the consumer, to mortgage credit agreements and to the provision of payment services for submission to the Commission by December 2025. Powers are delegated to the European Commission to adopt and, where necessary, amend regulatory technical standards** on the implementation of paragraph 1 of this article for products and services related to the credit score of the consumer. **Those regulatory technical standards shall be adopted in accordance with Articles 10 to 14 of regulation (EU) No 1093/2010.**

Or. en

Amendment 395

Frances Fitzgerald

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

2. In accordance with Article 16 of Regulation (EU) No 1093/2010, the European Banking Authority (EBA) shall develop guidelines on the implementation of paragraph 1 of this Article for products and services related to the credit score of the consumer.

Amendment

2. In accordance with Article 16 of Regulation (EU) No 1093/2010, the European Banking Authority (EBA) shall develop guidelines on the implementation of paragraph 1 of this Article for products and services related to the credit score of the consumer, **mortgage credit agreements, accounts including credit**

card accounts, and investment products. The EBA shall submit the draft guidelines referred to in the first subparagraph to the Commission by ... [XX].

Or. en

Amendment 396
Markus Ferber

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. In accordance with Article 16 of Regulation (EU) No 1093/2010, the European Banking Authority (EBA) shall develop guidelines on the implementation of paragraph 1 of this Article for products and services related to the credit score of the consumer.

Amendment

2. In accordance with Article 16 of Regulation (EU) No 1093/2010, the European Banking Authority (EBA) shall develop guidelines on the implementation of paragraph 1 of this Article for products and services related to the credit score of the consumer. ***When doing so, the EBA shall duly take into account the relevant provisions of Directive (EU) 2023/2225 on credit agreements for consumers, including subsequent implementing legislation and guidelines.***

Or. en

Justification

Alignment with the relevant CCD provisions is desirable in order to avoid overlap and undue bureaucratic burdens.

Amendment 397
Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Alfred Sant, Aurore Lalucq

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. ***In accordance with Article 16 of Regulation (EU) No 1093/2010, the***

Amendment

2. The European Banking Authority (EBA) shall develop ***draft regulatory***

European Banking Authority (EBA) shall develop **guidelines** on the implementation of paragraph 1 of this Article for products and services related to the credit score of the consumer.

technical standards on the implementation of paragraph 1 of this Article for products and services related to the credit score of the consumer, **mortgage credit agreements, and payment services**.

Or. en

Amendment 398
Frances Fitzgerald

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. In accordance with Article 16 of Regulation (EU) No 1094/2010, the European Insurance and Occupational Pensions Authority (EIOPA) shall develop guidelines on the implementation of paragraph 1 of this Article for products and services related to risk assessment and pricing of a consumer in the case of life, health and sickness insurance products.

Amendment

3. In accordance with Article 16 of Regulation (EU) No 1094/2010, the European Insurance and Occupational Pensions Authority (EIOPA) shall develop guidelines on the implementation of paragraph 1 of this Article for products and services related to risk assessment and pricing of a consumer in the case of life, health, **motor, home**, and sickness insurance products. **These guidelines shall include provisions on how data may be used to avoid excessive granularity that undermines the risk sharing principle of insurance. EIOPA shall submit the draft guidelines referred to in the first subparagraph to the Commission by ... [XX].**

Or. en

Amendment 399
Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. **In accordance with Article 16 of Regulation (EU) No 1094/2010**, the

Amendment

3. The European Insurance and Occupational Pensions Authority (EIOPA)

European Insurance and Occupational Pensions Authority (EIOPA) shall develop **guidelines** on the implementation of paragraph 1 of this Article for products and services related to risk assessment and pricing of a consumer in the case of life, health and sickness insurance **products**.

shall develop **draft regulatory technical standards** on the implementation of paragraph 1 of this Article for products and services related to risk assessment and pricing of a consumer in the case of **non-life**, life, health and sickness insurance **products. To avoid certain consumers becoming unable to access insurance due to overly granular risk assessments by insurers, these regulatory technical standards shall include provisions on how data may be used to avoid excessive granularity that undermines the "risk sharing" principle of insurance.**

Or. en

Amendment 400

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

3. In accordance with Article **16** of Regulation (EU) No 1094/2010, the European Insurance and Occupational Pensions Authority (EIOPA) shall develop **guidelines** on the implementation of paragraph 1 of this Article for products and services related to risk assessment and pricing of a consumer in the case of life, health and sickness insurance products.

Amendment

3. In accordance with Article **10** of Regulation (EU) No 1094/2010, the European Insurance and Occupational Pensions Authority (EIOPA) shall develop **regulatory technical standards** on the implementation of paragraph 1 of this Article for products and services related to risk assessment and pricing of a consumer in the case of life, **motor, home**, health and sickness **and basic** insurance products, **such as automobile and house or property insurance, for submission to the Commission by December 2025.**

Or. en

Amendment 401

Marco Zanni, Valentino Grant, Antonio Maria Rinaldi

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

3. In accordance with Article 16 of Regulation (EU) No 1094/2010, the European Insurance and Occupational Pensions Authority (EIOPA) shall develop guidelines on the implementation of paragraph 1 of this Article for products and services related to risk assessment and pricing of a consumer in the case of **life, health and sickness** insurance products.

Amendment

3. In accordance with Article 16 of Regulation (EU) No 1094/2010, the European Insurance and Occupational Pensions Authority (EIOPA) shall develop guidelines on the implementation of paragraph 1 of this Article for products and services related to risk assessment and pricing of a consumer in the case of insurance products **different from insurance-based investment products**.

Or. en

Amendment 402

Fabio Massimo Castaldo

Proposal for a regulation Article 7 – paragraph 3

Text proposed by the Commission

3. In accordance with Article 16 of Regulation (EU) No 1094/2010, the European Insurance and Occupational Pensions Authority (EIOPA) shall develop guidelines on the implementation of paragraph 1 of this Article for products and services related to risk assessment and pricing of a consumer in the case of **life, health and sickness** insurance products.

Amendment

3. In accordance with Article 16 of Regulation (EU) No 1094/2010, the European Insurance and Occupational Pensions Authority (EIOPA) shall develop guidelines on the implementation of paragraph 1 of this Article for products and services related to risk assessment and pricing of a consumer in the case of insurance products **different from insurance-based investment products** .

Or. en

Amendment 403

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Alfred Sant, Aurore Lalucq

Proposal for a regulation Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. For the purposes of paragraphs (2) and (3) of this article, regulatory technical standards should address:

(a) the limits of the combination of ‘customer data’ obtained pursuant to the Proposal with other types of personal data;

(b) the explainability, transparency and bias avoidance safeguards needed to be installed when Artificial Intelligence tools and algorithms are being deployed, used or trained for any of the purposes mentioned in paragraphs (2) and (3) of this article;

(c) the information provision obligations for financial institutions when a customer is presented with a personalised offer that is based on profiling or other types of automated processing of personal data;

(d) how the ‘right to be forgotten’ of cancer survivors shall be applicable in relation to non-credit related insurance policies, including life and health insurance, in line with article 124 of the 2020/2267 (INI) Report of the European Parliament. This shall also be extended to other chronic diseases and mental conditions.

Or. en

Amendment 404

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. In accordance with Article 10 of Regulation (EU) No 1094/2010, the European Securities and Markets Authority and the European Insurance and Occupational Pensions Authority shall develop regulatory technical

standards on the implementation of paragraph 1 of this Article for products and services related to the suitability and appropriateness assessment required under Article 25 of Directive (EU) 2014/65/EU, Article 30 of Directive (EU) 2015/97, and Article 81(1) of Regulation (EU) 2023/1114 of a consumer for submission to the Commission by December 2025.

Or. en

Amendment 405

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3 b. Powers are delegated to the European Commission to adopt regulatory technical standards on the implementation of paragraph 2, 3 and 3a.

Or. en

Amendment 406

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 3 c (new)

Text proposed by the Commission

Amendment

3 c. For the purposes of paragraphs (2) and (3) of this article, regulatory technical standards shall address:

(a) the limits of the combination of ‘customer data’ obtained pursuant to this Regulation with other types of personal data;

(b) the explainability, transparency and bias avoidance safeguards needed to be installed when Artificial Intelligence tools and algorithms are being deployed, used or trained for any of the purposes mentioned in paragraphs (2), (3) and (3a) of this article;

(c) the information provision obligations for financial institutions when a customer is presented with a personalised offer that is based on profiling or other types of automated processing of personal data;

(d) how the ‘right to be forgotten’ of cancer survivors shall be applicable in relation to non-credit related insurance policies, including life and health insurance, in line with article 124 of the 2020/2267 (INI) Report of the European Parliament. This shall also be extended to other chronic diseases and conditions;

(e) how data may be used to avoid excessive granularity that undermines the ‘risk sharing’ principle of insurance.

Or. en

Amendment 407

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq

Proposal for a regulation

Article 7 – paragraph 4

Text proposed by the Commission

4. When preparing the **guidelines** referred to in paragraphs 2 and 3 of this Article, EIOPA and EBA shall closely cooperate with the European Data Protection Board established by Regulation (EU) 2016/679.

Amendment

4. When preparing the **regulatory technical standards** referred to in paragraphs 2 and 3 of this Article, EIOPA and EBA shall closely cooperate **and seek a formal consultation** with the European Data Protection Board established by Regulation (EU) 2016/679. **The regulatory technical standards developed by EBA and EIOPA shall also address, where appropriate, limits on the combining of consumer data obtained pursuant to the Proposal with other types of personal**

data.

Or. en

Amendment 408

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 7 – paragraph 4

Text proposed by the Commission

4. When preparing the *guidelines* referred to in paragraphs 2 *and* 3 of this Article, EIOPA and EBA shall *closely cooperate with* the European Data Protection Board established by Regulation (EU) 2016/679.

Amendment

4. When preparing the *regulatory technical standards* referred to in paragraphs 2, 3 *and* 3a of this Article, EIOPA, *ESMA*, and EBA shall *formally consult* the European Data Protection Board established by Regulation (EU) 2016/679.

Or. en

Amendment 409

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq

Proposal for a regulation

Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. A consumer cannot be denied access to a financial product if they do not consent to their data being shared or accessed via the framework established by this Regulation. For the purposes of the implementation of this paragraph, the burden of proof shall lie with the data user.

Or. en

Amendment 410

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Additional financial and human resources shall be provided to the European Banking Authority (EBA), the European Securities and Markets Authority (ESMA), and the European Insurance and Occupational Pensions Authority (EIOPA) for the fulfilment of their tasks under this Regulation.

Or. en

Amendment 411
Frances Fitzgerald

Proposal for a regulation
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The European Supervisory Authorities (ESAs) shall develop guidelines on the processing of customer data referred to in Article 2(1)(fa) of this Regulation that constitutes non-sensitive data.

Or. en

Amendment 412
Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq

Proposal for a regulation
Article 7 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4 b. Additional financial and human resources shall be provided to the European Banking Authority (EBA) and

the European Insurance and Occupational Pensions Authority (EIOPA) for the fulfilment of their tasks under this Regulation.

Or. en

Amendment 413
Frances Fitzgerald

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. A data holder shall provide the customer with a permission dashboard to monitor and manage the permissions a customer has provided to data users.

Amendment

1. A data holder shall provide the customer with a permission dashboard, ***in line with the specifications required for data permission dashboards as foreseen under Regulation (EU) [XXXX/XXXX] of the European Parliament of the Council (PSR/PSD3)***, to monitor and manage the permissions a customer has provided to data users.

Or. en

Amendment 414
Ondřej Kovařík

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. A data holder shall provide the customer with a permission dashboard to monitor and manage the permissions a customer has provided to data users.

