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Committee on Industry, Research and Energy

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AMENDMENTS
109 - 299

Draft report
Angelika Niebler
(PE691.139v03-00)

European data governance (Data Governance Act)

Proposal for a regulation
(COM(2020)0767 – C9-0377/2020 – 2020/0340(COD))

Amendment 109
François-Xavier Bellamy

Proposal for a regulation
Recital 1

Text proposed by the Commission	*Amendment*
(1) The Treaty on the functioning of the European Union ('TFEU') provides for the establishment of an internal market and the institution of a system ensuring that competition in the internal market is not distorted. The establishment of common rules and practices in the Member States relating to the development of a framework for data governance should contribute to the achievement of those objectives.	(1) The Treaty on the functioning of the European Union ('TFEU') provides for the establishment of an internal market and the institution of a system ensuring that competition in the internal market is not distorted. The establishment of common rules and practices in the Member States relating to the development of a framework for data governance should contribute to the achievement of those objectives. ***It should also guarantee security, geopolitical resilience, and strategic autonomy of the Union.***

Or. en

Amendment 110
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 1

Text proposed by the Commission	*Amendment*
(1) The Treaty on the functioning of the European Union ('TFEU') provides for the establishment of an internal market and the institution of a system ensuring that competition in the internal market is not distorted. The establishment of common rules and practices in the Member States relating to the development of a framework for data governance should contribute to the achievement of those objectives.	(1) The Treaty on the functioning of the European Union ('TFEU') provides for the establishment of an internal market and the institution of a system ensuring that competition in the internal market is not distorted. The establishment of common rules and practices in the Member States relating to the development of a framework for data governance ***embedded fundamental rights-based European values*** should contribute to the achievement of those objectives.

Or. en

Amendment 111
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission	*Amendment*
	(1 a) Both Article 6(2) of the Treaty on European Union and Article 51 of the EU Charter of Fundamental Rights require the Union to respect fundamental rights, observe the principles and promote the application thereof.

Or. en

Amendment 112
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 2

Text proposed by the Commission	*Amendment*
(2) Over the last few years, digital technologies have transformed the economy and society, affecting all sectors of activity and daily life. Data is at the centre of this transformation: data-driven innovation will bring enormous benefits for citizens, for example through improved personalised medicine, new mobility, and its contribution to the European Green Deal[23] . In its Data Strategy[24] , the Commission described the vision of a common European data space, a Single Market for data in which data could be used irrespective of its physical location of storage in the Union in compliance with applicable law. It also called for the free and safe flow of data with third countries, subject to exceptions and restrictions for public security, public order and other	(2) Over the last few years, digital technologies have transformed the economy and society, affecting all sectors of activity and daily life***, and the COVID19 crisis is likely to result in permanent changes to life in Europe, in which digitalisation will have a major role***. Data is at the centre of this transformation: data-driven innovation will bring enormous benefits ***both*** for citizens ***and the economy***, for example through improved personalised medicine, new mobility, and its contribution to the European Green Deal[23] . In its Data Strategy[24] , the Commission described the vision of a common European data space, a Single Market for data in which data could be used irrespective of its physical location of storage in the Union in compliance with

legitimate public policy objectives of the European Union, in line with international obligations. In order to turn that vision into reality, it proposes to establish domain-specific common European data spaces, as the concrete arrangements in which data sharing and data pooling can happen. As foreseen in that strategy, such common European data spaces can cover areas such as health, mobility, manufacturing, financial services, energy, or agriculture or thematic areas, such as the European green deal or European data spaces for public administration or skills.	applicable law. It also called for the free and safe flow of data with third countries, subject to exceptions and restrictions for public security, public order and other legitimate public policy objectives of the European Union, in line with international obligations. In order to turn that vision into reality, it proposes to establish domain-specific common European data spaces, as the concrete arrangements in which data sharing and data pooling can happen. As foreseen in that strategy, such common European data spaces can cover areas such as health, mobility, manufacturing, financial services, energy, or agriculture or thematic areas, such as the European green deal or European data spaces for public administration or skills. ***COVID 19 is also widening the digital gap, especially the gender gap as women's digital literacy is lagging behind while the majority of services are digitalised. It is necessary to promote gender balance in the digital sector, bearing in mind the way people and companies use ICT and other digital technologies to work and interact in the new digital society.***
[23] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the European Green Deal. Brussels, 11.12.2019. (COM(2019) 640 final)	[23] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the European Green Deal. Brussels, 11.12.2019. (COM(2019) 640 final)
[24] COM (2020) 66 final.	[24] COM (2020) 66 final.

Or. en

Amendment 113
Nicola Danti, Ivars Ijabs, Andrus Ansip, Klemen Grošelj, Martina Dlabajová, Dragoș Pîslaru, Iskra Mihaylova, Christophe Grudler, Sandro Gozi, Bart Groothuis, Valérie Hayer, Susana Solís Pérez

Proposal for a regulation
Recital 2

Text proposed by the Commission	*Amendment*
(2) Over the last few years, digital technologies have transformed the economy and society, affecting all sectors of activity and daily life. Data is at the centre of this transformation: data-driven innovation will bring enormous benefits for citizens, for example through improved personalised medicine, new mobility, and its contribution to the European Green Deal[23] . In its Data Strategy[24] , the Commission described the vision of a common European data space, a Single Market for data in which data could be used irrespective of its physical location of storage in the Union in compliance with applicable law. It also called for the free and safe flow of data with third countries, subject to exceptions and restrictions for public security, public order and other legitimate public policy objectives of the European Union, in line with international obligations. In order to turn that vision into reality, it proposes to establish domain-specific common European data spaces, as the concrete arrangements in which data sharing and data pooling can happen. As foreseen in that strategy, such common European data spaces can cover areas such as health, mobility, manufacturing, financial services, energy, or agriculture or thematic areas, such as the European green deal or European data spaces for public administration or skills.	(2) Over the last few years, digital technologies have transformed the economy and society, affecting all sectors of activity and daily life. Data is at the centre of this transformation: data-driven innovation will bring enormous benefits for citizens, for example through improved personalised medicine, new mobility, and its contribution to the European Green Deal[23] . ***The data economy has to be built in a way to enable companies, especially micro, small and medium sized enterprises (SMEs) to thrive, ensuring data access neutrality, portability and interoperability.*** In its Data Strategy[24] , the Commission described the vision of a common European data space, a Single Market for data in which data could be used irrespective of its physical location of storage in the Union in compliance with applicable law***, which can be pivotal for the rapid development of Artificial Intelligence technologies***. It also called for the free and safe flow of data with third countries, subject to exceptions and restrictions for public security, public order and other legitimate public policy objectives of the European Union, in line with international obligations. In order to turn that vision into reality, it proposes to establish domain-specific common European data spaces, as the concrete arrangements in which data sharing and data pooling can happen. As foreseen in that strategy, such common European data spaces can cover areas such as health, mobility, manufacturing, financial services, energy, or agriculture or thematic areas, such as the European green deal or European data spaces for public administration or skills.
[23] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the	[23] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the

Committee of the Regions on the European Green Deal. Brussels, 11.12.2019. (COM(2019) 640 final)

[24] COM (2020) 66 final.

Committee of the Regions on the European Green Deal. Brussels, 11.12.2019. (COM(2019) 640 final)

[24] COM (2020) 66 final.

Or. en

Amendment 114
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 2

Text proposed by the Commission	*Amendment*
(2) Over the last few years, digital technologies have transformed the economy and society, affecting all sectors of activity and daily life. Data is at the centre of this transformation: data-driven innovation will bring enormous benefits for citizens, for example through improved personalised medicine, new mobility, and its contribution to the European Green Deal[23] . In its Data Strategy[24] , the Commission described the vision of a common European data space, a Single Market for data in which data could be used irrespective of its physical location of storage in the Union in compliance with applicable law. It also called for the free and safe flow of data with third countries, subject to exceptions and restrictions for public security, public order and other legitimate public policy objectives of the European Union, ***in line with*** international ***obligations***. In order to turn that vision into reality, it proposes to establish domain-specific common European data spaces, as the concrete arrangements in which data sharing and data pooling can happen. As foreseen in that strategy, such common European data spaces can cover areas such as health, mobility, manufacturing, financial services, energy, or agriculture or thematic areas, such as the European green	(2) Over the last few years, digital technologies have transformed the economy and society, affecting all sectors of activity and daily life. Data is at the centre of this transformation: data-driven innovation will bring enormous benefits for citizens, for example through improved personalised medicine, new mobility, and its contribution to the European Green Deal[23] . In its Data Strategy[24] , the Commission described the vision of a common European data space, a Single Market for data in which data could be used irrespective of its physical location of storage in the Union in compliance with applicable law. It also called for the free and safe flow of data with third countries, subject to exceptions and restrictions for ***fundamental rights,*** public security, public order and other legitimate public policy objectives of the European Union, ***and promote the European aquis at*** international ***level***. In order to turn that vision into reality, it proposes to establish domain-specific common European data spaces, as the concrete arrangements in which data sharing and data pooling can happen. As foreseen in that strategy, such common European data spaces can cover areas such as health, mobility, manufacturing, financial services, energy,

deal or European data spaces for public administration or skills.

[23] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the European Green Deal. Brussels, 11.12.2019. (COM(2019) 640 final)

[24] COM (2020) 66 final.

or agriculture or thematic areas, such as the European green deal or European data spaces for public administration or skills.

[23] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the European Green Deal. Brussels, 11.12.2019. (COM(2019) 640 final)

[24] COM (2020) 66 final.

Or. en

Amendment 115
Dace Melbārde
on behalf of the ECR Group
Evžen Tošenovský

Proposal for a regulation
Recital 2

Text proposed by the Commission	*Amendment*
(2) ***Over the last few years,*** digital technologies have ***transformed*** the economy and society, affecting all sectors of activity and daily life. Data is at the centre of this transformation: data-driven innovation will bring enormous benefits for citizens, for example through improved personalised medicine, new mobility, and its contribution to the European Green Deal[23] . In its Data Strategy[24] , the Commission described the vision of a common European data space, a Single Market for data in which data could be used irrespective of its physical location of storage in the Union in compliance with applicable law. It also called for the free and safe flow of data with third countries, subject to exceptions and restrictions for public security, public order and other legitimate public policy objectives of the European Union, in line with international obligations. In order to turn that vision into	(2) Digital technologies have ***the potential to transform*** the economy and society, affecting all sectors of activity and daily life. ***Productive use of*** data is at the centre of this transformation: data-driven innovation will bring enormous benefits for ***both economies and*** citizens, for example through improved personalised medicine, new mobility, and its contribution to the European Green Deal[23] . In its Data Strategy[24] , the Commission described the vision of a common European data space, a Single Market for data in which data could be used irrespective of its physical location of storage in the Union in compliance with applicable law. It also called for the free and safe flow of data with third countries, subject to exceptions and restrictions for public security, public order and other legitimate public policy objectives of the European Union, in line with international obligations. In order to turn that vision into

reality, it proposes to establish domain-specific common European data spaces, as the concrete arrangements in which data sharing and data pooling can happen. As foreseen in that strategy, such common European data spaces can cover areas such as health, mobility, manufacturing, financial services, energy, or agriculture or thematic areas, such as the European green deal or European data spaces for public administration or skills.

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[23] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the European Green Deal. Brussels, 11.12.2019. (COM(2019) 640 final)

[24] COM (2020) 66 final.

reality, it proposes to establish domain-specific common European data spaces, as the concrete arrangements in which data sharing and data pooling can happen. As foreseen in that strategy, such common European data spaces can cover areas such as health, mobility, manufacturing, financial services, energy, or agriculture or thematic areas, such as the European green deal or European data spaces for public administration or skills.

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[23] Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the European Green Deal. Brussels, 11.12.2019. (COM(2019) 640 final)

[24] COM (2020) 66 final.

Or. en

Amendment 116
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission	*Amendment*
	(2 a) The Union's growth potential depends on the skills of its population and workforce. Bearing in mind that 42% of EU citizens lack basic digital skills, a key element to increase trust from citizens in intensifying data sharing will be to actively promote digital literacy, to reinforce education and training in that area and to ensure lifelong data literacy. This is necessary for a critical analysis to decide how to use and share data, for combating disinformation and building an active digital citizenship as well as to be protected from cybersecurity threats.

Or. en

Amendment 117
Patrizia Toia, Franco Roberti

Proposal for a regulation
Recital 2 a (new)

Text proposed by the Commission	*Amendment*
	(2 a) The outbreak of COVID 19 pandemic has clearly exacerbated existing inequalities in respect of digital access and literacy, in particular in terms of gender, age and social backgrounds. Accordingly, data literacy should be part of the strategic actions to reduce social inequalities and to promote a socially balanced digital environment.

Or. en

Amendment 118
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 2 b (new)

Text proposed by the Commission	*Amendment*
	(2 b) The Union has to devote attention to the needs of building of data spaces and data economy, while particular attention should be given to software engineering and attracting talent to ICT sector in order to build European know-how focusing on next-generation and cutting-edge technologies.

Or. en

Amendment 119
Miapetra Kumpula-Natri

on behalf of the S&D Group

Proposal for a regulation
Recital 2 c (new)

Text proposed by the Commission	*Amendment*
	(2 c) Action at Union level is necessary to address the fact that women are under-represented at all levels in the digital sector in Europe; from students (32% at Bachelor, Master or equivalent level) up to top academic positions (15%) and that the gender gap is largest in ICT specialist skills and employment, where only 18% are women[1a].
	[1a] https://ec.europa.eu/digital-single-market/en/news/digital-economy-scoreboard-shows-women-europe-are-less-likely-work-or-be-skilled-ictgender gap in digital

Or. en

Amendment 120
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 2 d (new)

Text proposed by the Commission	*Amendment*
	(2 d) Another crucial element to increase trust, part of the broad learning aspect, is establishing a public dialogue to raise awareness of the importance of data, facilitating correct data, protecting data rights holders and providing tools for critical assessment to benefit from data, while protecting the rights of data holders.

Or. en

Amendment 121
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 2 e (new)

Text proposed by the Commission	*Amendment*
	(2 e) Digital Europe Programme, among other EU and national programmes, should support the cooperation towards achieving a European ecosystem for trusted data sharing (via common European data spaces) and digital infrastructures, as well as to support the interoperability and standardisation. Fostering the common data spaces must be done in respect with consumer and data protection legislation. It is also important to strengthen the European Digital Innovation Hubs and their network to help companies, especially SMEs, to achieve an advantage of European data economy.

Or. en

Amendment 122
Antonio Tajani, Andrea Caroppo, Salvatore De Meo, Aldo Patriciello, Massimiliano Salini

Proposal for a regulation
Recital 3

Text proposed by the Commission	*Amendment*
(3) It is necessary to improve the conditions for data sharing in the internal market, by creating a harmonised framework for data exchanges. Sector-specific legislation can develop, adapt and propose new and complementary elements, depending on the specificities of the sector, such as the envisaged legislation on the European health data space[25] and on access to vehicle data. Moreover, certain sectors of the economy are already regulated by	(3) It is necessary to improve the conditions for data sharing in the internal market, by creating a harmonised framework for data exchanges ***and by improving trust among industrial stakeholders, namely digital service providers and business users. It is important to ensure data access neutrality and greater interoperability between different data intermediary, avoiding lock-in effects***. Sector-specific legislation can

sector-specific Union law that include rules relating to cross-border or Union wide sharing or access to data[26] . This Regulation is therefore without prejudice to Regulation (EU) 2016/679 of the European Parliament and of the Council ([27]), and in particular the implementation of this Regulation shall not prevent cross border transfers of data in accordance with Chapter V of Regulation (EU) 2016/679 from taking place, Directive (EU) 2016/680 of the European Parliament and of the Council ([28]), Directive (EU) 2016/943 of the European Parliament and of the Council ([29]), Regulation (EU) 2018/1807 of the European Parliament and of the Council ([30]), Regulation (EC) No 223/2009 of the European Parliament and of the Council ([31]), Directive 2000/31/EC of the European Parliament and of the Council ([32]), Directive 2001/29/EC of the European Parliament and of the Council ([33]), Directive (EU) 2019/790 of the European Parliament and of the Council ([34]), Directive 2004/48/EC of the European Parliament and of the Council ([35]), Directive (EU) 2019/1024 of the European Parliament and of the Council ([36]), as well as Regulation 2018/858/EU of the European Parliament and of the Council ([37]), Directive 2010/40/EU of the European Parliament and of the Council ([38]) and Delegated Regulations adopted on its basis, and any other sector-specific Union legislation that organises the access to and re-use of data. This Regulation should be without prejudice to the access and use of data for the purpose of international cooperation in the context of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties. A horizontal regime for the re-use of certain categories of protected data held by public sector bodies, the provision of data sharing services and of services based on data altruism in the Union should be established. Specific characteristics of different sectors may require the design of sectoral data-based systems, while building on the

develop, adapt and propose new and complementary elements, depending on the specificities of the sector, such as the envisaged legislation on the European health data space[25] and on access to vehicle data. Moreover, certain sectors of the economy are already regulated by sector-specific Union law that include rules relating to cross-border or Union wide sharing or access to data[26] . This Regulation is therefore without prejudice to Regulation (EU) 2016/679 of the European Parliament and of the Council ([27]), and in particular the implementation of this Regulation shall not prevent cross border transfers of data in accordance with Chapter V of Regulation (EU) 2016/679 from taking place, Directive (EU) 2016/680 of the European Parliament and of the Council ([28]), Directive (EU) 2016/943 of the European Parliament and of the Council ([29]), Regulation (EU) 2018/1807 of the European Parliament and of the Council ([30]), Regulation (EC) No 223/2009 of the European Parliament and of the Council ([31]), Directive 2000/31/EC of the European Parliament and of the Council ([32]), Directive 2001/29/EC of the European Parliament and of the Council ([33]), Directive (EU) 2019/790 of the European Parliament and of the Council ([34]), Directive 2004/48/EC of the European Parliament and of the Council ([35]), Directive (EU) 2019/1024 of the European Parliament and of the Council ([36]), as well as Regulation 2018/858/EU of the European Parliament and of the Council ([37]), Directive 2010/40/EU of the European Parliament and of the Council ([38]) and Delegated Regulations adopted on its basis, and any other sector-specific Union legislation that organises the access to and re-use of data. This Regulation should be without prejudice to the access and use of data for the purpose of international cooperation in the context of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties. A horizontal regime for the re-use of certain categories of protected

requirements of this Regulation. Where a sector-specific Union legal act requires public sector bodies, providers of data sharing services or registered entities providing data altruism services to comply with specific additional technical, administrative or organisational requirements, including through an authorisation or certification regime, those provisions of that sector-specific Union legal act should also apply.

data held by public sector bodies, the provision of data sharing services and of services based on data altruism in the Union should be established. Specific characteristics of different sectors may require the design of sectoral data-based systems, while building on the requirements of this Regulation. Where a sector-specific Union legal act requires public sector bodies, providers of data sharing services or registered entities providing data altruism services to comply with specific additional technical, administrative or organisational requirements, including through an authorisation or certification regime, those provisions of that sector-specific Union legal act should also apply.

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[25] See: Annexes to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Commission Work Programme 2021 (COM(2020) 690 final).

[26] For example, Directive 2011/24/EU in the context of the European Health Data Space, and relevant transport legislation such as Directive 2010/40/EU, Regulation 2019/1239 and Regulation (EU) 2020/1056, in the context of the European Mobility Data Space.

[27] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), (OJ L 119, 4.5.2016, p.1)

[28] Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of

[25] See: Annexes to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Commission Work Programme 2021 (COM(2020) 690 final).

[26] For example, Directive 2011/24/EU in the context of the European Health Data Space, and relevant transport legislation such as Directive 2010/40/EU, Regulation 2019/1239 and Regulation (EU) 2020/1056, in the context of the European Mobility Data Space.

[27] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), (OJ L 119, 4.5.2016, p.1)

[28] Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of

criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA. (OJ L 119, 4.5.2016, p.89)

[29] Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure. (OJ L 157, 15.6.2016, p.1)

[30] Regulation (EU) 2018/1807 of the European Parliament and of the Council of 14 November 2018 on a framework for the free flow of non-personal data in the European Union. (OJ L 303, 28.11.2018, p. 59)

[31] Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities. (OJ L 87, 31.03.2009, p. 164)

[32] Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000, on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce). (OJ L 178, 17.07.2000, p. 1)

[33] Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society. (OJ L 167, 22.6.2001, p. 10)

[34] Directive (EU) 2019/790 of the

criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA. (OJ L 119, 4.5.2016, p.89)

[29] Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure. (OJ L 157, 15.6.2016, p.1)

[30] Regulation (EU) 2018/1807 of the European Parliament and of the Council of 14 November 2018 on a framework for the free flow of non-personal data in the European Union. (OJ L 303, 28.11.2018, p. 59)

[31] Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities. (OJ L 87, 31.03.2009, p. 164)

[32] Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000, on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce). (OJ L 178, 17.07.2000, p. 1)

[33] Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society. (OJ L 167, 22.6.2001, p. 10)

[34] Directive (EU) 2019/790 of the

European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC. (OJ L 130, 17.5.2019, p. 92)

[35] Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights. (OJ L 157, 30.4.2004).

[36] Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information. (OJ L 172, 26.6.2019, p. 56).

[37] Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018).

[38] Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport. (OJ L 207, 6.8.2010, p. 1)

European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC. (OJ L 130, 17.5.2019, p. 92)

[35] Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights. (OJ L 157, 30.4.2004).

[36] Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information. (OJ L 172, 26.6.2019, p. 56).

[37] Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018).

[38] Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport. (OJ L 207, 6.8.2010, p. 1)

Or. en

Justification

One of the key learnings of the functioning of the digital economy over the past years is that data collaborations require trust by all stakeholders. To fully realize the benefits of data, policymakers and industry must develop mechanisms to enable trusted data sharing across organizational and territorial boundaries in ways that are in line with EU laws and values. Furthermore only intermediaries that can offer effective data access neutrality, interoperability and data portability are able to ensure fairness and openness in the digital market and truly support data sharing.

Amendment 123
Miapetra Kumpula-Natri

on behalf of the S&D Group

Proposal for a regulation
Recital 3

Text proposed by the Commission	*Amendment*
(3) It is necessary to improve the conditions for data sharing in the internal market, by creating a harmonised framework for data exchanges. Sector-specific legislation can develop, adapt and propose new and complementary elements, depending on the specificities of the sector, such as the envisaged legislation on the European health data space[25] and on access to vehicle data. Moreover, certain sectors of the economy are already regulated by sector-specific Union law that include rules relating to cross-border or Union wide sharing or access to data[26] . This Regulation is therefore without prejudice to Regulation (EU) 2016/679 of the European Parliament and of the Council ([27]), and in particular the implementation of this Regulation shall not prevent cross border transfers of data in accordance with Chapter V of Regulation (EU) 2016/679 from taking place, Directive (EU) 2016/680 of the European Parliament and of the Council ([28]), Directive (EU) 2016/943 of the European Parliament and of the Council ([29]), Regulation (EU) 2018/1807 of the European Parliament and of the Council ([30]), Regulation (EC) No 223/2009 of the European Parliament and of the Council ([31]), Directive 2000/31/EC of the European Parliament and of the Council ([32]), Directive 2001/29/EC of the European Parliament and of the Council ([33]), Directive (EU) 2019/790 of the European Parliament and of the Council ([34]), Directive 2004/48/EC of the European Parliament and of the Council ([35]), Directive (EU) 2019/1024 of the European Parliament and of the Council ([36]), as well as Regulation 2018/858/EU of the European Parliament and of the Council ([37]), Directive 2010/40/EU of the European Parliament and of the Council ([38]) and	(3) It is necessary to improve the conditions for data sharing in the internal market, by creating a harmonised framework for data exchanges ***and laying down requirements for data governance. The regulation should aim to build a borderless digital single market and human-centric, trustworthy and secure data society and economy***. Sector-specific legislation can develop, adapt and propose new and complementary elements, depending on the specificities of the sector, such as the envisaged legislation on the European health data space[25] and on access to vehicle data. Moreover, certain sectors of the economy are already regulated by sector-specific Union law that include rules relating to cross-border or Union wide sharing or access to data[26] . This Regulation is therefore without prejudice to Regulation (EU) 2016/679 of the European Parliament and of the Council ([27]), and in particular the implementation of this Regulation shall not prevent cross border transfers of data in accordance with Chapter V of Regulation (EU) 2016/679 from taking place, Directive (EU) 2016/680 of the European Parliament and of the Council ([28]), Directive (EU) 2016/943 of the European Parliament and of the Council ([29]), Regulation (EU) 2018/1807 of the European Parliament and of the Council ([30]), Regulation (EC) No 223/2009 of the European Parliament and of the Council ([31]), Directive 2000/31/EC of the European Parliament and of the Council ([32]), Directive 2001/29/EC of the European Parliament and of the Council ([33]), Directive (EU) 2019/790 of the European Parliament and of the Council ([34]), Directive 2004/48/EC of the European Parliament and of the Council ([35]), Directive (EU) 2019/1024 of the European

Delegated Regulations adopted on its basis, and any other sector-specific Union legislation that organises the access to and re-use of data. This Regulation should be without prejudice to the access and use of data for the purpose of international cooperation in the context of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties. A horizontal regime for the re-use of certain categories of protected data held by public sector bodies, the provision of data ***sharing services*** and of services based on data altruism in the Union should be established. Specific characteristics of different sectors may require the design of sectoral data-based systems, while building on the requirements of this Regulation. Where a sector-specific Union legal act requires public sector bodies, providers of data sharing services or registered entities providing data altruism services to comply with specific additional technical, administrative or organisational requirements, including through an authorisation or certification regime, those provisions of that sector-specific Union legal act should also apply.

Delegated Regulations adopted on its basis, and any other sector-specific Union legislation that organises the access to and re-use of data. This Regulation should be without prejudice to the access and use of data for the purpose of international cooperation in the context of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties. A horizontal regime for the re-use of certain categories of protected data held by public sector bodies, the provision of data ***intermediaries*** and of services based on data altruism in the Union should be established. Specific characteristics of different sectors may require the design of sectoral data-based systems, while building on the requirements of this Regulation. Where a sector-specific Union legal act requires public sector bodies, providers of data sharing services or registered entities providing data altruism services to comply with specific additional technical, administrative or organisational requirements, including through an authorisation or certification regime, those provisions of that sector-specific Union legal act should also apply.

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[25] See: Annexes to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Commission Work Programme 2021 (COM(2020) 690 final).

[26] For example, Directive 2011/24/EU in the context of the European Health Data Space, and relevant transport legislation such as Directive 2010/40/EU, Regulation 2019/1239 and Regulation (EU) 2020/1056, in the context of the European

[25] See: Annexes to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Commission Work Programme 2021 (COM(2020) 690 final).

[26] For example, Directive 2011/24/EU in the context of the European Health Data Space, and relevant transport legislation such as Directive 2010/40/EU, Regulation 2019/1239 and Regulation (EU) 2020/1056, in the context of the European

Mobility Data Space.

[27] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), (OJ L 119, 4.5.2016, p.1)

[28] Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA. (OJ L 119, 4.5.2016, p.89)

[29] Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure. (OJ L 157, 15.6.2016, p.1)

[30] Regulation (EU) 2018/1807 of the European Parliament and of the Council of 14 November 2018 on a framework for the free flow of non-personal data in the European Union. (OJ L 303, 28.11.2018, p. 59)

[31] Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities. (OJ L 87, 31.03.2009, p.

Mobility Data Space.

[27] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), (OJ L 119, 4.5.2016, p.1)

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164)

[32] Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000, on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce). (OJ L 178, 17.07.2000, p. 1)

[33] Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society. (OJ L 167, 22.6.2001, p. 10)

[34] Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC. (OJ L 130, 17.5.2019, p. 92)

[35] Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights. (OJ L 157, 30.4.2004).

[36] Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information. (OJ L 172, 26.6.2019, p. 56).

[37] Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018).

[38] Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport. (OJ L 207, 6.8.2010, p. 1)

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[32] Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000, on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce). (OJ L 178, 17.07.2000, p. 1)

[33] Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society. (OJ L 167, 22.6.2001, p. 10)

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Or. en

Justification

Supporting the proposal from Rapporteur for the rest of the text, on talking more precisely on data intermediator services (that are also defined in Article 2).

Amendment 124
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin

Proposal for a regulation
Recital 3

Text proposed by the Commission	*Amendment*
(3) It is necessary to improve the conditions for data sharing in the internal market, by creating a harmonised framework for data exchanges. Sector-specific legislation can develop, adapt and propose new and complementary elements, depending on the specificities of the sector, such as the envisaged legislation on the European health data space[25] and on access to vehicle data. Moreover, certain sectors of the economy are already regulated by sector-specific Union law that include rules relating to cross-border or Union wide sharing or access to data[26] . This Regulation is therefore without prejudice to Regulation (EU) 2016/679 of the European Parliament and of the Council ([27]), and in particular the implementation of this Regulation shall not prevent cross border transfers of data in accordance with Chapter V of Regulation (EU) 2016/679 from taking place, Directive (EU) 2016/680 of the European Parliament and of the Council ([28]), Directive (EU) 2016/943 of the European Parliament and of the Council ([29]), Regulation (EU) 2018/1807 of the European Parliament and of the Council ([30]), Regulation (EC) No 223/2009 of the European Parliament and of the Council ([31]), Directive 2000/31/EC of the European Parliament and of the Council ([32]), Directive 2001/29/EC of the European Parliament and of the Council ([33	(3) It is necessary to improve the conditions for data sharing in the ***European*** internal market, by creating a harmonised framework for data exchanges ***and by giving specific attention to data intermediaries and data holder in order to create a fruitful cooperation among them***. Sector-specific legislation can develop, adapt and propose new and complementary elements, depending on the specificities of the sector, such as the envisaged legislation on the European health data space[25] and on access to vehicle data. Moreover, certain sectors of the economy are already regulated by sector-specific Union law that include rules relating to cross-border or Union wide sharing or access to data[26] . This Regulation is therefore without prejudice to Regulation (EU) 2016/679 of the European Parliament and of the Council ([27]), and in particular the implementation of this Regulation shall not prevent cross border transfers of data in accordance with Chapter V of Regulation (EU) 2016/679 from taking place, Directive (EU) 2016/680 of the European Parliament and of the Council ([28]), Directive (EU) 2016/943 of the European Parliament and of the Council ([29]), Regulation (EU) 2018/1807 of the European Parliament and of the Council ([30]), Regulation (EC) No 223/2009 of the European Parliament and of the Council ([31

), Directive (EU) 2019/790 of the European Parliament and of the Council ([34]), Directive 2004/48/EC of the European Parliament and of the Council ([35]), Directive (EU) 2019/1024 of the European Parliament and of the Council ([36]), as well as Regulation 2018/858/EU of the European Parliament and of the Council ([37]), Directive 2010/40/EU of the European Parliament and of the Council ([38]) and Delegated Regulations adopted on its basis, and any other sector-specific Union legislation that organises the access to and re-use of data. This Regulation should be without prejudice to the access and use of data for the purpose of international cooperation in the context of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties. A horizontal regime for the re-use of certain categories of protected data held by public sector bodies, the provision of data sharing services and of services based on data altruism in the Union should be established. Specific characteristics of different sectors may require the design of sectoral data-based systems, while building on the requirements of this Regulation. Where a sector-specific Union legal act requires public sector bodies, ***providers of data sharing services*** or registered entities providing data altruism services to comply with specific additional technical, administrative or organisational requirements, including through an authorisation or certification regime, those provisions of that sector-specific Union legal act should also apply.

[25] See: Annexes to the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Commission Work Programme 2021 (COM(2020) 690

), Directive 2000/31/EC of the European Parliament and of the Council ([32]), Directive 2001/29/EC of the European Parliament and of the Council ([33]), Directive (EU) 2019/790 of the European Parliament and of the Council ([34]), Directive 2004/48/EC of the European Parliament and of the Council ([35]), Directive (EU) 2019/1024 of the European Parliament and of the Council ([36]), as well as Regulation 2018/858/EU of the European Parliament and of the Council ([37]), Directive 2010/40/EU of the European Parliament and of the Council ([38]) and Delegated Regulations adopted on its basis, and any other sector-specific Union legislation that organises the access to and re-use of data. This Regulation should be without prejudice to the access and use of data for the purpose of international cooperation in the context of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties. A horizontal regime for the re-use of certain categories of protected data held by public sector bodies, the provision of data sharing services and of services based on data altruism in the Union should be established. Specific characteristics of different sectors may require the design of sectoral data-based systems, while building on the requirements of this Regulation. Where a sector-specific Union legal act requires public sector bodies, ***data intermediaries*** or registered entities providing data altruism services to comply with specific additional technical, administrative or organisational requirements, including through an authorisation or certification regime, those provisions of that sector-specific Union legal act should also apply.

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final).

[26] For example, Directive 2011/24/EU in the context of the European Health Data Space, and relevant transport legislation such as Directive 2010/40/EU, Regulation 2019/1239 and Regulation (EU) 2020/1056, in the context of the European Mobility Data Space.

[27] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), (OJ L 119, 4.5.2016, p.1)

[28] Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA. (OJ L 119, 4.5.2016, p.89)

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[30] Regulation (EU) 2018/1807 of the European Parliament and of the Council of 14 November 2018 on a framework for the free flow of non-personal data in the European Union. (OJ L 303, 28.11.2018, p. 59)

[31] Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data

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[27] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), (OJ L 119, 4.5.2016, p.1)

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subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities. (OJ L 87, 31.03.2009, p. 164)

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[34] Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC. (OJ L 130, 17.5.2019, p. 92)

[35] Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights. (OJ L 157, 30.4.2004).

[36] Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information. (OJ L 172, 26.6.2019, p. 56).

[37] Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018).

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Or. en

Amendment 125
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 3

Text proposed by the Commission	*Amendment*
(3) It is necessary to improve the conditions for data sharing in the internal market, by creating a harmonised framework for data exchanges. Sector-specific legislation can develop, adapt and propose new and complementary elements, depending on the specificities of the sector, such as the envisaged legislation on the European health data space[25] and on access to vehicle data. Moreover, certain sectors of the economy are already regulated by sector-specific Union law that include rules relating to cross-border or Union wide sharing or access to data[26] . This Regulation is therefore without prejudice to Regulation (EU) 2016/679 of the European Parliament and of the Council ([27]), and in particular the implementation of this Regulation shall not prevent cross border transfers of data in accordance with Chapter V of Regulation (EU) 2016/679 from taking place, Directive (EU) 2016/680 of the European Parliament and of the Council ([28]), Directive (EU) 2016/943 of the European Parliament and of the Council ([29]), Regulation (EU) 2018/1807 of the European Parliament and of the Council ([30]), Regulation (EC) No 223/2009 of the European Parliament and	(3) It is necessary to improve the conditions for data sharing in the internal market, by creating a harmonised framework for data exchanges ***and developing relocation of data in the Union***. Sector-specific legislation can develop, adapt and propose new and complementary elements, depending on the specificities of the sector, such as the envisaged legislation on the European health data space[25] and on access to vehicle data. Moreover, certain sectors of the economy are already regulated by sector-specific Union law that include rules relating to cross-border or Union wide sharing or access to data[26] . This Regulation is therefore without prejudice to Regulation (EU) 2016/679 of the European Parliament and of the Council ([27]), and in particular the implementation of this Regulation shall not prevent cross border transfers of data in accordance with Chapter V of Regulation (EU) 2016/679 from taking place, Directive (EU) 2016/680 of the European Parliament and of the Council ([28]), Directive (EU) 2016/943 of the European Parliament and of the Council ([29]), Regulation (EU) 2018/1807 of the European Parliament and

of the Council ([31]), Directive 2000/31/EC of the European Parliament and of the Council ([32]), Directive 2001/29/EC of the European Parliament and of the Council ([33]), Directive (EU) 2019/790 of the European Parliament and of the Council ([34]), Directive 2004/48/EC of the European Parliament and of the Council ([35]), Directive (EU) 2019/1024 of the European Parliament and of the Council ([36]), as well as Regulation 2018/858/EU of the European Parliament and of the Council ([37]), Directive 2010/40/EU of the European Parliament and of the Council ([38]) and Delegated Regulations adopted on its basis, and any other sector-specific Union legislation that organises the access to and re-use of data. This Regulation should be without prejudice to the access and use of data for the purpose of international cooperation in the context of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties. A horizontal regime for the re-use of certain categories of protected data held by public sector bodies, the provision of data sharing services and of services based on data altruism in the Union should be established. Specific characteristics of different sectors may require the design of sectoral data-based systems, while building on the requirements of this Regulation. Where a sector-specific Union legal act requires public sector bodies, providers of data sharing services or registered entities providing data altruism services to comply with specific additional technical, administrative or organisational requirements, including through an authorisation or certification regime, those provisions of that sector-specific Union legal act should also apply.

