



**2020/0340(COD)**

28.4.2021

# **AMENDMENTS**

## **300 - 499**

**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 300**

**Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3 a) ‘consent’ of the data subject means any freely given, specific, informed, clear and unambiguous indication of the data subject's wishes by which data holders, by a legal statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to them;***

Or. en

**Amendment 301**

**Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 3 b (new)**

*Text proposed by the Commission*

*Amendment*

***(3 b) 'data subject' means an identified or identifiable natural person; an identifiable natural person is one who can be identified, directly or indirectly, in particular by reference to an identifier such as a name, an identification number, location data, an online identifier or to one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of that natural person;***

Or. en

**Amendment 302**

**Damian Boeselager**

on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 4**

*Text proposed by the Commission*

(4) ‘metadata’ means ***data collected on any activity of a natural or legal person for the purposes of the provision of a data sharing service***, including the ***date , time and geolocation data, duration of activity, connections to other natural or legal persons established by the person who uses the service***;

*Amendment*

(4) ‘metadata’ means ***basic information about data***, including the ***description of data and information about data properties, location, time, context or purpose of data collection***;

Or. en

**Amendment 303**

**Marisa Matias**

on behalf of the The Left Group

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 4**

*Text proposed by the Commission*

(4) ‘metadata’ means data collected on any activity of a natural or legal person for the purposes of the provision of a data sharing service, including the date , time and geolocation data, duration of activity, connections to other natural or legal persons established by the person who uses the service;

*Amendment*

(4) ‘metadata’ means ***non personal or anonymised*** data collected on any activity of a natural or legal person for the purposes of the provision of a data sharing service, including the date , time and geolocation data, duration of activity, connections to other natural or legal persons established by the person who uses the service;

Or. en

**Amendment 304**

**Miapetra Kumpula-Natri**

on behalf of the S&D Group

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 5**

*Text proposed by the Commission*

(5) ‘data holder’ means a ***legal person***

*Amendment*

(5) ‘data ***rights*** holder’ ***[this to be valid***

*or* data subject who, *in accordance with applicable Union or national law*, has the right to grant access to or to *share certain personal or* non-personal data under its control;

*in whole text]* means;

*a) in the case of personal data*, a data subject *or a controller [who has an appropriate legal basis to grant access to or to transfer personal data under her control]*

*b) in the case of non-personal data*, a *natural or legal person who* has the right to grant access to or to *transfer* non-personal data under its control.

Or. en

#### **Amendment 305**

**Damian Boeselager**

on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 5**

*Text proposed by the Commission*

(5) ‘data holder’ means a legal person *or* data subject who, in accordance with applicable Union or national law, has the right to grant access to or to share certain personal or non-personal data under its control;

*Amendment*

(5) ‘data holder’ means a legal *entity, natural* person, data subject, *public body or international organisation*, who, in accordance with applicable Union or national law, has the right to grant access to or to share certain personal or non-personal data under its control;

Or. en

#### **Amendment 306**

**Marisa Matias**

on behalf of the The Left Group

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 5**

*Text proposed by the Commission*

*Amendment*

(5) ‘data holder’ means a **legal person** *or* data subject who, in accordance with applicable Union or national law, has the right to grant access to or to share certain personal or non-personal data under its control;

(5) ‘data holder’ means a data subject who, in accordance with applicable Union or national law, has the right to grant access to or to share certain personal or non-personal data under its control;

Or. en

#### **Amendment 307**

**Miapetra Kumpula-Natri**

on behalf of the S&D Group

#### **Proposal for a regulation**

**Article 2 – paragraph 1 – point 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**(5 a) ‘Data source’ means:**

**a) in the context of personal data, a processor**

**b) in the context of non-personal data, a natural or legal person who processes the non-personal data on behalf of the data holder.**

Or. en

#### **Amendment 308**

**Damian Boeselager**

on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

**Article 2 – paragraph 1 – point 6**

*Text proposed by the Commission*

*Amendment*

(6) ‘data user’ means a natural *or* legal **person** who has lawful access to certain personal or non-personal data and is authorised to use that data for commercial or non-commercial purposes;

(6) ‘data user’ means a natural **person**, legal **entity or public body** who has lawful access to certain personal or non-personal data and is authorised to use that data for commercial or non-commercial purposes; **in accordance with applicable Union or national law a data processor can also have the role of data user.**