Amendment

1. A data holder shall provide the customer with a permission dashboard ***that is permanently available to the customer*** to monitor and manage the permissions a customer has provided to data users.

Or. en

Amendment 415
Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation
Article 8 – paragraph 2 – point a – introductory part

Text proposed by the Commission

(a) provide the customer with an overview of each ongoing permission given to data users, including:

Amendment

(a) provide the customer with an overview of each ongoing permission given to data users, ***to the extent this information was provided to the data holder by the data user***, including:

Or. en

Amendment 416
Frances Fitzgerald

Proposal for a regulation
Article 8 – paragraph 2 – point a – introductory part

Text proposed by the Commission

(a) provide the customer with an overview of each ongoing permission given to data users, including:

Amendment

(a) provide the customer with an overview of each ongoing permission given to data users, ***to the extent that is provided by the data user***, including:

Or. en

Amendment 417
Ville Niinistö
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 8 – paragraph 2 – point a – introductory part

Text proposed by the Commission

(a) provide the customer with an overview of each ongoing permission given to data users, including:

Amendment

(a) provide the customer with an overview of each ongoing permission given to data users, ***in a format that is easy to understand***, including:

Or. en

Amendment 418
Stéphanie Yon-Courtin, Gilles Boyer

Proposal for a regulation
Article 8 – paragraph 2 – point a – introductory part

Text proposed by the Commission

(a) provide the customer with an overview of each ongoing permission given to data users, including:

Amendment

(a) provide the customer with an overview of each ongoing permission given to data users **at any time**, including:

Or. en

Amendment 419
Ville Niinistö
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 8 – paragraph 2 – point a – point i

Text proposed by the Commission

(i) the name of the data user to which access has been granted

Amendment

(i) the name **and details** of the data user to which access has been granted

Or. en

Amendment 420
Ville Niinistö
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 8 – paragraph 2 – point a – point iii

Text proposed by the Commission

(iii) the purpose of the permission;

Amendment

(iii) **a detailed description of** the purpose of the permission;

Or. en

Amendment 421

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 2 – point a – point iv

Text proposed by the Commission

Amendment

(iv) the categories of data being shared;

(iv) the *specific* categories of data being shared;

Or. en

Amendment 422

Stéphanie Yon-Courtin, Gilles Boyer

Proposal for a regulation

Article 8 – paragraph 2 – point a – point v a (new)

Text proposed by the Commission

Amendment

(v a) the date on which the customer has granted access to a data user;

Or. en

Justification

The dashboard provided by data holders should enable customers to know exactly when they gave their permission to a given data user or financial information service provider

Amendment 423

Stéphanie Yon-Courtin, Gilles Boyer

Proposal for a regulation

Article 8 – paragraph 2 – point a – point v b (new)

Text proposed by the Commission

Amendment

(v b) the storage location of data being shared.

Or. en

Justification

The dashboard provided by data holders should enable customers to know the exact location where their data are stored, at any time.

Amendment 424

Stéphanie Yon-Courtin, Gilles Boyer

Proposal for a regulation

Article 8 – paragraph 2 – point b

Text proposed by the Commission

(b) allow the customer to withdraw a permission given to a data user;

Amendment

(b) allow the customer to withdraw a permission given to a data user ***at any time, and free of charge;***

Or. en

Amendment 425

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 2 – point b

Text proposed by the Commission

(b) allow the customer to withdraw a permission given to a data user;

Amendment

(b) allow the customer to withdraw a permission given to a data user ***at any time;***

Or. en

Amendment 426

Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation

Article 8 – paragraph 2 – point c

Text proposed by the Commission

(c) ***allow the customer to re-establish any permission withdrawn;***

Amendment

deleted

Amendment 427

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 2 – point c

Text proposed by the Commission

(c) allow the customer to re-establish any permission withdrawn;

Amendment

(c) allow the customer to re-establish any permission withdrawn **at any time**;

Or. en

Amendment 428

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 3

Text proposed by the Commission

3. The data holder shall ensure that the permission dashboard is easy to find in its user interface and that information displayed on the dashboard is clear, accurate and easily understandable for the customer.

Amendment

3. The data holder shall ensure that the permission dashboard is easy to find in its user interface and that information displayed on the dashboard is clear, accurate and easily understandable for the customer **and is in line with the European data protection and consumer legislative frameworks, notably Regulation (EU) 2016/679, Directive (EU) 2019/2161, Directive 93/13/EEC, and Directive 2011/83 EU.**

Or. en

Amendment 429

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The data holder shall ensure that the permission dashboard is not designed in a way that would encourage or unduly influence the customer to grant or withdraw permissions. This includes:

(a) the procedure to withdraw consent shall not be made more difficult than the procedure to grant access;

(b) providers of the dashboards shall not design, organise or operate their interfaces in a way that deceives or manipulates the recipients of their service or in a way that otherwise materially distorts or impairs the ability of the recipients of their service to make free and informed decisions.

Or. en

Amendment 430

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq

Proposal for a regulation

Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The data holder shall ensure that the permission dashboard is not designed in a way that would encourage or unduly influence the customer to grant or withdraw permissions, including through the use of dark patterns and through the use of pre-tricked boxes. For example, the procedure to withdraw consent cannot be made more difficult than the procedure to grant access. The EBA and EIOPA, in close cooperation with the European Data Protection Board established by Regulation (EU) 2016/679, shall be required to develop guidelines on the implementation of this paragraph.

Amendment 431
Frances Fitzgerald

Proposal for a regulation
Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3 a. The data holder shall ensure that the permission dashboard is designed to be user-friendly, with information presented in a neutral way and not in a way that would encourage or unduly influence the customer to grant or withdraw permissions.

Or. en

Amendment 432
Eero Heinäluoma, Jonás Fernández, Aurore Lalucq

Proposal for a regulation
Article 8 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3 b. Data holders shall use the European Digital Identity Wallet issued by a Member State as introduced by the proposal amending Regulation (EU) No 910/2014 as regards establishing a framework for a European Digital Identity for consumers to help identify a customer online and authenticate consent for the provision of consumer permissions via the data access permission dashboards.

Or. en

Amendment 433
Frances Fitzgerald

Proposal for a regulation
Article 8 – paragraph 4 – introductory part

Text proposed by the Commission

4. The data holder and the data user for which permission has been granted by a customer shall cooperate to make information available to the customer via the dashboard *in real-time*. To fulfil the obligations in paragraph 2 points (a), (b), (c) and (d) of this Article:

Amendment

4. The data holder and the data user for which permission has been granted by a customer shall cooperate to make information available to the customer via the dashboard *immediately*. To fulfil the obligations in paragraph 2 points (a), (b), (c) and (d) of this Article:

Or. en

Amendment 434
Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation
Article 8 – paragraph 4 – introductory part

Text proposed by the Commission

4. The data holder and the data user for which permission has been granted by a customer shall cooperate to make information available to the customer via the dashboard *in real-time*. To fulfil the obligations in paragraph 2 points (a), (b), (c) and (d) of this Article:

Amendment

4. The data holder and the data user for which permission has been granted by a customer shall cooperate to make information available to the customer via the dashboard *immediately*. To fulfil the obligations in paragraph 2 points (a), (b), (c) and (d) of this Article:

Or. en

Amendment 435
Frances Fitzgerald

Proposal for a regulation
Article 8 – paragraph 4 – point a

Text proposed by the Commission

(a) The data holder shall inform the data user of changes made to a permission concerning that data user made by a customer via the dashboard.

Amendment

(a) The data holder shall inform the data user of changes made to a permission, *including withdrawal*, concerning that data user made by a customer via the

dashboard.

Or. en

Amendment 436

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq

Proposal for a regulation

Article 8 – paragraph 4 – point b – point iii a (new)

Text proposed by the Commission

Amendment

(iii a) the legal basis under Article 6(1) GDPR and, where relevant, the exception under Article 9(2) GDPR that they would rely on to access personal data contained in the customer dataset;

Or. en

Amendment 437

Marco Zanni, Valentino Grant, Antonio Maria Rinaldi

Proposal for a regulation

Article 8 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(b a) The data holder must be in control of the identity and access management of both the customer and any data user, as well as the permission dashboard through which any request is submitted.

Or. en

Amendment 438

Fabio Massimo Castaldo

Proposal for a regulation

Article 8 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(b a) The data holder must be in control of the identity and access management of both the customer and any data user, as well as the permission dashboard through which any request is submitted.

Or. en

Amendment 439
Frances Fitzgerald

Proposal for a regulation
Article 8 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(b a) The data user shall be responsible for the accuracy of the data provided to the data holder.

Or. en

Amendment 440
Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation
Article 8 – paragraph 4 – point b a (new)

Text proposed by the Commission

Amendment

(b a) The data user shall immediately inform data holder of a permission withdrawal.

Or. en

Amendment 441
Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation
Article 8 – paragraph 4 – point b b (new)

Text proposed by the Commission

Amendment

(b b) The data user is responsible for the accuracy of the data provided to the data holder.

Or. en

Amendment 442
Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation
Article 8 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The information provided on the permission dashboard is without prejudice to the requirements under Regulation 2016/679.

Or. en

Amendment 443
Marco Zanni, Valentino Grant, Antonio Maria Rinaldi

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. ***Within 18 months from the entry into force of this Regulation***, data holders and data users shall become members of a financial data sharing scheme governing access to the customer data in compliance with Article 10.

1. Data holders and data users shall become members of a financial data sharing scheme governing access to the customer data in compliance with Article 10 ***according to the following timeline:***

i) 36 months from the entry into force of this Regulation for the first tier of customer data relating accounts (except payment accounts), savings (except structured deposits);

ii) 48 months from the entry into force of this Regulation for the second tier of customer data relating loans, mortgage credits, crypto assets (provided that the bank knowingly holds the assets in

custody on behalf of the customer);

iii) 60 months from the entry into force of this Regulation for the third tier of customer data relating investments in financial instruments, structured deposits, insurance based investment products, other related financial assets (provided that the bank knowingly holding the assets in custody on behalf of the customer), non- life insurance products, occupational pension schemes, pan European private pension schemes. This measure should be implemented only after an adequate testing and assessment phase in order to check the benefits for the customers and their interests.

Or. en

Amendment 444
Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. *Within 18 months from the entry into force of this Regulation*, data holders and data users shall become members of a financial data sharing scheme governing access to the customer data in compliance with Article 10.

Amendment

1. Data holders and data users shall become members of a financial data sharing scheme governing access to the customer data in compliance with Article 10 *according to the following timeline:*

i) 36 months from the entry into force of this Regulation for the first tier of customer data relating accounts (except payment accounts), savings (except structured deposits);

ii) 48 months from the entry into force of this Regulation for the second tier of customer data relating loans, mortgage credits, crypto assets (provided that the bank knowingly holds the assets in custody on behalf of the customer);

iii) 60 months from the entry into force of this Regulation for the third tier of

customer data relating investments in financial instruments, structured deposits, insurance based investment products, other related financial assets (provided that the bank knowingly holding the assets in custody on behalf of the customer), non- life insurance products, occupational pension schemes, pan European private pension schemes. This measure should be implemented only after an adequate testing and assessment phase in order to check the benefits for the customers and their interests.

Or. en

Amendment 445

Lídia Pereira

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

1. ***Within 18 months from the entry into force of this Regulation***, data holders and data users shall become members of a financial data sharing scheme governing access to the customer data in compliance with Article 10.

Amendment

1. Data holders and data users shall become members of a financial data sharing scheme governing access to the customer data in compliance with Article 10.