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of the Council ([30]), Regulation (EC) No 223/2009 of the European Parliament and of the Council ([31]), Directive 2000/31/EC of the European Parliament and of the Council ([32]), Directive 2001/29/EC of the European Parliament and of the Council ([33]), Directive (EU) 2019/790 of the European Parliament and of the Council ([34]), Directive 2004/48/EC of the European Parliament and of the Council ([35]), Directive (EU) 2019/1024 of the European Parliament and of the Council ([36]), as well as Regulation 2018/858/EU of the European Parliament and of the Council ([37]), Directive 2010/40/EU of the European Parliament and of the Council ([38]) and Delegated Regulations adopted on its basis, and any other sector-specific Union legislation that organises the access to and re-use of data. This Regulation should be without prejudice to the access and use of data for the purpose of international cooperation in the context of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties. A horizontal regime for the re-use of certain categories of protected data held by public sector bodies, the provision of data sharing services and of services based on data altruism in the Union should be established. Specific characteristics of different sectors may require the design of sectoral data-based systems, while building on the requirements of this Regulation. Where a sector-specific Union legal act requires public sector bodies, providers of data sharing services or registered entities providing data altruism services to comply with specific additional technical, administrative or organisational requirements, including through an authorisation or certification regime, those provisions of that sector-specific Union legal act should also apply.

[25] See: Annexes to the Communication from the Commission to the European Parliament, the Council, the European

Economic and Social Committee and the Committee of the Regions on Commission Work Programme 2021 (COM(2020) 690 final).

[26] For example, Directive 2011/24/EU in the context of the European Health Data Space, and relevant transport legislation such as Directive 2010/40/EU, Regulation 2019/1239 and Regulation (EU) 2020/1056, in the context of the European Mobility Data Space.

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[30] Regulation (EU) 2018/1807 of the European Parliament and of the Council of 14 November 2018 on a framework for the free flow of non-personal data in the European Union. (OJ L 303, 28.11.2018, p. 59)

[31] Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and

Economic and Social Committee and the Committee of the Regions on Commission Work Programme 2021 (COM(2020) 690 final).

[26] For example, Directive 2011/24/EU in the context of the European Health Data Space, and relevant transport legislation such as Directive 2010/40/EU, Regulation 2019/1239 and Regulation (EU) 2020/1056, in the context of the European Mobility Data Space.

[27] Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), (OJ L 119, 4.5.2016, p.1)

[28] Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA. (OJ L 119, 4.5.2016, p.89)

[29] Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure. (OJ L 157, 15.6.2016, p.1)

[30] Regulation (EU) 2018/1807 of the European Parliament and of the Council of 14 November 2018 on a framework for the free flow of non-personal data in the European Union. (OJ L 303, 28.11.2018, p. 59)

[31] Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and

repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities. (OJ L 87, 31.03.2009, p. 164)

[32] Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000, on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce). (OJ L 178, 17.07.2000, p. 1)

[33] Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society. (OJ L 167, 22.6.2001, p. 10)

[34] Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC. (OJ L 130, 17.5.2019, p. 92)

[35] Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights. (OJ L 157, 30.4.2004).

[36] Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information. (OJ L 172, 26.6.2019, p. 56).

[37] Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No

repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities. (OJ L 87, 31.03.2009, p. 164)

[32] Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000, on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce). (OJ L 178, 17.07.2000, p. 1)

[33] Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society. (OJ L 167, 22.6.2001, p. 10)

[34] Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC. (OJ L 130, 17.5.2019, p. 92)

[35] Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights. (OJ L 157, 30.4.2004).

[36] Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information. (OJ L 172, 26.6.2019, p. 56).

[37] Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No

715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018).

[38] Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport. (OJ L 207, 6.8.2010, p. 1)

715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018).

[38] Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport. (OJ L 207, 6.8.2010, p. 1)

Or. en

Amendment 126
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 4

Text proposed by the Commission	*Amendment*
(4) Action at Union level is necessary in order to address ***the*** barriers to a well-functioning data-driven economy and to create a Union-wide governance framework for data access and use, in particular regarding the re-use of certain types of data held by the public sector, the provision of services by data sharing providers to business users and to data subjects, as well as the collection and processing of data made available for altruistic purposes by natural and legal persons.	(4) Action at Union level is necessary ***to increase trust in data sharing by establishing proper mechanisms for control over data and*** in order to address ***other*** barriers to a well-functioning data-driven economy and to create a Union-wide governance framework for data access***, control*** and use, in particular regarding the re-use of certain types of data held by the public sector, the provision of services by data sharing providers to business users and to data subjects, as well as the collection and processing of data made available for altruistic purposes by natural and legal persons. ***This action is without prejudice to the international trade agreements concluded by the Union.***

Or. en

Amendment 127
Antonio Tajani, Andrea Caroppo, Salvatore De Meo, Aldo Patriciello, Massimiliano Salini

Proposal for a regulation
Recital 4

Text proposed by the Commission	*Amendment*
(4) Action at Union level is necessary in order to address the barriers to a well-functioning data-driven economy and to create a Union-wide governance framework for data access and use, in particular regarding the re-use of certain types of data held by the public sector, the provision of services by data sharing providers to business users and to data subjects, as well as the collection and processing of data made available for altruistic purposes by natural and legal persons.	(4) Action at Union level is necessary in order to address the barriers to a well-functioning data-driven economy and to create a Union-wide governance framework for data access and use, in particular regarding the re-use of certain types of data held by the public sector, the provision of services by data sharing providers to business users and to data subjects, as well as the collection and processing of data made available for altruistic purposes by natural and legal persons. ***It is necessary to establish favourable conditions for the constitutions of new independent companies (data providers) able to make data assets accessible to everyone in a neutral way.***

Or. en

Justification

Only through a greater representation of independent data providers it will be possible to ensure an increase of competitiveness in the digital market and consequently offer both new benefits and a wider range of choice to the final users.

Amendment 128
Evžen Tošenovský, Zdzisław Krasnodębski

Proposal for a regulation
Recital 4

Text proposed by the Commission	*Amendment*
(4) Action at Union level is necessary in order to address the barriers to a well-functioning data-driven economy and to create a Union-wide governance framework for data access and use, in particular regarding the re-use of certain types of data held by the public sector, the	(4) Action at Union level is necessary in order to ***help*** address the barriers to a well-functioning data-driven economy and to create a Union-wide governance framework for data access and use, in particular regarding the re-use of certain types of data held by the public sector, the

provision of services by data sharing providers to business users and to data subjects, as well as the collection and processing of data made available for altruistic purposes by natural and legal persons.	provision of services by data sharing providers to business users and to data subjects, as well as the collection and processing of data made available for altruistic purposes by natural and legal persons. ***This action is without prejudice to obligations and commitments in trade agreements concluded by the EU.***

Or. en

Amendment 129
Dace Melbārde
on behalf of the ECR Group
Evžen Tošenovský

Proposal for a regulation
Recital 4

Text proposed by the Commission	*Amendment*
(4) Action at Union level is necessary in order to address the barriers to a well-functioning data-driven economy and to create a Union-wide governance framework for data access and use, in particular regarding the re-use of certain types of data held by the public sector, the provision of services by data sharing providers to business users and to data subjects, as well as the collection and processing of data made available for altruistic purposes by natural and legal persons.	(4) Action at Union level is necessary in order to ***help*** address the barriers to a well-functioning data-driven economy and to create a Union-wide governance framework for data access and use, in particular regarding the re-use of certain types of data held by the public sector, the provision of services by data sharing providers to business users and to data subjects, as well as the collection and processing of data made available for altruistic purposes by natural and legal persons. ***This is without prejudice to obligations and commitments in trade agreements concluded by the EU.***

Or. en

Amendment 130
Nicola Danti, Ivars Ijabs, Andrus Ansip, Klemen Grošelj, Martina Dlabajová, Dragoș Pîslaru, Iskra Mihaylova, Christophe Grudler, Sandro Gozi, Bart Groothuis, Valérie Hayer, Susana Solís Pérez

Proposal for a regulation
Recital 4

Text proposed by the Commission	*Amendment*
(4) Action at Union level is necessary in order to address the barriers to a well-functioning data-driven economy ***and to create*** a Union-wide governance framework for data access ***and use***, in particular regarding ***the re-use of*** certain types of data held by the public sector, the provision of services by data sharing providers to business users and to data subjects, as well as the collection and processing of data made available for altruistic purposes by natural and legal persons.	(4) Action at Union level is necessary in order to address the barriers to a well-functioning data-driven economy**.** A Union-wide governance framework ***should have the objective of building trust among individuals and companies*** for data access***, control, sharing, use and re-use***, in particular regarding certain types of data held by the public sector, the provision of services by data sharing providers to business users and to data subjects, as well as the collection and processing of data made available for altruistic purposes by natural and legal persons.

Or. en

Amendment 131
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin

Proposal for a regulation
Recital 4

Text proposed by the Commission	*Amendment*
(4) Action at Union level is necessary in order to address the barriers to a well-functioning data-driven economy and to create a Union-wide governance framework for data access and use, in particular regarding the re-use of ***certain*** types of data held by the public sector, the provision of services by data ***sharing providers*** to business users and to data subjects, as well as the collection ***and*** processing of data made available for altruistic purposes by natural and legal persons.	(4) Action at Union level is necessary in order to address the barriers to a well-functioning data-driven economy and to create a Union-wide governance framework for data access and use, in particular regarding the re-use of ***specific*** types of data held by the public sector, the ***rules governing the*** provision of services by data ***intermediaries*** to business users and to data subjects, as well as the collection***,*** processing ***and regulation*** of data made available for altruistic purposes by natural and legal persons.

Or. en

Amendment 132
Damian Boeselager

on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 4

Text proposed by the Commission	*Amendment*
(4) Action at Union level is necessary in order to address the barriers to a well-functioning data-driven economy and to create a Union-wide governance framework for data access and use, in particular regarding the re-use of certain types of data held by the public sector, the provision of services by data sharing providers to business users and to data subjects, as well as the collection and processing of data made available for altruistic purposes by natural and legal persons.	(4) Action at Union level is necessary in order to address the barriers to a well-functioning ***and competitive*** data-driven economy and to create a Union-wide governance framework for data access and use, in particular regarding the re-use of certain types of data held by the public sector, the provision of services by data sharing providers to business users and to data subjects, as well as the collection and processing of data made available for altruistic purposes by natural and legal persons.

Or. en

Amendment 133
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 5

Text proposed by the Commission	*Amendment*
(5) The idea that data that has been generated at the expense of public budgets should benefit society has been part of Union policy for a long time. Directive (EU) 2019/1024 as well as sector-specific legislation ensure that the public sector makes more of the data it produces easily available for use and re-use. However, certain categories of data (commercially confidential data, data subject to statistical confidentiality, data protected by intellectual property rights of third parties, including trade secrets and personal data not accessible on the basis of specific national or Union legislation, such as Regulation (EU) 2016/679 and Directive	(5) The idea that data that has been generated at the expense of public budgets should benefit society has been part of Union policy for a long time. Directive (EU) 2019/1024 as well as sector-specific legislation ensure that the public sector makes more of the data it produces easily available for use and re-use. However, certain categories of data (commercially confidential data, data subject to statistical confidentiality, data protected by intellectual property rights of third parties, including trade secrets and personal data not accessible on the basis of specific national or Union legislation, such as Regulation (EU) 2016/679 and Directive

(EU) 2016/680) in public databases is often not made available, not even for research or innovative activities. Due to the sensitivity of this data, certain technical and legal procedural requirements must be met before they are made available, in order to ensure the respect of rights others have over such data. Such requirements are usually time- and knowledge-intensive to fulfil. This has led to the underutilisation of such data. While some Member States are setting up structures, processes and sometimes legislate to facilitate this type of re-use, this is not the case across the Union.

(EU) 2016/680) in public databases is often not made available, not even for research or innovative activities. Due to the sensitivity of this data, certain technical and legal procedural requirements must be met before they are made available, in order to ensure the respect of rights others have over such data. Such requirements are usually time- and knowledge-intensive to fulfil. This has led to the underutilisation of such data. While some Member States are setting up structures, processes and sometimes legislate to facilitate this type of re-use, this is not the case across the Union. ***Both public and private (such as research centres, universities) would benefit from clear conditions of access to the data. This would allow them to build partnerships with public bodies more efficiently and to advance in research without an undue burden of identifying the data and negotiating the conditions for access to such data. Especially, in order to facilitate the use of scientific data to promote European research and innovation, further clarification is needed on the use allowed for this data which should enable use for scientific and research purposes including by private and public entities.***

Or. en

Amendment 134
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 5

Text proposed by the Commission	*Amendment*
(5) The idea that data that has been generated at the expense of public budgets should benefit society has been part of Union policy for a long time. Directive (EU) 2019/1024 as well as sector-specific legislation ensure that the public sector	(5) The idea that data that has been generated at the expense of public budgets should benefit society has been part of Union policy for a long time. Directive (EU) 2019/1024 as well as sector-specific legislation ensure that the public sector

makes more of the data it produces easily available for use and re-use. However, certain categories of data (commercially confidential data, data subject to statistical confidentiality, data protected by intellectual property rights of third parties, including trade secrets and personal data not accessible on the basis of specific national or Union legislation, such as Regulation (EU) 2016/679 and Directive (EU) 2016/680) in public databases is often not made available, not even for research ***or innovative activities***. Due to the sensitivity of this data, certain technical and legal procedural requirements must be met before they are made available, in order to ensure the respect of rights others have over such data. Such requirements are usually time- and knowledge-intensive to fulfil. This has led to the underutilisation of such data. While some Member States are setting up structures, processes and sometimes legislate to facilitate this type of re-use, this is not the case across the Union.

makes more of the data it produces easily available for use and re-use. However, certain categories of data (commercially confidential data, data subject to statistical confidentiality, data protected by intellectual property rights of third parties, including trade secrets and personal data not accessible on the basis of specific national or Union legislation, such as Regulation (EU) 2016/679 and Directive (EU) 2016/680) in public databases is often not made available, not even for research. Due to the sensitivity of this data, certain technical and legal procedural requirements must be met before they are made available, in order to ensure the respect of rights others have over such data. Such requirements are usually time- and knowledge-intensive to fulfil. This has led to the underutilisation of such data. While some Member States are setting up structures, processes and sometimes legislate to facilitate this type of re-use, this is not the case across the Union***, therefore this act complements the existing framework on open data by providing legal certainty for mechanisms which encourage the secure and legal use of more data***.

Or. en

Amendment 135
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 5

Text proposed by the Commission	*Amendment*
(5) The idea that data that has been generated at the expense of public budgets should benefit society has been part of Union policy for a long time. Directive (EU) 2019/1024 as well as sector-specific legislation ensure that the public sector makes more of the data it produces easily	(5) The idea that data that has been generated at the expense of public budgets should benefit society has been part of Union policy for a long time. Directive (EU) 2019/1024 as well as sector-specific legislation ensure that the public sector makes more of the data it produces easily

available for use and re-use. However, certain categories of data (commercially confidential data, data subject to statistical confidentiality, data protected by intellectual property rights of third parties, including trade secrets and personal data not accessible on the basis of specific national or Union legislation, such as Regulation (EU) 2016/679 and Directive (EU) 2016/680) in public databases is often not made available***, not even*** for research or ***innovative*** activities. Due to the sensitivity of this data, certain technical and legal procedural requirements must be met before they are made available, in order to ensure the respect of rights others have over such data. Such requirements are usually time- and knowledge-intensive to fulfil. This has led to the underutilisation of such data. While some Member States are setting up structures, processes and sometimes legislate to facilitate this type of re-use, this is not the case across the Union.	available for use and re-use. However, certain categories of data (commercially confidential data, data subject to statistical confidentiality, data protected by intellectual property rights of third parties, including trade secrets and personal data not accessible on the basis of specific national or Union legislation, such as Regulation (EU) 2016/679 and Directive (EU) 2016/680) in public databases is often not made available for research or activities ***on behalf of general public interest***. Due to the sensitivity of this data, certain technical and legal procedural requirements must be met before they are made available, in order to ensure the respect of rights others have over such data. Such requirements are usually time- and knowledge-intensive to fulfil. This has led to the underutilisation of such data. While some Member States are setting up structures, processes and sometimes legislate to facilitate this type of re-use, this is not the case across the Union.

Or. en

Amendment 136
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission	*Amendment*
	(5 a) Particular attention must be given to micro and small and medium enterprises whose access to data is limited. Structures adopted by Member States must focus on overcoming barriers to access as well as use of data.

Or. en

Amendment 137
Ivo Hristov

Proposal for a regulation
Recital 6

Text proposed by the Commission	*Amendment*
(6) There are techniques enabling privacy-friendly analyses on databases that contain personal data, such as anonymisation, pseudonymisation, differential privacy, generalisation, or suppression and randomisation. Application of these privacy-enhancing technologies, together with comprehensive data protection approaches should ensure the safe re-use of personal data and commercially confidential business data for research, innovation and statistical purposes. In many cases this implies that the data use and re-use in this context can only be done in a secure processing environment set in place and supervised by the public sector. There is experience at Union level with such secure processing environments that are used for research on statistical microdata on the basis of Commission Regulation (EU) 557/2013 ([39]). In general, insofar as personal data are concerned, the processing of personal data should rely upon one or more of the grounds for processing provided in Article 6 of Regulation (EU) 2016/679.	(6) There are techniques enabling privacy-friendly analyses on databases that contain personal data, such as anonymisation, pseudonymisation, differential privacy, generalisation, or suppression and randomisation. Application of these privacy-enhancing technologies, together with comprehensive data protection approaches should ensure the safe re-use of personal data and commercially confidential business data for research, innovation and statistical purposes. In many cases this implies that the data use and re-use in this context can only be done in a secure processing environment set in place and supervised by the public sector. ***While increased safeguards and requirements apply to the use of personal data, the same level of protection should be given to personal data which has been anonymised or pseudonymised as it will always be vulnerable to re-identification.*** There is experience at Union level with such secure processing environments that are used for research on statistical microdata on the basis of Commission Regulation (EU) 557/2013 ([39]). In general, insofar as personal data are concerned, the processing of personal data should rely upon one or more of the grounds for processing provided in Article 6 of Regulation (EU) 2016/679.
[39] Commission Regulation (EU) 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European Statistics as regards access to confidential data for scientific purposes and repealing Commission Regulation (EC) No 831/2002 (OJ L 164, 18.6.2013, p. 16).	[39] Commission Regulation (EU) 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European Statistics as regards access to confidential data for scientific purposes and repealing Commission Regulation (EC) No 831/2002 (OJ L 164, 18.6.2013, p. 16).

Amendment 138
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 6

Text proposed by the Commission	*Amendment*
(6) There are techniques enabling privacy-friendly analyses on databases that contain personal data, such as anonymisation, pseudonymisation, differential privacy, generalisation, or suppression and randomisation. Application of these privacy-enhancing technologies, together with comprehensive data protection approaches should ensure the safe re-use of personal data and commercially confidential business data for research, innovation and statistical purposes. In many cases this implies that the data use and re-use in this context can only be done in a secure processing environment set in place and supervised by the public sector. There is experience at Union level with such secure processing environments that are used for research on statistical microdata on the basis of Commission Regulation (EU) 557/2013 ([39]). In general, insofar as personal data are concerned, the processing of personal data should rely upon one or more of the grounds for processing provided in Article 6 of Regulation (EU) 2016/679.	(6) There are techniques enabling privacy-friendly analyses on databases that contain personal data, such as anonymisation, pseudonymisation, differential privacy, generalisation, or suppression and randomisation. Application of these privacy-enhancing technologies, together with comprehensive data protection approaches ***and in line with the rules on personal data processing*** should ensure the safe re-use of ***certain categories of protected data, for example*** personal data and commercially confidential business data for research, innovation and statistical purposes. In many cases this implies that the data use and re-use in this context can only be done in a secure processing environment set in place and supervised by the public sector. There is experience at Union level with such secure processing environments that are used for research on statistical microdata on the basis of Commission Regulation (EU) 557/2013 ([39]). In general, insofar as personal data are concerned, the processing of personal data should rely upon one or more of the grounds for processing provided in Article 6 ***and 9*** of Regulation (EU) 2016/679. ***This Regulation should not be read as creating a new legal basis for the processing of personal data.***
[39] Commission Regulation (EU) 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European	[39] Commission Regulation (EU) 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European

Parliament and of the Council on European Statistics as regards access to confidential data for scientific purposes and repealing Commission Regulation (EC) No 831/2002 (OJ L 164, 18.6.2013, p. 16).

Parliament and of the Council on European Statistics as regards access to confidential data for scientific purposes and repealing Commission Regulation (EC) No 831/2002 (OJ L 164, 18.6.2013, p. 16).

Or. en

Amendment 139
Angelika Niebler, Eva Maydell, Tom Berendsen, Dan-Ştefan Motreanu, Pilar del Castillo Vera, Franc Bogovič, Marion Walsmann, Jens Gieseke, Henna Virkkunen, Adam Jarubas, Seán Kelly, Maria da Graça Carvalho, Ivan Štefanec, Cristian-Silviu Buşoi, Ioan-Rareş Bogdan

Proposal for a regulation
Recital 6

Text proposed by the Commission	*Amendment*
(6) There are techniques enabling privacy-friendly analyses on databases that contain personal data, such as anonymisation, pseudonymisation, differential privacy, generalisation, ***or*** suppression ***and*** randomisation. Application of these privacy-enhancing technologies, together with comprehensive data protection approaches should ensure the safe re-use of personal data and commercially confidential business data for research, innovation and statistical purposes. In many cases this implies that the data use and re-use in this context can only be done in a secure processing environment set in place and supervised by the public sector. There is experience at Union level with such secure processing environments that are used for research on statistical microdata on the basis of Commission Regulation (EU) 557/2013 ([39]). In general, insofar as personal data are concerned, the processing of personal data should rely upon one or more of the grounds for processing provided in Article 6 of Regulation (EU) 2016/679.	(6) There are techniques enabling privacy-friendly analyses on databases that contain personal data, such as anonymisation, pseudonymisation, differential privacy, generalisation, ***use of synthetic data,*** suppression***,*** randomisation ***or other state-of-the-art privacy preserving methods***. Application of these privacy-enhancing technologies, together with comprehensive data protection approaches should ensure the safe re-use of personal data and commercially confidential business data for research, innovation and statistical purposes. In many cases this implies that the data use and re-use in this context can only be done in a secure processing environment set in place and supervised by the public sector. There is experience at Union level with such secure processing environments that are used for research on statistical microdata on the basis of Commission Regulation (EU) 557/2013 ([39]). In general, insofar as personal data are concerned, the processing of personal data should rely upon one or more of the grounds for processing provided in Article 6 of Regulation (EU) 2016/679.

[39] Commission Regulation (EU) 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European Statistics as regards access to confidential data for scientific purposes and repealing Commission Regulation (EC) No 831/2002 (OJ L 164, 18.6.2013, p. 16).

[39] Commission Regulation (EU) 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European Statistics as regards access to confidential data for scientific purposes and repealing Commission Regulation (EC) No 831/2002 (OJ L 164, 18.6.2013, p. 16).

Or. en

Amendment 140
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 6

Text proposed by the Commission	*Amendment*
(6) There are techniques enabling privacy-friendly analyses on databases that contain personal data, such as anonymisation, pseudonymisation, differential privacy, generalisation, or suppression and randomisation. Application of these privacy-enhancing technologies, together with comprehensive data protection approaches should ensure the safe re-use of personal data and commercially confidential business data for research, innovation and statistical purposes. In many cases this implies that the data use and re-use in this context can only be done in a secure processing environment set in place and supervised by the public sector. There is experience at Union level with such secure processing environments that are used for research on statistical microdata on the basis of Commission Regulation (EU) 557/2013 ([39]). In general, insofar as personal data are concerned, the processing of personal data should rely upon one or more of the grounds for processing provided in Article 6 of Regulation (EU) 2016/679.	(6) There are techniques ***yet to be fully trustable,*** enabling privacy-friendly analyses on databases that contain personal data, such as anonymisation, pseudonymisation, differential privacy, generalisation, or suppression and randomisation. Application of these privacy-enhancing technologies, together with comprehensive data protection approaches should ensure the safe re-use of personal data and commercially confidential business data for research, innovation and statistical purposes. In many cases this implies that the data use and re-use in this context can only be done in a secure processing environment set in place ***within the internal market*** and supervised by the public sector. There is experience at Union level with such secure processing environments that are used for research on statistical microdata on the basis of Commission Regulation (EU) 557/2013 ([39]). In general, insofar as personal data are concerned, the processing of personal data should rely upon one or more of the grounds for processing

provided in Article 6 of Regulation (EU) 2016/679.

[39] Commission Regulation (EU) 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European Statistics as regards access to confidential data for scientific purposes and repealing Commission Regulation (EC) No 831/2002 (OJ L 164, 18.6.2013, p. 16).

[39] Commission Regulation (EU) 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European Statistics as regards access to confidential data for scientific purposes and repealing Commission Regulation (EC) No 831/2002 (OJ L 164, 18.6.2013, p. 16).

Or. en

Amendment 141
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin

Proposal for a regulation
Recital 6

Text proposed by the Commission	*Amendment*
(6) There are techniques enabling privacy-friendly analyses on databases that contain personal data, such as anonymisation, pseudonymisation, differential privacy, generalisation, or suppression and randomisation. Application of these privacy-enhancing technologies, together with comprehensive data protection approaches should ensure the safe re-use of personal data and commercially confidential business data ***for*** research, innovation and statistical purposes. In many cases this implies that the data use and re-use in this context can only be done in a secure processing environment set in place and supervised by the public sector. There is experience at Union level with such secure processing environments that are used for research on statistical microdata on the basis of Commission Regulation (EU) 557/2013 ([39]). In general, insofar as personal data are concerned, the processing of personal data should rely upon one or more of the grounds for processing provided in Article	(6) There are techniques enabling privacy-friendly analyses on databases that contain personal data, such as anonymisation, pseudonymisation, differential privacy, generalisation, or suppression and randomisation. Application of these privacy-enhancing technologies, together with comprehensive data protection approaches should ensure the safe re-use of personal ***anonymous*** data and commercially confidential business data ***only for specific cases such as*** research, innovation and statistical purposes. In many cases this implies that the data use and re-use in this context can only be done in a secure processing environment set in place and supervised by the public sector. There is experience at Union level with such secure processing environments that are used for research on statistical microdata on the basis of Commission Regulation (EU) 557/2013 ([39]). In general, insofar as personal data are concerned, the processing of personal data should rely upon one or more of the

6 of Regulation (EU) 2016/679.

[39] Commission Regulation (EU) 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European Statistics as regards access to confidential data for scientific purposes and repealing Commission Regulation (EC) No 831/2002 (OJ L 164, 18.6.2013, p. 16).

grounds for processing provided in Article 6 of Regulation (EU) 2016/679.

[39] Commission Regulation (EU) 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European Statistics as regards access to confidential data for scientific purposes and repealing Commission Regulation (EC) No 831/2002 (OJ L 164, 18.6.2013, p. 16).

Or. en

Amendment 142
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 6

Text proposed by the Commission	*Amendment*
(6) There are techniques enabling privacy-friendly analyses on databases that contain personal data, such as anonymisation, pseudonymisation, differential privacy, generalisation, or suppression and randomisation. Application of these privacy-enhancing technologies, together with comprehensive data protection approaches should ensure the safe re-use of personal data and commercially confidential business data for research***, innovation*** and statistical purposes. In many cases this implies that the data use and re-use in this context can only be done in a secure processing environment set in place and supervised by the public sector. There is experience at Union level with such secure processing environments that are used for research on statistical microdata on the basis of Commission Regulation (EU) 557/2013 ([39]). In general, insofar as personal data are concerned, the processing of personal data should rely upon one or more of the	(6) There are techniques enabling privacy-friendly analyses on databases that contain personal data, such as anonymisation, pseudonymisation, differential privacy, generalisation, or suppression and randomisation. Application of these privacy-enhancing technologies, together with comprehensive data protection approaches should ensure the safe re-use of personal data and commercially confidential business data for research and statistical purposes. In many cases this implies that the data use and re-use in this context can only be done in a secure processing environment set in place and supervised by the public sector. There is experience at Union level with such secure processing environments that are used for research on statistical microdata on the basis of Commission Regulation (EU) 557/2013 ([39]). In general, insofar as personal data are concerned, the processing of personal data should rely upon one or more of the grounds for

grounds for processing provided in Article 6 of Regulation (EU) 2016/679.

[39] Commission Regulation (EU) 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European Statistics as regards access to confidential data for scientific purposes and repealing Commission Regulation (EC) No 831/2002 (OJ L 164, 18.6.2013, p. 16).

processing provided in Article 6 of Regulation (EU) 2016/679.

[39] Commission Regulation (EU) 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European Statistics as regards access to confidential data for scientific purposes and repealing Commission Regulation (EC) No 831/2002 (OJ L 164, 18.6.2013, p. 16).

Or. en

Amendment 143
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin

Proposal for a regulation
Recital 7

Text proposed by the Commission	*Amendment*
(7) The categories of data held by public sector bodies which should be subject to re-use under this Regulation fall outside the scope of Directive (EU) 2019/1024 that excludes data which is not accessible due to commercial and statistical confidentiality and data for which third parties have intellectual property rights. Personal data fall outside the scope of Directive (EU) 2019/1024 insofar as the access regime excludes or restricts access to such data for reasons of data protection, privacy and the integrity of the individual, in particular in accordance with data protection rules. The re-use of data, which may contain trade secrets, ***should*** take place without prejudice to Directive (EU) 2016/943[40] , which sets the framework for the lawful acquisition, use or disclosure of trade secrets. This Regulation is without prejudice and complementary to more specific obligations on public sector bodies to allow re-use of data laid down in sector-specific Union or national law.	(7) The categories of data held by public sector bodies which should be subject to re-use under this Regulation fall outside the scope of Directive (EU) 2019/1024 that excludes data which is not accessible due to commercial and statistical confidentiality and data for which third parties have intellectual property rights***. Commercially confidential data includes data protected by trade secrets, highly-sensitive data, confidentiality obligations and agreements and any other unauthorised information that could harm commercial interest of the business***. Personal data fall outside the scope of Directive (EU) 2019/1024 insofar as the access regime excludes or restricts access to such data for reasons of data protection, privacy and the integrity of the individual, in particular in accordance with data protection rules. The re-use of data, which may contain trade secrets, ***must*** take place without prejudice to Directive (EU) 2016/943[40] , which sets the framework for the lawful acquisition, use or disclosure of

	trade secrets. This Regulation is without prejudice and complementary to more specific obligations on public sector bodies to allow re-use of data laid down in sector-specific Union or national law.
[40] OJ L 157, 15.6.2016, p. 1–18	[40] OJ L 157, 15.6.2016, p. 1–18

Or. en

Amendment 144
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 8

Text proposed by the Commission	*Amendment*
(8) The re-use regime provided for in this Regulation should apply to data the supply of which forms part of the public tasks of the public sector bodies concerned, as defined by law or by other binding rules in the Member States. In the absence of such rules the public tasks should be defined in accordance with common administrative practice in the Member States, provided that the scope of the public tasks is transparent and subject to review. The public tasks could be defined generally or on a case-by-case basis for individual public sector bodies. As public undertakings are not covered by the definition of public sector body, the data they hold should not be subject to this Regulation. Data held by cultural and educational establishments, for which intellectual property rights are not incidental, but which are predominantly contained in works and other documents protected by such intellectual property rights, are not covered by this Regulation.	***deleted***

Or. en

Amendment 145
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 9

Text proposed by the Commission	*Amendment*
(9) Public sector bodies should comply with competition law when establishing the principles for re-use of data they hold, avoiding as far as possible the conclusion of agreements, which might have as their objective or effect the creation of exclusive rights for the re-use of certain data. Such agreement should be only possible when justified and necessary for the provision of a service of ***general*** interest. This may be the case when exclusive use of the data is the only way to maximise the societal benefits of the data in question, for example where there is only one entity (which has specialised in the processing of a specific dataset) capable of delivering the service ***or the product which allows the public sector body to provide an advanced digital service in the general interest***. Such arrangements should, however, be concluded in compliance with public procurement rules and be subject to regular review based on a market analysis in order to ascertain whether such exclusivity continues to be necessary. In addition, such arrangements should comply with the relevant State aid rules, as appropriate, and should be concluded for a limited period, which should not exceed ***three years***. In order to ensure transparency, such exclusive agreements should be published online, regardless of a possible publication of an award of a public procurement contract.	(9) Public sector bodies should comply with competition law when establishing the principles for re-use of data they hold, avoiding as far as possible the conclusion of agreements, which might have as their objective or effect the creation of exclusive rights for the re-use of certain data. Such agreement should be only possible when justified and necessary for the provision of a service of ***public*** interest***, in particular in the areas of scientific research***. This may be ***also*** the case when exclusive use of the data is the only way to maximise the societal benefits of the data in question, for example where there is only one entity (which has specialised in the processing of a specific dataset) capable of delivering the service. Such arrangements should, however, be concluded in compliance with public procurement rules and be subject to regular review based on a market analysis in order to ascertain whether such exclusivity continues to be necessary. In addition, such arrangements should comply with the relevant State aid rules, as appropriate, and should be concluded for a limited period, which should not exceed ***six months***. In order to ensure transparency, such exclusive agreements should be published online, regardless of a possible publication of an award of a public procurement contract.

Or. en

Amendment 146
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin

Proposal for a regulation
Recital 9

Text proposed by the Commission	*Amendment*
(9) Public sector bodies should comply with competition law when establishing the principles for re-use of data they hold, avoiding ***as far as possible*** the conclusion of agreements, which might have as their objective or effect the creation of exclusive rights for the re-use of certain data. Such agreement should be only possible when justified and necessary for the provision of a service of general interest. This may be the case when exclusive use of the data is the only way to maximise the societal benefits of the data in question, for example where there is only one entity (which has specialised in the processing of a specific dataset) capable of delivering the service or the product which allows the public sector body to provide an advanced digital service in the general interest. Such arrangements should, however, be concluded in compliance with public procurement rules and be subject to regular review based on a market analysis in order to ascertain whether such exclusivity continues to be necessary. In addition, such arrangements should comply with the relevant State aid rules, as appropriate, and should be concluded for a limited period, which should not exceed ***three*** years. In order to ensure transparency, such exclusive agreements should be published online, regardless of a possible publication of an award of a public procurement contract.	(9) Public sector bodies should comply with competition law when establishing the principles for re-use of data they hold, avoiding the conclusion of agreements, which might have as their objective or effect the creation of exclusive rights for the re-use of certain data. Such agreement should be only possible when justified and necessary for the provision of a service of general interest. This may be the case when exclusive use of the data is the only way to maximise the societal benefits of the data in question, for example where there is only one entity (which has specialised in the processing of a specific dataset) capable of delivering the service or the product which allows the public sector body to provide an advanced digital service in the general interest. Such arrangements should, however, be concluded in compliance with public procurement rules and be subject to regular review based on a market analysis in order to ascertain whether such exclusivity continues to be necessary. In addition, such arrangements should comply with the relevant State aid rules, as appropriate, and should be concluded for a limited period, which should not exceed ***two*** years. In order to ensure transparency, such exclusive agreements should be published online, regardless of a possible publication of an award of a public procurement contract.

Or. en

Amendment 147
Nicola Danti, Ivars Ijabs, Andrus Ansip, Klemen Grošelj, Martina Dlabajová, Iskra Mihaylova, Christophe Grudler, Sandro Gozi, Bart Groothuis, Valérie Hayer, Susana Solís Pérez

Proposal for a regulation
Recital 10

Text proposed by the Commission	*Amendment*
(10) Prohibited exclusive agreements and other practices or arrangements ***between data holders and data re-users*** which do not expressly grant exclusive rights but which can reasonably be expected to restrict the availability of data for re-use that have been concluded or have been already in place before the entry into force of this Regulation should not be renewed after the expiration of their term. In the case of indefinite or longer-term agreements, they should be terminated within three years from the date of entry into force of this Regulation.	(10) Prohibited exclusive agreements and other practices or arrangements ***pertaining to the re-use of data held by public sector bodies*** which do not expressly grant exclusive rights but which can reasonably be expected to restrict the availability of data for re-use that have been concluded or have been already in place before the entry into force of this Regulation should not be renewed after the expiration of their term. In the case of indefinite or longer-term agreements, they should be terminated within three years from the date of entry into force of this Regulation.

Or. en

Amendment 148
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 10

Text proposed by the Commission	*Amendment*
(10) Prohibited exclusive agreements and other practices or arrangements between data holders and data re-users which do not expressly grant exclusive rights but which can reasonably be expected to restrict the availability of data for re-use that have been concluded or have been already in place before the entry into force of this Regulation should not be renewed after the expiration of their term. In the case of indefinite or longer-term agreements, they should be terminated within ***three years*** from the date of entry into force of this Regulation.	(10) Prohibited exclusive agreements and other practices or arrangements between data holders and data re-users which do not expressly grant exclusive rights but which can reasonably be expected to restrict the availability of data for re-use that have been concluded or have been already in place before the entry into force of this Regulation should not be renewed after the expiration of their term. In the case of indefinite or longer-term agreements, they should be terminated within ***one year*** from the date of entry into force of this Regulation.

Or. en

Amendment 149
Christophe Grudler, Valérie Hayer, Sylvie Brunet, Sandro Gozi, Stéphanie Yon-Courtin, Catherine Chabaud

Proposal for a regulation
Recital 11

Text proposed by the Commission	*Amendment*
(11) Conditions for re-use of protected data that apply to public sector bodies competent under national law to allow re-use, and which should be without prejudice to rights or obligations concerning access to such data, should be laid down. Those conditions should be non-discriminatory, proportionate and objectively justified, while not restricting competition. ***In particular***, public sector bodies allowing re-use should have in place the technical means necessary to ensure the protection of rights and interests of third parties. Conditions attached to the re-use of data should be limited to what is necessary to preserve the rights and interests of others in the data and the integrity of the information technology and communication systems of the public sector bodies. Public sector bodies should apply conditions which best serve the interests of the re-user without leading to a disproportionate ***effort*** for the public sector. Depending on the case at hand, before its transmission, personal data should be fully anonymised, so as to definitively not allow the identification of the data subjects, or data containing commercially confidential information modified in such a way that no confidential information is disclosed. ***Where provision of anonymised or modified data would not respond to the needs of the re-user***, on-premise or remote re-use of the data within a secure processing environment could be permitted. Data analyses in such secure processing environments should be supervised by the public sector body, so as to protect the rights and interests of others. In particular, personal data should only be	(11) Conditions for re-use of protected data that apply to public sector bodies competent under national law to allow re-use, and which should be without prejudice to rights or obligations concerning access to such data, should be laid down. Those conditions should be non-discriminatory, proportionate and objectively justified, while not restricting competition. ***The conditions for re-use should be designed in a manner promoting scientific research***, ***e.g. privileging research should be considered non-discriminatory.*** Public sector bodies allowing re-use should have in place the technical means necessary to ensure the protection of rights and interests of third parties. Conditions attached to the re-use of data should be limited to what is necessary to preserve the rights and interests of others in the data and the integrity of the information technology and communication systems of the public sector bodies. Public sector bodies should apply conditions which best serve the interests of the re-user without leading to a disproportionate ***burden*** for the public sector. Depending on the case at hand, before its transmission, personal data should be fully anonymised, so as to definitively not allow the identification of the data subjects, or data containing commercially confidential information modified in such a way that no confidential information is disclosed. ***Alternatively***, on-premise or remote re-use of the data within a secure processing environment could be permitted. Data analyses in such secure processing environments should be supervised by the public sector body, so as

transmitted for re-use to a third party where a legal basis allows such transmission. The public sector body ***could make the use of such secure processing environment conditional on the signature by the re-user of a confidentiality agreement that prohibits the disclosure of any information that jeopardises the rights and interests of third parties that the re-user may have acquired despite the safeguards put in place***. The public sector bodies, where relevant, should facilitate the re-use of data on the basis of consent of data subjects or permissions of legal persons on the re-use of data pertaining to them through adequate technical means. In this respect, the public sector body ***should*** support potential re-users in seeking such consent by establishing technical mechanisms that permit transmitting requests for consent from re-users, where practically feasible. No contact information should be given that allows re-users to contact data subjects or companies directly.	to protect the rights and interests of others. In particular, personal data should only be transmitted for re-use to a third party where a legal basis allows such transmission. ***This also applies to pseudonymised data which remain personal data in the sense of Regulation (EU)2016/679. In the event of reidentification of data subjects, the obligation to report such a data breach to*** the public sector body ***should apply in addition to the obligation to report such a data breach to a supervisory authority and to the data subject in accordance with Regulation (EU) 2016/679***. The public sector bodies, where relevant, should facilitate the re-use of data on the basis of consent of data subjects or permissions of legal persons on the re-use of data pertaining to them through adequate technical means. In this respect, the public sector body ***could*** support potential re-users in seeking such consent by establishing technical mechanisms that permit transmitting requests for consent from re-users, where practically feasible. No contact information should be given that allows re-users to contact data subjects or companies directly. ***When transmitting the request to consent, the public sector body should ensure that the data subject is clearly informed of the possibility to refuse such a request.***

Or. en

Justification

In order to avoid legal uncertainties linked to the legal bases which could be used under this regulation, a reference to the GDPR should be added.

Amendment 150
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 11

Text proposed by the Commission	*Amendment*
(11) ***Conditions*** for re-use of protected data that apply to public sector bodies competent under national law to allow re-use, and which should be without prejudice to rights or obligations concerning access to such data, ***should be laid down. Those*** conditions should be non-discriminatory, proportionate and objectively justified, while ***not restricting*** competition. In particular, public sector bodies allowing re-use should have in place the technical means necessary to ensure the protection of rights ***and interests*** of third parties. ***Conditions attached to*** the re-use of data should be limited ***to*** what is necessary to preserve the rights ***and interests*** of others in the data and the integrity of the information technology and communication systems of the public sector bodies. Public sector bodies should apply conditions which ***best serve*** the interests of the re-user without leading to a disproportionate effort for the public sector. ***Depending on the case at hand,*** before its transmission, personal data should be fully anonymised, so as to definitively not allow the identification of the data subjects***, or*** data containing commercially confidential information modified in such a way that no confidential information is disclosed. Where provision of anonymised or modified data would not respond to the needs of the re-user, on-premise or remote re-use of the data within a secure processing environment could be permitted. Data analyses in such secure processing environments should be supervised by the public sector body, so as to protect the rights and interests of others. In particular, personal data should only be transmitted for re-use to a third party where a legal basis allows such transmission. The public sector body could make the use of such secure processing environment conditional on the signature by the re-user of a confidentiality agreement that prohibits the disclosure of any information that jeopardises the rights and interests of	(11) ***Clarity on the mechanisms*** for re-use of protected data that apply to public sector bodies competent under national law to allow re-use, and which should be without prejudice to rights or obligations concerning access to such data, ***is needed. Such mechanisms, including possible*** conditions should be non-discriminatory, proportionate and objectively justified, while ***enhancing*** competition ***as much as possible, with a specific focus on promoting access to such data for Small and Medium-sized Enterprises and Start-Ups***. In particular, public sector bodies allowing re-use should have in place the technical means necessary to ensure the protection of rights of third parties. The re-use of data should ***not*** be limited ***beyond*** what is necessary to preserve the rights of others in the data and the integrity of the information technology and communication systems of the public sector bodies. Public sector bodies should apply conditions which ***accommodate*** the interests of the re-user without leading to a disproportionate effort for the public sector. Before its transmission, personal data should be fully ***and effectively*** anonymised, so as to definitively not allow the identification of the data subjects***. Similarly,*** data containing commercially confidential information ***should be*** modified in such a way that no confidential information is disclosed. Where provision of anonymised or modified data would not respond to the needs of the re-user, on-premise or remote re-use of the data within a secure processing environment could be permitted. Data analyses in such secure processing environments should be supervised by the public sector body, so as to protect the rights and interests of others. In particular, personal data should only be transmitted for re-use to a third party where a legal basis allows such transmission. The public sector body could make the use of such secure processing environment conditional on the signature by the re-user

third parties that the re-user may have acquired despite the safeguards put in place. The public sector bodies, where relevant, should facilitate the re-use of data on the basis of consent of data subjects or permissions of legal persons on the re-use of data pertaining to them through adequate technical means. In this respect, the public sector body should support potential re-users in seeking such consent by establishing technical mechanisms that permit transmitting requests for consent from re-users, where practically feasible. No contact information should be given that allows re-users to contact data subjects or companies directly.

of a confidentiality agreement that prohibits the disclosure of any information that jeopardises the rights and interests of third parties that the re-user may have acquired despite the safeguards put in place. The public sector bodies, where relevant, should facilitate the re-use of data on the basis of consent of data subjects or permissions of legal persons on the re-use of data pertaining to them through adequate technical means. In this respect, the public sector body should support potential re-users in seeking such consent by establishing technical mechanisms that permit transmitting requests for consent from re-users, where practically feasible. ***Special emphasis for support should be put to ensure that SMEs and other small actors can compete fairly.*** No contact information should be given that allows re-users to contact data subjects or companies directly.

Or. en

Amendment 151
Angelika Niebler, Pilar del Castillo Vera, Tom Berendsen, Dan-Ştefan Motreanu, Eva Maydell, Franc Bogovič, Marion Walsmann, Jens Gieseke, Henna Virkkunen, Adam Jarubas, Maria da Graça Carvalho, Othmar Karas, Ivan Štefanec, Cristian-Silviu Buşoi, Ioan-Rareş Bogdan

Proposal for a regulation
Recital 11

Text proposed by the Commission	*Amendment*
(11) Conditions for re-use of protected data that apply to public sector bodies competent under national law to allow re-use, and which should be without prejudice to rights or obligations concerning access to such data, should be laid down. Those conditions should be non-discriminatory, proportionate and objectively justified, while not restricting competition. In particular, public sector bodies allowing re-use should have in place the technical means necessary to ensure the protection of	(11) Conditions for re-use of protected data that apply to public sector bodies competent under national law to allow re-use, and which should be without prejudice to rights or obligations concerning access to such data, should be laid down. Those conditions should be non-discriminatory, proportionate and objectively justified, while not restricting competition. In particular, public sector bodies allowing re-use should have in place the technical means necessary to ensure the protection of

rights and interests of third parties. Conditions attached to the re-use of data should be limited to what is necessary to preserve the rights and interests of others in the data and the integrity of the information technology and communication systems of the public sector bodies. Public sector bodies should apply conditions which best serve the interests of the re-user without leading to a disproportionate effort for the public sector. Depending on the case at hand, before its transmission, personal data should be fully anonymised, so as to definitively not allow the identification of the data subjects, or data containing commercially confidential information modified in such a way that no confidential information is disclosed. Where provision of anonymised or modified data would not respond to the needs of the re-user, on-premise or remote re-use of the data within a secure processing environment could be permitted. Data analyses in such secure processing environments should be supervised by the public sector body, so as to protect the rights and interests of others. In particular, personal data should only be transmitted for re-use to a third party where a legal basis allows such transmission. The public sector body could make the use of such secure processing environment conditional on the signature by the re-user of a confidentiality agreement that prohibits the disclosure of any information that jeopardises the rights and interests of third parties that the re-user may have acquired despite the safeguards put in place. The public sector bodies, where relevant, should facilitate the re-use of data on the basis of consent of data subjects or permissions of legal persons on the re-use of data pertaining to them through adequate technical means. In this respect, the public sector body should support potential re-users in seeking such consent by establishing technical mechanisms that permit transmitting requests for consent from re-users, where practically feasible. No contact information should be given that allows re-users to contact data subjects

rights and interests of third parties ***and be empowered to request the necessary information from the re-user***. Conditions attached to the re-use of data should be limited to what is necessary to preserve the rights and interests of others in the data and the integrity of the information technology and communication systems of the public sector bodies. Public sector bodies should apply conditions which best serve the interests of the re-user without leading to a disproportionate effort for the public sector. Depending on the case at hand, before its transmission, personal data should be fully anonymised, so as to definitively not allow the identification of the data subjects, or data containing commercially confidential information modified in such a way that no confidential information is disclosed. Where provision of anonymised or modified data would not respond to the needs of the re-user, on-premise or remote re-use of the data within a secure processing environment could be permitted. Data analyses in such secure processing environments should be supervised by the public sector body, so as to protect the rights and interests of others. In particular, personal data should only be transmitted for re-use to a third party where a legal basis allows such transmission. The public sector body could make the use of such secure processing environment conditional on the signature by the re-user of a confidentiality agreement that prohibits the disclosure of any information that jeopardises the rights and interests of third parties that the re-user may have acquired despite the safeguards put in place. The public sector bodies, where relevant, should facilitate the re-use of data on the basis of consent of data subjects or permissions of legal persons on the re-use of data pertaining to them through adequate technical means. In this respect, the public sector body should support potential re-users in seeking such consent by establishing technical mechanisms that permit transmitting requests for consent from re-users, where practically feasible.

or companies directly.	No contact information should be given that allows re-users to contact data subjects or companies directly.

Or. en

Amendment 152
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 11

Text proposed by the Commission	*Amendment*
(11) Conditions for re-use of protected data that apply to public sector bodies competent under national law to allow re-use, and which should be without prejudice to rights or obligations concerning access to such data, should be laid down. Those conditions should be non-discriminatory, proportionate and objectively justified, while not restricting competition. In particular, public sector bodies allowing re-use should have in place the technical means necessary to ensure the protection of rights and interests of third parties. Conditions attached to the re-use of data should be limited to what is necessary to preserve the rights and interests of others in the data and the integrity of the information technology and communication systems of the public sector bodies. Public sector bodies should apply conditions which best serve the interests of the re-user without leading to a disproportionate effort for the public sector. Depending on the case at hand, before its transmission, personal data should be fully anonymised, so as to definitively not allow the identification of the data subjects, or data containing commercially confidential information modified in such a way that no confidential information is disclosed. Where provision of anonymised or modified data would not respond to the needs of the re-user, on-premise or remote re-use of the data within	(11) Conditions for re-use of protected data that apply to public sector bodies competent under national law to allow re-use, and which should be without prejudice to rights or obligations concerning access to such data, should be laid down. Those conditions should be non-discriminatory, proportionate and objectively justified, while not restricting competition. In particular, public sector bodies allowing re-use should have in place the technical means necessary to ensure the protection of rights and interests of third parties. Conditions attached to the re-use of data should be limited to what is necessary to preserve the rights and interests of others in the data and the integrity of the information technology and communication systems of the public sector bodies. Public sector bodies should apply conditions which best serve the interests of the re-user without leading to a disproportionate effort for the public sector. Depending on the case at hand, before its transmission, personal data should be fully anonymised, so as to definitively not allow the identification of the data subjects, or data containing commercially confidential information modified in such a way that no confidential information is disclosed. Where provision of anonymised or modified data would not respond to the needs of the re-user, on-premise or remote re-use of the data within

a secure processing environment could be permitted. Data analyses in such secure processing environments should be supervised by the public sector body, so as to protect the rights and interests of others. In particular, personal data should only be transmitted for re-use to a third party where a legal basis allows such transmission. The public sector body could make the use of such secure processing environment conditional on the signature by the re-user of a confidentiality agreement that prohibits the disclosure of any information that jeopardises the rights and interests of third parties that the re-user may have acquired despite the safeguards put in place. The public sector bodies, where relevant, should facilitate the re-use of data on the basis of consent of data subjects or permissions of legal persons on the re-use of data pertaining to them through adequate technical means. In this respect, the public sector body should support potential re-users in seeking such consent by establishing technical mechanisms that permit transmitting requests for consent from re-users, where practically feasible. No contact information should be given that allows re-users to contact data subjects or companies directly.

a secure processing environment could be permitted. Data analyses in such secure processing environments should be supervised by the public sector body ***of a Member State***, so as to protect the rights and interests of others. In particular, personal data should only be transmitted for re-use to a third party where a legal basis allows such transmission. The public sector body could make the use of such secure processing environment conditional on the signature by the re-user of a confidentiality agreement that prohibits the disclosure of any information that jeopardises the rights and interests of third parties that the re-user may have acquired despite the safeguards put in place. The public sector bodies, where relevant, should facilitate the re-use of data on the basis of consent of data subjects or permissions of legal persons on the re-use of data pertaining to them through adequate technical means. In this respect, the public sector body should support potential re-users in seeking such consent by establishing technical mechanisms that permit transmitting requests for consent from re-users, where practically feasible. No contact ***or any sufficient*** information should be given that allows re-users to ***trace back, de-anonymise and*** contact data subjects or companies directly.

Or. en

Amendment 153
Nicola Danti, Ivars Ijabs, Andrus Ansip, Klemen Grošelj, Martina Dlabajová, Dragoș Pîslaru, Iskra Mihaylova, Christophe Grudler, Sandro Gozi, Bart Groothuis, Valérie Hayer, Susana Solís Pérez

Proposal for a regulation
Recital 11

Text proposed by the Commission	*Amendment*
(11) Conditions for re-use of protected data that apply to public sector bodies competent under national law to allow re-	(11) Conditions for re-use of protected data that apply to public sector bodies competent under national law to allow re-

use, and which should be without prejudice to rights or obligations concerning access to such data, should be laid down. Those conditions should be non-discriminatory, proportionate ***and*** objectively justified***, while not restricting*** competition. In particular, public sector bodies allowing re-use should have in place the technical means necessary to ensure the protection of rights and interests of third parties. Conditions attached to the re-use of data should be limited to what is necessary to preserve the rights and interests of others in the data and the integrity of the information technology and communication systems of the public sector bodies. Public sector bodies should apply conditions which best serve the interests of the re-user without leading to a disproportionate effort for the public sector. Depending on the case at hand, before its transmission, personal data should be fully anonymised, so as to definitively not allow the identification of the data subjects, or data containing commercially confidential information modified in such a way that no confidential information is disclosed. Where provision of anonymised or modified data would not respond to the needs of the re-user, on-premise or remote re-use of the data within a secure processing environment could be permitted. Data analyses in such secure processing environments should be supervised by the public sector body, so as to protect the rights and interests of others. In particular, personal data should only be transmitted for re-use to a third party where a legal basis allows such transmission. The public sector body could make the use of such secure processing environment conditional on the signature by the re-user of a confidentiality agreement that prohibits the disclosure of any information that jeopardises the rights and interests of third parties that the re-user may have acquired despite the safeguards put in place. The public sector bodies, where relevant, should facilitate the re-use of data on the basis of consent of data subjects or permissions of legal persons on the re-use

use, and which should be without prejudice to rights or obligations concerning access to such data, should be laid down. Those conditions should be non-discriminatory, proportionate***,*** objectively justified ***and in line with*** competition ***law***. In particular, public sector bodies allowing re-use should have in place the technical means necessary to ensure the protection of rights and interests of third parties. Conditions attached to the re-use of data should be limited to what is necessary to preserve the rights and interests of others in the data and the integrity of the information technology and communication systems of the public sector bodies. Public sector bodies should apply conditions which best serve the interests of the re-user without leading to a disproportionate effort for the public sector. Depending on the case at hand, before its transmission, personal data should be fully anonymised, so as to definitively not allow the identification of the data subjects, or data containing commercially confidential information modified in such a way that no confidential information is disclosed. Where provision of anonymised or modified data would not respond to the needs of the re-user, on-premise or remote re-use of the data within a secure processing environment could be permitted. Data analyses in such secure processing environments should be supervised by the public sector body, so as to protect the rights and interests of others. In particular, personal data should only be transmitted for re-use to a third party where a legal basis allows such transmission. The public sector body could make the use of such secure processing environment conditional on the signature by the re-user of a confidentiality agreement that prohibits the disclosure of any information that jeopardises the rights and interests of third parties that the re-user may have acquired despite the safeguards put in place. The public sector bodies, where relevant, should facilitate the re-use of data on the basis of consent of data subjects or permissions of legal persons on the re-use

of data pertaining to them through adequate technical means. In this respect, the public sector body should support potential re-users in seeking such consent by establishing technical mechanisms that permit transmitting requests for consent from re-users, where practically feasible. No contact information should be given that allows re-users to contact data subjects or companies directly.

of data pertaining to them through adequate technical means. In this respect, the public sector body should support potential re-users in seeking such consent by establishing technical mechanisms that permit transmitting requests for consent from re-users, where practically feasible. No contact information should be given that allows re-users to contact data subjects or companies directly.

Or. en

Amendment 154
Dace Melbārde
on behalf of the ECR Group
Evžen Tošenovský

Proposal for a regulation
Recital 11

Text proposed by the Commission	*Amendment*
(11) Conditions for re-use of protected data that apply to public sector bodies competent under national law to allow re-use, and which should be without prejudice to rights or obligations concerning access to such data, should be laid down. Those conditions should be non-discriminatory, proportionate and objectively justified, while not restricting competition. In particular, public sector bodies allowing re-use should have in place the technical means necessary to ensure the protection of rights and interests of third parties. Conditions attached to the re-use of data should be limited to what is necessary to preserve the rights and interests of others in the data and the integrity of the information technology and communication systems of the public sector bodies. Public sector bodies should apply conditions which best serve the interests of the re-user without leading to a disproportionate ***effort*** for the public sector. Depending on the case at hand, before its transmission, personal data should be ***fully*** anonymised, so as to	(11) Conditions for re-use of protected data that apply to public sector bodies competent under national law to allow re-use, and which should be without prejudice to rights or obligations concerning access to such data, should be laid down. Those conditions should be non-discriminatory, proportionate and objectively justified, while not restricting competition. In particular, public sector bodies allowing re-use should have in place the technical means necessary to ensure the protection of rights and interests of third parties. Conditions attached to the re-use of data should be limited to what is necessary to preserve the rights and interests of others in the data and the integrity of the information technology and communication systems of the public sector bodies. Public sector bodies should apply conditions which best serve the interests of the re-user without leading to a disproportionate ***burden*** for the public sector. Depending on the case at hand, before its transmission, personal data should be anonymised, so as to not allow

definitively not allow the identification of the data subjects, or data containing commercially confidential information modified in such a way that no confidential information is disclosed. Where provision of anonymised or modified data would not respond to the needs of the re-user, on-premise or remote re-use of the data within a secure processing environment could be permitted. Data analyses in such secure processing environments should be supervised by the public sector body, so as to protect the rights and interests of others. In particular, personal data should only be transmitted for re-use to a third party where a legal basis allows such transmission. The public sector body could make the use of such secure processing environment conditional on the signature by the re-user of a confidentiality agreement that prohibits the disclosure of any information that jeopardises the rights and interests of third parties that the re-user may have acquired despite the safeguards put in place. The public sector bodies, where relevant, should facilitate the re-use of data on the basis of consent of data subjects or permissions of legal persons on the re-use of data pertaining to them through adequate technical means. In this respect, the public sector body should support potential re-users in seeking such consent by establishing technical mechanisms that permit transmitting requests for consent from re-users, where practically feasible. No contact information should be given that allows re-users to contact data subjects or companies directly.	the identification of the data subjects, or data containing commercially confidential information modified in such a way that no confidential information is disclosed. Where provision of anonymised or modified data would not respond to the needs of the re-user, on-premise or remote re-use of the data within a secure processing environment could be permitted. Data analyses in such secure processing environments should be supervised by the public sector body, so as to protect the rights and interests of others. In particular, personal data should only be transmitted for re-use to a third party where a legal basis allows such transmission. The public sector body could make the use of such secure processing environment conditional on the signature by the re-user of a confidentiality agreement that prohibits the disclosure of any information that jeopardises the rights and interests of third parties that the re-user may have acquired despite the safeguards put in place. The public sector bodies, where relevant, should facilitate the re-use of data on the basis of consent of data subjects or permissions of legal persons on the re-use of data pertaining to them through adequate technical means. In this respect, the public sector body should support potential re-users in seeking such consent by establishing technical mechanisms that permit transmitting requests for consent from re-users, where practically feasible. No contact information should be given that allows re-users to contact data subjects or companies directly.

Or. en

Amendment 155
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 12

Text proposed by the Commission	*Amendment*
(12) The intellectual property rights of third parties should not be affected by this Regulation. This Regulation should neither affect the existence or ownership of intellectual property rights of public sector bodies, nor should it limit the exercise of these rights in any way beyond the boundaries set by this Regulation. The obligations imposed in accordance with this Regulation should apply only insofar as they are compatible with international agreements on the protection of intellectual property rights, in particular the Berne Convention for the Protection of Literary and Artistic Works (Berne Convention), the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and the WIPO Copyright Treaty (WCT). Public sector bodies should, however, exercise their copyright in a way that facilitates re-use.	(12) The intellectual property rights of third parties should not be affected by this Regulation. This Regulation should neither affect the existence or ownership of intellectual property rights of public sector bodies, nor should it limit the exercise of these rights in any way beyond the boundaries set by this Regulation. The obligations imposed in accordance with this Regulation should apply only insofar as they are compatible with international agreements on the protection of intellectual property rights, in particular the Berne Convention for the Protection of Literary and Artistic Works (Berne Convention), the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and the WIPO Copyright Treaty (WCT). Public sector bodies should, however, exercise their copyright in a way that facilitates re-use ***and encourages a transparent and cooperative approach to data, including by using a Creative Commons approach to licensing to data that is not already open data***.

Or. en

Amendment 156
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 13

Text proposed by the Commission	*Amendment*
(13) Data subject to intellectual property rights as well as trade secrets should only be transmitted to a third party where such transmission is lawful by virtue of Union or national law or with the agreement of the rightholder. Where public sector bodies are holders of the right provided for in Article 7(1) of Directive 96/9/EC of the European Parliament and of the Council ([41]	(13) Data subject to intellectual property rights as well as trade secrets should only be transmitted to a third party where such transmission is lawful by virtue of Union or national law or with the agreement of the rightholder. Where ***public sector bodies or beneficiaries of data provided by the*** public sector bodies are holders of the right provided for in Article 7(1) of Directive

) they should not exercise that right in order to prevent the re-use of data or to restrict re-use beyond the limits set by this Regulation.	96/9/EC of the European Parliament and of the Council ([41]) they should not exercise that right in order to prevent the re-use of data or to restrict re-use beyond the limits set by this Regulation.
[41] Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996, p. 20).	[41] Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996, p. 20).
	Or. en

Amendment 157
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 13 a (new)

Text proposed by the Commission	*Amendment*
	(13 a) In case of sharing the data related to the employment with a third party, companies must transmit that data in full respect of the principles and provisions of GDPR, in particular in respect of Article 88 which provides the conditions for processing data in the context of employment. Additional safeguards should be put in place to avoid misuse of sensitive data. Workers should be able to exercise an unambiguous and informed consent in the processing of their data, for which a strong trade unions' involvement in the new governance of data and AI at company and sectoral level should be implemented. Workers or their representatives must, at the appropriate levels, be guaranteed quality information and consultation in good time on those processes, to guarantee a meaningful exchange with management.
	Or. en

Amendment 158
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 14

Text proposed by the Commission	*Amendment*
(14) Companies and data subjects should be able to trust that the re-use of certain categories of protected data, which are held by the public sector, will take place in a manner that respects their rights and interests. Additional safeguards should thus be put in place for situations in which the re-use of such public sector data is taking place on the basis of a processing of the data outside the public sector. ***Such an additional safeguard could be found in the requirement that public sector bodies should take fully into account the rights and interests of natural and legal persons (in particular the protection of personal data, commercially sensitive data and the protection of intellectual property rights) in case such data is transferred to third countries.***	(14) Companies and data subjects should be able to trust that the re-use of certain categories of protected data, which are held by the public sector, will take place in a manner that respects their rights and interests. Additional safeguards should thus be put in place for situations in which the re-use of such public sector data is taking place on the basis of a processing of the data outside the public sector.

Or. en

Amendment 159
Ivo Hristov

Proposal for a regulation
Recital 14

Text proposed by the Commission	*Amendment*
(14) Companies and data subjects should be able to trust that the re-use of certain categories of protected data, which are held by the public sector, will take place in a manner that respects their rights and interests. Additional safeguards should thus be put in place for situations in which the re-use of such public sector data is taking place on the basis of a processing of	(14) Companies and data subjects should be able to trust that the re-use of certain categories of protected data, which are held by the public sector, will take place in a manner that respects their rights and interests. Additional safeguards should thus be put in place for situations in which the re-use of such public sector data is taking place on the basis of a processing of

the data outside the public sector. Such an additional safeguard could be found in the requirement that public sector bodies should take fully into account the rights and interests of natural and legal persons (in particular the protection of personal data, commercially sensitive data and the protection of intellectual property rights) in case such data is transferred to third countries.	the data outside the public sector. ***Highlighted in this regard is the need of prior consultation and negotiation with social partners, if data management and processing using artificial intelligence tools relate to the sphere of work.*** Such an additional safeguard could be found in the requirement that public sector bodies should take fully into account the rights and interests of natural and legal persons (in particular the protection of personal data, commercially sensitive data and the protection of intellectual property rights) in case such data is transferred to third countries.
	Or. en

Amendment 160
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 14

Text proposed by the Commission	*Amendment*
(14) Companies and data subjects should be able to trust that the re-use of certain categories of protected data, which are held by the public sector, will take place in a manner that respects their rights and interests. Additional safeguards should thus be put in place for situations in which the re-use of such public sector data is taking place on the basis of a processing of the data outside the public sector. Such an additional safeguard could be found in the requirement that public sector bodies should ***take*** fully ***into account*** the rights and interests of natural and legal persons (in particular the protection of personal data, commercially sensitive data and the protection of intellectual property rights) in ***case*** such data is transferred to third countries.	(14) Companies and data subjects should be able to trust that the re-use of certain categories of protected data, which are held by the public sector, will take place in a manner that respects their rights and interests. Additional safeguards should thus be put in place for situations in which the re-use of such public sector data is taking place on the basis of a processing of the data outside the public sector. Such an additional safeguard could be found in the requirement that public sector bodies should fully ***comply with*** the rights and interests of natural and legal persons (in particular the protection of personal data, commercially sensitive data and the protection of intellectual property rights) in ***all cases and especially when*** such data is transferred to third countries.
	Or. en

Amendment 161
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 15

Text proposed by the Commission	*Amendment*
(15) Furthermore, it is important to protect commercially sensitive data of non-personal nature, notably trade secrets, but also non-personal data representing content protected by intellectual property rights from unlawful access that may lead to IP theft or industrial espionage. In order to ensure the protection of fundamental rights or interests of data holders, non-personal data which is to be protected from unlawful or unauthorised access under Union or national law, and which is held by public sector bodies, should be transferred ***only*** to third-countries ***where appropriate safeguards for the use of data are provided***. ***Such appropriate safeguards should be considered to exist when in that third-country there are equivalent measures in place which ensure that non-personal data benefits from a level of protection similar to that applicable by means of Union or national law in particular as regards the protection of trade secrets and the protection of intellectual property rights. To that end, the Commission may adopt implementing acts that declare that a third country provides a level of protection that is essentially equivalent to those provided by Union or national law. The assessment of the level of protection afforded in such third-country should, in particular, take into consideration the relevant legislation, both general and sectoral, including concerning public security, defence, national security and criminal law concerning the access to and protection of non-personal data, any access by the public authorities of that third country to***	(15) Furthermore, it is important to protect commercially sensitive data of non-personal nature, notably trade secrets, but also non-personal data representing content protected by intellectual property rights from unlawful access that may lead to IP theft or industrial espionage. In order to ensure the protection of fundamental rights or interests of data holders, non-personal data which is to be protected from unlawful or unauthorised access under Union or national law, and which is held by public sector bodies ***and personal data, even anonymised***, should ***not*** be transferred to third-countries.

the data transferred, the existence and effective functioning of one or more independent supervisory authorities in the third country with responsibility for ensuring and enforcing compliance with the legal regime ensuring access to such data, or the third countries' international commitments regarding the protection of data the third country concerned has entered into, or other obligations arising from legally binding conventions or instruments as well as from its participation in multilateral or regional systems. The existence of effective legal remedies for data holders, public sector bodies or data sharing providers in the third country concerned is of particular importance in the context of the transfer of non-personal data to that third country. Such safeguards should therefore include the availability of enforceable rights and of effective legal remedies.

Or. en

Amendment 162
Angelika Niebler, Pilar del Castillo Vera, Tom Berendsen, Dan-Ştefan Motreanu, Eva Maydell, Franc Bogovič, Marion Walsmann, Jens Gieseke, Henna Virkkunen, Adam Jarubas, Georgios Kyrtsos, Seán Kelly, Maria da Graça Carvalho, Othmar Karas, Ivan Štefanec, Cristian-Silviu Buşoi, Ioan-Rareş Bogdan

Proposal for a regulation
Recital 15

Text proposed by the Commission	*Amendment*
(15) Furthermore, it is ***important*** to protect commercially sensitive data of non-personal nature, notably trade secrets, but also non-personal data representing content protected by intellectual property rights from unlawful access that may lead to IP theft or industrial espionage. In order to ensure the protection of fundamental rights or interests of data holders, non-personal data which is to be protected from unlawful or unauthorised access under Union or national law, and which is held by public	(15) Furthermore, ***in order to preserve fair competition and an open market economy*** it is ***of utmost importance*** to protect commercially sensitive data of non-personal nature, notably trade secrets, but also non-personal data representing content protected by intellectual property rights from unlawful access that may lead to IP theft or industrial espionage. In order to ensure the protection of fundamental rights or interests of data holders, non-personal data which is to be protected from unlawful

sector bodies, should be transferred only to third-countries where appropriate safeguards for the use of data are provided. Such appropriate safeguards should be considered to exist when in that third-country there are equivalent measures in place which ensure that non-personal data benefits from a level of protection similar to that applicable by means of Union or national law in particular as regards the protection of trade secrets and the protection of intellectual property rights. To that end, the Commission may adopt ***implementing*** acts that declare that a third country provides a level of protection that is essentially equivalent to those provided by Union or national law. The assessment of the level of protection afforded in such third-country should, in particular, take into consideration the relevant legislation, both general and sectoral, including concerning public security, defence, national security and criminal law concerning the access to and protection of non-personal data, any access by the public authorities of that third country to the data transferred, the existence and effective functioning of one or more independent supervisory authorities in the third country with responsibility for ensuring and enforcing compliance with the legal regime ensuring access to such data, or the third countries' international commitments regarding the protection of data the third country concerned has entered into, or other obligations arising from legally binding conventions or instruments as well as from its participation in multilateral or regional systems. The existence of effective legal remedies for data holders, public sector bodies or data sharing providers in the third country concerned is of particular importance in the context of the transfer of non-personal data to that third country. Such safeguards should therefore include the availability of enforceable rights and of effective legal remedies.

or unauthorised access under Union or national law, and which is held by public sector bodies, should be transferred only to third-countries where appropriate safeguards for the use of data are provided. Such appropriate safeguards should be considered to exist when in that third-country there are equivalent measures in place which ensure that non-personal data benefits from a level of protection similar to that applicable by means of Union or national law in particular as regards the protection of trade secrets and the protection of intellectual property rights. To that end, the Commission may adopt ***delegated*** acts that declare that a third country provides a level of protection that is essentially equivalent to those provided by Union or national law. The assessment of the level of protection afforded in such third-country should, in particular, take into consideration the relevant legislation, both general and sectoral, including concerning public security, defence, national security and criminal law concerning the access to and protection of non-personal data, any access by the public authorities of that third country to the data transferred, the existence and effective functioning of one or more independent supervisory authorities in the third country with responsibility for ensuring and enforcing compliance with the legal regime ensuring access to such data, or the third countries' international commitments regarding the protection of data the third country concerned has entered into, or other obligations arising from legally binding conventions or instruments as well as from its participation in multilateral or regional systems. The existence of effective legal remedies for data holders, public sector bodies or data sharing providers in the third country concerned is of particular importance in the context of the transfer of non-personal data to that third country. Such safeguards should therefore include the availability of enforceable rights and of effective legal

remedies.