Or. en

Amendment 446

Ondřej Kovařík, Martin Hlaváček

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

1. Within **18** months from the entry into force of this Regulation, data holders and data users shall become members of a financial data sharing scheme governing access to the customer data in compliance

Amendment

1. Within **36** months from the entry into force of this Regulation, data holders and data users shall become members of a financial data sharing scheme governing access to the customer data in compliance

with Article 10.

with Article 10.

Or. en

Amendment 447
Caroline Nagtegaal, Esther de Lange

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. Within **18** months from the entry into force of this Regulation, data holders and data users **shall** become members of a financial data sharing scheme governing access to the customer data in compliance with Article 10.

Amendment

1. Within **36** months from the entry into force of this Regulation, data holders and data users **can** become members of a financial data sharing scheme governing access to the customer data in compliance with Article 10.

Or. en

Justification

More time is necessary to ensure orderly implementation.

Amendment 448
Laurence Sailliet

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. Within **18 months** from the entry into force of this Regulation, data holders and data users **shall** become members of a financial data sharing scheme governing access to the customer data in compliance with Article 10.

Amendment

1. Within **5 years** from the entry into force of this Regulation, data holders and data users **may** become members of a financial data sharing scheme governing access to the customer data in compliance with Article 10.

Or. en

Amendment 449
Frances Fitzgerald

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. ***Within 18 months from the entry into force of this Regulation, data holders and data users shall become members of a financial data sharing scheme governing access to the customer data in compliance with Article 10.***

Amendment

1. Data holders and data users shall become members of a financial data sharing scheme governing access to the customer data in compliance with Article 10 ***according to the timeline set out in Article 9(1a)-(1c).***

Or. en

Amendment 450
Michiel Hoogeveen

Proposal for a regulation
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The implementation of a financial data access scheme shall be structured as follows:

(a) Within 6 months from the entry into force of this Regulation, members shall agree on the general rules applicable to a financial data access scheme in accordance with Article 10(1)(a)-(f) and Article 10(1)(i)-(j) ('development phase').

(b) Within 18 months from the entry into force of this Regulation, members shall agree on common standards and a model to determine compensation in accordance with the requirements laid down in Article 10(1)(g) and Article 10(1)(h). Members shall also notify a financial data access scheme in accordance with Article 10(4) ('implementation phase').

(c) Within 24 months from the entry into force of this Regulation, members shall ensure that all elements of a financial data access scheme are fully operational by the time this Regulation applies in its

entirety.

Or. en

Justification

To increase clarity on the implementation of FiDA schemes, an approach based on three stages is suggested. In the development phase, members should agree on the overall governance and horizontal rules of a scheme, including on liability. In the implementation phase they should agree on common standards, the model to determine compensation, and the obligation to notify the scheme. A third stage clarifies that the six month window between scheme development / notification and the application of the entirety of the Regulation can be used to ensure that the scheme is fully operational.

Amendment 451

Ondřej Kovařík

Proposal for a regulation

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. The financial data sharing scheme referred to in paragraph 1 shall be developed by market participants within the specified time-frame. In cases where such a scheme is not developed in accordance with this Regulation in this timeframe, those entities involved in the setting up of the schemes shall work with the relevant competent authorities on national and European level to develop the scheme, considering experiences across the market and always bearing in mind the concept of standardisation of schemes

Or. en

Amendment 452

Frances Fitzgerald

Proposal for a regulation

Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. *Within 36 months from the entry into force of this Regulation data holders and data users of the following categories of customer data shall become members of a scheme: accounts, including credit card accounts, except payment accounts as defined in the Payment Services Directive (EU) 2015/2366 and technical accounts, savings, represented by term deposits, and savings accounts.*

Or. en

Amendment 453
Frances Fitzgerald

Proposal for a regulation
Article 9 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1 b. *Within 48 months from the entry into force of this Regulation data holders and data users of the following categories of customer data shall become members of a scheme: mortgage credit agreements as defined in Directive (EU)2014/17, and data relating to loans with instalments provided by the data holder;*

Or. en

Amendment 454
Frances Fitzgerald

Proposal for a regulation
Article 9 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1 c. *Within 60 months from the entry into force of this Regulation data holders and data users of the following categories of customer data shall become members*

of a scheme: investments in financial instruments, in accordance with Section C of Annex I of Directive (EU) 2014/65 and excluding derivative transactions used for risk management purposes, insurance based investment products, other related financial assets, structured deposits, and crypto assets as defined under Article 3(1)(5) of Regulation (EU) 2023/1114, non- life insurance products, occupational pension schemes, pan-European private pension schemes, and remaining categories also covered by Article 2(1);

Or. en

Amendment 455
Laurence Sailliet

Proposal for a regulation
Article 9 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Data holders and data users may become members of more *than one* financial data sharing schemes.

Amendment

Data holders and data users may become members of *one or* more financial data sharing schemes *to share data in accordance with the rules and modalities of a financial data sharing scheme of which both the data user and the data holder are members*

Or. en

Amendment 456
Laurence Sailliet

Proposal for a regulation
Article 9 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Any sharing of data shall be made in accordance with the rules and modalities of a financial data sharing scheme of

Amendment

deleted

which both the data user and the data holder are members.

Or. en

Amendment 457

Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation

Article 9 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Any sharing of data *shall* be made in accordance with the rules and modalities *of* a financial data sharing scheme of which both the data user and the data holder are members.

Amendment

Any sharing of data *must* be made in accordance with the rules and modalities *and only through* a financial data sharing scheme of which both the data user and the data holder are members.

Or. en

Amendment 458

Frances Fitzgerald

Proposal for a regulation

Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2 a. This Regulation shall be without prejudice to any data exchange that may occur based on contractual agreements outside the scope of this Regulation.

Or. en

Amendment 459

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point a – point i

Text proposed by the Commission

Amendment

(i) data holders and data users representing a significant proportion of the market of the product or service concerned, ***with each side having fair and equal representation in the internal decision-making processes of the scheme as well as equal weight in any voting procedures; where a member is both a data holder and data user, its membership shall be counted equally towards both sides;***

(i) data holders and data users representing a significant proportion of the market of the product or service concerned,

Or. en

Amendment 460
Markus Ferber

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 1 – point a – point i

Text proposed by the Commission

Amendment

(i) data holders and data users representing a significant proportion of the market of the product or service concerned, with each side having fair ***and equal*** representation in the internal decision-making processes of the scheme ***as well as equal weight in any voting procedures; where a member is both a data holder and data user, its membership shall be counted equally towards both sides;***

(i) data holders and data users representing a significant proportion of the market of the product or service concerned, with each side having fair representation in the internal decision-making processes of the scheme;

Or. en

Justification

The regulation should leave enough flexibility for market participants to agree different governance mechanisms.

Amendment 461
Frances Fitzgerald

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 1 – point a – point i

Text proposed by the Commission

Amendment

(i) data holders and data users representing a significant proportion of the market of the product or service concerned, with each side having fair ***and equal*** representation in the internal decision-making processes of the scheme as well as ***equal weight*** in any voting procedures; where a member is both a data holder and data user, its membership shall be counted ***equally*** towards both sides;

(i) data holders and data users representing a significant proportion of the market of the product or service concerned, with each side having fair representation in the internal decision-making processes of the scheme as well as in any voting procedures; where a member is both a data holder and data user, its membership shall be counted towards both sides;

Or. en

Amendment 462
Frances Fitzgerald

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 1 – point a – point ii

Text proposed by the Commission

Amendment

(ii) customer organisations and consumer associations.

(ii) customer organisations and consumer associations ***with expertise in financial services, in an observer role.***

Or. en

Amendment 463
Isabel Benjumea Benjumea

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 1 – point a – point ii a (new)

Text proposed by the Commission

Amendment

(iia) associations and relevant professional organisations.

Or. es

Amendment 464
Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Alfred Sant, Aurore Lalucq

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) each of the parties listed in paragraph (a) above shall have fair and equal representation in the internal decision-making processes of the scheme as well as equal weight in any voting procedures; where a member is both a data holder and data user, its membership shall be counted equally towards both sides;

Or. en

Amendment 465

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(a a) each of the parties listed in paragraph (a) above shall have fair and equal representation in the internal decision-making processes of the scheme as well as equal weight in any voting procedures; where a member is both a data holder and data user, its membership shall be counted equally towards both sides.

Or. en

Amendment 466

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

(e) a financial data sharing scheme shall include a mechanism through which its rules can be amended, following an impact analysis and the agreement of the majority of each community of data holders **and** data users respectively;

Amendment

(e) a financial data sharing scheme shall include a mechanism through which its rules can be amended, following an impact analysis and the agreement of the majority of each community of data holders, data users **and consumer organisations** respectively;

Or. en

Amendment 467

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point e

Text proposed by the Commission

(e) a financial data sharing scheme shall include a mechanism through which its rules can be amended, following an impact analysis and the agreement of the majority of each community of data holders **and** data users respectively;

Amendment

(e) a financial data sharing scheme shall include a mechanism through which its rules can be amended, following an impact analysis and the agreement of the majority of each community of data holders, data users **and consumer associations** respectively;

Or. en

Amendment 468

Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point g

Text proposed by the Commission

(g) a financial data **sharing** scheme shall include the common standards for the data and the technical interfaces to allow customers to request data **sharing** in accordance with Article 5(1). The common standards for the data and technical interfaces that scheme members agree to

Amendment

(g) a financial data **access** scheme shall include the common standards for the data and the technical interfaces to allow customers to request data **access** in accordance with Article 5(1). The common standards for the data and technical interfaces that scheme members agree to

use may be developed by scheme members or by other parties or bodies;

use *shall draw on existing international or industry-recognized standards or* may be developed by scheme members or by other parties or bodies *in coordination with the European Data Innovation Board established by Regulation (EU) 2022/868;*

Or. en

Amendment 469
Frances Fitzgerald

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 1 – point g

Text proposed by the Commission

(g) a financial data sharing scheme shall include the common standards for the data and the technical interfaces to allow customers to request data sharing in accordance with Article 5(1). The common standards for the data and technical interfaces that scheme members agree to use may be developed by scheme members or by other parties or bodies;

Amendment

(g) a financial data sharing scheme shall include the common standards for the data and the technical interfaces to allow customers to request data sharing in accordance with Article 5(1). The common standards for the data and technical interfaces that scheme members agree to use may be developed by scheme members or by other parties or bodies; *The development of common standards for the data and technical interfaces shall draw on existing international or industry-recognised standards;*

Or. en

Amendment 470
Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(g a) a financial data access scheme shall include the minimum technical and organisational measures that financial data access scheme members shall implement to ensure an appropriate level

of security for exchanged data, including security measures to prevent and mitigate the risk of fraud.

Or. en

Amendment 471

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Alfred Sant, Aurore Lalucq

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(g a) a financial data sharing scheme shall also establish minimum technical and organisational measures to ensure an appropriate level of security for the exchange of personal data;

Or. en

Amendment 472

Laurence Salliet

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point h

Text proposed by the Commission

Amendment

(h) a financial data sharing scheme shall establish a model to determine the maximum compensation that a data holder is entitled to charge for making data available through an appropriate technical interface for data sharing with data users in line with the common standards developed under point (g). The model shall be based on the following principles:

deleted

(i) it should be limited to reasonable compensation directly related to making the data available to the data user and which is attributable to the request;

(ii) it should be based on an objective,

transparent and non-discriminatory methodology agreed by the scheme members;

(iii) it should be based on comprehensive market data collected from data users and data holders on each of the cost elements to be considered, clearly identified in line with the model;

(iv) it should be periodically reviewed and monitored to take account of technological progress;

(v) it should be devised to gear compensation towards the lowest levels prevalent on the market; and

(vi) it should be limited to the requests for customer data under Article 2(1) or proportionate to the related datasets in the scope of that Article in the case of combined data requests.

Or. en

Amendment 473

Ondřej Kovařík

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point h – introductory part

Text proposed by the Commission

(h) a financial data sharing scheme shall establish a model to determine the maximum compensation that a data holder is entitled to charge for making data available through an appropriate technical interface for data sharing with data users in line with the common standards developed under point (g). The model shall be based on the following principles:

Amendment

(h) a financial data sharing scheme shall establish, a model to determine the maximum compensation that a data holder is entitled to charge for making data available through an appropriate technical interface for data sharing with data users in line with the common standards developed under point (g) ***and taking into account market-led initiatives for other compensation schemes***. The model shall be based on the following principles:

Or. en

Amendment 474

Lídia Pereira

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point h – introductory part

Text proposed by the Commission

(h) a financial data sharing scheme shall establish a model to determine the **maximum** compensation that a data holder is entitled to charge for making data available through an appropriate technical interface for data sharing with data users in line with the common standards developed under point (g). The model shall be based on the following principles:

Amendment

(h) a financial data sharing scheme shall establish a model to determine the **adequate** compensation that a data holder is entitled to charge for making data available through an appropriate technical interface for data sharing with data users in line with the common standards developed under point (g). The model shall be based on the following principles:

Or. en

Amendment 475

Marco Zanni, Valentino Grant, Antonio Maria Rinaldi

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point h – introductory part

Text proposed by the Commission

(h) a financial data sharing scheme shall establish a model to determine the **maximum** compensation that a data holder **is entitled to** charge for making data available through an appropriate technical interface for data sharing with data users in line with the common standards developed under point (g). The model shall be based on the following principles:

Amendment

(h) a financial data sharing scheme shall establish a model to determine the **reasonable** compensation that a data holder **can** charge for making data available through an appropriate technical interface for data sharing with data users in line with the common standards developed under point (g). The model shall be based on the following principles:

Or. en

Amendment 476

Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point h – introductory part

Text proposed by the Commission

Amendment

(h) a financial data sharing scheme shall establish a model to determine the **maximum** compensation that a data holder **is entitled to** charge for making data available through an appropriate technical interface for data sharing with data users in line with the common standards developed under point (g). The model shall be based on the following principles:

(h) a financial data sharing scheme shall establish a model to determine the **reasonable** compensation that a data holder **can** charge for making data available through an appropriate technical interface for data sharing with data users in line with the common standards developed under point (g). The model shall be based on the following principles:

Or. en

Amendment 477

Fabio Massimo Castaldo

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point h – point i

Text proposed by the Commission

Amendment

(i) **it should be limited to reasonable** compensation **directly related to** making the data available **to the** data user **and which is attributable to the request;**

(i) **in accordance with Article 9 of Regulation (EU) 2023/2854 (Data Act), any compensation - including the costs incurred in** making the data available **and the investment in the collection and production of data, as well as a margin - agreed between a data holder and a data user for making data available shall be reasonable;**

Or. en

Amendment 478

Marco Zanni, Valentino Grant, Antonio Maria Rinaldi

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point h – point i

Text proposed by the Commission

Amendment

(i) **it should be limited to reasonable** compensation **directly related to** making the data available **to the** data user **and which is attributable to the request;**

(i) **any compensation - including the costs incurred in** making the data available **and the investment in the collection and production of data, as well as a margin -**

agreed between a data holder and a data user for making data available shall be reasonable;

Or. en

Amendment 479

Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point h – point i

Text proposed by the Commission

(i) it should be limited to reasonable compensation *directly related to making the data available to the data user and which is attributable to the request*;

Amendment

(i) it should be limited to reasonable compensation;

Or. en

Amendment 480

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point h – point i

Text proposed by the Commission

(i) it should be limited to reasonable compensation directly related to making the data available to the data user and which is attributable to the request;

Amendment

(i) it should be limited to reasonable compensation directly related to *the costs incurred in* making the data available to the data user and which is attributable to the request;

Or. en

Amendment 481

Marco Zanni, Valentino Grant, Antonio Maria Rinaldi

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point h – point ii

Text proposed by the Commission

Amendment

(ii) it should be based on an objective, transparent and non-discriminatory methodology agreed by the scheme members;

(ii) it should be based on an objective, transparent and non-discriminatory methodology agreed by the scheme members ***and may include a margin and respect the provisions of Art. 9(1) of the Data Act (Regulation (EU) XX)***;

Or. en

Amendment 482

Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point h – point ii

Text proposed by the Commission

Amendment

(ii) it should be based on an objective, transparent and non-discriminatory methodology agreed by the scheme members;

(ii) it should be based on an objective, transparent and non-discriminatory methodology agreed by the scheme members ***and may include a margin and respect the provisions of Art. 9(1) of the Data Act (Regulation (EU) XX)***;

Or. en

Amendment 483

Marco Zanni, Valentino Grant, Antonio Maria Rinaldi

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point h – point v

Text proposed by the Commission

Amendment

(v) ***it should be devised to gear compensation towards the lowest levels prevalent on the market; and***

deleted

Or. en

Amendment 484

Markus Ferber

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point h – point v

Text proposed by the Commission

Amendment

(v) *it should be devised to gear compensation towards the lowest levels prevalent on the market; and* *deleted*

Or. en

Justification

This regulation should not introduce de facto price regulation.

Amendment 485

Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point h – point v

Text proposed by the Commission

Amendment

(v) *it should be devised to gear compensation towards the lowest levels prevalent on the market; and* *deleted*

Or. en

Amendment 486

Frances Fitzgerald

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point h – point v

Text proposed by the Commission

Amendment

(v) it should be devised to gear compensation towards the **lowest** levels prevalent on the market; **and**

(v) it should be devised to gear compensation towards the **lower** levels prevalent on the market;

Or. en

Amendment 487

Frances Fitzgerald

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point h – point vi a (new)

Text proposed by the Commission

Amendment

(vi a) it should ensure that the remuneration to the data holder is not borne by the customer.

Or. en

Amendment 488

Laurence Sailliet

Proposal for a regulation

Article 10 – paragraph 1 – subparagraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(h a) Any compensation agreed upon between a data holder and a data user for making data available in business-to-business relations shall be non-discriminatory and reasonable and may include a margin. The data holder and the data user shall take into account in particular:

(a) the costs incurred for making the data available, including, in particular, the costs necessary for the formatting of data, dissemination via electronic means and storage;

(b) the investment in the collection and production of data, where applicable, taking into account whether other parties contributed to the obtaining, generating or collecting the data in question.

Or. en

Justification

The aim is to ensure a coherent approach to compensation under the Data Act and to incorporate the same provision as in Article 9 of the Data Act, which allows compensation for both the costs incurred in making data available and the investment in data collection and

production, as well as the possibility of including a margin. Recital 29 provides that data holders may request reasonable compensation from data users for the implementation of application programming interfaces in order to ensure sufficient economic incentives. The possibility of recovering initial investment costs does not, however, appear anywhere in the articles. This proposal seeks to give effect to the Commission's intention by using the existing wording of the Data Act.

Amendment 489
Frances Fitzgerald

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 1 – point h a (new)

Text proposed by the Commission

Amendment

(h a) Taking into account the level of compensation in the market, in particular regarding the developments in the calculation, the EBA in cooperation with ESMA and EIOPA shall publicly report to the Commission on a yearly basis on the evolution of compensation fees. The Commission shall, if necessary, adopt a delegated act in accordance with Article 30 to address market failures using proportionate and appropriate tools. The EBA, ESMA and EIOPA shall consult data holders and data users upon the drafting of these reports.

Or. en

Amendment 490
Markus Ferber

Proposal for a regulation
Article 10 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Amendment

Where the data user is a micro, small or medium enterprise, as defined in Article 2 of the Annex to Commission Recommendation 2003/361/EC of 6 May 2003⁴², any compensation agreed shall not exceed the costs directly related to

deleted

making the data available to the data recipient and which are attributable to the request.

(i) a financial data sharing scheme shall determine the contractual liability of its members, including in case the data is inaccurate, or of inadequate quality, or data security is compromised or the data are misused. In case of personal data, the liability provisions of the financial data sharing scheme shall be in accordance with the provisions in Regulation (EU) 2016/679;

(j) a financial data sharing scheme shall provide for an independent, impartial, transparent and effective dispute resolution system to resolve disputes among scheme members and membership issues, in accordance with the quality requirements laid down by Directive 2013/11/EU of the European Parliament and of the Council⁴³.

⁴² *Commission Recommendation of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (C(2003) 1422) OJ L 124, 20.5.2003, p. 36.*

⁴³ *Directive 2013/11/EU of the European Parliament and of the Council of 21 May 2013 on alternative dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Directive on consumer ADR) (OJ L 165, 18.6.2013, p. 63).*

Or. en

Justification

This regulation should not introduce de facto price regulation.

Amendment 491
Michiel Hoogeveen

Proposal for a regulation
Article 10 – paragraph 3

Text proposed by the Commission

3. A data holder shall communicate to the competent authority of the Member State of its establishment the financial data **sharing** schemes it is part of, within one month of joining a scheme.

Amendment

3. A data holder shall communicate to the competent authority of the Member State of its establishment the financial data **access** schemes it is part of, within one month of joining a scheme. ***The competent authority of the Member State shall communicate this notification to the EBA, ESMA or EIOPA as applicable, based on their respective competences.***

Or. en

Justification

The role of the European Supervisory Authorities should be strengthened. Data access is a scale business and schemes should be enabled to scale up across borders more effectively and seamlessly.

Amendment 492
Michiel Hoogeveen

Proposal for a regulation
Article 10 – paragraph 4

Text proposed by the Commission

4. A financial data **sharing** scheme set up in accordance with this Article shall be notified ***to the competent authority of establishment of the three most significant data holders which are members of that scheme at the time of establishment of the scheme. Where the three most significant data holders are established in different Member States, or where there is more than one competent authority in the Member State of establishment of the three most significant data holders, the scheme shall be notified to all of these authorities which shall agree among themselves which authority shall carry out the assessment referred to in paragraph 6.***

Amendment

4. A financial data **access** scheme set up in accordance with this Article shall be notified ***directly to EBA, ESMA or EIOPA based on their respective competences,*** which shall carry out the assessment referred to in paragraph 6.

Justification

The role of the European Supervisory Authorities should be strengthened. Data access is a scale business and schemes should be enabled to scale up across borders more effectively and seamlessly. This amendment is an alternative to / elaboration of amendment 108 from the draft report.

Amendment 493

Stéphanie Yon-Courtin, Gilles Boyer

Proposal for a regulation**Article 10 – paragraph 4***Text proposed by the Commission*

4. A financial data sharing scheme set up in accordance with this Article shall be notified to the *competent authority of establishment of the three most significant data holders which are members of that scheme at the time of establishment of the scheme. Where the three most significant data holders are established in different Member States, or where there is more than one competent authority in the Member State of establishment of the three most significant data holders, the scheme shall be notified to all of these authorities which shall agree among themselves which authority shall carry out the assessment referred to in paragraph 6.*

Amendment

4. A financial data sharing scheme set up in accordance with this Article shall be notified to the **European Banking Authority, the European Insurance and Occupational Pensions Authority and the European Securities and Markets Authority.**

Justification

It is important that schemes are assessed at European level by the ESAs rather than at national level by the competent authorities. A certain level of centralisation is already provided for in the text by the establishment of the register defined in Article 15, including schemes. It would be more logical, therefore, to leave this assessment to the ESAs, in order to avoid differing assessments of schemes by national authorities and an unlevel playing field.