Or. en

Amendment 163
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 16

Text proposed by the Commission	*Amendment*
(16) In cases where there is no implementing act adopted by the Commission in relation to a third country declaring that it provides a level of protection, in particular as regards the protection of commercially sensitive data and the protection of intellectual property rights, which is essentially equivalent to that provided by Union or national law, the public sector body should only transmit protected data to a re-user, if the re-user undertakes obligations in the interest of the protection of the data. The re-user that intends to transfer the data to such third country should commit to comply with the obligations laid out in this Regulation even after the data has been transferred to the third country. To ensure the proper enforcement of such obligations, the re-user should also accept the jurisdiction of the Member State of the public sector body that allowed the re-use for the judicial settlement of disputes.	***deleted***

Or. en

Amendment 164
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin

Proposal for a regulation
Recital 16

Text proposed by the Commission	*Amendment*
(16) In cases where there is no implementing act adopted by the Commission in relation to a third country declaring that it provides a level of protection, in particular as regards the protection of commercially sensitive data and the protection of intellectual property rights, which is essentially equivalent to that provided by Union or national law, the public sector body should ***only*** transmit protected data to a re-user***, if the re-user undertakes obligations in the interest of the protection of the data***. ***The re-user that intends to transfer the data to such third country should commit to comply with the obligations laid out in this Regulation even after the data has been transferred to the third country. To ensure the proper enforcement of such obligations, the re-user should also accept the jurisdiction of the Member State of the public sector body that allowed the re-use for the judicial settlement of disputes.***	(16) In cases where there is no implementing act adopted by the Commission in relation to a third country declaring that it provides a level of protection, in particular as regards the protection of commercially sensitive data and the protection of intellectual property rights, which is essentially equivalent to that provided by Union or national law, the public sector body should ***not*** transmit protected data to a re-user.

Or. en

Amendment 165
Damian Boeselager

Proposal for a regulation
Recital 16

Text proposed by the Commission	*Amendment*
(16) In cases where there is no implementing act adopted by the Commission in relation to a third country declaring that it provides a level of protection, in particular as regards the protection of commercially sensitive data and the protection of intellectual property rights, which is essentially equivalent to that provided by Union or national law, the public sector body should ***only transmit protected data to a re-user, if*** the re-user ***undertakes obligations in the interest of***	(16) In cases where there is no implementing act adopted by the Commission in relation to a third country declaring that it provides a level of protection, in particular as regards the protection of commercially sensitive data and the protection of intellectual property rights, which is essentially equivalent to that provided by Union or national law, the public sector body should ***oblige*** the re-user ***to not*** to transfer ***non-personal data protected on grounds set out in Article 3***

the protection of the data. The re-user that intends to transfer ***the data to such*** third country ***should commit to comply*** with the obligations laid out in this Regulation ***even*** after the data has been transferred to the third country. To ensure the proper enforcement of such obligations, the re-user should also accept the jurisdiction of the Member State of the public sector body that allowed the re-use for the judicial settlement of disputes.	***to a*** third country ***unless the re-user complies*** with the obligations laid out in this Regulation***, including*** after the data has been transferred to the third country. To ensure the proper enforcement of such obligations, the re-user should also accept the jurisdiction of the Member State of the public sector body that allowed the re-use for the judicial settlement of disputes. ***In this regard, the public sector bodies or the competent bodies shall provide guidance and legal and administrative support to re-users, especially small actors, such as SMEs and start-ups, for the purpose of supporting them in complying with these obligations.***

Or. en

Amendment 166
Sara Skyttedal

Proposal for a regulation
Recital 16

Text proposed by the Commission	*Amendment*
(16) In cases where there is no implementing act adopted by the Commission in relation to a third country declaring that it provides a level of protection, in particular as regards the protection of commercially sensitive data and the protection of intellectual property rights, which is essentially equivalent to that provided by Union or national law, the public sector body should only transmit protected data to a re-user, if the re-user undertakes obligations in the interest of the protection of the data. The re-user that intends to transfer the data to such third country should commit to comply with the obligations laid out in this Regulation even after the data has been transferred to the third country. To ensure the proper enforcement of such obligations, the re-user should also accept the jurisdiction of the Member State of the public sector body	(16) In cases where there is no implementing act adopted by the Commission in relation to a third country declaring that it provides a level of protection, in particular as regards the protection of commercially sensitive data and the protection of intellectual property rights, which is essentially equivalent to that provided by Union or national law, the public sector body should only ***after consent from the competent body*** transmit protected data to a re-user, if the re-user undertakes obligations ***to the competent body*** in the interest of the protection of the data. The re-user that intends to transfer the data to such third country should commit to comply with the obligations laid out in this Regulation even after the data has been transferred to the third country. To ensure the proper enforcement of such obligations, the re-user should also accept the

that allowed the re-use for the judicial settlement of disputes.	jurisdiction of the Member State of the public sector body that allowed the re-use for the judicial settlement of disputes.

Or. en

Amendment 167
Angelika Niebler, Tom Berendsen, Dan-Ştefan Motreanu, Eva Maydell, Pilar del Castillo Vera, Franc Bogovič, Marion Walsmann, Jens Gieseke, Henna Virkkunen, Adam Jarubas, Georgios Kyrtsos, Seán Kelly, Maria da Graça Carvalho, Ivan Štefanec, Cristian-Silviu Buşoi, Ioan-Rareş Bogdan

Proposal for a regulation
Recital 16

Text proposed by the Commission	*Amendment*
(16) In cases where there is no ***implementing*** act adopted by the Commission in relation to a third country declaring that it provides a level of protection, in particular as regards the protection of commercially sensitive data and the protection of intellectual property rights, which is essentially equivalent to that provided by Union or national law, the public sector body should only transmit protected data to a re-user, if the re-user undertakes obligations in the interest of the protection of the data. The re-user that intends to transfer the data to such third country should commit to comply with the obligations laid out in this Regulation even after the data has been transferred to the third country. To ensure the proper enforcement of such obligations, the re-user should also accept the jurisdiction of the Member State of the public sector body that allowed the re-use for the judicial settlement of disputes.	(16) In cases where there is no ***delegated*** act adopted by the Commission in relation to a third country declaring that it provides a level of protection, in particular as regards the protection of commercially sensitive data and the protection of intellectual property rights, which is essentially equivalent to that provided by Union or national law, the public sector body should only transmit protected data to a re-user, if the re-user undertakes obligations in the interest of the protection of the data. The re-user that intends to transfer the data to such third country should commit to comply with the obligations laid out in this Regulation even after the data has been transferred to the third country. To ensure the proper enforcement of such obligations, the re-user should also accept the jurisdiction of the Member State of the public sector body that allowed the re-use for the judicial settlement of disputes.

Or. en

Amendment 168
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 17

Text proposed by the Commission	*Amendment*
(17) Some third countries adopt laws, regulations and other legal acts which aim at directly transferring or providing access to non-personal data in the Union under the control of natural and legal persons under the jurisdiction of the Member States. Judgments of courts or tribunals or decisions of administrative authorities in third countries requiring such transfer or access to non-personal data should be enforceable when based on an international agreement, such as a mutual legal assistance treaty, in force between the requesting third country and the Union or a Member State. In some cases, situations may arise where the obligation to transfer or provide access to non-personal data arising from a third country law conflicts with a competing obligation to protect such data under Union or national law, in particular as regards the protection of commercially sensitive data and the protection of intellectual property rights, and including its contractual undertakings regarding confidentiality in accordance with such law. In the absence of international agreements regulating such matters, transfer or access should only be allowed under certain conditions, in particular that the third-country system requires the reasons and proportionality of the decision to be set out, that the court order or the decision is specific in character, and the reasoned objection of the addressee is subject to a review by a competent court in the third country, which is empowered to take duly into account the relevant legal interests of the provider of such data.	***deleted***

Or. en

Amendment 169
Damian Boeselager

Proposal for a regulation
Recital 17

Text proposed by the Commission	*Amendment*
(17) Some third countries adopt laws, regulations and other legal acts which aim at directly transferring or providing access to non-personal data in the Union under the control of natural and legal persons under the jurisdiction of the Member States. Judgments of courts or tribunals or decisions of administrative authorities in third countries requiring such transfer or access to non-personal data should be enforceable when based on an international agreement, such as a mutual legal assistance treaty, in force between the requesting third country and the Union or a Member State. ***In some cases, situations may arise where the obligation to transfer or provide access to non-personal data arising from a third country law conflicts with a competing obligation to protect such data under Union or national law, in particular as regards the protection of commercially sensitive data and the protection of intellectual property rights, and including its contractual undertakings regarding confidentiality in accordance with such law. In the absence of international agreements regulating such matters, transfer or access should only be allowed under certain conditions, in particular that the third-country system requires the reasons and proportionality of the decision to be set out, that the court order or the decision is specific in character, and the reasoned objection of the addressee is subject to a review by a competent court in the third country, which is empowered to take duly into account the relevant legal interests of the provider of such data.***	(17) Some third countries adopt laws, regulations and other legal acts which aim at directly transferring or providing access to non-personal data in the Union under the control of natural and legal persons under the jurisdiction of the Member States. Judgments of courts or tribunals or decisions of administrative authorities in third countries requiring such transfer or access to non-personal data should be enforceable when based on an international agreement, such as a mutual legal assistance treaty, in force between the requesting third country and the Union or a Member State.

Or. en

Amendment 170
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin

Proposal for a regulation
Recital 17

Text proposed by the Commission	*Amendment*
(17) Some third countries adopt laws, regulations and other legal acts which aim at directly transferring or providing access to non-personal data in the Union under the control of natural and legal persons under the jurisdiction of the Member States. Judgments of courts or tribunals or decisions of administrative authorities in third countries requiring such transfer or access to non-personal data should be enforceable when based on an international agreement, such as a mutual legal assistance treaty, in force between the requesting third country and the Union or a Member State. In some cases, situations may arise where the obligation to transfer or provide access to non-personal data arising from a third country law conflicts with a competing obligation to protect such data under Union or national law, in particular as regards the protection of commercially sensitive data and the protection of intellectual property rights, and including its contractual undertakings regarding confidentiality in accordance with such law. ***In the absence of international agreements regulating such matters, transfer or access should only be allowed under certain conditions, in particular that the third-country system requires the reasons and proportionality of the decision to be set out, that the court order or the decision is specific in character, and the reasoned objection of the addressee is subject to a review by a competent court in the third country, which is empowered to take duly into account the relevant legal interests of the provider of such data.***	(17) Some third countries adopt laws, regulations and other legal acts which aim at directly transferring or providing access to non-personal data in the Union under the control of natural and legal persons under the jurisdiction of the Member States. Judgments of courts or tribunals or decisions of administrative authorities in third countries requiring such transfer or access to non-personal data should be enforceable when based on an international agreement, such as a mutual legal assistance treaty, in force between the requesting third country and the Union or a Member State. In some cases, situations may arise where the obligation to transfer or provide access to non-personal data arising from a third country law conflicts with a competing obligation to protect such data under Union or national law, in particular as regards the protection of commercially sensitive data and the protection of intellectual property rights, and including its contractual undertakings regarding confidentiality in accordance with such law.

Or. en

Amendment 171
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 18

Text proposed by the Commission	*Amendment*
(18) In order to prevent unlawful access to non-personal data, public sector bodies, natural or legal persons to which the right to re-use data was granted, data sharing providers and entities entered in the register of ***recognised*** data altruism organisations should take all reasonable measures to prevent access to the systems where non-personal data is stored, including encryption of data ***or corporate policies***.	(18) In order to prevent unlawful access to non-personal data, public sector bodies, natural or legal persons to which the right to re-use data was granted, data sharing providers and entities entered in the register of ***authorised*** data altruism organisations should take all reasonable measures to prevent access to the systems where non-personal data is stored, including ***by providing an operational security plan upon registration and deployment of*** encryption of data.

Or. en

Amendment 172
Angelika Niebler, Eva Maydell, Tom Berendsen, Dan-Ştefan Motreanu, Pilar del Castillo Vera, Franc Bogovič, Marion Walsmann, Jens Gieseke, Henna Virkkunen, Adam Jarubas, Seán Kelly, Maria da Graça Carvalho, Ivan Štefanec, Cristian-Silviu Buşoi, Ioan-Rareş Bogdan

Proposal for a regulation
Recital 18

Text proposed by the Commission	*Amendment*
(18) In order to prevent unlawful access to non-personal data, public sector bodies, natural or legal persons to which the right to re-use data was granted, data sharing providers and entities entered in the register of recognised data altruism organisations should take all reasonable measures to prevent access to the systems where non-personal data is stored,	(18) In order to prevent unlawful access to non-personal data, public sector bodies, natural or legal persons to which the right to re-use data was granted, data sharing providers and entities entered in the register of recognised data altruism organisations should take all reasonable measures to prevent access to the systems where non-personal data is stored,

including encryption of data or corporate policies.	including encryption of data***, cybersecurity measures*** or corporate policies.

Or. en

Amendment 173
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin

Proposal for a regulation
Recital 18

Text proposed by the Commission	*Amendment*
(18) In order to prevent unlawful access to non-personal data, public sector bodies, natural or legal persons to which the right to re-use data was granted, data sharing providers and entities entered in the register of recognised data altruism organisations should take all reasonable measures to prevent access to the systems where non-personal data is stored, including encryption of data or corporate policies.	(18) In order to prevent unlawful access to non-personal data, public sector bodies, natural or legal persons to which the right to re-use data was granted, data sharing providers and entities entered in the register of recognised data altruism organisations should take all reasonable ***and legal*** measures to prevent access to the systems where non-personal data is stored, including encryption of data or corporate policies.

Or. en

Amendment 174
Evžen Tošenovský, Zdzisław Krasnodębski

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*
(19) In order to build trust in re-use mechanisms, it may be necessary to attach stricter conditions for certain types of non-personal data that have been identified as highly sensitive, as regards the transfer to third countries, if such transfer could jeopardise public policy objectives, in line with international commitments. For example, in the health domain, certain datasets held by actors in the public health system, such as public	***deleted***

hospitals, could be identified as highly sensitive health data. In order to ensure harmonised practices across the Union, such types of highly sensitive non-personal public data should be defined by Union law, for example in the context of the European Health Data Space or other sectoral legislation. The conditions attached to the transfer of such data to third countries should be laid down in delegated acts. Conditions should be proportionate, non-discriminatory and necessary to protect legitimate public policy objectives identified, such as the protection of public health, public order, safety, the environment, public morals, consumer protection, privacy and personal data protection. The conditions should correspond to the risks identified in relation to the sensitivity of such data, including in terms of the risk of the re-identification of individuals. These conditions could include terms applicable for the transfer or technical arrangements, such as the requirement of using a secure processing environment, limitations as regards the re-use of data in third-countries or categories of persons which are entitled to transfer such data to third countries or who can access the data in the third country. In exceptional cases they could also include restrictions on transfer of the data to third countries to protect the public interest.

Or. en

Justification

Article 5(11) and recital 19 should be deleted. Any stricter conditions for certain types of data, including in sector-specific legislation, should be set through the ordinary legislative procedure.

Amendment 175
Dace Melbārde
on behalf of the ECR Group

Proposal for a regulation

Recital 19

Text proposed by the Commission	*Amendment*
(19) In order to build trust in re-use mechanisms, it may be necessary to attach stricter conditions for certain types of non-personal data that have been identified as highly sensitive, as regards the transfer to third countries, if such transfer could jeopardise public policy objectives, in line with international commitments. For example, in the health domain, certain datasets held by actors in the public health system, such as public hospitals, could be identified as highly sensitive health data. In order to ensure harmonised practices across the Union, such types of highly sensitive non-personal public data should be defined by Union law, for example in the context of the European Health Data Space or other sectoral legislation. The conditions attached to the transfer of such data to third countries should be laid down in delegated acts. Conditions should be proportionate, non-discriminatory and necessary to protect legitimate public policy objectives identified, such as the protection of public health, public order, safety, the environment, public morals, consumer protection, privacy and personal data protection. The conditions should correspond to the risks identified in relation to the sensitivity of such data, including in terms of the risk of the re-identification of individuals. These conditions could include terms applicable for the transfer or technical arrangements, such as the requirement of using a secure processing environment, limitations as regards the re-use of data in third-countries or categories of persons which are entitled to transfer such data to third countries or who can access the data in the third country. In exceptional cases they could also include restrictions on transfer of the data to third countries to protect the public interest.	***deleted***

Amendment 176
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*
(19) In order to build trust in re-use mechanisms, it may be necessary to attach stricter conditions for certain types of non-personal data that have been identified as highly sensitive***, as regards the transfer to third countries, if such transfer could jeopardise public policy objectives, in line with international commitments***. For example, in the health domain, certain datasets held by actors in the public health system, such as public hospitals, could be identified as highly sensitive health data. In order to ensure harmonised practices across the Union, such types of highly sensitive non-personal public data should be defined by Union law, for example in the context of the European Health Data Space or other sectoral legislation. ***The conditions attached to*** the transfer of such data to third countries should be ***laid down in delegated acts***. ***Conditions should be proportionate, non-discriminatory and necessary to protect legitimate public policy objectives identified, such as the protection of public health, public order, safety, the environment, public morals, consumer protection, privacy and personal data protection. The conditions should correspond to the risks identified in relation to the sensitivity of such data, including in terms of the risk of the re-identification of individuals. These conditions could include terms applicable for the transfer or technical arrangements, such as the requirement of using a secure processing environment, limitations as regards the re-use of data in***	(19) In order to build trust in re-use mechanisms, it may be necessary to attach stricter conditions for certain types of non-personal data that have been identified as highly sensitive. For example, in the health domain, certain datasets held by actors in the public health system, such as public hospitals, could be identified as highly sensitive health data. In order to ensure harmonised practices across the Union, such types of highly sensitive non-personal public data should be defined by Union law ***before allowing data transfer***, for example in the context of the European Health Data Space or other sectoral legislation. ***Insurance companies or any other service provider should not be allowed to use data from e-health applications for the purpose of discriminating in the setting of prices, as this would run counter to the fundamental right of access to health.***[1a] The transfer of such data to third countries should be ***strictly forbidden***.

third-countries or categories of persons which are entitled to transfer such data to third countries or who can access the data in the third country. In exceptional cases they could also include restrictions on transfer of the data to third countries to protect the public interest.

[1a] European Parliament resolution of 25 March 2021 on a European strategy for data https://www.europarl.europa.eu/doceo/document/TA-9-2021-0098_EN.html

Or. en

Amendment 177
Ivo Hristov

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*
(19) In order to build trust in re-use mechanisms, it may be necessary to attach stricter conditions for certain types of non-personal data that have been identified as highly sensitive, as regards the transfer to third countries, if such transfer could jeopardise public policy objectives, in line with international commitments. For example, in the health domain, certain datasets held by actors in the public health system, such as public hospitals, could be identified as highly sensitive health data. In order to ensure harmonised practices across the Union, such types of highly sensitive non-personal public data should be defined by Union law, for example in the context of the European Health Data Space or other sectoral legislation. The conditions attached to the transfer of such data to third countries should be laid down in delegated acts. Conditions should be proportionate, non-discriminatory and necessary to protect legitimate public policy objectives	(19) In order to build trust in re-use mechanisms, it may be necessary to attach stricter conditions for certain types of non-personal data that have been identified as highly sensitive, as regards the transfer to third countries, if such transfer could jeopardise public policy objectives, in line with international commitments. For example, in the health domain, certain datasets held by actors in the public health system, such as public hospitals, could be identified as highly sensitive health data***, including real world data, such as electronic health records, insurance claims data and data from patient registries***. In order to ensure harmonised practices across the Union, such types of highly sensitive non-personal public data should be defined by Union law, for example in the context of the European Health Data Space or other sectoral legislation***. Regarding the processing of data for health research purposes, the***

identified, such as the protection of public health, public order, safety, the environment, public morals, consumer protection, privacy and personal data protection. The conditions should correspond to the risks identified in relation to the sensitivity of such data, including in terms of the risk of the re-identification of individuals. These conditions could include terms applicable for the transfer or technical arrangements, such as the requirement of using a secure processing environment, limitations as regards the re-use of data in third-countries or categories of persons which are entitled to transfer such data to third countries or who can access the data in the third country. In exceptional cases they could also include restrictions on transfer of the data to third countries to protect the public interest.

provisions of GDPR under Article 9 on the processing of special categories of data should apply. The conditions attached to the transfer of such data to third countries should be laid down in delegated acts. Conditions should be proportionate, non-discriminatory and necessary to protect legitimate public policy objectives identified, such as the protection of public health, public order, safety, the environment, public morals, consumer protection, privacy and personal data protection. The conditions should correspond to the risks identified in relation to the sensitivity of such data, including in terms of the risk of the re-identification of individuals. These conditions could include terms applicable for the transfer or technical arrangements, such as the requirement of using a secure processing environment, limitations as regards the re-use of data in third-countries or categories of persons which are entitled to transfer such data to third countries or who can access the data in the third country. In exceptional cases they could also include restrictions on transfer of the data to third countries to protect the public interest.

Or. en

Amendment 178
Angelika Niebler, Jerzy Buzek, Tom Berendsen, Dan-Ştefan Motreanu, Eva Maydell, Pilar del Castillo Vera, Franc Bogovič, Marion Walsmann, Jens Gieseke, Henna Virkkunen, Adam Jarubas, Seán Kelly, Maria da Graça Carvalho, Ivan Štefanec, Cristian-Silviu Buşoi, Ioan-Rareş Bogdan

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*
(19) In order to build trust in re-use mechanisms, it may be necessary to attach stricter conditions for certain types of non-personal data that have been identified as highly sensitive, as regards the transfer to	(19) In order to build trust in re-use mechanisms, it may be necessary to attach stricter conditions for certain types of non-personal data that have been identified as highly sensitive, as regards the transfer to

third countries, if such transfer could jeopardise public policy objectives, in line with international commitments. For example, in the health domain, certain datasets held by actors in the public health system, such as public hospitals, could be identified as highly sensitive health data. In order to ensure harmonised practices across the Union, such types of highly sensitive non-personal public data should be defined by Union law, for example in the context of the European Health Data Space or other sectoral legislation. The conditions attached to the transfer of such data to third countries should be laid down in delegated acts. Conditions should be proportionate, non-discriminatory and necessary to protect legitimate public policy objectives identified, such as the protection of public health, public order, safety, the environment, public morals, consumer protection, privacy and personal data protection. The conditions should correspond to the risks identified in relation to the sensitivity of such data, including in terms of the risk of the re-identification of individuals. These conditions could include terms applicable for the transfer or technical arrangements, such as the requirement of using a secure processing environment, limitations as regards the re-use of data in third-countries or categories of persons which are entitled to transfer such data to third countries or who can access the data in the third country. In exceptional cases they could also include restrictions on transfer of the data to third countries to protect the public interest.

third countries, if such transfer could jeopardise public policy objectives, in line with international commitments. For example, in the health domain, certain datasets held by actors in the public health system, such as public hospitals, could be identified as highly sensitive health data***.*** ***Other relevant sectors could be transport, energy, environment, telecommunications and finance***. In order to ensure harmonised practices across the Union, such types of highly sensitive non-personal public data should be defined by Union law, for example in the context of the European Health Data Space or other sectoral legislation. The conditions attached to the transfer of such data to third countries should be laid down in delegated acts. Conditions should be proportionate, non-discriminatory and necessary to protect legitimate public policy objectives identified, such as the protection of public health, public order, safety, the environment, public morals, consumer protection, privacy and personal data protection. The conditions should correspond to the risks identified in relation to the sensitivity of such data, including in terms of the risk of the re-identification of individuals. These conditions could include terms applicable for the transfer or technical arrangements, such as the requirement of using a secure processing environment, limitations as regards the re-use of data in third-countries or categories of persons which are entitled to transfer such data to third countries or who can access the data in the third country. In exceptional cases they could also include restrictions on transfer of the data to third countries to protect the public interest.

Or. en

Amendment 179
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*
(19) In order to build trust in re-use mechanisms, it may be necessary to attach stricter conditions for certain types of non-personal data that have been identified as highly sensitive, as regards the transfer to third countries, if such transfer could jeopardise public policy objectives, in line with international commitments. For example, in the health domain, certain datasets held by actors in the public health system, such as public hospitals, could be identified as highly sensitive health data. In order to ensure harmonised practices across the Union, such types of highly sensitive non-personal public data should be defined by Union law, for example in the context of the European Health Data Space or other sectoral legislation. The conditions attached to the transfer of such data to third countries should be laid down in delegated acts. Conditions should be proportionate, non-discriminatory and necessary to protect legitimate public policy objectives identified, such as the protection of public health, public order, safety, ***the environment***, public morals, consumer protection, privacy and personal data protection. The conditions should correspond to the risks identified in relation to the sensitivity of such data, including in terms of the risk of the re-identification of individuals. These conditions could include terms applicable for the transfer or technical arrangements, such as the requirement of using a secure processing environment, limitations as regards the re-use of data in third-countries or categories of persons which are entitled to transfer such data to third countries or who can access the data in the third country. In exceptional cases they could also include restrictions on transfer of the data to third countries to protect the public interest.	(19) In order to build trust in re-use mechanisms, it may be necessary to attach stricter conditions for certain types of non-personal data that have been identified as highly sensitive, as regards the transfer to third countries, if such transfer could jeopardise public policy objectives, in line with international commitments. For example, in the health domain, certain datasets held by actors in the public health system, such as public hospitals, could be identified as highly sensitive health data. In order to ensure harmonised practices across the Union, such types of highly sensitive non-personal public data should be defined by Union law, for example in the context of the European Health Data Space or other sectoral legislation. The conditions attached to the transfer of such data to third countries should be laid down in delegated acts. Conditions should be proportionate, non-discriminatory and necessary to protect legitimate public policy objectives identified, such as the protection of public health, public order, safety, ***environmental and agricultural practices***, public morals, consumer protection, privacy and personal data protection. The conditions should correspond to the risks identified in relation to the sensitivity of such data, including in terms of the risk of the re-identification of individuals. These conditions could include terms applicable for the transfer or technical arrangements, such as the requirement of using a secure processing environment, limitations as regards the re-use of data in third-countries or categories of persons which are entitled to transfer such data to third countries or who can access the data in the third country. In exceptional cases they could also include restrictions on transfer of the data to third countries to protect the public interest.

Amendment 180
Nicola Danti, Ivars Ijabs, Andrus Ansip, Klemen Grošelj, Dragoș Pîslaru, Iskra Mihaylova, Christophe Grudler, Sandro Gozi, Bart Groothuis, Valérie Hayer, Susana Solís Pérez

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*
(19) In order to build trust in re-use mechanisms, it may be necessary to attach stricter conditions for certain types of non-personal data that have been identified as highly sensitive, as regards the transfer to third countries, if such transfer could jeopardise public policy objectives, in line with international commitments. For example, in the health domain, certain datasets held by actors in the public health system, such as public hospitals, could be identified as highly sensitive health data. In order to ensure harmonised practices across the Union, such types of highly sensitive non-personal public data should be defined by Union law, for example in the context of the European Health Data Space or other sectoral legislation. The conditions attached to the transfer of such data to third countries should be laid down in delegated acts. Conditions should be proportionate, non-discriminatory and necessary to protect legitimate public policy objectives identified, such as the protection of public health, public order, safety, the environment, public morals, consumer protection, privacy and personal data protection. The conditions should correspond to the risks identified in relation to the sensitivity of such data, including in terms of the risk of the re-identification of individuals. These conditions could include terms applicable for the transfer or technical arrangements, such as the requirement of using a secure processing environment, limitations as	(19) In order to build trust in re-use mechanisms, it may be necessary to attach stricter conditions for certain types of non-personal data that have been identified as highly sensitive ***by a specific Union act***, as regards the transfer to third countries, if such transfer could jeopardise public policy objectives, in line with international commitments. For example, in the health domain, certain datasets held by actors in the public health system, such as public hospitals, could be identified as highly sensitive health data. In order to ensure harmonised practices across the Union, such types of highly sensitive non-personal public data should be defined by Union law, for example in the context of the European Health Data Space or other sectoral legislation. The conditions attached to the transfer of such data to third countries should be laid down in delegated acts. Conditions should be proportionate, non-discriminatory and necessary to protect legitimate public policy objectives identified, such as the protection of public health, public order, safety, the environment, public morals, consumer protection, privacy and personal data protection. The conditions should correspond to the risks identified in relation to the sensitivity of such data, including in terms of the risk of the re-identification of individuals. These conditions could include terms applicable for the transfer or technical arrangements, such as the requirement of using a secure

regards the re-use of data in third-countries or categories of persons which are entitled to transfer such data to third countries or who can access the data in the third country. In exceptional cases they could also include restrictions on transfer of the data to third countries to protect the public interest.

processing environment, limitations as regards the re-use of data in third-countries or categories of persons which are entitled to transfer such data to third countries or who can access the data in the third country. In exceptional cases they could also include restrictions on transfer of the data to third countries to protect the public interest.

Or. en

Amendment 181
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 19

Text proposed by the Commission	*Amendment*
(19) In order to build trust in re-use mechanisms, it may be necessary to attach stricter conditions for certain types of non-personal data that have been identified as highly sensitive, as regards the transfer to third countries, if such transfer could jeopardise public policy objectives, in line with international commitments. For example, in the health domain, certain datasets held by actors in the public health system, such as public hospitals, could be identified as highly sensitive health data. In order to ensure harmonised practices across the Union, such types of highly sensitive non-personal public data should be defined by Union law, for example in the context of the European Health Data Space or other sectoral legislation. The conditions attached to the transfer of such data to third countries should be laid down in ***delegated*** acts. Conditions should be proportionate, non-discriminatory ***and*** necessary to protect legitimate public policy objectives identified, such as the protection of public health, public ***order,*** safety, the environment***, public morals***, consumer protection, privacy and personal data	(19) In order to build trust in re-use mechanisms, it may be necessary to attach stricter conditions for certain types of non-personal data that have been identified as highly sensitive, as regards the transfer to third countries, if such transfer could jeopardise public policy objectives, in line with international commitments. For example, in the health domain, certain datasets held by actors in the public health system, such as public hospitals, could be identified as highly sensitive health data. In order to ensure harmonised practices across the Union, such types of highly sensitive non-personal public data should be defined by Union law, for example in the context of the European Health Data Space or other sectoral legislation. The conditions attached to the transfer of such data to third countries should be laid down in ***the respective*** acts. Conditions should be proportionate, non-discriminatory***, not restrict competition and should be*** necessary to protect legitimate public policy objectives identified, such as the protection of public health, public safety, the environment, consumer protection,

protection. The conditions should correspond to the risks identified in relation to the sensitivity of such data, including in terms of the risk of the re-identification of individuals. These conditions could include terms applicable for the transfer or technical arrangements, such as the requirement of using a secure processing environment, limitations as regards the re-use of data in third-countries or categories of persons which are entitled to transfer such data to third countries or who can access the data in the third country. In exceptional cases they could also include restrictions on transfer of the data to third countries to protect the public interest.

privacy and personal data protection. The conditions should correspond to the risks identified in relation to the sensitivity of such data, including in terms of the risk of the re-identification of individuals. These conditions could include terms applicable for the transfer or technical arrangements, such as the requirement of using a secure processing environment, limitations as regards the re-use of data in third-countries or categories of persons which are entitled to transfer such data to third countries or who can access the data in the third country. In exceptional cases they could also include restrictions on transfer of the data to third countries to protect the public interest.

Or. en

Amendment 182
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 20

Text proposed by the Commission	*Amendment*
(20) Public sector bodies should be able to charge fees for the re-use of data but should also be able to decide to make the data available at lower or no cost, for example for certain categories of re-uses such as non-commercial re-use, or re-use by small and medium-sized enterprises, so as to incentivise such re-use in order to stimulate research and innovation and support ***companies*** that are an important source of innovation and typically find it more difficult to collect relevant data themselves, in line with State aid rules. Such fees should be reasonable, transparent, published online and non-discriminatory.	(20) Public sector bodies should be able to charge fees for the re-use of data but should also be able to decide to make the data available at lower or no cost, for example for certain categories of re-uses such as non-commercial re-use ***for research***, or re-use by small and medium-sized enterprises, so as to incentivise such re-use in order to stimulate research and innovation and support ***general objectives of the Union in the framework of the Green Deal, the twin transition or other legal commitments for the Union's strategic autonomy*** that are an important source of innovation and typically find it more difficult to collect relevant data themselves, in line with State aid rules. Such fees ***are intended to cover the costs incurred by public sector bodies in***

collecting, storing and sharing of data and should be reasonable, transparent, published online and non-discriminatory.

Or. en

Amendment 183
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 20

Text proposed by the Commission	*Amendment*
(20) Public sector bodies should be able to charge fees for the re-use of data but should also be able to decide to make the data available at lower or no cost, for example for certain categories of re-uses such as non-commercial re-use, or re-use by small and medium-sized enterprises, so as to incentivise such re-use in order to stimulate research and innovation and support companies that are an important source of innovation and typically find it more difficult to collect relevant data themselves, in line with State aid rules. Such fees should be ***reasonable***, transparent, published online ***and*** non-discriminatory.	(20) Public sector bodies should be able to charge fees for the re-use of data ***to cover the costs of providing for such data re-use,*** but should also be able to decide to make the data available at lower or no cost, for example for certain categories of re-uses such as non-commercial re-use, or re-use by small and medium-sized enterprises, so as to incentivise such re-use in order to stimulate research and innovation and support companies that are an important source of innovation and typically find it more difficult to collect relevant data themselves, in line with State aid rules. Such fees should be ***proportionate to the cost incurred***, transparent, published online***,*** non-discriminatory ***and not constrain competition***.

Or. en

Amendment 184
Nicola Danti, Ivars Ijabs, Andrus Ansip, Klemen Grošelj, Martina Dlabajová, Dragoș Pîslaru, Iskra Mihaylova, Christophe Grudler, Sandro Gozi, Bart Groothuis, Valérie Hayer, Susana Solís Pérez

Proposal for a regulation
Recital 20

Text proposed by the Commission	*Amendment*

(20) Public sector bodies should be able to charge fees for the re-use ***of data but*** should also be able to decide to make the data available at lower or no cost, for example for certain categories of re-uses such as non-commercial re-use, or re-use by small and medium-sized enterprises, so as to incentivise such re-use in order to stimulate research and innovation and support companies that are an important source of innovation and typically find it more difficult to collect relevant data themselves, in line with State aid rules***.*** ***Such fees should be reasonable, transparent, published online and non-discriminatory***.