Amendment 494

Stéphanie Yon-Courtin, Gilles Boyer

Proposal for a regulation
Article 10 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Within 1 month of receipt of the notification pursuant to paragraph 4, the **competent authority** shall assess whether the financial data sharing scheme's governance modalities and characteristics are in compliance with paragraph 1. **When assessing the compliance of the financial data sharing scheme with paragraph 1, the competent authority may consult other competent authorities.**

Amendment

Within 1 month of receipt of the notification pursuant to paragraph 4, the **three European Supervisory Authorities** shall assess whether the financial data sharing scheme's governance modalities and characteristics are in compliance with paragraph 1.

Or. en

Amendment 495
Michiel Hoogeveen

Proposal for a regulation
Article 10 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Within 1 month of receipt of the notification pursuant to paragraph 4, the **competent authority** shall assess whether the financial data **sharing** scheme's governance modalities and characteristics are in compliance with paragraph 1. When assessing the compliance of the financial data **sharing** scheme with paragraph 1, the **competent** authority may consult other **competent** authorities.

Amendment

Within 1 month of receipt of the notification pursuant to paragraph 4, the **EBA, ESMA or EIOPA** shall assess whether the financial data **access** scheme's governance modalities and characteristics are in compliance with paragraph 1. When assessing the compliance of the financial data **access** scheme with paragraph 1, the **European Supervisory Authority in charge of the assessment** may consult **the** other **European Supervisory** Authorities.

Or. en

Justification

The role of the European Supervisory Authorities should be strengthened. Data access is a scale business and schemes should be enabled to scale up across borders more effectively and seamlessly. This amendment is an alternative to / elaboration of amendment 109 from the draft report.

Amendment 496

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq

Proposal for a regulation

Article 10 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Within 1 month of receipt of the notification pursuant to paragraph 4, the competent authority shall assess whether the financial data sharing scheme's governance modalities and characteristics are in compliance with paragraph 1. When assessing the compliance of the financial data sharing scheme with paragraph 1, the competent authority **may** consult **other competent** authorities.

Amendment

Within 1 month of receipt of the notification pursuant to paragraph 4, the competent authority shall assess whether the financial data sharing scheme's governance modalities and characteristics are in compliance with paragraph 1. When assessing the compliance of the financial data sharing scheme with paragraph 1, the competent authority **shall** consult **relevant supervisory** authorities **under Regulation (EU) 2016/679**.

Or. en

Amendment 497

Stéphanie Yon-Courtin, Gilles Boyer

Proposal for a regulation

Article 10 – paragraph 6 – subparagraph 2

Text proposed by the Commission

Upon completion of **its** assessment, the **competent authority shall inform EBA of a notified financial data sharing scheme that satisfies the provisions of paragraph 1. A scheme notified to EBA in accordance with this paragraph shall be recognised in all the Member States for the purpose of accessing data pursuant to Article 5(1) and shall not require further notification in any other Member State.**

Amendment

Upon completion of **this** assessment, the notified financial data sharing scheme shall be **made available on the register defined in Article 15**.

Or. en

Amendment 498

Michiel Hoogeveen

Proposal for a regulation
Article 10 – paragraph 6 – subparagraph 2

Text proposed by the Commission

Upon completion of its assessment, the **competent authority** shall inform **EBA of a notified** financial data **sharing** scheme **that satisfies the provisions of** paragraph 1. A scheme notified to EBA in accordance with this paragraph shall be recognised in all the Member States for the purpose of accessing data pursuant to Article 5(1) and shall not require further notification in any other Member State.

Amendment

Upon completion of its assessment, the **EBA, ESMA or EIOPA** shall inform **the members of a** financial data **access** scheme **whether the scheme fulfils the requirements set out in** paragraph 1. **After a positive assessment**, a scheme notified to EBA, **ESMA or EIOPA** in accordance with this paragraph shall be recognised in all the Member States for the purpose of accessing data pursuant to Article 5(1) and shall not require further notification in any other Member State.

Or. en

Justification

The role of the European Supervisory Authorities should be strengthened. Data access is a scale business and schemes should be enabled to scale up across borders more effectively and seamlessly. This amendment is an alternative to / elaboration of amendment 110 from the draft report.

Amendment 499

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation
Article 10 – paragraph 6 – subparagraph 2 a (new)

Text proposed by the Commission

Amendment

Competent authorities shall undertake regular comprehensive reviews of data sharing schemes' governance arrangements set out in Article 10(1). These reviews shall include a thorough and documented assessment whether the schemes' arrangements are appropriate and credible for the purposes of ensuring the responsible treatment of customer data.

Or. en

Amendment 500

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq

Proposal for a regulation

Article 10 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. Competent authorities shall undertake regular comprehensive reviews of data sharing schemes' governance arrangements set out in Article 10(1). These reviews shall include a thorough and documented assessment whether the schemes' arrangements are appropriate and credible for the purposes of ensuring the responsible treatment of customer data.

Or. en

Amendment 501

Laurence Sailliet

Proposal for a regulation

Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Empowerment for Delegated Act in the event of absence of a financial data sharing scheme

In the event that a financial data sharing scheme is not developed for one or more categories of customer data listed in Article 2(1) and there is no realistic prospect of such a scheme being set up within a reasonable amount of time, the Commission is empowered to adopt a delegated act in accordance with Article 30 to supplement this Regulation by specifying the following modalities under which a data holder shall make available customer data pursuant to Article 5(1) for

that category of data:

(a) common standards for the data and, where appropriate, the technical interfaces to allow customers to request data sharing under Article 5(1);

(b) a model to determine the maximum compensation that a data holder is entitled to charge for making data available;

(c) the liability of the entities involved in making the customer data available.

Or. en

Amendment 502

Ondřej Kovařík, Martin Hlaváček

Proposal for a regulation

Article 11

Text proposed by the Commission

Amendment

Article 11

deleted

Empowerment for Delegated Act in the event of absence of a financial data sharing scheme

In the event that a financial data sharing scheme is not developed for one or more categories of customer data listed in Article 2(1) and there is no realistic prospect of such a scheme being set up within a reasonable amount of time, the Commission is empowered to adopt a delegated act in accordance with Article 30 to supplement this Regulation by specifying the following modalities under which a data holder shall make available customer data pursuant to Article 5(1) for that category of data:

(a) common standards for the data and, where appropriate, the technical interfaces to allow customers to request data sharing under Article 5(1);

(b) a model to determine the maximum compensation that a data holder is

entitled to charge for making data available;

(c) the liability of the entities involved in making the customer data available.

Or. en

Amendment 503

Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

Amendment

In the event that a financial data sharing scheme is not developed for one or more categories of customer data listed in Article 2(1) and there is no realistic prospect of such a scheme being set up within a reasonable amount of time, the Commission is empowered to adopt a delegated act in accordance with Article 30 to supplement this Regulation by specifying the following modalities under which a data holder shall make available customer data pursuant to Article 5(1) for that category of data:

deleted

(a) common standards for the data and, where appropriate, the technical interfaces to allow customers to request data sharing under Article 5(1);

(b) a model to determine the maximum compensation that a data holder is entitled to charge for making data available;

(c) the liability of the entities involved in making the customer data available.

Or. en

Amendment 504

Frances Fitzgerald

Proposal for a regulation
Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

In the event that a financial data sharing scheme is not developed for one or more categories of customer data listed in Article 2(1) and there is no realistic prospect of such a scheme being set up within a reasonable amount of time, the Commission is empowered to adopt a delegated act in accordance with Article 30 to supplement this Regulation by specifying the following modalities under which a data holder shall make available customer data pursuant to Article 5(1) for that category of data:

Amendment

In the event that a financial data sharing scheme is not finalised for one or more categories of customer data listed in Article 2(1), the European Commission shall consult with all stakeholders and submit a report to the European Parliament and the Council setting out any grounds for intervention by the European Commission. The report shall take account of any existing work towards a scheme already undertaken by the industry. The report shall lay down the modalities under which a data holder may make customer data available pursuant to Article 5(1) for that category of data:

(a) common standards for the data and, where appropriate, the technical interfaces to allow customers to request data sharing under Article 5(1);

(b) a model to determine the maximum compensation that a data holder is entitled to charge for making data available;

(c) the liability of the entities involved in making the customer data available.

In the event that a financial data sharing scheme is not developed for one or more categories of customer data listed in Article 2(1) and there is no realistic prospect of such a scheme being set up within a reasonable amount of time, the Commission is empowered, ***after consultation with all stakeholders***, to adopt a delegated act in accordance with Article 30 to supplement this Regulation by specifying the following modalities under which a data holder shall make available customer data pursuant to Article 5(1) for that category of data:

Or. en

Amendment 505

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq

Proposal for a regulation

Article 11 – paragraph 1 – introductory part

Text proposed by the Commission

In the event that a financial data sharing scheme is not developed for one or more categories of customer data listed in Article 2(1) and there is no realistic prospect of such a scheme being set up within a reasonable amount of time, the Commission is empowered to adopt a delegated act in accordance with Article 30 to supplement this Regulation by specifying the following modalities under which a data holder shall make available customer data pursuant to Article 5(1) for that category of data:

Amendment

In the event that a financial data sharing scheme is not developed for one or more categories of customer data listed in Article 2(1) and there is no realistic prospect of such a scheme being set up within a reasonable amount of time, the Commission is empowered, **in consultation with the European Data Protection Board**, to adopt a delegated act in accordance with Article 30 to supplement this Regulation by specifying the following modalities under which a data holder shall make available customer data pursuant to Article 5(1) for that category of data:

Or. en

Amendment 506

Lídia Pereira

Proposal for a regulation

Article 11 – paragraph 1 – point b

Text proposed by the Commission

(b) a model to determine the **maximum** compensation that a data holder is entitled to charge for making data available;

Amendment

(b) a model to determine the **adequate** compensation that a data holder is entitled to charge for making data available;

Or. en

Amendment 507

Frances Fitzgerald

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

1. A financial information service provider shall be eligible to access customer data under Article 5(1) if it is authorised by the competent authority of a Member State.

Amendment

1. A financial information service provider shall be eligible to access customer data under Article 5(1) **for the provision of financial information services** if it is authorised by the competent authority of a Member State.

Or. en

Amendment 508

Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

1. A financial information service provider shall be eligible to access customer data under Article 5(1) if it is authorised by the competent authority of a Member State.

Amendment

1. A financial information service provider shall be eligible to access customer data under Article 5(1) **for the provision of financial information services** if it is authorised by the competent authority of a Member State.

Or. en

Amendment 509

Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation

Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. An account information service provider registered under Directive (EU) 2015/2366 shall be eligible to access customer data under Article 5(1) only if they have obtained an authorisation as a financial information service provider.

Or. en

Amendment 510
Frances Fitzgerald

Proposal for a regulation
Article 12 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1 a. A registered account information service provider as defined in Directive 2015/2366/EU may only access data under Article 5(1) if they have been authorised as a financial information service provider.

Or. en

Justification

In order to address any grey areas and due to the different authorisation process and difference in data accessed, AISPs should require authorisation as FISPs in order to take part in FIDA.

Amendment 511
Frances Fitzgerald

Proposal for a regulation
Article 12 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

A financial information service provider shall submit an application for authorisation to the competent authority of the Member State of establishment of its registered office, together with the following:

A financial information service provider shall submit an application for authorisation to the competent authority of the Member State of establishment of its registered office, ***or, in the case of a legal person or other undertaking established in a third country, in the Member State where those legal persons have appointed their representative,*** together with the following:

Or. en

Amendment 512
Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

(a) a programme of operations setting out in particular the type of access to data envisaged;

Amendment

(a) a programme of operations setting out in particular the type of access to data ***and of financial information services*** envisaged ***and if the financial information service provider holds any categories of customer data under Article 2(1)***;

Or. en

Amendment 513

Frances Fitzgerald

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

(a) a programme of operations setting out in particular the type of access to data envisaged;

Amendment

(a) a programme of operations setting out in particular the type of access to data envisaged ***and if the financial information service provider holds any customer data under Article 2(1)***;

Or. en

Amendment 514

Lídia Pereira

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(b) a business plan ***including a forecast budget calculation for the first 3 financial years*** which demonstrates that the applicant is able to employ the appropriate and proportionate systems, resources and procedures to operate soundly;

Amendment

(b) a business plan which demonstrates that the applicant is able to employ the appropriate and proportionate systems, resources and procedures to operate soundly;

Amendment 515

Ondřej Kovařík, Martin Hlaváček

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(b) a business plan including a forecast budget calculation **for the first 3 financial years** which demonstrates that the applicant is able to employ the appropriate and proportionate systems, resources and procedures to operate soundly;

Amendment

(b) a business plan including. **where applicable**, a forecast budget calculation which demonstrates that the applicant is able to employ the appropriate and proportionate systems, resources and procedures to operate soundly;

Or. en

Amendment 516

Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation

Article 12 – paragraph 2 – subparagraph 1 – point j

Text proposed by the Commission

(j) the address of the applicant's head office;

Amendment

(j) the address of the applicant's head office **and, where available, the Legal Entity Identifier (LEI)**;

Or. en

Amendment 517

Frances Fitzgerald

Proposal for a regulation

Article 12 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Financial information service providers shall hold a professional indemnity insurance covering the territories in which they **access data**, or some other

Amendment

Financial information service providers shall hold a professional indemnity insurance covering the territories in which they **seek to provide financial products or**

comparable guarantee, and shall ensure the following:

services, or some other comparable guarantee, and shall ensure the following:

Or. en

Amendment 518
Ondřej Kovařík

Proposal for a regulation

Article 12 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Financial information service providers shall hold a professional indemnity insurance covering the territories in which they access data, or some other comparable guarantee, and shall ensure the following:

Financial information service providers shall hold a professional indemnity insurance *or other comparable guarantee*, covering the territories in which they access data, or some other comparable guarantee, and shall ensure the following:

Or. en

Amendment 519
Frances Fitzgerald

Proposal for a regulation

Article 12 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) the information to be provided to the competent authority in the application for the authorisation of financial information service providers, including the requirements laid down in paragraph 1, points (a) to **(l)**;

(a) the information to be provided to the competent authority in the application for the authorisation of financial information service providers, including the requirements laid down in paragraph 2, points (a) to **(k)**;

Or. en

Amendment 520
Frances Fitzgerald

Proposal for a regulation

Article 12 – paragraph 4 – subparagraph 1 – point c

Text proposed by the Commission

Amendment

(c) what is a comparable guarantee, as referred in paragraph 2, which should be interchangeable with a professional indemnity insurance;

(c) what is a comparable guarantee, as referred in paragraph 3, which should be interchangeable with a professional indemnity insurance;

Or. en

Amendment 521
Frances Fitzgerald

Proposal for a regulation
Article 12 – paragraph 4 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) the criteria on how to stipulate the minimum monetary amount of the professional indemnity insurance or other comparable guarantee referred to in paragraph 2.

(d) the criteria on how to stipulate the minimum monetary amount of the professional indemnity insurance or other comparable guarantee referred to in paragraph 3.

Or. en

Amendment 522
Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation
Article 12 – paragraph 4 – subparagraph 2 – point b

Text proposed by the Commission

Amendment

(b) whether the undertaking provides other types of services *or* is engaged in other business;

(b) whether the undertaking provides other types of services, is engaged in other business, *or holds any of the customer data categories under Article 2(1)*;

Or. en

Amendment 523
Frances Fitzgerald

Proposal for a regulation
Article 12 – paragraph 4 – subparagraph 2 – point b

Text proposed by the Commission

(b) whether the undertaking provides other types of services or is engaged in other business;

Amendment

(b) whether the undertaking provides other types of services or is engaged in other business ***or is a data holder***;

Or. en

Amendment 524
Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation
Article 12 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. Any undertaking designated as a gatekeeper, pursuant to Article 3 of Regulation (EU) 2022/1925, shall not be eligible for authorisation as a financial information service provider under this Regulation.

Or. en

Amendment 525
Stéphanie Yon-Courtin, Gilles Boyer

Proposal for a regulation
Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Legal representatives

1. Financial information service providers that do not have an establishment in the Union but that require access to financial data in the Union shall designate, in writing, a legal or natural person as their legal representative in one of the Member States from where the financial information service provider intends to

access financial data.

2. Financial information service providers shall mandate their legal representatives to be addressed in addition to or instead of the financial information service provider by the competent authorities on all issues necessary for the receipt of, compliance with and enforcement of this Regulation. Financial information service providers shall provide their legal representative with the necessary powers and resources to enable them to cooperate with the competent authorities and ensure compliance with their decisions.

3. The designated legal representative may be held liable for non-compliance with obligations under this Regulation, without prejudice to the liability and legal actions that could be initiated against the financial information service provider.

4. Financial information service providers shall notify the name, address, the electronic mail address and telephone number of their legal representative to the competent authority in the Member State where that legal representative resides or is established. They shall ensure that that information is up to date.

5. The designation of a legal representative within the Union pursuant to paragraph 1 shall not constitute an establishment in the Union.

Or. en

Justification

Only FISPs established in the Union or regulated entities should have access to customer data under FIDA. To protect consumers from potential misuse of their data by third-country entities, ensure better supervision of these entities and a better level playing field, FISPs should only be allowed access to EU customer data if they are established in the EU and authorized by a competent authority, opposing the possibility for non-EU businesses to obtain authorization as FISPs.

Amendment 526

Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation
Article 13

Text proposed by the Commission

Amendment

Article 13

deleted

Legal representatives

1. Financial information service providers that do not have an establishment in the Union but that require access to financial data in the Union shall designate, in writing, a legal or natural person as their legal representative in one of the Member States from where the financial information service provider intends to access financial data.

2. Financial information service providers shall mandate their legal representatives to be addressed in addition to or instead of the financial information service provider by the competent authorities on all issues necessary for the receipt of, compliance with and enforcement of this Regulation. Financial information service providers shall provide their legal representative with the necessary powers and resources to enable them to cooperate with the competent authorities and ensure compliance with their decisions.

3. The designated legal representative may be held liable for non-compliance with obligations under this Regulation, without prejudice to the liability and legal actions that could be initiated against the financial information service provider.

4. Financial information service providers shall notify the name, address, the electronic mail address and telephone number of their legal representative to the competent authority in the Member State where that legal representative resides or is established. They shall ensure that that information is up to date.

5. The designation of a legal representative within the Union pursuant to paragraph 1 shall not constitute an

establishment in the Union.

Or. en

Amendment 527
Frances Fitzgerald

Proposal for a regulation
Article 13 – paragraph 4

Text proposed by the Commission

4. Financial information service providers shall notify the name, address, the electronic mail address and telephone number of their legal representative to the competent authority in the Member State where that legal representative resides or is established. They shall ensure that that information is up to date.

Amendment

4. Financial information service providers shall notify the name, address, the electronic mail address and telephone number of their legal representative to the competent authority in the Member State where that legal representative resides or is established. They shall ensure that that information is up to date ***on an ongoing basis.***

Or. en

Amendment 528
Frances Fitzgerald

Proposal for a regulation
Article 14 – paragraph 1

Text proposed by the Commission

1. The competent authority shall grant an authorisation if the information and evidence accompanying the application complies with of the requirements laid down in Article ***11(1) and (2)***. Before granting an authorisation, the competent authority may, where relevant, consult other relevant public authorities.

Amendment

1. The competent authority shall grant an authorisation if the information and evidence accompanying the application complies with of the requirements laid down in Article ***12(1), (2), and (3), and in the case of third country financial information service providers, Article 14(2)***. Before granting an authorisation, the competent authority may, where relevant, consult other relevant public authorities.

Or. en

Amendment 529

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq

Proposal for a regulation

Article 14 – paragraph 1

Text proposed by the Commission

1. The competent authority shall grant an authorisation if the information and evidence accompanying the application complies with of the requirements laid down in Article 11(1) and (2). Before granting an authorisation, the competent authority *may, where relevant*, consult other relevant public authorities.

Amendment

1. The competent authority shall grant an authorisation if the information and evidence accompanying the application complies with of the requirements laid down in Article 11(1) and (2). Before granting an authorisation, the competent authority *shall*, consult other relevant public authorities, *in particular relevant supervisory authorities under Regulation (EU) 2016/679*.

Or. en

Amendment 530

Stéphanie Yon-Courtin, Gilles Boyer

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

2. *The competent authority shall authorise a third country financial information service provider provided that all the following conditions are met:*

(a) the third country financial information service provider has complied with all conditions laid down in Article 12 and 16;

(b) the third country financial information service provider has designated a legal representative pursuant to Article 13;

(c) where the third country financial information service provider is subject to supervision, the competent authority shall seek to put in place an appropriate cooperation arrangement with the relevant competent authority of the third

Amendment

deleted

country where the financial information service provider is established, to ensure an efficient exchange of information;

(d) the third country where the financial information service provider is established is not listed as a non-cooperative jurisdiction for tax purposes under the relevant Union policy or as a high-risk third-country jurisdiction that presents deficiencies in accordance with Commission Delegated Regulation (EU) 2016/1675.⁴⁴

⁴⁴ *Commission Delegated Regulation (EU) 2016/1675 of 14 July 2016 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council by identifying high-risk third countries with strategic deficiencies*

Or. en

Justification

Only FISPs established in the Union or regulated entities should have access to customer data under FIDA. To protect consumers from potential misuse of their data by third-country entities, ensure better supervision of these entities and a better level playing field, FISPs should only be allowed access to EU customer data if they are established in the EU and authorized by a competent authority, opposing the possibility for non-EU businesses to obtain authorization as FISPs.

Amendment 531

Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation

Article 14 – paragraph 2

Text proposed by the Commission

Amendment

2. The competent authority shall authorise a third country financial information service provider provided that all the following conditions are met:

deleted

(a) the third country financial information service provider has complied with all conditions laid down in Article 12

and 16;

(b) the third country financial information service provider has designated a legal representative pursuant to Article 13;

(c) where the third country financial information service provider is subject to supervision, the competent authority shall seek to put in place an appropriate cooperation arrangement with the relevant competent authority of the third country where the financial information service provider is established, to ensure an efficient exchange of information;

(d) the third country where the financial information service provider is established is not listed as a non-cooperative jurisdiction for tax purposes under the relevant Union policy or as a high-risk third-country jurisdiction that presents deficiencies in accordance with Commission Delegated Regulation (EU) 2016/1675.⁴⁴

⁴⁴ *Commission Delegated Regulation (EU) 2016/1675 of 14 July 2016 supplementing Directive (EU) 2015/849 of the European Parliament and of the Council by identifying high-risk third countries with strategic deficiencies*

Or. en

Amendment 532
Frances Fitzgerald

Proposal for a regulation
Article 14 – paragraph 2 – point c

Text proposed by the Commission

(c) *where* the third country financial information service provider is subject to supervision, the competent authority *shall seek to* put in place an appropriate cooperation arrangement with the relevant

Amendment

(c) the third country financial information service provider is subject to supervision *and* the competent authority *has* put in place an appropriate cooperation arrangement with the relevant competent

competent authority of the third country where the financial information service provider is established, to ensure an efficient exchange of information;

authority of the third country where the financial information service provider is established, to ensure an efficient exchange of information;

Or. en

Amendment 533

Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation

Article 14 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4 a. The competent authority shall grant an authorisation only if it is satisfied that the governance arrangements of the financial information service provider demonstrate that it intends to carry out substantive business activities in the Member State where it has its registered office.