(20) Public sector bodies should be able to charge fees for the re-use***. Such fees should be reasonable, transparent, published online and non-discriminatory. Public sector bodies*** should also be able to decide to make the data available at lower or no cost, for example for certain categories of re-uses such as non-commercial re-use, or re-use by ***micro,*** small and medium-sized enterprises, so as to incentivise such re-use in order to stimulate research and innovation and support companies that are an important source of innovation and typically find it more difficult to collect relevant data themselves***. The list of categories of re-users for which discounted or no fees apply should be made public together with the criteria used to establish such list***, in line with State aid rules ***and competition law***.

Or. en

Amendment 185
Patrizia Toia, Franco Roberti

Proposal for a regulation
Recital 20

Text proposed by the Commission	*Amendment*
(20) Public sector bodies should be able to charge fees for the re-use of data but should also be able to decide to make the data available at lower or no cost, for example for certain categories of re-uses such as non-commercial re-use, or re-use by small and medium-sized enterprises, so as to incentivise such re-use in order to stimulate research and innovation and support companies that are an important source of innovation and typically find it more difficult to collect relevant data themselves, in line with State aid rules. Such fees should be reasonable, transparent, published online and non-	(20) Public sector bodies should be able to charge fees for the re-use of data but should also be able to decide to make the data available at lower or no cost, for example for certain categories of re-uses such as non-commercial re-use, or re-use by small and medium-sized ***enterprises, including social economy*** enterprises, so as to incentivise such re-use in order to stimulate research and innovation and support companies that are an important source of innovation and typically find it more difficult to collect relevant data themselves, in line with State aid rules. Such fees should be reasonable, transparent, published online and non-

discriminatory.	discriminatory.

Or. en

Amendment 186
Dace Melbārde
on behalf of the ECR Group
Evžen Tošenovský

Proposal for a regulation
Recital 20

Text proposed by the Commission	*Amendment*
(20) Public sector bodies should be able to charge fees for the re-use of data ***but*** should also be able to decide to make the data available at ***lower or*** no cost, for example for certain categories of re-uses such as non-commercial re-use, or re-use by small and medium-sized enterprises, so as to incentivise such re-use in order to stimulate research and innovation and support companies that are an important source of innovation and typically find it more difficult to collect relevant data themselves, in line with State aid rules. Such fees should be ***reasonable***, transparent***, published online*** and non-discriminatory.	(20) Public sector bodies should be able to ***set and*** charge fees for the re-use of data***. The public sector bodies*** should also be able to decide to make the data available at no cost, for example for certain categories of re-uses such as non-commercial re-use, or re-use by ***micro,*** small and medium-sized enterprises, so as to incentivise such re-use in order to stimulate research and innovation and support companies that are an important source of innovation and typically find it more difficult to collect relevant data themselves, in line with State aid rules. Such fees should be ***proportional***, transparent and non-discriminatory***, and should be publicly available, including online***.

Or. en

Amendment 187
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin

Proposal for a regulation
Recital 21

Text proposed by the Commission	*Amendment*
(21) In order to incentivise the re-use of these categories of data, Member States should establish a single information point	(21) In order to incentivise the re-use of these categories of data, Member States should establish a single information point

to act as the primary interface for re-users that seek to re-use such data held by the public sector bodies. It should have a cross-sector remit, and should complement, if necessary, arrangements at the sectoral level. In addition, Member States should designate, establish or facilitate the establishment of competent bodies to support the activities of public sector bodies allowing re-use of certain categories of protected data. Their tasks may include granting access to data, where mandated in sectoral Union or Member States legislation. Those competent bodies should provide support to public sector bodies with state-of-the-art techniques, including secure data processing environments, which allow data analysis in a manner that preserves the privacy of the information. Such support structure could support the data holders with management of the consent, including consent to certain areas of scientific research when in keeping with recognised ethical standards for scientific research. Data processing should be performed under the responsibility of the public sector body responsible for the register containing the data, who remains a data controller in the sense of Regulation (EU) 2016/679 insofar as personal data are concerned. Member States may have in place one or several competent bodies, which could act in different sectors.	to act as the primary interface for re-users that seek to re-use such data held by the public sector bodies. It should have a cross-sector remit, and should complement, if necessary, arrangements at the sectoral level. In addition, Member States should designate, establish or facilitate the establishment of competent bodies***, also creating and implementing training courses, sensitising in order to share the final aim*** to support the activities of public sector bodies allowing re-use of certain categories of protected data. Their tasks may include granting access to data, where mandated in sectoral Union or Member States legislation. Those competent bodies should provide support to public sector bodies with state-of-the-art techniques, including secure data processing environments, which allow data analysis in a manner that preserves the privacy of the information. Such support structure could support the data holders with management of the consent, including consent to certain areas of scientific research when in keeping with recognised ethical standards for scientific research. Data processing should be performed under the responsibility of the public sector body responsible for the register containing the data, who remains a data controller in the sense of Regulation (EU) 2016/679 insofar as personal data are concerned. Member States may have in place one or several competent bodies, which could act in different sectors ***promoting and enhancing the synergies between them in order to create a data driven environment***.

Or. en

Amendment 188
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 21

Text proposed by the Commission	*Amendment*
(21) In order to incentivise the re-use of these categories of data, Member States should establish a single information point to act as the primary interface for re-users that seek to re-use such data held by the public sector bodies. It should have a cross-sector remit, and should complement, if necessary, arrangements at the sectoral level. In addition, Member States should designate, establish or facilitate the establishment of competent bodies to support the activities of public sector bodies allowing re-use of certain categories of protected data. Their tasks may include granting access to data, where mandated in sectoral Union or Member States legislation. Those competent bodies should provide support to public sector bodies with state-of-the-art techniques, including secure data processing environments, which allow data analysis in a manner that preserves the privacy of the information. Such support structure could support the data holders with management of the consent, including consent to certain areas of scientific research when in keeping with recognised ethical standards for scientific research. Data processing should be performed under the responsibility of the public sector body responsible for the register containing the data, who remains a data controller in the sense of Regulation (EU) 2016/679 insofar as personal data are concerned. Member States may have in place one or several competent bodies, which could act in different sectors.	(21) In order to incentivise the re-use of these categories of data, Member States should establish a single information point to act as the primary interface for re-users that seek to re-use such data held by the public sector bodies. It should have a cross-sector remit, and should complement, if necessary, arrangements at the sectoral level. In addition, Member States should designate, establish or facilitate the establishment of competent bodies to support the activities of public sector bodies allowing re-use of certain categories of protected data. Their tasks may include granting access to data, where mandated in sectoral Union or Member States legislation ***and developing a harmonised approach and processes for public sector bodies to make scientific data available for purposes of research***. Those competent bodies should provide support to public sector bodies with state-of-the-art techniques, including secure data processing environments, which allow data analysis in a manner that preserves the privacy of the information. Such support structure could support the data holders with management of the consent, including consent to certain areas of scientific research when in keeping with recognised ethical standards for scientific research. Data processing should be performed under the responsibility of the public sector body responsible for the register containing the data, who remains a data controller in the sense of Regulation (EU) 2016/679 insofar as personal data are concerned. Member States may have in place one or several competent bodies, which could act in different sectors.
	Or. en

Amendment 189
Dace Melbārde
on behalf of the ECR Group

Evžen Tošenovský

Proposal for a regulation
Recital 21

Text proposed by the Commission	*Amendment*
(21) In order to incentivise the re-use of these categories of data, Member States should establish a single information point to act as the primary interface for re-users that seek to re-use such data held by the public sector bodies. It should have a cross-sector remit, and should complement, if necessary, arrangements at the sectoral level. In addition, Member States should designate, establish or facilitate the establishment of competent bodies to support the activities of public sector bodies allowing re-use of certain categories of protected data. Their tasks may include granting access to data, where mandated in sectoral Union or Member States legislation. Those competent bodies should provide support to public sector bodies with state-of-the-art techniques, including secure data processing environments, which allow data analysis in a manner that preserves the privacy of the information. Such support structure could support the data holders with management of the consent, including consent to certain areas of scientific research when in keeping with recognised ethical standards for scientific research. Data processing should be performed under the responsibility of the public sector body responsible for the register containing the data, who remains a data controller in the sense of Regulation (EU) 2016/679 insofar as personal data are concerned. Member States may have in place one or several competent bodies, which could act in different sectors.	(21) In order to incentivise ***and promote*** the re-use of these categories of data, Member States should establish a single information point to act as the primary interface for re-users that seek to re-use such data held by the public sector bodies. It should have a cross-sector remit, and should complement, if necessary, arrangements at the sectoral level. In addition, Member States should designate, establish or facilitate the establishment of competent bodies to support the activities of public sector bodies allowing re-use of certain categories of protected data. Their tasks may include granting access to data, where mandated in sectoral Union or Member States legislation. Those competent bodies should provide support to public sector bodies with state-of-the-art techniques, including secure data processing environments, which allow data analysis in a manner that preserves the privacy of the information. Such support structure could support the data holders with management of the consent ***to re-use***, including consent to certain areas of scientific research when in keeping with recognised ethical standards for scientific research. Data processing should be performed under the responsibility of the public sector body responsible for the register containing the data, who remains a data controller in the sense of Regulation (EU) 2016/679 insofar as personal data are concerned. Member States may have in place one or several competent bodies, which could act in different sectors.

Or. en

Amendment 190

Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 21

Text proposed by the Commission	*Amendment*
(21) In order to incentivise the re-use of these categories of data, Member States should establish a single information point to act as the primary interface for re-users that seek to re-use such data held by the public sector bodies. It should have a cross-sector remit, and should complement, if necessary, arrangements at the sectoral level. In addition, Member States should designate, establish or facilitate the establishment of competent bodies to support the activities of public sector bodies allowing re-use of certain categories of protected data. Their tasks may include granting access to data, where mandated in sectoral Union or Member States legislation. Those competent bodies should provide support to public sector bodies with state-of-the-art techniques, including secure data processing environments, which allow data analysis in a manner that preserves the privacy of the information. Such support structure could support the data holders with management of the consent, including consent to certain areas of scientific research when in keeping with recognised ethical standards for scientific research. Data processing should be performed under the responsibility of the public sector body responsible for the register containing the data, who remains a data controller in the sense of Regulation (EU) 2016/679 insofar as personal data are concerned. Member States may have in place one or several competent bodies, which could act in different sectors.	(21) In order to incentivise the re-use of these categories of data, Member States should establish a single information point to act as the primary interface for re-users that seek to re-use such data held by the public sector bodies. It should have a cross-sector remit, and should complement, if necessary, arrangements at the sectoral level. In addition, Member States should designate, establish or facilitate the establishment of competent bodies to support the activities of public sector bodies allowing re-use of certain categories of protected data. Their tasks may include granting access to data, where mandated in sectoral Union or Member States legislation. Those competent bodies should provide support to public sector bodies with state-of-the-art techniques, including secure data processing environments ***in the Union***, which allow data analysis in a manner that preserves the privacy of the information. Such support structure could support the data holders with management of the consent, including consent to certain areas of scientific research when in keeping with recognised ethical standards for scientific research. Data processing should be performed under the responsibility of the public sector body responsible for the register containing the data, who remains a data controller in the sense of Regulation (EU) 2016/679 insofar as personal data are concerned. Member States may have in place one or several competent bodies, which could act in different sectors.

Or. en

Amendment 191
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 22

Text proposed by the Commission	*Amendment*
(22) Providers of data sharing services (data intermediaries) are expected to play a key role in the data economy, as a tool to facilitate the aggregation and exchange of substantial amounts of relevant data. Data intermediaries offering services that connect the different actors have the potential to ***contribute to the efficient pooling of data as well as to the facilitation of bilateral*** data sharing. ***Specialised*** data intermediaries that are independent from both data holders and data users can have a facilitating role in the emergence of new data-driven ecosystems independent from any player with a significant degree of market power. This Regulation ***should only cover providers*** of data sharing services that have as ***a main*** objective the establishment of a business, a legal and potentially also technical relation between data holders***, including data subjects***, on the one hand, and potential users on the other hand, and assist ***both*** parties in ***a transaction*** of data ***assets between the two. It should only cover services aiming at intermediating*** between ***an indefinite number of*** data holders ***and data users, excluding*** data sharing services ***that are meant to be used by*** a closed group of data holders ***and users. Providers of cloud services should be excluded, as well as service providers that obtain data from data holders, aggregate, enrich or transform the data and licence the use of the resulting data to data users, without establishing a direct relationship between data holders and*** data users, for ***example advertisement or data brokers, data consultancies, providers of data*** products ***resulting from value added to*** the data ***by the*** service ***provider***. At the same time,	(22) Providers of data sharing services (data intermediaries) are expected to play a key role in the data economy, as a tool to facilitate the aggregation and exchange of substantial amounts of relevant data. Data intermediaries offering services that connect the different actors have the potential to ***facilitate bi- or multilateral*** data sharing. ***To ensure fair, non-discriminatory and transparent access for all actors to the data economy there is a need to support the role of neutral and trusted data intermediaries, whose pricing and terms of service do not depend on whether or not a potential data holder or data user is using other services provided by the same enterprise, including, cloud storage, analytics, Artificial Intelligence or other data-based applications.*** Data intermediaries that are independent from both data holders and data users can have a facilitating role in the emergence of new data-driven ecosystems independent from any player with a significant degree of market power***, while allowing for non-discriminatory access to the data economy for actors of all sizes, especially small actors with limited financial, legal or administrative means. These ecosystems can address the threat of market concentration and imbalances of market power between individual actors and data-driven platform providers, which are a threat to the competitiveness of the European data economy. In particular, market concentration in data markets risks to be perpetuated into markets for machine-learning-based applications***. This Regulation ***covers the provision*** of data sharing services that have as ***an***

data sharing service providers should be allowed to make adaptations to the data exchanged, to the extent that this improves the usability of the data by the data user, where the data user desires this, such as to convert it into specific formats. ***In addition, services that focus on the intermediation of content, in particular on copyright-protected content, should not be covered by this Regulation. Data exchange platforms that are exclusively used by one data holder in order to enable the use of data they hold as well as platforms developed in the context of objects and devices connected to the Internet-of-Things that have as their main objective to ensure functionalities of the connected object or device and allow value added services, should not be covered by this Regulation. 'Consolidated tape providers' in the sense of Article 4 (1) point 53 of Directive 2014/65/EU of the European Parliament and of the Council***[42] ***as well as 'account information service providers' in the sense of Article 4 point 19 of Directive (EU) 2015/2366 of the European Parliament and of the Council***[43] ***should not be considered as data sharing service providers for the purposes of this Regulation. Entities which restrict their activities to facilitating use of data made available on the basis of data altruism and that operate on a not-for-profit basis should not be covered by Chapter III of this Regulation, as this activity serves objectives of general interest by increasing the volume of data available for such purposes.***

objective the establishment of a business, a legal and potentially also technical relation between ***an indefinite number of*** data holders, on the one hand, and potential users on the other hand, and assist ***the*** parties in ***transactions in which a access to or a transfer*** of data ***takes place*** between ***them, including any payment or other compensation from data users to*** data holders ***in exchange for access to or transfer of data. Where actors offer multiple data-related services, only the activities which directly concern the provision of such*** data sharing services ***should be covered by this Regulation. Services, which are aimed at*** a closed group of data holders ***or*** data users, for ***the purpose of exchanging data in the context of a contractually-defined collaboration or joint undertaking should not be covered by this obligation. Such services may include supply or customer relationships with the main objective of ensuring functionalities of connected objects or devices, including for the provision of*** products ***or services connected to the Internet-of-Things. Auxiliary technical, legal, financial or administrative support services which enable data holders or data users to prepare data exchanges, for example by providing legal advice, technical conversion or financial services in the context of an exchange, without providing*** the data ***sharing*** service ***itself, shall not be covered by the Regulation***. At the same time, data sharing service providers should be allowed to make adaptations to the data exchanged, to the extent that this improves the usability of the data by the data user, where the data user desires this, such as to convert it into specific formats.

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[42] Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU, OJ L 173/349.

[43] Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC.

Or. en

Amendment 192
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin

Proposal for a regulation
Recital 22

Text proposed by the Commission	*Amendment*
(22) Providers of data sharing services (data intermediaries) are expected to play a key role in the data economy, as a tool to facilitate the aggregation and exchange of substantial amounts of relevant data. Data intermediaries offering services that connect the different actors have the potential to contribute to the efficient pooling of data as well as to the facilitation of bilateral data sharing. Specialised data intermediaries that are independent from both data holders and data users can have a facilitating role in the emergence of new data-driven ecosystems independent from any player with a significant degree of market power. This Regulation should only cover providers of data sharing services that have as a main objective the establishment of a business, a legal and potentially also technical relation between data holders, including data subjects, on the one hand, and potential users on the other hand, and assist both parties in a transaction of data assets between the two. It should only cover services aiming at intermediating between an indefinite number of data holders and data users, excluding data sharing services that are meant to be used by a closed group of data	(22) Providers of data sharing services (data intermediaries) are expected to play a key role in the data economy, as a tool to facilitate the aggregation and exchange of substantial amounts of relevant data***. Data intermediaries should be controlled and authorised only by public bodies within the Member States***. Data intermediaries offering services that connect the different actors have the potential to contribute to the efficient pooling of data as well as to the facilitation of bilateral data sharing. Specialised data intermediaries that are independent from both data holders and data users can have a facilitating role in the emergence of new data-driven ecosystems independent from any player with a significant degree of market power. This Regulation should only cover providers of data sharing services that have as a main objective the establishment of a business, a legal and potentially also technical relation between data holders, including data subjects, on the one hand, and potential users on the other hand, and assist both parties in a transaction of data assets between the two. It should only cover services aiming at intermediating between an indefinite number of data holders and

holders and users. Providers of cloud services should be excluded, as well as service providers that obtain data from data holders, aggregate, enrich or transform the data and licence the use of the resulting data to data users, without establishing a direct relationship between data holders and data users, for example advertisement or data brokers, data consultancies, providers of data products resulting from value added to the data by the service provider. At the same time, data sharing service providers should be allowed to make adaptations to the data exchanged, to the extent that this improves the usability of the data by the data user, where the data user desires this, such as to convert it into specific formats. In addition, services that focus on the intermediation of content, in particular on copyright-protected content, should not be covered by this Regulation. Data exchange platforms that are exclusively used by one data holder in order to enable the use of data they hold as well as platforms developed in the context of objects and devices connected to the Internet-of-Things that have as their main objective to ensure functionalities of the connected object or device and allow value added services, should not be covered by this Regulation. 'Consolidated tape providers' in the sense of Article 4 (1) point 53 of Directive 2014/65/EU of the European Parliament and of the Council[42] as well as 'account information service providers' in the sense of Article 4 point 19 of Directive (EU) 2015/2366 of the European Parliament and of the Council[43] should not be considered as data sharing service providers for the purposes of this Regulation. Entities which restrict their activities to facilitating use of data made available on the basis of data altruism and that operate on a not-for-profit basis should not be covered by Chapter III of this Regulation, as this activity serves objectives of general interest by increasing the volume of data available for such purposes.

data users, excluding data sharing services that are meant to be used by a closed group of data holders and users. Providers of cloud services should be excluded, as well as service providers that obtain data from data holders, aggregate, enrich or transform the data and licence the use of the resulting data to data users, without establishing a direct relationship between data holders and data users, for example advertisement or data brokers, data consultancies, providers of data products resulting from value added to the data by the service provider. At the same time, data sharing service providers should be allowed to make adaptations to the data exchanged, to the extent that this improves the usability of the data by the data user, where the data user desires this, ***or improve the interoperability of digital platforms,*** such as to convert it into specific formats. In addition, services that focus on the intermediation of content, in particular on copyright-protected content, should not be covered by this Regulation. Data exchange platforms that are exclusively used by one data holder in order to enable the use of data they hold as well as platforms developed in the context of objects and devices connected to the Internet-of-Things that have as their main objective to ensure functionalities of the connected object or device and allow value added services, should not be covered by this Regulation. 'Consolidated tape providers' in the sense of Article 4 (1) point 53 of Directive 2014/65/EU of the European Parliament and of the Council[42] as well as 'account information service providers' in the sense of Article 4 point 19 of Directive (EU) 2015/2366 of the European Parliament and of the Council[43] should not be considered as data sharing service providers for the purposes of this Regulation. Entities which restrict their activities to facilitating use of data made available on the basis of data altruism and that operate on a not-for-profit basis should not be covered by Chapter III of this Regulation, as this activity serves objectives of general interest by increasing

the volume of data available for such purposes.

[42] Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU, OJ L 173/349.

[43] Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC.

[42] Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU, OJ L 173/349.

[43] Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC.

Or. en

Amendment 193
Pietro Fiocchi

Proposal for a regulation
Recital 22

Text proposed by the Commission	*Amendment*
(22) Providers of data sharing services ***(data intermediaries***) are expected to play a key role in the data economy, as a tool to facilitate the aggregation and exchange of substantial amounts of relevant data. Data intermediaries offering services that connect the different actors have the potential to contribute to the efficient pooling of data as well as to the facilitation of bilateral data sharing. Specialised data intermediaries that are independent from both data holders and data users can have a facilitating role in the emergence of new data-driven ecosystems independent from any player with a significant degree of market power. This Regulation should only cover ***providers of data sharing services*** that have as a main objective the establishment of a business, a legal and potentially also technical relation between	(22) ***Data intermediaries (specific*** providers of data sharing services) are expected to play a key role in the data economy, as a tool to facilitate the aggregation and exchange of substantial amounts of relevant data. Data intermediaries offering services that connect the different actors have the potential to contribute to the efficient pooling of data as well as to the facilitation of bilateral data sharing. Specialised data intermediaries that are independent from both data holders and data users can have a facilitating role in the emergence of new data-driven ecosystems independent from any player with a significant degree of market power. This Regulation should only cover ***data intermediaries*** that have as a main objective the establishment of a business, a legal and potentially also

data holders, including data subjects***, on the one hand***, and potential ***users on the other hand, and*** assist both parties in a transaction of data assets between the two. It should only cover services aiming at intermediating between an indefinite number of data holders and data users, excluding data sharing services ***that are meant to be used by a closed group of data holders and users***. Providers of cloud services should be excluded, as well as service providers that obtain data from data holders, aggregate, enrich or transform the data and licence the use of the resulting data to data users, without establishing a direct relationship between data holders and data users, for example advertisement or data brokers, data consultancies, providers of data products resulting from value added to the data by the service provider. At the same time, data ***sharing service providers*** should be allowed to make adaptations to the data exchanged, ***to the extent that this improves*** the usability of the data by the data user, where the data user desires this, ***such as to convert it into specific formats***. In addition, services that focus on the intermediation of content, in particular on copyright-protected content, should not be covered by this Regulation. Data exchange platforms that are exclusively used by one data holder in order to enable the use of data they hold as well as platforms developed in the context of objects and devices connected to the Internet-of-Things that have as ***their*** main objective to ensure functionalities of the connected object or device and allow value added services, should not be covered by this Regulation. 'Consolidated tape providers' in the sense of Article 4 (1) point 53 of Directive 2014/65/EU of the European Parliament and of the Council***[42]***as well as 'account information service providers' in the sense of Article 4 point 19 of Directive (EU) 2015/2366 of the European Parliament and of the Council***[43]***should not be considered as data ***sharing service providers*** for the purposes of this Regulation. Entities which restrict

technical relation between data holders, including data subjects, and potential ***data users and which*** assist both parties in a transaction of data assets between the two. It should only cover services aiming at intermediating between an indefinite number of data holders and data users, excluding data sharing services ***developed jointly by multiple legal persons for the purpose of sharing data in the context of a specific collaboration or joint undertaking, including the provision of products and services connected to the Internet-of-Things***. Providers of cloud ***infrastructure*** services should be excluded, as well as service providers that obtain data from data holders, aggregate, enrich or transform the data and licence the use of the resulting data to data users, without establishing a direct relationship between data holders and data users, for example advertisement or data brokers, data consultancies, providers of data products resulting from value added to the data by the service provider. At the same time, data ***intermediaries*** should be allowed to make adaptations to the data exchanged, ***in order to improve*** the usability of the data by the data user, where the data user desires this, ***or improve platform interoperability***. In addition, services that focus on the intermediation of content, in particular on copyright-protected content, should not be covered by this Regulation. Data exchange platforms that are exclusively used by one data holder in order to enable the use of data they hold as well as platforms developed in the context of objects and devices connected to the Internet-of-Things that have as main objective to ensure functionalities of the connected object or device and allow value added services, should not be covered by this Regulation. 'Consolidated tape providers' in the sense of Article 4 (1) point 53 of Directive 2014/65/EU of the European Parliament and of the Council[42] as well as 'account information service providers' in the sense of Article 4 point 19 of Directive (EU) 2015/2366 of the European

their activities to facilitating use of data made available on the basis of data altruism and that operate on a not-for-profit basis should not be covered by Chapter III of this Regulation, as this activity serves objectives of general interest by increasing the volume of data available for such purposes.

Parliament and of the Council[43] should not be considered as data ***intermediaries*** for the purposes of this Regulation. Entities which restrict their activities to facilitating use of data made available on the basis of data altruism and that operate on a not-for-profit basis should not be covered by Chapter III of this Regulation, as this activity serves objectives of general interest by increasing the volume of data available for such purposes.

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*[42] **Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU, OJ L 173/349.***

*[43] **Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC.***

Or. it

Amendment 194
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 22

Text proposed by the Commission	*Amendment*
(22) Providers of data sharing services (data intermediaries) are expected to play a key role in the data economy**, *as*** a tool to facilitate the aggregation and exchange of substantial amounts of relevant data. Data intermediaries offering services that connect the different actors have the potential to contribute to the efficient pooling of data as well as to the facilitation of bilateral data sharing. Specialised data	(22) Providers of data sharing services (data intermediaries) are expected to play a key role in the data economy ***in particular in supporting voluntary data sharing practices or data sharing arrangements set by Union or national law. They could become*** a tool to facilitate the aggregation and exchange of substantial amounts of relevant data. Data intermediaries offering services that connect the different actors

intermediaries that are independent from both data holders and data users can have a facilitating role in the emergence of new data-driven ecosystems independent from any player with a significant degree of market power. This Regulation should only cover providers of data sharing services that have as a main objective the establishment of a business, a legal and potentially also technical relation between data holders, including data subjects, on the one hand, and potential users on the other hand, and assist both parties in a transaction of data assets between the two. It should only cover services aiming at intermediating between an indefinite number of data holders and data users, excluding data sharing services that are meant to be used by a closed group of data holders and users. ***Providers of cloud services should be excluded, as well as service providers that obtain data from data holders, aggregate, enrich or transform the data and licence the use of the resulting data to data users, without establishing a direct relationship between data holders and data users, for example advertisement or data brokers, data consultancies, providers of data products resulting from value added to the data by the service provider.*** At the same time, data sharing service providers should be allowed to make adaptations to the data exchanged, to the extent that this improves the usability of the data by the data user, where the data user desires this, such as to convert it into specific formats. In addition, services that focus on the intermediation of content, in particular on copyright-protected content, should not be covered by this Regulation. Data exchange platforms that are exclusively used by one data holder in order to enable the use of data they hold as well as platforms developed in the context of objects and devices connected to the Internet-of-Things that have as their main objective to ensure functionalities of the connected object or device and allow value added services, should not be covered by this Regulation.

have the potential to contribute to the efficient pooling of data as well as to the facilitation of bilateral data sharing. Specialised data intermediaries that are independent from both data holders and data users can have a facilitating role in the emergence of new data-driven ecosystems independent from any player with a significant degree of market power. This Regulation should only cover providers of data sharing services that have as a main objective the establishment of a business, a legal and potentially also technical relation between data holders, including data subjects, on the one hand, and potential users on the other hand, and assist both parties in a transaction of data assets between the two. It should only cover services aiming at intermediating between an indefinite number of data holders and data users, excluding data sharing services that are meant to be used by a closed group of data holders and users. At the same time, data sharing service providers should be allowed to make adaptations to the data exchanged, to the extent that this improves the usability of the data by the data user, where the data user desires this, such as to convert it into specific formats. In addition, services that focus on the intermediation of content, in particular on copyright-protected content, should not be covered by this Regulation***. Intermediation services developed jointly by multiple legal persons for the purpose of sharing data in the context of a specific collaboration or joint undertaking, including the provision of products and services connected to the Internet-of-Things should be excluded***. Data exchange platforms that are exclusively used by one data holder in order to enable the use of data they hold as well as platforms developed in the context of objects and devices connected to the Internet-of-Things that have as their main objective to ensure functionalities of the connected object or device and allow value added services, should not be covered by this Regulation. ‘Consolidated tape providers’ in the sense of Article 4 (1)

‘Consolidated tape providers’ in the sense of Article 4 (1) point 53 of Directive 2014/65/EU of the European Parliament and of the Council[42] as well as ‘account information service providers’ in the sense of Article 4 point 19 of Directive (EU) 2015/2366 of the European Parliament and of the Council[43] should not be considered as data sharing service providers for the purposes of this Regulation. Entities which restrict their activities to facilitating use of data made available on the basis of data altruism and that operate on a not-for-profit basis should not be covered by Chapter III of this Regulation, as this activity serves objectives of ***general*** interest by increasing the volume of data available for such purposes.	point 53 of Directive 2014/65/EU of the European Parliament and of the Council[42] as well as ‘account information service providers’ in the sense of Article 4 point 19 of Directive (EU) 2015/2366 of the European Parliament and of the Council[43] should not be considered as data sharing service providers for the purposes of this Regulation. Entities which restrict their activities to facilitating use of data made available on the basis of data altruism and that operate on a not-for-profit basis should not be covered by Chapter III of this Regulation, as this activity serves objectives of ***public*** interest by increasing the volume of data available for such purposes.
_____	_____
[42] Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU, OJ L 173/349.	[42] Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU, OJ L 173/349.
[43] Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC.	[43] Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC.

Or. en

Justification

On changing General Interest -> Public Interest through out the text. Using ‘public interest’ instead of ‘general interest’ will match the language of DGA to the established regime of the GDPR.

Amendment 195
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 22

Text proposed by the Commission	*Amendment*
(22) Providers of data sharing services (data intermediaries) are expected to play a key role in the data economy, as a tool to facilitate the aggregation and exchange of substantial amounts of relevant data. Data intermediaries offering services that connect the different actors have the potential to contribute to the efficient pooling of data as well as to the facilitation of bilateral data sharing. Specialised data intermediaries that are independent from both data holders and data users can have a facilitating role in the emergence of new data-driven ecosystems independent from any player with a significant degree of market power. This Regulation should only cover providers of data sharing services that have as a main objective the establishment of a business, a legal and potentially also technical relation between data holders, including data subjects, on the one hand, and potential users on the other hand, and assist both parties in a transaction of data assets between the two. It should only cover services aiming at intermediating between an indefinite number of data holders and data users, excluding data sharing services that are meant to be used by a closed group of data holders and users. Providers of cloud services should be ***excluded***, as well as service providers that obtain data from data holders, aggregate, enrich or transform the data and licence the use of the resulting data to data users, without establishing a direct relationship between data holders and data users, for example advertisement or data brokers, data consultancies, providers of data products resulting from value added to the data by the service provider. At the same time, data sharing service providers should be allowed to make adaptations to the data exchanged, to the extent that this improves the usability of the data by the data user, where the data user desires this, such as to convert it into specific formats. In addition, services that	(22) Providers of data sharing services (data intermediaries) are expected to play a key role in the data economy, as a tool to facilitate the aggregation and exchange of substantial amounts of relevant data. Data intermediaries offering services that connect the different actors have the potential to contribute to the efficient pooling of data as well as to the facilitation of bilateral data sharing. Specialised data intermediaries that are independent from both data holders and data users can have a facilitating role in the emergence of new data-driven ecosystems independent from any player with a significant degree of market power. This Regulation should only cover providers of data sharing services that have as a main objective the establishment of a business, a legal and potentially also technical relation between data holders, including data subjects, on the one hand, and potential users on the other hand, and assist both parties in a transaction of data assets between the two. It should only cover services aiming at intermediating between an indefinite number of data holders and data users, excluding data sharing services that are meant to be used by a closed group of data holders and users. Providers of cloud services should be ***included***, as well as service providers that obtain data from data holders, aggregate, enrich or transform the data and licence the use of the resulting data to data users, without establishing a direct relationship between data holders and data users, for example advertisement or data brokers, data consultancies, providers of data products resulting from value added to the data by the service provider. At the same time, data sharing service providers should be allowed to make adaptations to the data exchanged, to the extent that this improves the usability of the data by the data user, where the data user desires this, such as to convert it into specific formats. In addition, services that

focus on the intermediation of content, in particular on copyright-protected content, should not be covered by this Regulation. Data exchange platforms that are exclusively used by one data holder in order to enable the use of data they hold as well as platforms developed in the context of objects and devices connected to the Internet-of-Things that have as their main objective to ensure functionalities of the connected object or device and allow value added services, should not be covered by this Regulation. ‘Consolidated tape providers’ in the sense of Article 4 (1) point 53 of Directive 2014/65/EU of the European Parliament and of the Council[42] as well as ‘account information service providers’ in the sense of Article 4 point 19 of Directive (EU) 2015/2366 of the European Parliament and of the Council[43] should not be considered as data sharing service providers for the purposes of this Regulation. Entities which restrict their activities to facilitating use of data made available on the basis of data altruism and that operate on a not-for-profit basis should not be covered by Chapter III of this Regulation, as this activity serves objectives of general interest by increasing the volume of data available for such purposes.

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[42] Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU, OJ L 173/349.

[43] Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC.

focus on the intermediation of content, in particular on copyright-protected content, should not be covered by this Regulation. Data exchange platforms that are exclusively used by one data holder in order to enable the use of data they hold as well as platforms developed in the context of objects and devices connected to the Internet-of-Things that have as their main objective to ensure functionalities of the connected object or device and allow value added services, should not be covered by this Regulation. ‘Consolidated tape providers’ in the sense of Article 4 (1) point 53 of Directive 2014/65/EU of the European Parliament and of the Council[42] as well as ‘account information service providers’ in the sense of Article 4 point 19 of Directive (EU) 2015/2366 of the European Parliament and of the Council[43] should not be considered as data sharing service providers for the purposes of this Regulation. Entities which restrict their activities to facilitating use of data made available on the basis of data altruism and that operate on a not-for-profit basis should not be covered by Chapter III of this Regulation, as this activity serves objectives of general interest by increasing the volume of data available for such purposes.

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[42] Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU, OJ L 173/349.

[43] Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC.

Or. en

Amendment 196
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 22 a (new)

Text proposed by the Commission	*Amendment*
	(22 a) Data intermediary services could also be set up by public entities such as cities and municipalities fully complying with the rules of this Regulation. Cities gather vast amounts of data of their citizens and the users of their services. Better utilising this data could bring benefits both to the cities and the users of their services through better interoperability of data and improved personal data management for individuals through implementing MyData principles. These services could facilitate the transfer of both public sector data and data provided by the individuals themselves or by third parties. These services should function by fully complying with existing legislation and especially with Regulation EU 2016/679 (GDPR).