Or. en

Amendment 534

Frances Fitzgerald

Proposal for a regulation

Article 14 – paragraph 5

Text proposed by the Commission

Amendment

5. The competent authority shall grant an authorisation only if it is satisfied that any outsourcing arrangements **will not render the financial information service provider a letterbox entity** or that they are not undertaken as a means to circumvent the provisions of this Regulation.

5. The competent authority shall grant an authorisation only if it is satisfied that any outsourcing arrangements **is not being carried out for the purposes of benefitting from a regulatory framework in a jurisdiction in which they have little or no material operations** or that they are not undertaken as a means to circumvent the provisions of this Regulation.

Or. en

Amendment 535

Lídia Pereira

Proposal for a regulation

Article 14 – paragraph 6

Text proposed by the Commission

6. Within 3 months of receipt of an application or, if the application is incomplete, of all of the information required for the decision, the competent authority shall inform the applicant whether the authorisation is granted or refused. The competent authority shall **give reasons** where it refuses an authorisation.

Amendment

6. Within 2 months of receipt of an application or, if the application is incomplete, of all of the information required for the decision, the competent authority shall inform the applicant whether the authorisation is granted or refused. The competent authority shall **present to the applicant a detailed report on the grounds of its decision** where it refuses an authorisation.

Or. en

Amendment 536

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq

Proposal for a regulation

Article 14 – paragraph 7 – subparagraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) if a supervisory authority under Regulation (EU) 2016/679 establishes that a financial information service provider has breached its obligations under EU data protection laws;

Or. en

Amendment 537

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 14 – paragraph 7 – subparagraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(d a) would be found in breach of Regulation (EU) 2016/679. Supervisory authorities established under article 51 of the same Regulation shall be the ones to notify that an infringement has been established.

Or. en

Amendment 538
Frances Fitzgerald

Proposal for a regulation
Article 14 – paragraph 7 – subparagraph 2

Text proposed by the Commission

Amendment

The competent authority shall give reasons for any withdrawal of an authorisation and shall inform those concerned accordingly. The competent authority shall make public the withdrawal of an authorisation, ***in an anonymised version.***

The competent authority shall give reasons for any withdrawal of an authorisation and shall inform those concerned accordingly. The competent authority shall make public the withdrawal of an authorisation.

Or. en

Amendment 539
Ville Niinistö
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 14 – paragraph 7 a (new)

Text proposed by the Commission

Amendment

7 a. An appropriate remuneration scheme shall be put in place in the financial data sharing schemes to enable consumer participation in their governance.

Or. en

Amendment 540
Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation
Article 15 – paragraph 1 – point a

Text proposed by the Commission

(a) the authorised financial information service providers.

Amendment

(a) the authorised financial information service providers, ***including the name, the address and, where applicable, the authorisation number, and a description of the financial information services offered;***

Or. en

Amendment 541
Frances Fitzgerald

Proposal for a regulation
Article 15 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(c a) The information listed in Article 28(2).

Or. en

Amendment 542
Frances Fitzgerald

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

Amendment

2. The register referred to in paragraph 1 shall only contain anonymised data.

deleted

Or. en

Amendment 543
Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation
Article 15 – paragraph 2

Text proposed by the Commission

Amendment

2. *The register referred to in paragraph 1 shall only contain anonymised data.*

deleted

Or. en

Amendment 544
Frances Fitzgerald

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission

Amendment

3. The register shall be publicly available on EBA's website and shall allow for easy searching and accessing the information listed.

3. The register shall be publicly available on EBA's website and shall allow for easy searching and accessing the information listed ***and should be machine readable.***

Or. en

Amendment 545
Lídia Pereira

Proposal for a regulation
Article 15 – paragraph 3

Text proposed by the Commission

Amendment

3. The register shall be publicly available on EBA's website and shall allow for easy searching and accessing the information listed.

3. The register shall be publicly available on EBA's website and shall allow for easy searching and accessing the information listed, ***free of charge.***

Or. en

Alignment with PSD3

Amendment 546
Frances Fitzgerald

Proposal for a regulation
Article 15 – paragraph 5

Text proposed by the Commission

5. The competent authorities of Member States shall communicate without delay to EBA the information necessary to fulfil its tasks pursuant to paragraphs 1 **and 3**. Competent authorities shall be responsible for the accuracy of the information specified in paragraphs 1 and 3 and for keeping that information up to date. They shall, where technically possible, transmit this information to EBA in an automated way.

Amendment

5. The competent authorities of Member States shall communicate without delay to EBA the information necessary to fulfil its tasks pursuant to paragraphs 1, **3, and 4**. Competent authorities shall be responsible for the accuracy of the information specified in paragraphs 1 and 3 and for keeping that information up to date. They shall, where technically possible, transmit this information to EBA in an automated way.

Or. en

Amendment 547
Lídia Pereira

Proposal for a regulation
Article 18 – paragraph 1 – subparagraph 1 – point b – point viii

Text proposed by the Commission

(viii) to request the freezing or sequestration of assets, or both;

Amendment

(viii) to request the freezing or sequestration of assets, or both, ***in accordance to relevant national law***;

Or. en

Amendment 548
Michiel Hoogeveen

Proposal for a regulation
Article 18 – paragraph 1 – subparagraph 1 – point c – point iii

Text proposed by the Commission

Amendment

(iii) to order domain registries or registrars to delete a fully qualified domain name and to allow the competent authority concerned to **record such deletion**.

(iii) **where appropriate**, to order domain registries or registrars to delete a fully qualified domain name and to allow the competent authority concerned to **register it**.

Or. en

Justification

This amendment aims at more closely aligning this provision with existing EU legislation in the area of consumer protection, i.e. the Consumer Protection Cooperation Regulation (Regulation (EU) 2017/2394), particularly Article 9(4)(g)(iii) thereof. Technical action at domain name level needs to be specified to ensure that the competent authority has control over the ownership of the domain name.

Amendment 549

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

Complaints

Without prejudice to any other administrative or judicial remedy, natural and legal persons shall have the right to lodge a complaint, individually or, where relevant, collectively, with the competent authorities of article 17 of this Regulation related to the provisions of this Regulation. Where the complaint concerns the rights of natural persons pursuant to Regulation (EU) 2016/679 the competent authority shall transmit the complaint to the supervisory authorities under Regulation (EU) 2016/679 and shall consult and cooperate with them in the handling of such complaints.

Or. en

Amendment 550

Marco Zanni, Valentino Grant, Antonio Maria Rinaldi

Proposal for a regulation

Article 20 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) a public statement indicating the natural or legal person responsible and the nature of the infringement;

deleted

Or. en

Amendment 551

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 20 – paragraph 3 – point f

Text proposed by the Commission

Amendment

(f) in the case of a natural person, maximum administrative fines of up to EUR 25 000 per infringement and up to a total of EUR 250 000 per year, or, in the Member States whose official currency is not the euro, the corresponding value in the official currency of that Member State on ... [OP please insert the date of entry into force of this Regulation].

(f) in the case of a natural person, maximum administrative fines of up to EUR 5 000 000 per year, or, in the Member States whose official currency is not the euro, the corresponding value in the official currency of that Member State on ... [OP please insert the date of entry into force of this Regulation].

Or. en

Justification

Aligned with PSR

Amendment 552

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq

Proposal for a regulation

Article 20 – paragraph 3 – point f

Text proposed by the Commission

Amendment

(f) in the case of a natural person, maximum administrative fines of up to EUR **25 000** per infringement and up to a total of EUR **250 000** per year, or, in the Member States whose official currency is not the euro, the corresponding value in the official currency of that Member State on ... [OP please insert the date of entry into force of this Regulation].

(f) in the case of a natural person, maximum administrative fines of up to EUR **50 000** per infringement and up to a total of EUR **500 000** per year, or, in the Member States whose official currency is not the euro, the corresponding value in the official currency of that Member State on ... [OP please insert the date of entry into force of this Regulation]. .

Or. en

Amendment 553

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 20 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) up to EUR 50 000 per infringement and up to a total of EUR 500 000 per year, or, in the Member States whose official currency is not the euro, the corresponding value in the official currency of that Member State on ... [OP please insert the date of entry into force of this Regulation];

deleted

Or. en

Amendment 554

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq

Proposal for a regulation

Article 20 – paragraph 4 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) up to EUR 50 000 per infringement and up to a total of EUR 500 000 per year, or, in the Member States whose official currency is not the euro, the

(a) up to a total of EUR 5 000 000 per year, or, in the Member States whose official currency is not the euro, the corresponding value in the official

corresponding value in the official currency of that Member State on ... [OP please insert the date of entry into force of this Regulation];

currency of that Member State on ... [OP please insert the date of entry into force of this Regulation];

Or. en

Amendment 555

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 20 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) **2%** of the total annual turnover of the legal person according to the last available financial statements approved by the management body;

(b) **10%** of the total **worldwide** annual turnover of the legal person **of the preceding financial year**, according to the last available financial statements approved by the management body;

Or. en

Justification

Aligned with PSR and GDPR

Amendment 556

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq

Proposal for a regulation

Article 20 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) **2%** of the total annual turnover of the legal person according to the last available financial statements approved by the management body;

(b) **10%** of the total annual turnover of the legal person according to the last available financial statements approved by the management body;

Or. en

Amendment 557

Ville Niinistö
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 22 – paragraph 1 – point a

Text proposed by the Commission

(a) the gravity and the duration of the breach;

Amendment

(a) the ***nature***, gravity and the duration of the breach ***taking into account the nature scope or purpose of the processing concerned as well as the number of data subjects affected and the level of damage suffered by them***;

Or. en

Amendment 558
Ville Niinistö
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 22 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(f a) the categories of personal data affected by the infringement;

Or. en

Amendment 559
Ville Niinistö
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 22 – paragraph 1 – point k a (new)

Text proposed by the Commission

Amendment

(k a) the manner in which the infringement became known to the supervisory authority, in particular whether, and if so to what extent, the controller or processor notified the infringement;

Amendment 560
Ondřej Kovařík

Proposal for a regulation
Article 27 a (new)

Text proposed by the Commission

Amendment

Article 27a

Competent Authorities Role in the Setting up of Financial Data Sharing Schemes

Competent authorities may be consulted on market-driven initiatives as regards the setting up of Financial Data Sharing Schemes as provided in Article 9. In such a consultative role they may share non-sensitive data in order to assist in setting up such schemes, with the aim of promoting standardisation, customer friendly interfaces, and sharing best practices.

Amendment 561
Ondřej Kovařík, Martin Hlaváček

Proposal for a regulation
Article 30 – paragraph 2

Text proposed by the Commission

Amendment

2. The power to adopt the delegated act referred to in Article 11, shall be conferred on the Commission for a period of XX months from ... [OP please insert: date of entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the XX-month period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament

deleted

or the Council opposes such extension not later than three months before the end of each period.