Or. en

Amendment 197
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 23

Text proposed by the Commission	*Amendment*
(23) A specific category of data intermediaries includes providers of data sharing services that offer their services to data subjects in the sense of Regulation (EU) 2016/679. Such providers focus exclusively on personal data and seek to	(23) A specific category of data intermediaries includes providers of data sharing services that offer their services to data subjects in the sense of Regulation (EU) 2016/679. Such providers focus exclusively on personal data and seek to

enhance individual agency and the individuals' control over the data pertaining to them. They would assist individuals in exercising their rights under Regulation (EU) 2016/679, in particular managing their consent to data processing, the right of access to their own data, the right to the rectification of inaccurate personal data, the right of erasure or right 'to be forgotten', the right to restrict processing and the data portability right, which allows data subjects to move their personal data from one controller to the other. In this context, it is important that their business model ensures that there are no misaligned incentives that encourage individuals to make more data available for processing than what is in the individuals' own interest. This could include advising individuals on uses of their data they could allow and making due diligence checks on data users before allowing them to contact data subjects, in order to avoid fraudulent practices. In certain situations, it could be desirable to collate actual data within a personal data storage space, or 'personal data space' so that processing can happen within that space without personal data being transmitted to third parties in order to maximise the protection of personal data and privacy.

enhance individual agency and the individuals' control over the data pertaining to them. They would assist individuals in exercising their rights under Regulation (EU) 2016/679, in particular managing their consent to data processing, the right of access to their own data, the right to the rectification of inaccurate personal data, the right of erasure or right 'to be forgotten'***, the right to withdraw their consent***, the right to restrict processing and the data portability right, which allows data subjects to move their personal data from one controller to the other. In this context, it is important that their business model ensures that there are no misaligned incentives that encourage individuals to make more data available for processing than what is in the individuals' own interest. This could include advising individuals on uses of their data they could allow and making due diligence checks on data users before allowing them to contact data subjects, in order to avoid fraudulent practices. In certain situations, it could be desirable to collate actual data within a personal data storage space, or 'personal data space' so that processing can happen within that space without personal data being transmitted to third parties in order to maximise the protection of personal data and privacy.

Or. en

Amendment 198
Dace Melbārde
on behalf of the ECR Group
Evžen Tošenovský

Proposal for a regulation
Recital 23

Text proposed by the Commission	*Amendment*
(23) A specific category of data intermediaries includes providers of data sharing services that offer their services to	(23) A specific category of data intermediaries includes providers of data sharing services that offer their services to

data subjects in the sense of Regulation (EU) 2016/679. Such providers focus exclusively on personal data and seek to enhance individual agency and the individuals' control over the data ***pertaining*** to them. They would assist individuals in exercising their rights under Regulation (EU) 2016/679, in particular managing their consent to data processing, the right of access to their own data, the right to the rectification of inaccurate personal data, the right of erasure or right 'to be forgotten', the right to restrict processing and the data portability right, which allows data subjects to move their personal data from one controller to the other. In this context, it is important that their business model ensures that there are no misaligned incentives that encourage individuals to make more data available for processing than what is in the individuals' own interest. This could include advising individuals on uses of their data they could allow and making due diligence checks on data users before allowing them to contact data subjects, in order to avoid fraudulent practices. In certain situations, it could be desirable to collate actual data within a personal data storage space, or 'personal data space' so that processing can happen within that space without personal data being transmitted to third parties in order to maximise the protection of personal data and privacy.

data subjects in the sense of Regulation (EU) 2016/679. Such providers focus exclusively on personal data and seek to enhance individual agency and the individuals' control over the data ***relating*** to them. They would assist individuals in exercising their rights under Regulation (EU) 2016/679, in particular managing their consent to data processing, the right of access to their own data, the right to the rectification of inaccurate personal data, the right of erasure or right 'to be forgotten', the right to restrict processing and the data portability right, which allows data subjects to move their personal data from one controller to the other. In this context, it is important that their business model ensures that there are no misaligned incentives that encourage individuals to make more data available for processing than what is in the individuals' own interest. This could include advising individuals on uses of their data they could allow and making due diligence checks on data users before allowing them to contact data subjects, in order to avoid fraudulent practices. In certain situations, it could be desirable to collate actual data within a personal data storage space, or 'personal data space' so that processing can happen within that space without personal data being transmitted to third parties in order to maximise the protection of personal data and privacy.

Or. en

Amendment 199
Patrizia Toia, Franco Roberti

Proposal for a regulation
Recital 24

Text proposed by the Commission	*Amendment*
(24) Data cooperatives seek to strengthen the position of individuals in making informed choices before	(24) Data cooperatives seek to strengthen the position of individuals in making informed choices before

consenting to data use, influencing the terms and conditions of data user organisations attached to data use or potentially solving disputes between members of a group on how data can be used when such data pertain to several data subjects within that group. In this context it is important to acknowledge that the rights under Regulation (EU) 2016/679 can only be exercised by each individual and cannot be conferred or delegated to a data cooperative. Data cooperatives could also provide a useful means for one-person companies, micro, small and medium-sized enterprises that in terms of knowledge of data sharing, are often comparable to individuals.	consenting to data use, influencing the terms and conditions of data user organisations attached to data use or potentially solving disputes between members of a group on how data can be used when such data pertain to several data subjects within that group. In this context it is important to acknowledge that the rights under Regulation (EU) 2016/679 can only be exercised by each individual and cannot be conferred or delegated to a data cooperative. Data cooperatives could also provide a useful means for one-person companies, micro, small and medium-sized enterprises***, including social economy enterprises,*** that in terms of knowledge of data sharing, are often comparable to individuals. ***Accordingly, the establishment of such cooperatives should be encouraged as an operating mechanism of data intermediation, exchange and sharing activities, which could ensure a truly shared participatory governance whilst increasing trust among the actors involved.***

Or. en

Amendment 200
Nicola Danti, Ivars Ijabs, Andrus Ansip, Klemen Grošelj, Martina Dlabajová, Dragoș Pîslaru, Iskra Mihaylova, Christophe Grudler, Sandro Gozi, Bart Groothuis, Valérie Hayer, Susana Solís Pérez

Proposal for a regulation
Recital 24

Text proposed by the Commission	*Amendment*
(24) Data cooperatives seek to strengthen the position of individuals in making informed choices before consenting to data use, influencing the terms and conditions of data user organisations attached to data use or potentially solving disputes between members of a group on how data can be used when such data pertain to several data subjects within that group. In this context it	(24) Data cooperatives seek to strengthen the position of individuals in making informed choices before consenting to data use, influencing the terms and conditions of data user organisations attached to data use or potentially solving disputes between members of a group on how data can be used when such data pertain to several data subjects within that group. In this context it

is important to acknowledge that the rights under Regulation (EU) 2016/679 can only be exercised by each individual and cannot be conferred or delegated to a data cooperative. Data cooperatives could also provide a useful means for one-person companies, micro, small and medium-sized enterprises that in terms of knowledge of data sharing, are often comparable to individuals.	is important to acknowledge that the rights under Regulation (EU) 2016/679 can only be exercised by each individual and cannot be conferred or delegated to a data cooperative. Data cooperatives could also provide a useful means for one-person companies, micro, small and medium-sized enterprises that in terms of knowledge of data sharing, are often comparable to individuals. ***Upon request and informed consent of their associated members, cooperatives - which detain the data of their members for the realisation of their economic, social and cultural purposes - should be identifiable as "data cooperatives".***

Or. en

Amendment 201
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 24

Text proposed by the Commission	*Amendment*
(24) Data cooperatives seek to strengthen the position of individuals in making informed choices before consenting to data use, influencing the terms and conditions of data user organisations attached to data use or potentially solving disputes between members of a group on how data can be used when such data pertain to several data subjects within that group. ***In this context it is important to acknowledge that the*** rights under Regulation (EU) ***2016/679 can only be exercised by each individual and cannot be conferred or delegated to a data cooperative***. Data cooperatives could also provide a useful means for one-person companies, micro, small and medium-sized enterprises that in terms of knowledge of data sharing, are often comparable to	(24) Data cooperatives seek to strengthen the position of individuals in making ***explicit and*** informed choices before consenting to data use, influencing the terms and conditions of data user organisations attached to data use or potentially solving disputes between members of a group on how data can be used when such data pertain to several data subjects within that group. ***The data rights holders may authorise the intermediation service to exercise data rights on their behalf, however data sharing services under Article 9(1)(b) and (c) may only receive a revocable mandate by data subjects to exercise their*** rights under Regulation (EU)***2016/679***. Data cooperatives could also provide a useful means for one-person companies, micro, small and medium-sized enterprises that in

individuals.	terms of knowledge of data sharing, are often comparable to individuals.

Or. en

Amendment 202
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin

Proposal for a regulation
Recital 24

Text proposed by the Commission	*Amendment*
(24) Data cooperatives seek to strengthen the position of individuals in making informed choices before consenting to data use, influencing the terms and conditions of data user organisations attached to data use or potentially solving disputes between members of a group on how data can be used when such data pertain to several data subjects within that group. In this context it is important to acknowledge that the rights under Regulation (EU) 2016/679 can only be exercised by each individual and cannot be conferred or delegated to a data cooperative. Data cooperatives could also provide a useful means for one-person companies, micro, small and medium-sized enterprises that in terms of knowledge of data sharing, are often comparable to individuals.	(24) Data cooperatives seek to strengthen the position of individuals in making informed choices before consenting to data use, influencing the terms and conditions of data user organisations attached to data use or potentially solving disputes between members of a group on how data can be used when such data pertain to several data subjects within that group. In this context it is important to acknowledge that the rights under Regulation (EU) 2016/679 can only be exercised by each individual and cannot be conferred or delegated to a data cooperative. Data cooperatives could also provide a useful means for one-person companies, micro, small and medium-sized enterprises***, especially in the agrifood sector,*** that in terms of knowledge of data sharing, are often comparable to individuals.

Or. en

Amendment 203
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 24

Text proposed by the Commission	*Amendment*

(24) Data cooperatives seek to strengthen the position of individuals in making informed choices before consenting to data use, influencing the terms and conditions of data user organisations attached to data use or potentially solving disputes between members of a group on how data can be used when such data pertain to several data subjects within that group. In this context it is important to acknowledge that the rights under Regulation (EU) 2016/679 can only be exercised by each individual and cannot be conferred or delegated to a data cooperative. Data cooperatives could also provide a useful means for one-person companies, micro, small and medium-sized enterprises that in terms of knowledge of data sharing, are often comparable to individuals.

(24) Data cooperatives seek to strengthen the position of individuals in making informed choices before consenting to data use, influencing the ***pricing*** terms and conditions of data user organisations attached to data use or potentially solving disputes between members of a group on how data can be used when such data pertain to several data subjects within that group. In this context it is important to acknowledge that the rights under Regulation (EU) 2016/679 can only be exercised by each individual and cannot be conferred or delegated to a data cooperative. Data cooperatives could also provide a useful means for one-person companies, micro, small and medium-sized enterprises that in terms of knowledge of data sharing, are often comparable to individuals.

Or. en

Amendment 204
Dace Melbārde
on behalf of the ECR Group
Evžen Tošenovský

Proposal for a regulation
Recital 25

Text proposed by the Commission	*Amendment*
(25) In order to increase trust in such data sharing services, in particular related to the use of data and the compliance with the conditions imposed by data holders, it is necessary to create a Union-level regulatory framework, which would set out highly harmonised requirements related to the trustworthy provision of such data sharing services. This will contribute to ensuring that data holders and data users have better control over the access to and use of their data, in accordance with Union law. Both in situations where data sharing occurs in a business-to-business context and where it occurs in a business-to-	(25) In order to increase trust in such data sharing services, in particular related to the use of data and the compliance with the conditions imposed by data holders, it is necessary to create a Union-level regulatory framework, which would set out highly harmonised requirements related to the trustworthy provision of such data sharing services. This will contribute to ensuring that data holders and data users have better control over the access to and use of their data, in accordance with Union law. Both in situations where data sharing occurs in a business-to-business context and where it occurs in a business-to-

consumer context, data sharing providers should offer a novel, ‘European’ way of data governance, by providing a separation in the data economy between data provision, intermediation and use. Providers of data sharing services may also make available specific technical infrastructure for the interconnection of data holders and data users.

consumer context, data sharing providers should offer a novel, ‘European’ way of data governance, by providing a separation in the data economy between data provision, intermediation and use. Providers of data sharing services may also make available specific technical infrastructure for the interconnection of data holders and data users. ***In that regard, it is of particular importance to shape that infrastructure in such a way that MSMEs do not encounter technical or other impediments for their participation in the data economy.***

Or. en

Amendment 205
Nicola Danti, Ivars Ijabs, Andrus Ansip, Klemen Grošelj, Martina Dlabajová, Dragoș Pîslaru, Iskra Mihaylova, Christophe Grudler, Sandro Gozi, Bart Groothuis, Valérie Hayer

Proposal for a regulation
Recital 25

Text proposed by the Commission	*Amendment*
(25) In order to increase trust in such data sharing services, in particular related to the use of data and the compliance with the conditions imposed by data holders, it is necessary to create a Union-level regulatory framework, which would set out highly harmonised requirements related to the trustworthy provision of such data sharing services. This will contribute to ensuring that data holders and data users have better control over the access to and use of their data, in accordance with Union law. Both in situations where data sharing occurs in a business-to-business context and where it occurs in a business-to-consumer context, data sharing providers should offer a novel, ‘European’ way of data governance, by providing a separation in the data economy between data provision, intermediation and use. Providers of data sharing services may also	(25) In order to increase trust in such data sharing services, in particular related to the use of data and the compliance with the conditions imposed by data holders, it is necessary to create a Union-level regulatory framework, which would set out highly harmonised requirements related to the trustworthy provision of such data sharing services. This will contribute to ensuring that data holders and data users have better control over the access to and use of their data, in accordance with Union law. Both in situations where data sharing occurs in a business-to-business context and where it occurs in a business-to-consumer context, data sharing providers should offer a novel, ‘European’ way of data governance, by providing a separation in the data economy between data provision, intermediation and use***, which is at the core of increasing such trust among***

make available specific technical infrastructure for the interconnection of data holders and data users.	***data holders, be they individuals or companies***. Providers of data sharing services may also make available specific technical infrastructure for the interconnection of data holders and data users.

Or. en

Amendment 206
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 25

Text proposed by the Commission	*Amendment*
(25) In order to increase trust in such data sharing services***, in particular related to the use of data and the compliance with the conditions imposed by data holders***, it is necessary to create a Union-level regulatory framework, which would set out highly harmonised requirements related to the trustworthy provision of such data sharing services. This will contribute to ensuring that data holders and data users have better control over the access to and use of their data, in accordance with Union law. Both in situations where data sharing occurs in a business-to-business context and where it occurs in a business-to-consumer context, data sharing providers should offer a novel, 'European' way of data governance, by providing a separation in the data economy between data provision, intermediation and use. Providers of data sharing services may also make available specific technical infrastructure for the interconnection of data holders and data users.	(25) In order to increase trust in such data sharing services, it is necessary to create a Union-level regulatory framework, which would set out highly harmonised requirements related to the trustworthy***, open and non-discriminatory*** provision of such data sharing services. This will contribute to ensuring that data holders and data users have better control over the access to and use of their data, in accordance with Union law. Both in situations where data sharing occurs in a business-to-business context and where it occurs in a business-to-consumer context, data sharing providers should offer a novel, 'European' way of data governance, by providing a separation in the data economy between data provision, intermediation and use. Providers of data sharing services may also make available specific technical infrastructure for the interconnection of data holders and data users.

Or. en

Amendment 207

Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 26

Text proposed by the Commission	*Amendment*
(26) A key element to bring trust and more control for data holder and data users in data sharing services is the neutrality of data sharing service providers as regards the data exchanged between data holders and data users. It is therefore necessary that data sharing service providers act only as intermediaries in the transactions, and do not use the data exchanged for any other purpose. This will also require structural separation between the data sharing service and any other services provided, so as to avoid issues of conflict of interest. This means that the data sharing service should be provided through a legal entity that is separate from the other activities of that data sharing provider. Data sharing providers that intermediate the exchange of data between individuals as data holders and legal persons should, in addition, bear fiduciary duty towards the individuals, to ensure that they act in the best interest of the data holders.	(26) A key element to bring trust and more control for data holder and data users in data sharing services is the neutrality of data sharing service providers as regards the data exchanged between data holders and data users. It is therefore necessary that data sharing service providers act only as intermediaries in the transactions, and do not use the data exchanged for any other purpose. This will also require structural separation between the data sharing service and any other services provided, so as to avoid issues of conflict of interest. This means that the data sharing service should be provided through a legal entity that is separate from the other activities of that data sharing provider. ***Where an actor provides other data-related services, in addition to data sharing services, the pricing and terms of services for the data sharing service should not be dependent on whether and to what degree a data holder or data user uses other data-related services from the same actor.*** Data sharing providers that intermediate the exchange of data between individuals as data holders and legal persons should, in addition, bear fiduciary duty towards the individuals, to ensure that they act in the best interest of the data holders.

Or. en

Amendment 208
Dace Melbārde
on behalf of the ECR Group
Evžen Tošenovský

Proposal for a regulation
Recital 26

Text proposed by the Commission	*Amendment*
(26) ***A key element to bring*** trust and more control for data holder and data users in data sharing services is the neutrality of data sharing service providers as regards the data exchanged between data holders and data users. It is therefore necessary that data sharing service providers act only as intermediaries in the transactions, and do not use the data exchanged for any other purpose. This will also require structural separation between the data sharing service and any other services provided, so as to avoid issues of conflict of interest. This means that the data sharing service should be provided through a legal entity that is separate from the other activities of that data sharing provider. Data sharing providers that intermediate the exchange of data between individuals as data holders and legal persons should, in addition, bear fiduciary duty towards the individuals, to ensure that they act in the best interest of the data holders.	(26) ***It is paramount for the EU to enable a competitive environment for data sharing. One of the key elements to ensure*** trust and more control for data holder and data users in data sharing services is the neutrality of data sharing service providers as regards the data exchanged between data holders and data users. It is therefore necessary that data sharing service providers act only as intermediaries in the transactions, and do not use the data exchanged for any other purpose. This will also require structural separation between the data sharing service and any other services provided, so as to avoid issues of conflict of interest. This means that the data sharing service should be provided through a legal entity that is separate from the other activities of that data sharing provider ***except for services to improve the usability of the data*** . Data sharing providers that intermediate the exchange of data between individuals as data holders and legal persons should, in addition, bear fiduciary duty towards the individuals, to ensure that they act in the best interest of the data holders.

Or. en

Amendment 209
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 26 a (new)

Text proposed by the Commission	*Amendment*
	(26 a) Data intermediaries should take reasonable measures to ensure interoperability with other data intermediation services to ensure the proper functioning of the market. Reasonable measures could include

following the existing, commonly-used standards. The European Data Innovation Board should facilitate the emergence of additional industry standards, where necessary. Data sharing service providers should implement in due time the measures for interoperability between the data sharing services set out by the European Data Innovation Board.

Or. en

Amendment 210
Eva Kaili

Proposal for a regulation
Recital 26 a (new)

Text proposed by the Commission	*Amendment*
	(26 a) The gradual shift from physical centres of data storage to data architectures on the cloud and closer to the user reinforces the need for a strengthened cybersecurity framework to meet the evolving levels of trust by both data rights holders and data users in the context of data exchanges.

Or. en

Amendment 211
Dace Melbārde
on behalf of the ECR Group
Evžen Tošenovský

Proposal for a regulation
Recital 26 a (new)

Text proposed by the Commission	*Amendment*
	(26 a) To help promote proper functioning of the market, data intermediaries should take reasonable measures to ensure interoperability.

Or. en

Amendment 212
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 26 b (new)

Text proposed by the Commission	*Amendment*
	(26 b) COVID-19 crisis has clearly shown just how important digital technologies have become in our daily lives. Telemedicine, teleworking, videoconference and online educational platforms are all great examples of how the digital tools can have a transformative impact on our societies. The digital transformation of our societies and economies is creating new opportunities for innovation and efficiency, while also providing new opportunities in addressing societal challenges. However, as our dependency on digital technologies continues to grow and with it the volume of generated data, individuals, governments and businesses are facing an increased risk of data loss, theft, abuse and misuse. These challenges highlight the need to strengthen Union's resilience and digital autonomy by investing further into digital skills, technological and industrial capacities necessary to respond to these challenges. A future-proof data governance framework needs to use state-of-the-art cybersecurity standards and utilize cybersecurity solutions that will ensure high levels of protection of personal and non-personal data.

Or. en

Amendment 213
Eva Kaili

Proposal for a regulation
Recital 26 b (new)

Text proposed by the Commission	*Amendment*
	(26 b) The successful uptake and widespread use of products and services fuelled by data depend on cybersecurity standards, which will inspire trust and allow for safer data sharing mechanisms and better protocols to guarantee data protection and the prevention, detection and handling of evolving cyberthreats.

Or. en

Amendment 214
Eva Kaili

Proposal for a regulation
Recital 26 c (new)

Text proposed by the Commission	*Amendment*
	(26 c) Technological advancement based on data processing and the interconnectedness of digital products and services call for legally binding cybersecurity and privacy standards to mitigate threats to privacy and the rights and freedoms of individual data rights holders in the context of a harmonised framework for data exchanges through trusted data intermediation.

Or. en

Amendment 215
Eva Kaili

Proposal for a regulation
Recital 26 d (new)

Text proposed by the Commission	*Amendment*
	(26 d) A coordinated and functional

European framework for digital identities can further enable individual data rights holders to retain ownership of their data, and contribute to the establishment of safe and trustworthy data intermediation standards. A harmonised, operational and secure digital ID framework in the EU can become the building block of trust along the entire lifecycle of data exchange mechanisms and intermediation services.

Or. en

Amendment 216
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 27

Text proposed by the Commission	*Amendment*
(27) In order to ensure the compliance of the providers of data sharing services with the conditions set out in this Regulation, such providers should have a place of establishment in the Union***.*** ***Alternatively, where a provider of data sharing services not established in the Union offers services within the Union, it should designate a representative. Designation of a representative is necessary, given that such providers of data sharing services handle personal data as well as commercially confidential data, which necessitates the close monitoring of the compliance of such service providers with the conditions laid out in this Regulation***. In order to determine whether such a provider of data sharing services is offering services within the Union, it should be ascertained whether it is apparent that the provider of data sharing services is planning to offer services to persons in one or more Member States. The mere accessibility in the Union of the website or of an email address and of other contact details of the provider of data	(27) In order to ensure the compliance of the providers of data sharing services with the conditions set out in this Regulation, such providers should have a place of establishment in the Union. In order to determine whether such a provider of data sharing services is offering services within the Union, it should be ascertained whether it is apparent that the provider of data sharing services is planning to offer services to persons in one or more Member States. The mere accessibility in the Union of the website or of an email address and of other contact details of the provider of data sharing services, or the use of a language generally used in the third country where the provider of data sharing services is established, should be considered insufficient to ascertain such an intention. However, factors such as the use of a language or a currency generally used in one or more Member States with the possibility of ordering services in that other language, or the mentioning of users who are in the Union, may make it apparent that the provider of data sharing services is

sharing services, or the use of a language generally used in the third country where the provider of data sharing services is established, should be considered insufficient to ascertain such an intention. However, factors such as the use of a language or a currency generally used in one or more Member States with the possibility of ordering services in that other language, or the mentioning of users who are in the Union, may make it apparent that the provider of data sharing services is planning to offer services within the Union. ***The representative should act on behalf of the provider of data sharing services and it should be possible for competent authorities to contact the representative. The representative should be designated by a written mandate of the provider of data sharing services to act on the latter's behalf with regard to the latter's obligations under this Regulation.***

planning to offer services within the Union.

Or. en

Amendment 217
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 27

Text proposed by the Commission	*Amendment*
(27) In order to ensure the compliance of the providers of data sharing services with the conditions set out in this Regulation, such providers should have a place of establishment in the Union. Alternatively, where a provider of data sharing services not established in the Union offers services within the Union, it should designate a representative. Designation of a representative is necessary, given that such providers of data sharing services handle personal data as well as commercially confidential data, which necessitates the close monitoring of	(27) In order to ensure the compliance of the providers of data sharing services with the conditions set out in this Regulation, such providers should have a place of establishment in the Union. Alternatively, where a provider of data sharing services not established in the Union offers services within the Union, it should designate a representative. Designation of a representative is necessary, given that such providers of data sharing services handle personal data as well as commercially confidential data, which necessitates the close monitoring of

the compliance of such service providers with the conditions laid out in this Regulation. In order to determine whether such a provider of data sharing services is offering services within the Union, it should be ascertained whether it is apparent that the provider of data sharing services is planning to offer services to persons in one or more Member States. The mere accessibility in the Union of the website or of an email address and of other contact details of the provider of data sharing services, or the use of a language generally used in the third country where the provider of data sharing services is established, should be considered insufficient to ascertain such an intention. However, factors such as the use of a language or a currency generally used in one or more Member States with the possibility of ordering services in that other language, or the mentioning of users who are in the Union, may make it apparent that the provider of data sharing services is planning to offer services within the Union. The representative should act on behalf of the provider of data sharing services and it should be possible for competent authorities to contact the representative. The representative should be designated by a written mandate of the provider of data sharing services to act on the latter's behalf with regard to the latter's obligations under this Regulation.	the compliance of such service providers with the conditions laid out in this Regulation. In order to determine whether such a provider of data sharing services is offering services within the Union, it should be ascertained whether it is apparent that the provider of data sharing services is planning to offer services to persons in one or more Member States. The mere accessibility in the Union of the website or of an email address and of other contact details of the provider of data sharing services, or the use of a language generally used in the third country where the provider of data sharing services is established, should be considered insufficient to ascertain such an intention. However, factors such as the use of a language or a currency generally used in one or more Member States with the possibility of ordering services in that other language, or the mentioning of users who are in the Union, may make it apparent that the provider of data sharing services is planning to offer services within the Union. The representative should act on behalf of the provider of data sharing services and it should be possible for competent authorities to contact the representative. The representative should be designated by a written mandate of the provider of data sharing services to act on the latter's behalf with regard to the latter's obligations under this Regulation. ***In case of processing of personal data, the previously mentioned data sharing service providers not established in the Union are subject to the rules and principles of the GDPR.***

Or. en

Amendment 218
Dace Melbārde
on behalf of the ECR Group
Evžen Tošenovský

Proposal for a regulation
Recital 27

Text proposed by the Commission	*Amendment*
(27) In order to ensure the compliance of the providers of data sharing services with the conditions set out in this Regulation, such providers should have a place of establishment in the Union***.*** ***Alternatively, where a provider of data sharing services not established in the Union offers services within the Union, it should*** designate a representative. Designation of a representative is necessary, given that such providers of data sharing services handle personal data as well as commercially confidential data, which necessitates the close monitoring of the compliance of such service providers with the conditions laid out in this Regulation. In order to determine whether such a provider of data sharing services is offering services within the Union, it should be ascertained whether it is apparent that the provider of data sharing services is planning to offer services to persons in one or more Member States. The mere accessibility in the Union of the website or of an email address and of other contact details of the provider of data sharing services, or the use of a language generally used in the third country where the provider of data sharing services is established, should be considered insufficient to ascertain such an intention. However, factors such as the use of a language or a currency generally used in one or more Member States with the possibility of ordering services in that other language, or the mentioning of users who are in the Union, may make it apparent that the provider of data sharing services is planning to offer services within the Union. The representative should act on behalf of the provider of data sharing services and it should be possible for competent authorities to contact the representative. The representative should be designated by a written mandate of the provider of data sharing services to act on the latter's behalf with regard to the latter's obligations under	(27) In order to ensure the compliance of the providers of data sharing services with the conditions set out in this Regulation, such providers should have a place of establishment in the Union ***or*** designate a representative. Designation of a representative is necessary, given that such providers of data sharing services handle personal data as well as commercially confidential data, which necessitates the close monitoring of the compliance of such service providers with the conditions laid out in this Regulation. In order to determine whether such a provider of data sharing services is offering services within the Union, it should be ascertained whether it is apparent that the provider of data sharing services is planning to offer services to persons in one or more Member States. The mere accessibility in the Union of the website or of an email address and of other contact details of the provider of data sharing services, or the use of a language generally used in the third country where the provider of data sharing services is established, should be considered insufficient to ascertain such an intention. However, factors such as the use of a language or a currency generally used in one or more Member States with the possibility of ordering services in that other language, or the mentioning of users who are in the Union, may make it apparent that the provider of data sharing services is planning to offer services within the Union. The representative should act on behalf of the provider of data sharing services and it should be possible for competent authorities to contact the representative. The representative should be designated by a written mandate of the provider of data sharing services to act on the latter's behalf with regard to the latter's obligations under this Regulation.

this Regulation.

Or. en

Amendment 219
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin

Proposal for a regulation
Recital 27

Text proposed by the Commission	*Amendment*
(27) In order to ensure the compliance of the providers of data ***sharing services*** with the conditions set out in this Regulation, such providers should have a place of establishment in the Union. Alternatively, where a provider of data sharing services not established in the Union offers services within the Union, it should designate a representative. Designation of a representative is necessary, given that such providers of data sharing services handle personal data as well as commercially confidential data, which necessitates the close monitoring of the compliance of such service providers with the conditions laid out in this Regulation. In order to determine whether such a provider of data sharing services is offering services within the Union, it should be ascertained whether it is apparent that the provider of data sharing services is planning to offer services to persons in one or more Member States. The mere accessibility in the Union of the website or of an email address and of other contact details of the provider of data sharing services, or the use of a language generally used in the third country where the provider of data sharing services is established, should be considered insufficient to ascertain such an intention. However, factors such as the use of a language or a currency generally used in one or more Member States with the possibility of ordering services in that other language, or the mentioning of users who	(27) In order to ensure the compliance of the providers of data ***intermediaries*** with the conditions set out in this Regulation, such providers should have a place of establishment in the Union. Alternatively, where a provider of data sharing services not established in the Union offers services within the Union, it should designate a representative. Designation of a representative is necessary, given that such providers of data sharing services handle personal data as well as commercially confidential data, which necessitates the close monitoring of the compliance of such service providers with the conditions laid out in this Regulation. In order to determine whether such a provider of data sharing services is offering services within the Union, it should be ascertained whether it is apparent that the provider of data sharing services is planning to offer services to persons in one or more Member States. The mere accessibility in the Union of the website or of an email address and of other contact details of the provider of data sharing services, or the use of a language generally used in the third country where the provider of data sharing services is established, should be considered insufficient to ascertain such an intention. However, factors such as the use of a language or a currency generally used in one or more Member States with the possibility of ordering services in that other language, or the mentioning of users who

are in the Union, may make it apparent that the provider of data sharing services is planning to offer services within the Union. The representative should act on behalf of the provider of data sharing services and it should be possible for competent authorities to contact the representative. The representative should be designated by a written mandate of the provider of data sharing services to act on the latter's behalf with regard to the latter's obligations under this Regulation.	are in the Union, may make it apparent that the provider of data sharing services is planning to offer services within the Union. The representative should act on behalf of the provider of data sharing services and it should be possible for competent authorities to contact the representative. The representative should be designated by a written mandate of the provider of data sharing services to act on the latter's behalf with regard to the latter's obligations under this Regulation.

Or. en

Amendment 220
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 28

Text proposed by the Commission	*Amendment*
(28) This Regulation should be without prejudice to the obligation of providers of data sharing services to comply with Regulation (EU) 2016/679 and the responsibility of supervisory authorities to ensure compliance with that Regulation. Where the data sharing service providers are data controllers or processors in the sense of Regulation (EU) 2016/679 they are bound by the rules of that Regulation. This Regulation should be also without prejudice to the application of competition law.	(28) This Regulation should be without prejudice to the obligation of providers of data sharing services to comply with Regulation (EU) 2016/679 and the responsibility of supervisory authorities to ensure compliance with that Regulation***. When providers of data intermediaries process personal data, this Regulation does not affect the protection of personal data***. Where the data sharing service providers are data controllers or processors in the sense of Regulation (EU) 2016/679 they are bound by the rules of that Regulation. This Regulation should be also without prejudice to the application of competition law.

Or. en

Amendment 221
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 28 a (new)

Text proposed by the Commission	*Amendment*
	(28 a) As laid down in Article 11 of this Regulation, the data intermediaries shall have procedures and sanctions in place to prevent fraudulent or abusive practices in relation to access to data from parties seeking access through their services. These rules could be defined for example in a rulebook that lays out the code of conduct and rules for the data network in question. In practice, sanctions could mean e.g. excluding the data user that does not comply with the rules and procedures that have been agreed within the network or with existing legislation. The data intermediaries are subject to compliance monitoring as laid in the Article 13 of this Regulation. Therefore, it is necessary to set up tools for the data intermediaries surveillance the compliance within the users of their services.

Or. en

Amendment 222
Patrizia Toia, Franco Roberti

Proposal for a regulation
Recital 29

Text proposed by the Commission	*Amendment*
(29) Providers of data sharing services should also take measures to ensure compliance with competition law. Data sharing may generate various types of efficiencies but may also lead to restrictions of competition, in particular where it includes the sharing of competitively sensitive information. This applies in particular in situations where data sharing enables businesses to become	(29) Providers of data sharing services should also take measures to ensure compliance with competition law. Data sharing may generate various types of efficiencies but may also lead to restrictions of competition, in particular where it includes the sharing of competitively sensitive information. This applies in particular in situations where data sharing enables businesses to become

aware of market strategies of their actual or potential competitors. Competitively sensitive information typically includes information on future prices, production costs, quantities, turnovers, sales or capacities.	aware of market strategies of their actual or potential competitors. Competitively sensitive information typically includes information on future prices, production costs, quantities, turnovers, sales or capacities. ***Given that some data can be protected by IP rights or as trade secrets, it is important to promote a balance between the need to promote data sharing on multiple levels and the need to safeguard legitimate interests of businesses, thereby ensuring a secure environment for all economic operators.***

Or. en

Amendment 223
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 29

Text proposed by the Commission	*Amendment*
(29) Providers of data sharing services should also take measures to ensure compliance with competition law. Data sharing may generate various types of efficiencies but may also lead to restrictions of competition, in particular where it includes the sharing of competitively sensitive information. This applies in particular in situations where data sharing enables businesses to become aware of market strategies of their actual or potential competitors. Competitively sensitive information typically includes information on future prices, production costs, quantities, turnovers, sales or capacities.	(29) Providers of data sharing services should also take ***effective*** measures to ensure compliance with competition law. Data sharing may generate various types of efficiencies but may also lead to restrictions of competition, in particular where it includes the sharing of competitively sensitive information. This applies in particular in situations where data sharing enables businesses to become aware of market strategies of their actual or potential competitors. Competitively sensitive information typically includes information on future prices, production costs, quantities, turnovers, sales or capacities.

Or. en

Amendment 224
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin

Proposal for a regulation
Recital 29 a (new)

Text proposed by the Commission	*Amendment*
	(29 a) In that regard, it is of particular importance to create a data economic environment that enables equal access to data to both SMEs and big companies. This Regulation should avoid monopolistic implementations and structures that could disadvantage micro companies and SMEs.

Or. en

Amendment 225
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin

Proposal for a regulation
Recital 29 b (new)

Text proposed by the Commission	*Amendment*
	(29 b) Competitively sensitive information should also take into account the possibility of issuing fake data to destabilise the market, which could be due to third parties having an interest in these unfair competition practices. For this purpose, processes to verify the authenticity of the data must be activated.

Or. en

Amendment 226
Evžen Tošenovský

Proposal for a regulation
Recital 31

Text proposed by the Commission	*Amendment*
(31) In order to support effective cross-border provision of services, the data	(31) In order to support effective cross-border provision of services, the data

sharing provider should be requested to send a notification only to the designated competent authority from the Member State where its main establishment is located or where its legal representative is located. Such a notification should not entail more than a mere declaration of the intention to provide such services and should be completed only by the information set out in this Regulation.	sharing provider should be requested to send a notification only to the designated competent authority from the Member State where its main establishment is located or where its legal representative is located ***and with this notification the data sharing service provider should be able to start operating in other Member States without further notification obligations***. Such a notification should not entail more than a mere declaration of the intention to provide such services and should be completed only by ***providing*** the information set out in this Regulation.

Or. en

Amendment 227
Dace Melbārde
on behalf of the ECR Group
Evžen Tošenovský

Proposal for a regulation
Recital 31

Text proposed by the Commission	*Amendment*
(31) In order to support effective cross-border provision of services, the data sharing provider should be requested to send a notification only to the designated competent authority from the Member State where its main establishment is located or where its legal representative is located. Such a notification should not entail more than a mere declaration of the intention to provide such services and should be completed only by the information set out in this Regulation.	(31) In order to support effective cross-border provision of services, the data sharing provider should be requested to send a notification only to the designated competent authority from the Member State where its main establishment is located or where its legal representative is located. Such a notification should not entail more than a mere declaration of the intention to provide such services and should be completed only by the ***providing*** information set out in this Regulation. ***After the relevant notification the data sharing provider should be able to start operating in other Member States without further notification obligations.***

Or. en

Amendment 228
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 31

Text proposed by the Commission	*Amendment*
(31) In order to support effective cross-border provision of services, the data sharing provider should be requested to send a notification only to the designated competent authority from the Member State where its main establishment is located ***or where its legal representative is located***. Such a notification ***should not entail more than a mere declaration of the intention to provide such services and*** should be completed only by the information set out in this Regulation.	(31) In order to support effective cross-border provision of services, the data sharing provider should be requested to send a notification only to the designated competent authority from the Member State where its main establishment is located. Such a notification should be completed only by the information set out in this Regulation.

Or. en

Amendment 229
Ivo Hristov

Proposal for a regulation
Recital 33

Text proposed by the Commission	*Amendment*
(33) The competent authorities designated to monitor compliance of data sharing services with the requirements in this Regulation should be chosen on the basis of their capacity and expertise regarding horizontal or sectoral data sharing, and they should be independent as well as transparent and impartial in the exercise of their tasks. Member States should notify the Commission of the identity of the designated competent authorities.	(33) The competent authorities ***under Regulation 2018/679*** designated to monitor compliance of data sharing services with the requirements in this Regulation should be chosen on the basis of their capacity and expertise regarding horizontal or sectoral data sharing, and they should be independent as well as transparent and impartial in the exercise of their tasks. Member States should notify the Commission of the identity of the designated competent authorities.

Or. en

Amendment 230
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 35

Text proposed by the Commission	*Amendment*
(35) There is a strong potential in the use of data made available voluntarily by data subjects based on their consent or, where it concerns non-personal data, made available by legal persons, for purposes of general interest. Such purposes would include healthcare, combating climate change, improving mobility, facilitating the establishment of official statistics or improving the provision of public services. Support to scientific research, including for example technological development and demonstration, fundamental research, applied research and privately funded research, should be considered as well purposes of general interest. This Regulation aims at contributing to the emergence of pools of data made available on the basis of data altruism that have a sufficient size in order to enable data analytics and machine learning, including across borders in the Union.	***deleted***

Or. en

Amendment 231
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 35

Text proposed by the Commission	*Amendment*
(35) There is a strong potential in the use of data made available voluntarily by data subjects based on their consent or,	(35) There is a strong potential in the use of data made available ***freely and*** voluntarily by data subjects ***and by***

where it concerns non-personal data, made available by legal persons, for purposes of ***general*** interest. Such purposes would include healthcare, combating climate change, improving mobility, facilitating the establishment of official statistics or improving the provision of public services. Support to scientific research, including for example technological development and demonstration, fundamental research, applied research ***and*** privately funded research, should be considered as well purposes of ***general*** interest. This Regulation aims at contributing to the emergence of pools of data made available on the basis of data altruism that have a sufficient size in order to enable data analytics and machine learning, including across borders in the Union.

data rights holders based on their ***informed and valid*** consent or, where it concerns non-personal data, made available by legal persons, for purposes of ***public*** interest. Such purposes would include healthcare, combating climate change, improving mobility, facilitating the establishment of official statistics or improving the provision of public services. ***Altruistic consent is not meant for working life situations, as employees relation to employer is not a relation that allows the worker to decide voluntarily whether to give consent or not.*** Support to scientific research, including for example technological development and demonstration, fundamental research, applied research**,** privately funded research ***and collaborative knowledge***, should be considered as well purposes of ***public*** interest. This Regulation aims at contributing to the emergence of pools of data made available on the basis of data altruism that have a sufficient size in order to enable data analytics and machine learning, including across borders in the Union.

Or. en

Amendment 232
Ivo Hristov

Proposal for a regulation
Recital 35

Text proposed by the Commission	*Amendment*
(35) There is a strong potential in the use of data made available voluntarily by data subjects based on their consent or, where it concerns non-personal data, made available by legal persons, for purposes of general interest. Such purposes would include healthcare, combating climate change, improving mobility, facilitating the establishment of official statistics or improving the provision of public services.	(35) There is a strong potential in the use of data made available voluntarily by data subjects based on their consent or, where it concerns non-personal data, made available by legal persons, for purposes of general interest. Such purposes would include healthcare, combating climate change, improving mobility, facilitating the establishment of official statistics or improving the provision of public services.

Support to scientific research, including for example technological development and demonstration, fundamental research, applied research and privately funded research, should be considered as well purposes of general interest. This Regulation aims at contributing to the emergence of pools of data made available on the basis of data altruism that have a sufficient size in order to enable data analytics and machine learning, including across borders in the Union.	Support to scientific research, including for example technological development and demonstration, fundamental research, applied research and privately funded research, should be considered as well purposes of general interest. This Regulation aims at contributing to the emergence of pools of data made available on the basis of data altruism that have a sufficient size in order to enable data analytics and machine learning, including across borders in the Union. ***The Regulation should ensure a high level of protection against misleading practices regarding initiatives by the industry which are presented as public purpose research aiming to promote "ethical" behaviour.***

Or. en

Amendment 233
Patrizia Toia, Franco Roberti

Proposal for a regulation
Recital 35 a (new)

Text proposed by the Commission	*Amendment*
	(35 a) The creation of a secure European federated digital identity system is of crucial importance. The Data Governance Act should ensure coherence with the EU Digital identity through which users shall access online services, have control over their data, be able to swiftly manage the consent they provide and properly enforce their rights, such as portability and their right to be forgotten.

Or. en

Amendment 234
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation

Recital 36

Text proposed by the Commission	*Amendment*
(36) Legal entities that seek to support purposes of ***general*** interest by making available relevant data based on ***data altruism*** at scale and meet certain requirements, should be able to register as 'Data Altruism Organisations ***recognised*** in the Union'. This could lead to the establishment of data repositories. As ***registration*** in a Member State would be valid across the Union, and this should facilitate cross-border data use within the Union and the emergence of data pools covering several Member States. ***Data subjects in this respect would consent to specific purposes of data processing, but could also consent to data processing in certain areas of research or parts of research projects as it is often not possible to fully identify the purpose of personal data processing for scientific research purposes at the time of data collection. Legal persons could give permission to the processing of their non-personal data for a range of purposes not defined at the moment of giving the permission. The voluntary*** compliance of such ***registered*** entities with a set of requirements should bring trust that the data made available on ***altruistic purposes*** is serving a ***general*** interest purpose. Such trust should result in particular from a place of establishment within the Union, as well as from the requirement that registered entities have a not-for-profit character, from transparency requirements and from specific safeguards in place to protect rights and interests of data subjects and companies. Further safeguards should include making it possible to process relevant data within a secure processing environment operated by the registered entity, oversight mechanisms such as ethics councils or boards to ensure that the data controller maintains high standards of scientific ethics, effective technical means to withdraw or modify consent at any moment, based on the	(36) Legal entities that seek to support purposes of ***public*** interest by making available relevant data based on ***voluntary data sharing in the public interest*** at scale and meet certain requirements, should be able ***required*** to register as 'Data Altruism Organisations ***authorised*** in the Union'. This could lead to the establishment of data repositories. As ***authorisation*** in a Member State would be valid across the Union, and this should facilitate cross-border data use within the Union and the emergence of data pools covering several Member States. ***The*** compliance of such ***authorised*** entities with a set of requirements should bring trust that the data made available on ***voluntary data sharing in the public interest*** is serving a ***public*** interest purpose. Such trust should result in particular from a place of establishment within the Union, as well as from the requirement that registered entities have a not-for-profit character, from transparency requirements and from specific safeguards in place to protect rights and interests of data subjects and companies***. The protection of the rights and interests of data subjects should notably include representative actions for the protection of the collective interests of consumers referred to as data subjects according to Directive 2020/1828***. Further safeguards should include making it possible to process relevant data within a secure processing environment operated by the registered entity, oversight mechanisms such as ethics councils or boards to ensure that the data controller maintains high standards of scientific ethics, effective technical means to withdraw or modify consent at any moment, based on the information obligations of data processors under Regulation (EU) 2016/679 as well as means for data subjects to stay informed about the use of data they made available.

information obligations of data processors under Regulation (EU) 2016/679 as well as means for data subjects to stay informed about the use of data they made available.

Or. en

Amendment 235
Dace Melbārde
on behalf of the ECR Group
Evžen Tošenovský

Proposal for a regulation
Recital 36

Text proposed by the Commission	*Amendment*
(36) Legal entities that seek to support purposes of general interest by making available relevant data based on data altruism at scale and meet certain requirements, should be able to register as 'Data Altruism Organisations recognised in the Union'. This could lead to the establishment of data repositories. As registration in a Member State would be valid across the Union, ***and*** this should facilitate cross-border data use within the Union and the emergence of data pools covering several Member States. Data subjects in this respect would consent to specific purposes of data processing, but could also consent to data processing in certain areas of research or parts of research projects as it is often not possible to fully identify the purpose of personal data processing for scientific research purposes at the time of data collection. Legal persons could give permission to the processing of their non-personal data for a range of purposes not defined at the moment of giving the permission. The voluntary compliance of such registered entities with a set of requirements should bring trust that the data made available on altruistic purposes is serving a general interest purpose. Such trust should result in particular from a place of establishment	(36) Legal entities that seek to support purposes of general interest by making available relevant data based on data altruism at scale and meet certain requirements, should be able to register as 'Data Altruism Organisations recognised in the Union'. This could lead to the establishment of data repositories. As registration in a Member State would be valid across the Union, this should facilitate cross-border data use within the Union and the emergence of data pools covering several Member States. Data subjects in this respect would consent to specific purposes of data processing, but could also consent to data processing in certain areas of research or parts of research projects as it is often not possible to fully identify the purpose of personal data processing for scientific research purposes at the time of data collection. Legal persons could give permission to the processing of their non-personal data for a range of purposes not defined at the moment of giving the permission. The voluntary compliance of such registered entities with a set of requirements should bring trust that the data made available on altruistic purposes is serving a general interest purpose. Such trust should result in particular from a place of establishment

within the Union, as well as from the requirement that registered entities have a not-for-profit character, from transparency requirements and from specific safeguards in place to protect rights and interests of data subjects and companies. Further safeguards should include making it possible to process relevant data within a secure processing environment operated by the registered entity, oversight mechanisms such as ethics councils or boards to ensure that the data controller maintains high standards of scientific ethics, effective technical means to withdraw or modify consent at any moment, based on the information obligations of data processors under Regulation (EU) 2016/679 as well as means for data subjects to stay informed about the use of data they made available.

within the Union, as well as from the requirement that registered entities have a not-for-profit character, from transparency requirements and from specific safeguards in place to protect rights and interests of data subjects and companies. Further safeguards should include making it possible to process relevant data within a secure processing environment operated by the registered entity, oversight mechanisms such as ethics councils or boards to ensure that the data controller maintains high standards of scientific ethics, effective ***and clearly communicated*** technical means to withdraw or modify consent at any moment, based on the information obligations of data processors under Regulation (EU) 2016/679 as well as means for data subjects to stay informed about the use of data they made available.

Or. en

Amendment 236
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 36

Text proposed by the Commission	*Amendment*
(36) Legal entities that seek to support purposes of general interest by making available relevant data based on data altruism at scale and meet certain requirements, should be able to register as 'Data Altruism Organisations recognised in the Union'. This could lead to the establishment of data repositories. As registration in a Member State would be valid across the Union, and this should facilitate cross-border data use within the Union and the emergence of data pools covering several Member States. Data subjects in this respect would consent to specific purposes of data processing, but could also consent to data processing in	(36) Legal entities that seek to support purposes of general interest by making available relevant data based on data altruism at scale and meet certain requirements, should be able to register as 'Data Altruism Organisations recognised in the Union'. This could lead to the establishment of data repositories. As registration in a Member State would be valid across the Union, and this should facilitate cross-border data use within the Union and the emergence of data pools covering several Member States. Data subjects in this respect would consent to specific purposes of data processing, but could also consent to data processing in

certain areas of research or parts of research projects as it is often not possible to fully identify the purpose of personal data processing for scientific research purposes at the time of data collection. Legal persons could give permission to the processing of their non-personal data for a range of purposes not defined at the moment of giving the permission. The voluntary compliance of such registered entities with a set of requirements should bring trust that the data made available on altruistic purposes is serving a general interest purpose. Such trust should result in particular from a place of establishment within the Union, as well as from the requirement that registered entities have a not-for-profit character, from transparency requirements and from specific safeguards in place to protect rights and interests of data subjects and companies. Further safeguards should include making it possible to process relevant data within a secure processing environment operated by the registered entity, oversight mechanisms such as ethics councils or boards to ensure that the data controller maintains high standards of scientific ethics, effective technical means to withdraw or modify consent at any moment, based on the information obligations of data processors under Regulation (EU) 2016/679 as well as means for data subjects to stay informed about the use of data they made available.

certain areas of research or parts of research projects as it is often not possible to fully identify the purpose of personal data processing for scientific research purposes at the time of data collection. Legal persons could give permission to the processing of their non-personal data for a range of purposes not defined at the moment of giving the permission. The voluntary compliance of such registered entities with a set of requirements should bring trust that the data made available on altruistic purposes is serving a general interest purpose. Such trust should result in particular from a place of establishment within the Union, as well as from the requirement that registered entities have a not-for-profit character, from transparency requirements and from specific safeguards in place to protect rights and interests of data subjects and companies. Further safeguards should include making it possible to process relevant data within a secure processing environment ***within the Union and*** operated by the registered entity, oversight mechanisms such as ethics councils or boards to ensure that the data controller maintains high standards of scientific ethics, effective technical means to withdraw or modify consent at any moment, based on the information obligations of data processors under Regulation (EU) 2016/679 as well as means for data subjects to stay informed about the use of data they made available.

Or. en

Amendment 237
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 36

Text proposed by the Commission	*Amendment*
(36) Legal entities that seek to support	(36) Legal entities that seek to support

purposes of ***general*** interest by making available relevant data based on data altruism at scale and meet certain requirements, should be able to register as 'Data Altruism Organisations recognised in the Union'. This could lead to the establishment of data repositories. As registration in a Member State would be valid across the Union, and this should facilitate cross-border data use within the Union and the emergence of data pools covering several Member States. Data subjects in this respect would consent to specific purposes of data processing, but could also consent to data processing in certain areas of research or parts of research projects as it is often not possible to fully identify the purpose of personal data processing for scientific research purposes at the time of data collection. Legal persons could give permission to the processing of their non-personal data for a range of purposes not defined at the moment of giving the permission. The voluntary compliance of such registered entities with a set of requirements should bring trust that the data made available on altruistic purposes is serving a ***general*** interest purpose. Such trust should result in particular from a place of establishment within the Union, as well as from the requirement that registered entities have a not-for-profit character, from transparency requirements and from specific safeguards in place to protect rights and interests of data subjects and companies. Further safeguards should include making it possible to process relevant data within a secure processing environment operated by the registered entity, oversight mechanisms such as ethics councils or boards to ensure that the data controller maintains high standards of scientific ethics, effective technical means to withdraw or modify consent at any moment, based on the information obligations of data processors under Regulation (EU) 2016/679 as well as means for data subjects to stay informed about the use of data they made available.

purposes of ***public*** interest by making available relevant data based on data altruism at scale and meet certain requirements, should be able to register as 'Data Altruism Organisations recognised in the Union'. This could lead to the establishment of data repositories. As registration in a Member State would be valid across the Union, and this should facilitate cross-border data use within the Union and the emergence of data pools covering several Member States. Data subjects in this respect would consent to specific purposes of data processing, but could also consent to data processing in certain areas of research or parts of research projects as it is often not possible to fully identify the purpose of personal data processing for scientific research purposes at the time of data collection. Legal persons could give permission to the processing of their non-personal data for a range of purposes not defined at the moment of giving the permission. The voluntary compliance of such registered entities with a set of requirements should bring trust that the data made available on altruistic purposes is serving a ***public*** interest purpose. Such trust should result in particular from a place of establishment within the Union, as well as from the requirement that registered entities have a not-for-profit character, from transparency requirements and from specific safeguards in place to protect rights and interests of data subjects and companies. Further safeguards should include making it possible to process relevant data within a secure processing environment operated by the registered entity, oversight mechanisms such as ethics councils or boards to ensure that the data controller maintains high standards of scientific ethics, effective technical means to withdraw or modify consent at any moment, based on the information obligations of data processors under Regulation (EU) 2016/679 as well as means for data subjects to stay informed about the use of data they made available.

Or. en

Amendment 238
Nicola Danti, Ivars Ijabs, Andrus Ansip, Klemen Grošelj, Dragoș Pîslaru, Iskra Mihaylova, Christophe Grudler, Sandro Gozi, Valérie Hayer, Susana Solís Pérez

Proposal for a regulation
Recital 37

Text proposed by the Commission	*Amendment*
(37) This Regulation is without prejudice to the establishment, organisation and functioning of entities that seek to engage in data altruism pursuant to national law. It builds on national law requirements to operate lawfully in a Member State as a not-for-profit organisation. Entities which meet the requirements in this Regulation should be able to use the title of 'Data Altruism Organisations recognised in the Union'.	(37) This Regulation is without prejudice to the establishment, organisation and functioning of entities that seek to engage in data altruism pursuant to national law. It builds on national law requirements to operate lawfully in a Member State as a not-for-profit organisation. Entities which meet the requirements in this Regulation should be able to use the title of 'Data Altruism Organisations recognised in the Union'. ***The entity should use a EU dedicated logo or QR code linking to the European register of recognised data altruism organisations, both online and offline. The logo shall have the objective of providing a coherent visual identity to European Union data altruism organisations and contribute to increase trust for data subjects and legal entities. The logo must be created and displayed with rules established in a separate implementing act.***

Or. en

Amendment 239
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 37

Text proposed by the Commission	*Amendment*

(37) This Regulation is without prejudice to the establishment, organisation and functioning of entities that seek to engage in ***data altruism*** pursuant to national law. It builds on national law requirements to operate lawfully in a Member State as a not-for-profit organisation. Entities which meet the requirements in this Regulation should be able to use the title of 'Data Altruism Organisations ***recognised*** in the Union'.	(37) This Regulation is without prejudice to the establishment, organisation and functioning of entities that seek to engage in ***voluntary data sharing in the public interest*** pursuant to national law. It builds on national law requirements to operate lawfully in a Member State as a not-for-profit organisation. Entities which meet the requirements in this Regulation should be able to use the title of 'Data Altruism Organisations ***authorised*** in the Union'.

Or. en

Amendment 240
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 37 a (new)

Text proposed by the Commission	*Amendment*
	(37 a) This Regulation is without prejudice to the establishment, organisation and functioning of entities other than Public Sector bodies that engage in the sharing of data and content on the basis of open licenses, thereby contributing to the creation of commons resources available to all. This includes open collaborative knowledge sharing platforms like Wikipedia and Wikidata, open access scientific and academic repositories, open source software development platforms and Open Access content aggregation platforms like European. Organisations building such open Access commons knowledge repositories play an important role in the online infrastructure. Nothing in this Regulation should therefore be interpreted to limit the ability of non-profit organizations to make data and content available to the public under open licenses.

Or. en

Amendment 241
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 37 a (new)

Text proposed by the Commission	*Amendment*
	(37 a) This Regulation is without prejudice to the establishment, organisation and functioning of entities other than Public Sector bodies that engage in the sharing of data and content on the basis of open licenses, thereby contributing to the creation of commons resources available to all. This includes open collaborative knowledge sharing platforms, open access scientific and academic repositories, open source software development platforms and Open Access content aggregation platforms. Organisations building such open Access commons knowledge repositories play an important role in the online infrastructure. Nothing in this Regulation should therefore be interpreted to limit the ability of non-profit organisations to make data and content available to the public under open licenses.

Or. en

Amendment 242
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 38

Text proposed by the Commission	*Amendment*
(38) Data Altruism Organisations ***recognised*** in the Union should be able to	(38) Data Altruism Organisations ***authorised*** in the Union should be able to

collect relevant data directly from natural and legal persons or to process data collected by others. Typically, ***data altruism*** would rely on consent of data subjects in the sense of Article 6(1)(a) and 9(2)(a) and in compliance with requirements for lawful consent in accordance with Article 7 of Regulation (EU) 2016/679. In accordance with Regulation (EU) 2016/679, scientific research purposes can be supported by consent to certain areas of scientific research when in keeping with recognised ethical standards for scientific research or only to certain areas of research or parts of research projects. Article 5(1)(b) of Regulation (EU) 2016/679 specifies that further processing for scientific or historical research purposes or statistical purposes should, in accordance with Article 89(1) of Regulation (EU) 2016/679, not be considered to be incompatible with the initial purposes.

collect relevant data directly from natural and legal persons or to process data collected by others. Typically, ***voluntary data sharing in the public interest*** would rely on consent of data subjects in the sense of Article 6(1)(a) and 9(2)(a) and in compliance with requirements for lawful consent in accordance with Article 7 of Regulation (EU) 2016/679. In accordance with Regulation (EU) 2016/679, scientific research purposes can be supported by consent to certain areas of scientific research when in keeping with recognised ethical standards for scientific research or only to certain areas of research or parts of research projects. Article 5(1)(b) of Regulation (EU) 2016/679 specifies that further processing for scientific or historical research purposes or statistical purposes should, in accordance with Article 89(1) of Regulation (EU) 2016/679, not be considered to be incompatible with the initial purposes. ***For non-personal data the usage limitations should be found in the permission given by the data holder.***

Or. en

Amendment 243
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 38

Text proposed by the Commission	*Amendment*
(38) Data Altruism Organisations recognised in the Union should be able to collect relevant data directly from natural and legal persons or to process data collected by others. Typically, data altruism would rely on consent of data subjects in the sense of Article 6(1)(a) and 9(2)(a) and in compliance with requirements for lawful consent in accordance with Article 7 of Regulation (EU) 2016/679. In accordance with	(38) Data Altruism Organisations recognised in the Union should be able to collect relevant data directly from natural and legal persons ***established in the Union*** or to process data collected by others. Typically, data altruism would rely on consent of data subjects in the sense of Article 6(1)(a) and 9(2)(a) and in compliance with requirements for lawful consent in accordance with Article 7 of Regulation (EU) 2016/679. In accordance

Regulation (EU) 2016/679, scientific research purposes can be supported by consent to certain areas of scientific research when in keeping with recognised ethical standards for scientific research or only to certain areas of research or parts of research projects. Article 5(1)(b) of Regulation (EU) 2016/679 specifies that further processing for scientific or historical research purposes or statistical purposes should, in accordance with Article 89(1) of Regulation (EU) 2016/679, not be considered to be incompatible with the initial purposes.

with Regulation (EU) 2016/679, scientific research purposes can be supported by consent to certain areas of scientific research when in keeping with recognised ethical standards for scientific research or only to certain areas of research or parts of research projects. Article 5(1)(b) of Regulation (EU) 2016/679 specifies that further processing for scientific or historical research purposes or statistical purposes should, in accordance with Article 89(1) of Regulation (EU) 2016/679, not be considered to be incompatible with the initial purposes.

Or. en

Amendment 244
Dace Melbārde
on behalf of the ECR Group
Evžen Tošenovský

Proposal for a regulation
Recital 39

Text proposed by the Commission	*Amendment*
(39) To bring additional legal certainty to granting and withdrawing of consent, in particular in the context of scientific research and statistical use of data made available on an altruistic basis, a European data altruism consent form should be developed and used in the context of altruistic data sharing. Such a form should contribute to additional transparency for data subjects that their data will be accessed and used in accordance with their consent and also in full compliance with the data protection rules. It could also be used to streamline data altruism performed by companies and provide a mechanism allowing such companies to withdraw their permission to use the data. In order to take into account the specificities of individual sectors, including from a data protection perspective, there should be a possibility for sectoral adjustments of the European	(39) To ***promote trust and*** bring additional legal certainty to granting and withdrawing of consent, in particular in the context of scientific research and statistical use of data made available on an altruistic basis, a European data altruism consent form should be developed and used in the context of altruistic data sharing. Such a form should contribute to additional transparency for data subjects that their data will be accessed and used in accordance with their consent and also in full compliance with the data protection rules. It could also be used to streamline data altruism performed by companies and provide a mechanism allowing such companies to withdraw their permission to use the data. In order to take into account the specificities of individual sectors, including from a data protection perspective, there should be a possibility

data altruism consent form.	for sectoral adjustments of the European data altruism consent form.

Or. en

Amendment 245
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 39

Text proposed by the Commission	*Amendment*
(39) To bring additional legal certainty to granting and withdrawing of consent, in particular in the context of scientific research and statistical use of data made available on ***an altruistic*** basis, a European data altruism consent form should be developed and used in the context of ***altruistic*** data sharing. Such a form should contribute to additional transparency for data subjects that their data will be accessed and used in accordance with their consent and also in full compliance with the data protection rules. It ***could also be used to streamline data altruism performed by companies and provide a mechanism allowing such companies to withdraw their permission to use the data***. In order to take into account the specificities of individual sectors, including from a data protection perspective, there should be a possibility for sectoral adjustments of the European data altruism consent form.	(39) To bring additional legal certainty to granting and withdrawing of consent, in particular in the context of scientific research and statistical use of data made available on ***the*** basis ***of voluntary data sharing in the public interest***, a European data altruism consent form should be developed and used in the context of ***voluntary*** data sharing ***in the public interest***. Such a form should contribute to additional transparency for data subjects that their data will be accessed and used in accordance with their consent and also in full compliance with the data protection rules. It ***should also facilitate the granting and withdrawing of consent***. In order to take into account the specificities of individual sectors, including from a data protection perspective, there should be a possibility for sectoral adjustments of the European data altruism consent form.

Or. en

Amendment 246
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 39 a (new)

Text proposed by the Commission	*Amendment*
	(39 a) As highlighted in Recitals, the European data strategy is building upon the emergence of interoperable data spaces that will enable the use and sharing of data, irrespective of its physical location of storage being in the Union or not, in compliance with applicable law. For these data spaces to be able to emerge in a coordinated manner respecting the common aim of data strategy, it is important to define common design principles. Common building blocks and soft infrastructure make cross-sectorial data sharing easier, while there should always be a room for domain specific solutions. The aim of the data space would be to make data findable, accessible, interoperable and reusable (FAIR). The dataspaces should follow at least the three following principles: 1) "data sovereignty", 2) data level playing field, 3) decentralised soft infrastructure and public-private governance. Data sovereignty for natural person or organisation is the innovative and transformative concept underlying the data space. When the data level playing field exists, players compete on quality of services, and not on the amount of data they control. A data level playing field is a pivotal condition to create a fair data sharing economy. For the design, creation and maintenance of the data level playing field, a sound governance is needed in which all the all the stakeholders of a data space need to feel represented and engaged. The dataspaces should also include sufficient rules on cybersecurity according to union law.

Or. en

Amendment 247
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 40

Text proposed by the Commission	*Amendment*
(40) In order to successfully implement the data governance framework, a European Data Innovation Board should be established***, in the form of an expert group***. The Board should consist of representatives of the Member States, the Commission and representatives of relevant data spaces and specific sectors (such as health, agriculture, transport and statistics). The European Data Protection Board should be invited to appoint a representative to the European Data Innovation Board.	(40) In order to successfully implement the data governance framework, a European Data Innovation Board should be established. The Board should consist of representatives of the Member States, the Commission and representatives of relevant data spaces and specific sectors (such as health, agriculture, transport and statistics). The European Data Protection Board ***and the European Data Protection*** should be invited to appoint a representative to the European Data Innovation Board ***as well as representative of data space support center and standardisation organisations***. ***Stakeholders, civil society organisations and relevant third parties, including SME representative and social partners, shall be invited to attend meetings of the Board and to participate in its work, where relevant. The Commission must ensure that small and medium-sized entities, as well as start-ups, are adequately represented in the Board, to ensure that these critical members of our economic community benefit directly from expert knowledge, whilst contributing towards the expansion of the European data economy and a more efficient dissemination of data.***

Or. en

Amendment 248
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 40

Text proposed by the Commission	*Amendment*

(40) In order to successfully implement the data governance framework, a European Data Innovation Board should be established, in the form of an expert group. The Board should consist of representatives of the Member States, the Commission and representatives of relevant data spaces and specific sectors (such as health, agriculture, transport and statistics). The European Data Protection Board should be invited to appoint a representative to the European Data Innovation Board.	(40) In order to successfully implement the data governance framework, a European Data Innovation Board should be established, in the form of an expert group. The Board should consist of representatives of the Member States, the Commission and representatives of relevant data spaces and specific sectors (such as health, agriculture, transport and statistics)***, as well as representatives of academia, research and standard setting organisations***. The European Data Protection Board should be invited to appoint a representative to the European Data Innovation Board. ***The Board shall establish a Data Innovation Advisory Council (the "Advisory Council"). The Advisory Council shall be proportionally composed of a number between 15 to 30 representatives from industry including SMEs, research, civils society, standardisation organisations and other relevant stakeholders or third parties appointed by the Board. The Advisory Council shall nominate a representative to attend meetings of the Board and to participate in its work.***

Or. en

Amendment 249
Angelika Niebler, Pilar del Castillo Vera, Tom Berendsen, Dan-Ştefan Motreanu, Eva Maydell, Franc Bogovič, Marion Walsmann, Jens Gieseke, Henna Virkkunen, Adam Jarubas, Georgios Kyrtsos, Maria da Graça Carvalho, Ivan Štefanec, Cristian-Silviu Buşoi, Ioan-Rareş Bogdan

Proposal for a regulation
Recital 40

Text proposed by the Commission	*Amendment*
(40) In order to successfully implement the data governance framework, a European Data Innovation Board should be established, in the form of an expert group. The Board should consist of representatives of the Member States, the Commission and representatives of	(40) In order to successfully implement the data governance framework, a European Data Innovation Board should be established, in the form of an expert group. The Board should consist of representatives of the Member States, the Commission and representatives of

relevant data spaces and specific sectors (such as health, agriculture, transport and statistics). The European Data Protection Board should be invited to appoint a representative to the European Data Innovation Board.	relevant data spaces and specific sectors (such as health, agriculture, transport and statistics). The European Data Protection Board should be invited to appoint a representative to the European Data Innovation Board. ***A data innovation advisory council should be established as a sub-group of the Board consisting of relevant representatives from industry, research, standardisation organisations and other relevant stakeholders. That council should support the work of the Board by providing advice relating to the exchange of data, and in particular on how to best protect commercially sensitive data of non-personal nature, notably trade secrets, but also non-personal data representing content protected by intellectual property rights from unlawful access that may lead to IP theft or industrial espionage.***

Or. en

Amendment 250
Nicola Danti, Ivars Ijabs, Andrus Ansip, Klemen Grošelj, Martina Dlabajová, Dragoș Pîslaru, Iskra Mihaylova, Christophe Grudler, Sandro Gozi, Bart Groothuis, Valérie Hayer, Susana Solís Pérez

Proposal for a regulation
Recital 40

Text proposed by the Commission	*Amendment*
(40) In order to successfully implement the data governance framework, a European Data Innovation Board should be established, in the form of an expert group. The Board should consist of representatives of the Member States, the Commission and representatives of relevant ***data spaces and specific sectors (such as health, agriculture, transport and statistics)***. The European Data Protection Board should be invited to appoint a representative to the European Data Innovation Board.	(40) In order to successfully implement the data governance framework, a European Data Innovation Board should be established, in the form of an expert group. The Board should consist of representatives of the Member States, the Commission***, the EU SME Envoy or a representative appointed by the network of SME envoys*** and representatives of relevant ***Agencies***. The European Data Protection Board should be invited to appoint a representative to the European Data Innovation Board. ***Representatives of national, trans-national or Common***

European data spaces, businesses, researchers and civil society should be invited regularly to participate in the work of the Board. The Board should meet in different configurations, depending on the subjects to be discussed.

Or. en

Amendment 251
Cyrus Engerer

Proposal for a regulation
Recital 40

Text proposed by the Commission	*Amendment*
(40) In order to successfully implement the data governance framework, a European Data Innovation Board should be established***, in the form of an expert group***. The Board should consist of representatives of the Member States, the Commission and representatives of relevant data spaces and specific sectors (such as health, agriculture, transport and statistics). The European Data Protection Board should be invited to appoint a representative to the European Data Innovation Board.	(40) In order to successfully implement the data governance framework, a European Data Innovation Board should be established. The Board should consist of representatives of the Member States, the Commission and representatives of relevant data spaces and specific sectors (such as health, agriculture, transport and statistics)***, while ensuring gender balance***. The European Data Protection Board ***and the European Data Protection*** should be invited to appoint a representative to the European Data Innovation Board ***as well as representative of dataspace support center and standardisation organisations***.

Or. en

Amendment 252
Angelika Niebler, Jerzy Buzek, Tom Berendsen, Dan-Ştefan Motreanu, Eva Maydell, Pilar del Castillo Vera, Franc Bogovič, Marion Walsmann, Jens Gieseke, Henna Virkkunen, Adam Jarubas, Seán Kelly, Maria da Graça Carvalho, Ivan Štefanec, Cristian-Silviu Buşoi, Ioan-Rareş Bogdan

Proposal for a regulation
Recital 40

Text proposed by the Commission	*Amendment*

(40) In order to successfully implement the data governance framework, a European Data Innovation Board should be established, in the form of an expert group. The Board should consist of representatives of the Member States, the Commission and representatives of relevant data spaces and specific sectors (such as health, agriculture, transport and statistics). The European Data Protection Board should be invited to appoint a representative to the European Data Innovation Board.	(40) In order to successfully implement the data governance framework, a European Data Innovation Board should be established, in the form of an expert group. The Board should consist of representatives of the Member States, the Commission and representatives of relevant data spaces and specific sectors (such as health, agriculture, transport and statistics) ***as well as representatives of academia, research and standard setting organisations, where relevant***. The European Data Protection Board should be invited to appoint a representative to the European Data Innovation Board.

Or. en

Amendment 253
Dace Melbārde
on behalf of the ECR Group
Evžen Tošenovský

Proposal for a regulation
Recital 40

Text proposed by the Commission	*Amendment*
(40) In order to successfully implement the data governance framework, a European Data Innovation Board should be established, in the form of an expert group. The Board should consist of representatives of the Member States, the Commission and representatives of relevant data spaces and specific sectors (such as health, agriculture, transport and statistics). The European Data Protection Board should be invited to appoint a representative to the European Data Innovation Board.	(40) In order to successfully implement the data governance framework, a European Data Innovation Board should be established, in the form of an expert group. The Board should consist of representatives of the Member States, the Commission and representatives of relevant data spaces and specific sectors (such as health, agriculture, ***media, cultural and creative sectors,*** transport and statistics) ***as well as other relevant stakeholders***. The European Data Protection Board should be invited to appoint a representative to the European Data Innovation Board.

Or. en

Amendment 254
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 40

Text proposed by the Commission	*Amendment*
(40) In order to successfully implement the data governance framework, a European Data Innovation Board ***should*** be established, in the form of an expert group. The Board should consist of representatives of the Member States, the Commission and representatives of relevant data spaces and specific sectors (such as health, agriculture, transport and statistics). The European Data Protection Board should be invited to appoint a representative to the European Data Innovation Board.	(40) In order to successfully implement the data governance framework, a European Data Innovation Board ***could*** be established, in the form of an expert group. The Board should consist of representatives of the Member States, the Commission***, European social partners,*** and representatives of relevant data spaces and specific sectors (such as health, agriculture, transport and statistics)***, including civil society organisations***. The European Data Protection Board should be invited to appoint a representative to the European Data Innovation Board.