Or. en

Amendment 562

Ondřej Kovařík, Martin Hlaváček

Proposal for a regulation

Article 30 – paragraph 3

Text proposed by the Commission

Amendment

3. The delegation of powers referred to in Article 11, may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

deleted

Or. en

Amendment 563

Frances Fitzgerald

Proposal for a regulation

Article 30 – paragraph 3

Text proposed by the Commission

Amendment

3. The delegation of powers referred to in Article 11, may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified

3. The delegation of powers referred to in **Article 2(4a), Article 2(4b), and** Article 11, may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union

therein. It shall not affect the validity of any delegated acts already in force.

or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Or. en

Amendment 564

Markus Ferber

Proposal for a regulation

Article 30 – paragraph 4

Text proposed by the Commission

4. Before adopting a delegated act, the Commission shall consult experts *signed* by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Amendment

4. Before adopting a delegated act, the Commission shall consult *stakeholders* *and* experts *designated* by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.

Or. en

Amendment 565

Ondřej Kovařík, Martin Hlaváček

Proposal for a regulation

Article 30 – paragraph 6

Text proposed by the Commission

6. *A delegated act adopted pursuant to Article 11, shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of three months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months on the initiative of the European Parliament or of the Council.*

Amendment

deleted

Amendment 566
Frances Fitzgerald

Proposal for a regulation
Article 30 – paragraph 6

Text proposed by the Commission

6. A delegated act adopted pursuant to Article 11, shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of three months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months on the initiative of the European Parliament or of the Council.

Amendment

6. A delegated act adopted pursuant to **Article 2(4a), Article 2(4b), and** Article 11, shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of three months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months on the initiative of the European Parliament or of the Council.

Or. en

Amendment 567
Frances Fitzgerald

Proposal for a regulation
Article 30 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6 a. When applying Article 2(4a), Article 2(4b), and Article 11, the European Commission shall consult with all relevant stakeholders and the European Supervisory Authorities for the development and amendment of use cases.

Or. en

Amendment 568

Lídia Pereira

Proposal for a regulation

Article 31 – paragraph 1 – introductory part

Text proposed by the Commission

1. By [OP please insert the date = **4** years after the date of entry into application of this Regulation, the Commission shall carry out an evaluation of this Regulation and submit a report on its main findings to the European Parliament and to the Council as well as to the European Economic and Social Committee. That evaluation shall assess, in particular:

Amendment

1. By [OP please insert the date = **5** years after the date of entry into application of this Regulation, the Commission shall carry out an evaluation of this Regulation and submit a report on its main findings to the European Parliament and to the Council as well as to the European Economic and Social Committee. That evaluation shall assess, in particular:

Or. en

Amendment 569

Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation

Article 31 – paragraph 1 – introductory part

Text proposed by the Commission

1. By [OP please insert the date = **4** years after the date of entry into application of this Regulation, the Commission shall carry out an evaluation of this Regulation and submit a report on its main findings to the European Parliament and to the Council as well as to the European Economic and Social Committee. That evaluation shall assess, in particular:

Amendment

1. By [OP please insert the date = **8** years after the date of entry into application of this Regulation, the Commission shall carry out an evaluation of this Regulation and submit a report on its main findings to the European Parliament and to the Council as well as to the European Economic and Social Committee. That evaluation shall assess, in particular:

Or. en

Amendment 570

Fulvio Martusciello, Herbert Dorfmann

Proposal for a regulation

Article 31 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the exclusion from the scope of certain categories of data and entities;

deleted

Or. en

Amendment 571

Isabel Benjumea Benjumea

Proposal for a regulation

Article 31 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) the inclusion of other types of entities *to those entities granted the right of access to data.*

(d) the inclusion of other types of entities *on the list of data holders and data users set up under this Regulation, including the inclusion of certain categories of entities on a voluntary basis;*

Or. es

Amendment 572

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 31 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(e a) the impact the Regulation has had on financial inclusion and financial product and services simplicity;

Or. en

Amendment 573

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq

Proposal for a regulation

Article 31 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(e a) the impact of the regulation on financial exclusion.

Or. en

Amendment 574

Lídia Pereira

Proposal for a regulation

Article 31 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(e a) the adequacy of the administrative penalties and measures.

Or. en

Amendment 575

Isabel Benjumea Benjumea

Proposal for a regulation

Article 31 – paragraph 1 – point e a (new)

Text proposed by the Commission

Amendment

(ea) costs of compliance with this Regulation.

Or. es

Amendment 576

Ville Niinistö

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 31 – paragraph 1 – point e b (new)

Text proposed by the Commission

Amendment

(e b) the impact of this Regulation on sustainable finance.

Amendment 577

Eero Heinäluoma, Jonás Fernández, Costas Mavrides, Aurore Lalucq

Proposal for a regulation

Article 31 – paragraph 2

Text proposed by the Commission

Amendment

2. By [OP please insert the date = 4 years after the date of entry into force of this Regulation, the Commission shall submit a report to the European Parliament and the Council assessing the conditions for access to financial data applicable to account information service providers under this Regulation and under Directive (EU) 2015/2366. The report can be accompanied, if deemed appropriate, by a legislative proposal.

deleted

Or. en

Amendment 578

Lídia Pereira

Proposal for a regulation

Article 31 – paragraph 2

Text proposed by the Commission

Amendment

2. By [OP please insert the date = 4 years after the date of entry into force of this Regulation, the Commission shall submit a report to the European Parliament and the Council assessing the conditions for access to financial data applicable to account information service providers under this Regulation and under Directive (EU) 2015/2366. The report can be accompanied, if deemed appropriate, by a legislative proposal.

2. By [OP please insert the date = 5 years after the date of entry into force of this Regulation, the Commission shall submit a report to the European Parliament and the Council assessing the conditions for access to financial data applicable to account information service providers under this Regulation and under Directive (EU) 2015/2366. The report can be accompanied, if deemed appropriate, by a legislative proposal.

Or. en

Amendment 579
Frances Fitzgerald

Proposal for a regulation
Article 36 – paragraph 2

Text proposed by the Commission

It shall apply from [OP please insert the date = **24** months after the date of entry into force of this Regulation]. However, Articles 9 to 13 shall apply from [OP please insert the date = 18 months after the date of entry into force of this Regulation].

Amendment

It shall apply from [OP please insert the date = **24** months after the date of entry into force of this Regulation]. However, Articles 9 to 13 shall apply from [OP please insert the date = 18 months after the date of entry into force of this Regulation]. ***The application of this Regulation shall be congruent with the application dates of Regulation (EU) ... [XXX - PSR] and Directive (EU) ... [XXX - PSD3] and no earlier.***

Or. en

Amendment 580
Lídia Pereira

Proposal for a regulation
Article 36 – paragraph 2

Text proposed by the Commission

It shall apply from [OP please insert the date = **24** months after the date of entry into force of this Regulation]. ***However, Articles 9 to 13 shall apply from [OP please insert the date = 18 months after the date of entry into force of this Regulation].***

Amendment

It shall apply from [OP please insert the date = **36** months after the date of entry into force of this Regulation].

Or. en

Amendment 581
Fabio Massimo Castaldo

Proposal for a regulation

Article 36 – paragraph 2

Text proposed by the Commission

It shall apply from [OP please insert the date = 24 months after the date of entry into force of this Regulation]. **However, Articles 9 to 13 shall apply from [OP please insert the date = 18 months after the date of entry into force of this Regulation].**

Amendment

It shall apply from [OP please insert the date = 24 months after the date of entry into force of this Regulation].

Or. en

Amendment 582

Marco Zanni, Valentino Grant, Antonio Maria Rinaldi

Proposal for a regulation

Article 36 – paragraph 2

Text proposed by the Commission

It shall apply from [OP please insert the date = **24** months after the date of entry into force of this Regulation]. However, Articles 9 to 13 shall apply from [OP please insert the date = **18** months after the date of entry into force of this Regulation].

Amendment

It shall apply from [OP please insert the date = **48** months after the date of entry into force of this Regulation]. However, Articles 9 to 13 shall apply from [OP please insert the date = **36, 48 60** months after the date of entry into force of this Regulation].

Or. en

Amendment 583

Ondřej Kovařík, Martin Hlaváček

Proposal for a regulation

Article 36 – paragraph 2

Text proposed by the Commission

It shall apply from [OP please insert the date = **24** months after the date of entry into force of this Regulation]. However, Articles 9 to 13 shall apply from [OP please insert the date = **18** months after the date of entry into force of this Regulation].

Amendment

It shall apply from [OP please insert the date = **42** months after the date of entry into force of this Regulation]. However, Articles 9 to 13 shall apply from [OP please insert the date = **36** months after the date of entry into force of this Regulation].

Amendment 584
Giuseppe Ferrandino

Proposal for a regulation
Article 36 – paragraph 2

Text proposed by the Commission

It shall apply from [OP please insert the date = **24** months after the date of entry into force of this Regulation]. However, Articles 9 to 13 shall apply from [OP please insert the date = **18** months after the date of entry into force of this Regulation].

Amendment

It shall apply from [OP please insert the date = **36** months after the date of entry into force of this Regulation]. However, Articles 9 to 13 shall apply from [OP please insert the date = **24** months after the date of entry into force of this Regulation].

Or. en

Justification

It is suggested to extend the proposed implementation period for the FIDA Regulation from 24 to 36 months and to postpone the development period for FDSS from 18 to 24 months. This extension would provide data users and data holders with sufficient time to develop practical and secure data-sharing frameworks, ultimately resulting in improved outcomes for both firms and clients.

Amendment 585
Markus Ferber

Proposal for a regulation
Article 36 – paragraph 2

Text proposed by the Commission

It shall apply from [OP please insert the date = **24 months** after the date of entry into force of this Regulation]. However, Articles 9 to 13 shall apply from [OP please insert the date = **18** months after the date of entry into force of this Regulation].

Amendment

It shall apply from [OP please insert the date = **30months** after the date of entry into force of this Regulation]. However, Articles 9 to 13 shall apply from [OP please insert the date = **24** months after the date of entry into force of this Regulation].

Or. en

Amendment 586

Isabel Benjumea Benjumea

**Proposal for a regulation
Article 36 – paragraph 2**

Text proposed by the Commission

It shall apply from [OP please insert the date = **24** months after the date of entry into force of this Regulation]. However, Articles 9 to 13 shall apply from [OP please insert the date = **18** months after the date of entry into force of this Regulation].

Amendment

It shall apply from [OP please insert the date = **30** months after the date of entry into force of this Regulation]. However, Articles 9 to 13 shall apply from [OP please insert the date = **24** months after the date of entry into force of this Regulation].

Or. es

**Amendment 587
Fulvio Martusciello, Herbert Dorfmann**

**Proposal for a regulation
Article 36 – paragraph 2**

Text proposed by the Commission

It shall apply from [OP please insert the date = **24** months after the date of entry into force of this Regulation]. However, Articles 9 to 13 shall apply from [OP please insert the date = **18** months after the date of entry into force of this Regulation].

Amendment

It shall apply from [OP please insert the date = **48** months after the date of entry into force of this Regulation]. However, Articles 9 to 13 shall apply from [OP please insert the date = **36, 48 60** months after the date of entry into force of this Regulation].

Or. en

**Amendment 588
Markus Ferber**

**Proposal for a regulation
Article 36 a (new)**

Text proposed by the Commission

Amendment

Article 36a

Review

Five years after entry into force of this regulation, the European Commission

shall review the application of this regulation and present a report to the European Parliament and the Council.

The report shall assess in particular:

(a) whether the scope should be extended to data collected for the purposes of carrying out an assessment of suitability and appropriateness and what legislative changes would be warranted to allow for such an extension of the scope;

(b) whether the financial data schemes introduced in this regulation work as intended, in particular for small and medium-sized companies;

(c) the impact on overall competition and market structure;

Where appropriate, the report shall be accompanied by a legislative proposal.

Or. en