Or. en

Amendment 255
Angelika Niebler, Eva Maydell, Tom Berendsen, Dan-Ştefan Motreanu, Pilar del Castillo Vera, Franc Bogovič, Marion Walsmann, Jens Gieseke, Henna Virkkunen, Adam Jarubas, Seán Kelly, Maria da Graça Carvalho, Ivan Štefanec, Cristian-Silviu Buşoi, Ioan-Rareş Bogdan

Proposal for a regulation
Recital 40

Text proposed by the Commission	*Amendment*
(40) In order to successfully implement the data governance framework, a European Data Innovation Board should be established, in the form of an expert group. The Board should consist of representatives of the Member States, the Commission and representatives of relevant data spaces and specific sectors (such as health, agriculture, transport and statistics). The European Data Protection Board should be invited to appoint a	(40) In order to successfully implement the data governance framework, a European Data Innovation Board should be established, in the form of an expert group. The Board should consist of representatives of the Member States, the Commission and representatives of relevant data spaces and specific sectors (such as health, ***energy, industrial manufacturing,*** agriculture, transport and statistics). The European Data Protection

representative to the European Data Innovation Board.

Board should be invited to appoint a representative to the European Data Innovation Board.

Or. en

Amendment 256
Cyrus Engerer

Proposal for a regulation
Recital 40 a (new)

Text proposed by the Commission	*Amendment*
	(40 a) The Commission must ensure that small and medium-sized entities, as well as start-ups, are adequately represented in the Board, to ensure that these critical members of our economic community benefit directly from expert knowledge, whilst contributing towards the expansion of the European data economy and a more efficient dissemination of data.

Or. en

Amendment 257
Eva Kaili

Proposal for a regulation
Recital 41

Text proposed by the Commission	*Amendment*
(41) The Board should support the Commission in coordinating national practices and policies on the topics covered by this Regulation, and in supporting cross-sector data use by adhering to the European Interoperability Framework (EIF) principles and through the utilisation of standards and specifications (such as the Core Vocabularies[44] and the CEF Building Blocks[45]), without prejudice to standardisation work taking place in specific sectors or domains. Work on	(41) The Board should support the Commission in coordinating national practices and policies on the topics covered by this Regulation, and in supporting cross-sector data use by adhering to the European Interoperability Framework (EIF) principles and through the utilisation of standards and specifications (such as the Core Vocabularies[44] and the CEF Building Blocks[45]), without prejudice to standardisation work taking place in specific sectors or domains. Work on

technical standardisation may include the identification of priorities for the development of standards and establishing and maintaining a set of technical and legal standards for transmitting data between two processing environments that allows data spaces to be organised without making recourse to an intermediary. The Board should cooperate with sectoral bodies, networks or expert groups, or other cross-sectoral organisations dealing with re-use of data. Regarding data altruism, the Board should assist the Commission in the development of the data altruism consent form, in consultation with the European Data Protection Board.	technical standardisation may include the identification of priorities for the development of standards and establishing and maintaining a set of technical and legal standards for transmitting data between two processing environments that allows data spaces to be organised without making recourse to an intermediary. The Board should ***maintain a registry of applications and use cases of data sharing schemes across the EU, to demonstrate the value of such mechanisms and enable the establishment of a coordinated framework for the exchange of knowledge and best practices. In doing so, the Board can leverage that knowledge to advise the Commission on improving the funding of use cases through funding programmes such as Horizon Europe or the Digital Europe Programme. The Board should*** cooperate with sectoral bodies, networks or expert groups, or other cross-sectoral organisations dealing with re-use of data. Regarding data altruism, the Board should assist the Commission in the development of the data altruism consent form, in consultation with the European Data Protection Board.
44 https://joinup.ec.europa.eu/collection/semantic-interoperability-community-semic/core-vocabularies	44 https://joinup.ec.europa.eu/collection/semantic-interoperability-community-semic/core-vocabularies
45 https://joinup.ec.europa.eu/collection/connecting-europe-facility-cef	45 https://joinup.ec.europa.eu/collection/connecting-europe-facility-cef

Or. en

Amendment 258
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 41

Text proposed by the Commission	*Amendment*
(41) The Board should support the Commission in coordinating national practices and policies on the topics covered by this Regulation, and in supporting cross-sector data use by adhering to the European Interoperability Framework (EIF) principles and through the utilisation of standards and specifications (such as the Core Vocabularies[44] and the CEF Building Blocks[45]), ***without prejudice to*** standardisation work taking place in specific sectors or domains. Work on technical standardisation may include the identification of priorities for the development of standards and establishing and maintaining a set of technical and legal standards for transmitting data between two processing environments that allows data spaces to be organised ***without making recourse to an intermediary***. The Board should cooperate with sectoral bodies, networks or expert groups, or other cross-sectoral organisations dealing with re-use of data. Regarding ***data altruism***, the Board should assist the Commission in the development of the data altruism consent form, in consultation with the European Data Protection Board.	(41) The Board should support the Commission in coordinating national practices and policies on the topics covered by this Regulation, and in supporting cross-sector data use by adhering to the European Interoperability Framework (EIF) principles and through the utilisation of standards and specifications (such as the Core Vocabularies[44] and the CEF Building Blocks[45]), ***and take into account*** standardisation work taking place in specific sectors or domains. Work on technical standardisation may include the identification of priorities for the development of standards and establishing and maintaining a set of technical and legal standards for transmitting data between two processing environments that allows data spaces to be organised***, in particular in clarifying and distinguishing which standards and practices are cross-sectoral and which are sectoral. The Board should assist and advise the EU institutions and the emerging data spaces, including on financial assistance through European programmes such as the Digital Europe Programme***. The Board should cooperate with sectoral bodies, networks or expert groups, or other cross-sectoral organisations dealing with re-use of data. Regarding ***voluntary data sharing in the public interest***, the Board should assist the Commission in the development of the data altruism consent form, in consultation with the European Data Protection Board.
44 https://joinup.ec.europa.eu/collection/semantic-interoperability-community-semic/core-vocabularies	44 https://joinup.ec.europa.eu/collection/semantic-interoperability-community-semic/core-vocabularies
45 https://joinup.ec.europa.eu/collection/connecting-europe-facility-cef	45 https://joinup.ec.europa.eu/collection/connecting-europe-facility-cef

Or. en

Amendment 259
Pietro Fiocchi

Proposal for a regulation
Recital 41

Text proposed by the Commission	*Amendment*
(41) The Board should support the Commission in coordinating national practices and policies on the topics covered by this Regulation, and in supporting cross-sector data use by adhering to the European Interoperability Framework (EIF) principles and through the utilisation of standards and specifications (such as the ***Core Vocabularies***[44]and the ***CEF Building Blocks***[45]), without prejudice to standardisation work taking place in specific sectors or domains. Work on technical standardisation may include the identification of priorities for the development of standards and establishing and maintaining a set of technical and legal standards for transmitting data between two processing environments that allows data spaces to be organised without making recourse to an intermediary. The Board should cooperate with sectoral bodies, networks or expert groups, or other cross-sectoral organisations dealing with re-use of data. Regarding data altruism, the Board should assist the Commission in the development of the data altruism consent form, in consultation with the European Data Protection Board.	(41) The Board should support the Commission in coordinating national practices and policies on the topics covered by this Regulation, and in supporting cross-sector data use by adhering to the European Interoperability Framework (EIF) principles and through the utilisation of standards and specifications (such as the ***Building Blocks44*** and the ***Core Vocabularies***[45]), without prejudice to standardisation work taking place in specific sectors or domains. Work on technical standardisation may include the identification of priorities for the development of standards and establishing and maintaining a set of technical and legal standards for transmitting data between two processing environments that allows data spaces to be organised without making recourse to an intermediary. The Board should cooperate with sectoral bodies, networks or expert groups, or other cross-sectoral organisations dealing with re-use of data. Regarding data altruism, the Board should assist the Commission in the development of the data altruism consent form, in consultation with the European Data Protection Board. ***It should also assist the Commission in formulating policies and strategies designed to avoid any instances of data manipulation or creation of 'false data' that could cause serious damage to various sectors.***

44

https://joinup.ec.europa.eu/collection/semantic-interoperability-community-semic/core-vocabularies

45

https://joinup.ec.europa.eu/collection/connecting-europe-facility-cef

Or. it

Amendment 260
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin

Proposal for a regulation
Recital 41

Text proposed by the Commission	*Amendment*
(41) The Board should support the Commission in coordinating national practices and policies on the topics covered by this Regulation, and in supporting cross-sector data use by adhering to the European Interoperability Framework (EIF) principles and through the utilisation of standards and specifications (such as the Core Vocabularies[44] and the CEF Building Blocks[45]), without prejudice to standardisation work taking place in specific sectors or domains. Work on technical standardisation may include the identification of priorities for the development of standards and establishing and maintaining a set of technical and legal standards for transmitting data between two processing environments that allows data spaces to be organised without making recourse to an intermediary. The Board should cooperate with sectoral bodies, networks or expert groups, or other cross-sectoral organisations dealing with re-use of data. Regarding data altruism, the Board should assist the Commission in the development of the data altruism consent form, in consultation with the European Data Protection Board.	(41) The Board should support the Commission in coordinating national practices and policies on the topics covered by this Regulation, and in supporting cross-sector data use by adhering to the European Interoperability Framework (EIF) principles and through the utilisation of standards and specifications (such as the Core Vocabularies[44] and the CEF Building Blocks[45]), without prejudice to standardisation work taking place in specific sectors or domains. Work on technical standardisation may include the identification of priorities for the development of standards and establishing and maintaining a set of technical and legal standards for transmitting data between two processing environments that allows data spaces to be organised without making recourse to an intermediary. The Board should cooperate with sectoral bodies, networks or expert groups, or other cross-sectoral organisations dealing with re-use of data. Regarding data altruism, the Board should assist the Commission in the development of the data altruism consent form, in consultation with the European Data Protection Board. ***Moreover, it should assist the Commission in defining policies and strategies with the aim of avoiding any cases of data manipulation and the creation of "false data", which could cause serious damage to various***

sectors.

44 https://joinup.ec.europa.eu/collection/semantic-interoperability-community-semic/core-vocabularies

45 https://joinup.ec.europa.eu/collection/connecting-europe-facility-cef

44 https://joinup.ec.europa.eu/collection/semantic-interoperability-community-semic/core-vocabularies

45 https://joinup.ec.europa.eu/collection/connecting-europe-facility-cef

Or. en

Amendment 261
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 41

Text proposed by the Commission	*Amendment*
(41) The Board should support the Commission in coordinating national practices and policies on the topics covered by this Regulation, and in supporting cross-sector data use by adhering to the European Interoperability Framework (EIF) principles and through the utilisation of standards and specifications (such as the Core Vocabularies[44] and the CEF Building Blocks[45]), without prejudice to standardisation work taking place in specific sectors or domains. Work on technical standardisation may include the identification of priorities for the development of standards and establishing and maintaining a set of technical and legal standards for transmitting data between two processing environments that allows data spaces to be organised without making recourse to an intermediary. The Board should cooperate with sectoral bodies, networks or expert groups, or other cross-sectoral organisations dealing with re-use of data. Regarding data altruism, the Board should ***assist the Commission in the development of*** the data altruism consent	(41) The Board should support the Commission in coordinating national practices and policies on the topics covered by this Regulation, and in supporting cross-sector data use by adhering to the European Interoperability Framework (EIF) principles and through the utilisation of ***open*** standards and specifications (such as the Core Vocabularies[44] and the CEF Building Blocks[45]), without prejudice to standardisation work taking place in specific sectors or domains. Work on technical standardisation may include the identification of priorities for the development of standards and establishing and maintaining a set of technical and legal standards for transmitting data between two processing environments that allows data spaces to be organised without making recourse to an intermediary. The Board should cooperate with sectoral bodies, networks or expert groups, or other cross-sectoral organisations dealing with re-use of data. Regarding data altruism, the ***European Data Protection*** Board ***(EDPB)*** should ***develop*** the data altruism consent

form, in consultation with the ***European Data Protection*** Board.

form, in consultation with the ***Commission and the*** Board.

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44 https://joinup.ec.europa.eu/collection/semantic-interoperability-community-semic/core-vocabularies

45 https://joinup.ec.europa.eu/collection/connecting-europe-facility-cef

Or. en

Amendment 262
Angelika Niebler, Eva Maydell, Tom Berendsen, Dan-Ştefan Motreanu, Pilar del Castillo Vera, Franc Bogovič, Marion Walsmann, Jens Gieseke, Henna Virkkunen, Adam Jarubas, Seán Kelly, Maria da Graça Carvalho, Ivan Štefanec, Cristian-Silviu Buşoi, Ioan-Rareş Bogdan

Proposal for a regulation
Recital 41

Text proposed by the Commission	*Amendment*
(41) The Board should support the Commission in coordinating national practices and policies on the topics covered by this Regulation, and in supporting cross-sector data use by adhering to the European Interoperability Framework (EIF) principles and through the utilisation of standards and specifications (***such as*** the Core Vocabularies[44] and the CEF Building Blocks[45]), without prejudice to standardisation work taking place in specific sectors or domains. Work on technical standardisation may include the identification of priorities for the development of standards and establishing and maintaining a set of technical and legal standards for transmitting data between two processing environments that allows data spaces to be organised without making recourse to an intermediary. The Board should cooperate with sectoral bodies, networks or expert groups, or other cross-sectoral organisations dealing with re-use	(41) The Board should support the Commission in coordinating national practices and policies on the topics covered by this Regulation, and in supporting cross-sector data use by adhering to the European Interoperability Framework (EIF) principles and through the utilisation of ***European and international*** standards and specifications (***including through the EU Multi-Stakeholder Platform for ICT Standardisation,*** the Core Vocabularies[44] and the CEF Building Blocks[45]), without prejudice to standardisation work taking place in specific sectors or domains. Work on technical standardisation may include the identification of priorities for the development of standards and establishing and maintaining a set of technical and legal standards for transmitting data between two processing environments that allows data spaces to be organised without making recourse to an intermediary. The Board should cooperate with ***the Data Innovation***

of data. Regarding data altruism, the Board should assist the Commission in the development of the data altruism consent form, in consultation with the European Data Protection Board.

44 https://joinup.ec.europa.eu/collection/semantic-interoperability-community-semic/core-vocabularies

45 https://joinup.ec.europa.eu/collection/connecting-europe-facility-cef

Advisory Council, sectoral bodies, networks or expert groups, or other cross-sectoral organisations dealing with re-use of data. Regarding data altruism, the Board should assist the Commission in the development of the data altruism consent form, in consultation with the European Data Protection Board.

44 https://joinup.ec.europa.eu/collection/semantic-interoperability-community-semic/core-vocabularies

45 https://joinup.ec.europa.eu/collection/connecting-europe-facility-cef

Or. en

Amendment 263
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 41

Text proposed by the Commission	*Amendment*
(41) The Board should support the Commission in coordinating national practices and policies on the topics covered by this Regulation, and in supporting cross-sector data use by adhering to the European Interoperability Framework (EIF) principles and through the utilisation of standards and specifications (such as the Core Vocabularies[44] and the CEF Building Blocks[45]), without prejudice to standardisation work taking place in specific sectors or domains. Work on technical standardisation may include the identification of priorities for the development of standards and establishing and maintaining a set of technical and legal standards for transmitting data between two processing environments that allows data spaces to be organised without making	(41) ***The main task of the Board should be assisting to form the interoperability between emerging data spaces.*** The Board should support the Commission in coordinating national practices and policies on the topics covered by this Regulation, and in supporting cross-sector data use by adhering to the European Interoperability Framework (EIF) principles and through the utilisation of standards and specifications (such as the Core Vocabularies[44] and the CEF Building Blocks[45]), without prejudice to standardisation work taking place in specific sectors or domains. Work on technical standardisation may include the identification of priorities for the development of standards and establishing and maintaining a set of technical and legal

recourse to an intermediary. The Board should cooperate with sectoral bodies, networks or expert groups, or other cross-sectoral organisations dealing with re-use of data. Regarding data altruism, the Board should assist the Commission in the development of the data altruism consent form, in consultation with the European Data Protection Board.

standards for transmitting data between two processing environments that allows data spaces to be organised without making recourse to an intermediary. The Board should cooperate with sectoral bodies, networks or expert groups, or other cross-sectoral organisations dealing with re-use of data. Regarding data altruism, the Board should assist the Commission in the development of the data altruism consent form, in consultation with the European Data Protection Board.

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44 https://joinup.ec.europa.eu/collection/semantic-interoperability-community-semic/core-vocabularies

45 https://joinup.ec.europa.eu/collection/connecting-europe-facility-cef

44 https://joinup.ec.europa.eu/collection/semantic-interoperability-community-semic/core-vocabularies

45 https://joinup.ec.europa.eu/collection/connecting-europe-facility-cef

Or. en

Amendment 264
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 41 a (new)

Text proposed by the Commission	*Amendment*
	(41 a) Data innovation board should address not only strategic level, but also the tactical and operational level across the different actors in data economy acting in the Union. This means, for example, the coordination of activities that need to follow the strategic directives regarding aspects such as data space interoperability/federation, interoperability of data intermediaries and data sovereignty. To meet the requirements of scale and the market demands, it is imperative that the industry is involved so that it is turned into a true public/private endeavour. To achieve this,

the data innovation board shall establish a permanent subgroup called the Data Exchange Board ("the DEB") in the form of an expert group. It will consist of actors that have a direct interest in the establishment, governance and adoption of a standardised approach to data sharing and exchange with the help of European data spaces. Those actors should be researchers, practitioners, representatives of consumer associations and public and private initiatives for data sharing and exchange. The DEB will be responsible for detailing, maintaining and adopting the agreements that will ultimately define the soft infrastructure. In practical terms, the DEB will execute at a tactical and operational level the goals set by the DIB at the strategic level. These actors should be researchers, practitioners, and public and private initiatives for data sharing and exchange. In a later phase, the DEP should focus on maintaining the soft infrastructure and keeping it up to date (change management).

Or. en

Amendment 265
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin

Proposal for a regulation
Recital 41 a (new)

Text proposed by the Commission	*Amendment*
	(41 a) With reference to 'false data', the Board could evaluate the possibility of creating a "data passport" containing certified or certifiable data, in order to exclude any attempt to falsify the data.

Or. en

Amendment 266

Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Recital 42

Text proposed by the Commission	*Amendment*
(42) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to develop the European data altruism consent form. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council[46] .	***deleted***

[46] Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p.13).

Or. en

Amendment 267
Evžen Tošenovský, Zdzisław Krasnodębski, Jessica Stegrud

Proposal for a regulation
Recital 43

Text proposed by the Commission	*Amendment*
(43) In order to take account of the specific nature of certain categories of data, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to lay down special conditions applicable for transfers to third-countries of certain non-personal data categories deemed to be highly sensitive in specific Union acts adopted though a legislative procedure. It	***deleted***

is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making . In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Or. en

Amendment 268
Dace Melbārde
on behalf of the ECR Group

Proposal for a regulation
Recital 43

Text proposed by the Commission	*Amendment*
(43) In order to take account of the specific nature of certain categories of data, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to lay down special conditions applicable for transfers to third-countries of certain non-personal data categories deemed to be highly sensitive in specific Union acts adopted though a legislative procedure. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making . In particular, to ensure equal participation in the preparation of delegated acts, the	***deleted***

European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Or. en

Amendment 269
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 43

Text proposed by the Commission	*Amendment*
(43) In order to take account of the ***specific nature of certain categories of data, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to lay down special conditions applicable for*** transfers to third-countries of ***certain*** non-personal ***data categories deemed to be highly sensitive in specific Union acts adopted though a legislative procedure***. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making . In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.	(43) In order to take account of the ***principle of strategic autonomy of the Union, the*** transfers to third-countries of non-personal ***and personal data is forbidden***. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making . In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

Or. en

Amendment 270
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 44

Text proposed by the Commission	*Amendment*
(44) This Regulation should not affect the application of the rules on competition, and in particular Articles 101 and 102 of the Treaty on the Functioning of the European Union. The measures provided for in this Regulation should not be used to restrict competition in a manner contrary to the Treaty on the Functioning of the European Union. This concerns in particular the rules on the exchange of competitively sensitive information between actual or potential competitors through data sharing services.	(44) This Regulation should not affect the application of the rules on competition, and in particular Articles 101 and 102 of the Treaty on the Functioning of the European Union. ***Unless for general interest,*** the measures provided for in this Regulation should not be used to restrict competition ***and GDPR*** in a manner contrary to the Treaty on the Functioning of the European Union. This concerns in particular the rules on the exchange of competitively sensitive information between actual or potential competitors through data sharing services.

Or. en

Amendment 271
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin

Proposal for a regulation
Recital 44 a (new)

Text proposed by the Commission	*Amendment*
	(44 a) This Regulation shall be enacted in full coherence and consistency with other existing EU legislation, such as the General Data Protection Regulation, as well as ongoing proposals which contain provision on data processing, such as the Digital Service Act (DSA), the Digital Market Act (DMA) or the e-Privacy Regulation.

Or. en

Amendment 272
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 45 a (new)

Text proposed by the Commission	*Amendment*
	(45 a) The European Data Protection Supervisor and the European Data Protection Board have expressed serious concerns in their Joint opinion from 10th March 2021, underlying that the proposal "does not duly take into account the need to ensure and guarantee the level of protection of personal data provided under EU law" and "raises serious concerns from a fundamental rights viewpoint". Following this opinion, the institutions committed to reinforce disposition in the Regulation to protect GDPR enforcement.

Or. en

Amendment 273
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Recital 46

Text proposed by the Commission	*Amendment*
(46) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter, including the right to privacy, the protection of personal data, the freedom to conduct a business, the right to property and the integration of persons with disabilities,	(46) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter, including the right to privacy, the protection of personal data, the freedom to conduct a business, the right to property and the integration of persons with disabilities***. The European Charter of Fundamental Rights provides rights and freedoms for citizens in the European Union under the realms of dignity***, ***freedoms, equality, solidarity, citizens' rights, and justice. The Charter calls on***

	institutions, bodies, offices and agencies of the Union and the Member States when they are implementing Union law to respect the rights, observe the principles and promote their application, in particular the right to respect private and family life, home and communications, protection of personal data protection and transparent administration. The European Charter of Fundamental Rights should serve as the compass for every action deployed from the Data Governance Act.

Or. en

Amendment 274
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 46

Text proposed by the Commission	*Amendment*
(46) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter, including the right to privacy, the protection of personal data, the freedom to conduct a business, the right to property and the integration of persons with disabilities,	(46) This Regulation respects the fundamental rights and observes the principles recognised in particular by the ***European*** Charter ***of Fundamental Rights***, including the right to privacy, the protection of personal data, the freedom to conduct a business, the right to property and the integration of persons with disabilities,

Or. en

Amendment 275
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Recital 46 a (new)

Text proposed by the Commission	*Amendment*

(46 a) In the event of any doubt over the interpretation of the provisions of this Regulation or any contradiction or conflict relating to personal data protection, the provisions of the General Data Protection Regulation shall take precedence.

Or. en

Amendment 276
Miapetra Kumpula-Natri
on behalf of the S&D Group

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

Text proposed by the Commission	*Amendment*
	(a a) rules regarding the right of natural persons and organisations to deal with data they generate in a data.

Or. en

Amendment 277
Miapetra Kumpula-Natri
on behalf of the S&D Group

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

Text proposed by the Commission	*Amendment*
	(a b) the governance structure for a soft infrastructure that will evolve over time, enabling data sovereign data sharing.

Or. en

Amendment 278
Damian Boeselager
on behalf of the Verts/ALE Group

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

Text proposed by the Commission	*Amendment*
(c) a framework for ***voluntary registration*** of entities which collect and process data made available for ***altruistic*** purposes***.***	(c) a framework for ***authorisation*** of entities which collect and process data made available for ***the*** purposes ***of voluntary data sharing in the public interest;***

Or. en

Amendment 279
Damian Boeselager
on behalf of the Verts/ALE Group

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

Text proposed by the Commission	*Amendment*
	(c a) a framework for the establishment of a European Data Innovation Board.

Or. en

Amendment 280
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission	*Amendment*
(2) This Regulation is without prejudice to specific provisions in other Union legal acts regarding access to or re-use of certain categories of data, or requirements related to processing of personal or non-personal data. Where a sector-specific Union legal act requires public sector bodies, providers of data sharing services or registered entities providing data altruism services to comply	(2) This Regulation is without prejudice to specific provisions in other Union legal acts regarding access to or re-use of certain categories of data, or requirements related to processing of personal or non-personal data. Where a sector-specific Union legal act requires public sector bodies, providers of data sharing services or registered entities providing data altruism services to comply

with specific additional technical, administrative or organisational requirements, including through an authorisation or certification regime, those provisions of that sector-specific Union legal act shall also apply.	with specific additional technical, administrative or organisational requirements, including through an authorisation or certification regime, those provisions of that sector-specific Union legal act shall also apply. ***The Regulation (EU) 2016/679 of the European Parliament and of the Council (General Data Protection Regulation) applies to any form of further use of data. In this respect, sensitive personal data shall not be re-used for security reasons.***

Or. en

Amendment 281
Dace Melbārde
on behalf of the ECR Group
Evžen Tošenovský

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission	*Amendment*
(2) This Regulation is without prejudice to specific provisions in other Union legal acts regarding access to or re-use of certain categories of data, or requirements related to processing of personal or non-personal data. Where a sector-specific Union legal act requires public sector bodies, providers of data sharing services or registered entities providing data altruism services to comply with specific additional technical, administrative or organisational requirements, including through an authorisation or certification regime, those provisions of that sector-specific Union legal act shall also apply.	(2) This Regulation is without prejudice to specific provisions in other Union legal acts regarding access to or re-use of certain categories of data, or requirements related to processing of personal or non-personal data. Where a sector-specific Union legal act requires public sector bodies, providers of data sharing services or registered entities providing data altruism services to comply with specific additional technical, administrative or organisational requirements, including through an authorisation or certification regime, those provisions of that sector-specific Union legal act shall also apply. ***Any additional requirements shall be non-discriminatory, proportionate and objectively justified.***

Or. en

Amendment 282
François-Xavier Bellamy

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission	*Amendment*
(2) This Regulation is without prejudice to specific provisions in other Union legal acts regarding access to or re-use of certain categories of data, or requirements related to processing of personal or non-personal data. Where a sector-specific Union legal act requires public sector bodies, providers of data sharing services or registered entities providing data altruism services to comply with specific additional technical, administrative or organisational requirements, including through an authorisation or certification regime, those provisions of that sector-specific Union legal act shall also apply.	(2) This Regulation is without prejudice to specific provisions in other Union legal acts regarding access to or re-use of certain categories of data, or requirements related to processing of personal or non-personal data. Where a sector-specific Union legal act requires public sector bodies, providers of data sharing services or registered entities providing data altruism services to comply with specific additional technical, administrative or organisational requirements, including through an authorisation or certification regime, ***or where there is a concern regarding the strategic autonomy of the Union,*** those provisions of that sector-specific Union legal act shall also apply.

Or. en

Amendment 283
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Article 1 – paragraph 2

Text proposed by the Commission	*Amendment*
(2) This Regulation is without prejudice to specific provisions in other Union legal acts regarding access to or re-use of certain categories of data, or requirements related to processing of personal or non-personal data. Where a sector-specific Union legal act requires public sector bodies, providers of data sharing services or registered entities providing data altruism services to comply	(2) This Regulation is without prejudice to specific provisions in other Union legal acts ***or national laws*** regarding access to or re-use of certain categories of data, or requirements related to processing of personal or non-personal data. Where a sector-specific Union legal act ***or national law*** requires public sector bodies, providers of data sharing services or registered entities providing data

with specific additional technical, administrative or organisational requirements, including through an authorisation or certification regime, those provisions of that sector-specific Union legal act shall also apply.

altruism services to comply with specific additional technical, administrative or organisational requirements, including through an authorisation or certification regime, those provisions of that sector-specific Union legal act ***or national law*** shall also apply.

Or. en

Amendment 284
Angelika Niebler, Tom Berendsen, Dan-Ştefan Motreanu, Eva Maydell, Pilar del Castillo Vera, Franc Bogovič, Marion Walsmann, Jens Gieseke, Henna Virkkunen, Adam Jarubas, François-Xavier Bellamy, Seán Kelly, Maria da Graça Carvalho, Othmar Karas, Ivan Štefanec, Cristian-Silviu Buşoi, Ioan-Rareş Bogdan

Proposal for a regulation
Article 1 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	(2 a) This Regulation is without prejudice to Regulation (EU) 2016/679 of the European Parliament and of the Council, to Directive 2002/58/EC of the European Parliament and of the Council and Directive (EU) 2016/680 of the European Parliament and of the Council[1a]. This Regulation should in particular not be read as creating a new legal basis for the processing of personal data for any of the regulated activities. Its implementation should not prevent cross-border transfers of data in accordance with Chapter V of Regulation (EU) 2016/679 from taking place.
	_____
	[1a] Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and

repealing Council Framework Decision 2008/977/JHA. (OJ L 119, 4.5.2016, p. 89)

Or. en

Amendment 285
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Article 1 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	(2 a) Provisions regarding the protection, processing, use and free movement of personal data, are subject to Regulation (EU) 2016/679 and Directive 2002/58/EC. Where personal and non-personal data in a data set are inextricably linked, this Regulation shall not prejudice the application of Regulation (EU) 2016/679.[1] This Regulation does not create legal basis for the processing of personal data outside of the provisions already laid in Regulation(EU) 2016/679 and Directive 2002/58/EC.

Or. en

Amendment 286
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 1 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	(2 a) Union law on the protection of personal data shall apply to any personal data processed in connection with this Regulation. In particular, this Regulation shall be without prejudice to Regulation

(EU) 2016/679 and Directive 2002/58/EC. In the event of conflict between the provisions of this Regulation and Union law on the protection of personal data, the latter prevails. This Regulation does not create a legal basis for the processing of personal data.

Or. en

Amendment 287
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin

Proposal for a regulation
Article 1 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	(2 a) This Regulation should not affect the level of protection of individual with regard to the processing of personal data under the provisions of Union and national law and does not alter any obligations and rights set out in the data protection legislation.

Or. en

Amendment 288
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Article 1 – paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	(2 a) The re-use of employee data shall be prohibited. To this end, it must be ensured that public service data do not contain employee data, such as in the area of mobility. The full respect of Article 88 of GDPR must be upheld.

Or. en

Amendment 289
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Article 1 a (new)

Text proposed by the Commission	*Amendment*
	Article 1 a
	This Regulation leaves intact and in no way affects the level of protection of individuals with regard to the processing of personal data under the provisions of Union and national law. The Regulation does not alter any obligations and rights set out in the data protection legislation.

Or. en

Amendment 290
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin

Proposal for a regulation
Article 2 – paragraph 1 – point 1

Text proposed by the Commission	*Amendment*
(1) 'data' means any digital representation of acts, facts or information and any compilation of such acts, facts or information, including in the form of sound, visual or audiovisual recording;	(1) 'data' means any digital ***and non-digital*** representation of acts, facts or information and any compilation of such acts, facts or information, including in the form of sound, visual or audiovisual recording;

Or. en

Amendment 291
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Article 2 – paragraph 1 – point 1 a (new)

Text proposed by the Commission	*Amendment*
	(1 a) 'Data Sovereignty' means the capability of an individual or an organisation to have control over their personal and business data. This entails that they should be able to know which party holds which data, under what conditions (purpose, duration, reward) and where data is kept. They should also be able to re-use the data at other places.

Or. en

Amendment 292
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin

Proposal for a regulation
Article 2 – paragraph 1 – point 1 a (new)

Text proposed by the Commission	*Amendment*
	(1 a) 'highly sensitive data' means data protected by IP, trade secret, and non-personal data whose disclosure to third country authorities may pose threats to national and public security;

Or. en

Amendment 293
Miapetra Kumpula-Natri
on behalf of the S&D Group

Proposal for a regulation
Article 2 – paragraph 1 – point 1 b (new)

Text proposed by the Commission	*Amendment*
	(1 b) 'Soft Infrastructure' means the set of functional, legal, technical and operational agreements which will support decentralised data sharing. A soft infrastructure is invisible, made up of technology neutral agreements and standards, on how to participate in an

ecosystem. As all participants implement the same minimal set of functional, legal, technical and operational agreements and standards, they can interact in the same manner independent of the sector or domain.

Or. en

Amendment 294
Marisa Matias
on behalf of the The Left Group

Proposal for a regulation
Article 2 – paragraph 1 – point 2

Text proposed by the Commission	*Amendment*
(2) 're-use' means the use by natural or legal persons of data held by public sector bodies, for commercial or non-commercial purposes other than the initial purpose within the public task for which the data were produced, except for the exchange of data between public sector bodies purely in pursuit of their public tasks;	(2) 're-use' means the use by natural or legal persons of data held by public sector bodies ***established in the Union***, for commercial or non-commercial purposes other than the initial purpose within the public task for which the data were produced, except for the exchange of data between public sector bodies purely in pursuit of their public tasks;

Or. en

Amendment 295
Damian Boeselager
on behalf of the Verts/ALE Group

Proposal for a regulation
Article 2 – paragraph 1 – point 2

Text proposed by the Commission	*Amendment*
(2) 're-use' means the use by natural or legal ***persons*** of data held by public sector bodies, for commercial or non-commercial purposes other than the initial purpose within the public task for which the data were produced, except for the exchange of data between public sector bodies purely in	(2) 're-use' means the use by natural ***persons*** or legal ***entities*** of data held by public sector bodies, for commercial or non-commercial purposes other than the initial purpose within the public task for which the data were produced, except for the exchange of data between public sector

pursuit of their public tasks;	bodies purely in pursuit of their public tasks;

Or. en

Amendment 296
Christophe Grudler, Valérie Hayer, Dragoș Pîslaru, Sylvie Brunet, Stéphanie Yon-Courtin, Catherine Chabaud

Proposal for a regulation
Article 2 – paragraph 1 – point 2 a (new)

Text proposed by the Commission	*Amendment*
	(2 a) 'data sharing service provider' means a provider of a commercial service, which, through the provision of technical, legal and other services establishes relationships between an undefined number of data subjects and data holders, on the one hand and data users on the other hand, for the exchange, pooling or trade of data;

Or. en

Amendment 297
Dace Melbārde
on behalf of the ECR Group
Evžen Tošenovský

Proposal for a regulation
Article 2 – paragraph 1 – point 2 a (new)

Text proposed by the Commission	*Amendment*
	(2 a) 'data intermediary' means a provider of a service which through the provision of technical, legal and other means establishes relation with data holders, including data subjects and an indefinite number of potential data users, and which assists both parties in a transaction of data assets between the two.

Or. en

Amendment 298
Nicola Danti, Ivars Ijabs, Andrus Ansip, Klemen Grošelj, Martina Dlabajová, Dragoș Pîslaru, Iskra Mihaylova, Christophe Grudler, Sandro Gozi, Bart Groothuis, Valérie Hayer, Susana Solís Pérez

Proposal for a regulation
Article 2 – paragraph 1 – point 2 a (new)

Text proposed by the Commission	*Amendment*
	(2 a) 'personal data' means any information relating to a data subject as defined in point (1) of Article 4 of Regulation (EU) 2016/679;

Or. en

Amendment 299
Nicola Danti, Ivars Ijabs, Andrus Ansip, Klemen Grošelj, Martina Dlabajová, Dragoș Pîslaru, Iskra Mihaylova, Christophe Grudler, Sandro Gozi, Bart Groothuis, Valérie Hayer, Susana Solís Pérez

Proposal for a regulation
Article 2 – paragraph 1 – point 2 b (new)

Text proposed by the Commission	*Amendment*
	(2 b) 'data subject' means an identified or identifiable natural person as referred to in point (1) of Article 4 of Regulation (EU) 2016/679;

Or. en