**Amendment 309**

**Miapetra Kumpula-Natri**

on behalf of the S&D Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 6**

*Text proposed by the Commission*

(6) ‘data user’ means *a* natural or legal person who *has lawful access to certain personal or non-personal data and is authorised to use that data for commercial or non-commercial purposes*;

*Amendment*

(6) ‘data user’ means:

*a) in the case of personal data, a recipient that is a natural or legal person*

*b) in the case of non-personal data, natural or legal person who receives non-personal data.*

Or. en

**Amendment 310**

**Miapetra Kumpula-Natri**

on behalf of the S&D Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 6 a (new)**

*Text proposed by the Commission*

*Amendment*

*(6 a) ‘consent’ of the data subject, as defined in Article 4(11) of Regulation (EU) 216/679, means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her.*

Or. en

**Amendment 311**

**Dace Melbārde**

on behalf of the ECR Group

**Evžen Tošenovský**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**(6 a) 'data re-user' is a natural or legal person who re-uses data as defined in point (2) of this Article;**

Or. en

**Amendment 312**

**Marisa Matias**

on behalf of the The Left Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 7**

*Text proposed by the Commission*

*Amendment*

(7) 'data sharing' means the provision by a data holder of data to a data user for the purpose of joint or individual use of the shared data, based on voluntary agreements, directly or through an intermediary;

(7) 'data sharing' means the provision by a data holder of data to a data user for the purpose of joint or individual use of the shared data, based on voluntary agreements, directly or through an intermediary. ***Insofar as personal data are concerned, their processing must always be based on an adequate legal basis under Article 6 of the GDPR.***

Or. en

**Amendment 313**

**Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 7**

*Text proposed by the Commission*

*Amendment*



(7) ‘data sharing’ means the provision by a data holder of data to a data user for the purpose of joint or individual use of the shared data, based on voluntary agreements, directly or through an intermediary;

(7) ‘data sharing’ means the provision by a data holder of data to a data user for the purpose of joint or individual use of the shared data, based on voluntary agreements, directly or through an intermediary ***and operationalised through data exchange between the parties engaged.***

Or. en

#### **Amendment 314**

**Damian Boeselager**

on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 7**

*Text proposed by the Commission*

(7) ‘data sharing’ means ***the provision by a data holder of data to a data user for the purpose of joint or individual use of the shared data, based on voluntary agreements, directly or through an intermediary;***

*Amendment*

(7) ‘data sharing ***service***’ means ***a service, which intermediates between an indefinite number of potential data holders and potential data users by making available technical, legal, or other means to enable or facilitate the exchange, pooling or licensing of data between data holders and data users;***

Or. en

#### **Amendment 315**

**Christophe Grudler, Valérie Hayer, Dragoş Pîslaru, Sylvie Brunet, Sandro Gozi, Stéphanie Yon-Courtin, Catherine Chabaud**

#### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 7**

*Text proposed by the Commission*

(7) ‘***data sharing***’ means ***the provision by a data holder of data to a data user for the purpose of joint or individual use of the shared data, based on voluntary agreements, directly or through an intermediary;***

*Amendment*

(7) ‘***data exchange***’ means ***and encompasses all the activities performed by the data holder, the data user and the data sharing service provider, for the purpose of exchanging data, under open data or commercial licenses, for free or***

*against remuneration.*

Or. en

### *Justification*

*The sole use of the term “data sharing” in the regulation would exclude a large number of companies from the private sector from the future regulation. The term Data Sharing is generally associated with open data sharing, often in the context of initiatives for general interest. On the other hand, the term Data Exchange is commonly associated with commercial data exchanges, especially amongst US and UK players. Data exchange describes at the same time the action of exchanging data as well as the place where data is being exchanged. This dual meaning is powerful when relating to data intermediaries (ie. data marketplaces and data sharing services providers)*

### **Amendment 316**

**Miapetra Kumpula-Natri**

on behalf of the S&D Group

### **Proposal for a regulation**

**Article 2 – paragraph 1 – point 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7 a) ‘Intermediation service’ means service which establishes relationships between data holders or data sources and data users for the exchange, pooling or trade of personal or non-personal data through***

***a) the provision of technical, legal and other means to enable such services and***

***b) facilitating the exercise of data holders’ rights with their consent that can be revoked irrespective of whether they process the personal or non-personal data or not.***

***The following data-sharing services shall, inter alia, not be considered to be data intermediaries for the purposes of this Regulation:***

***(i) 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 with the main objective of ensuring functionalities of the connected object or device and allow value added services;*

*(ii) consolidated tape providers as defined in point (53) of Article 4(1) of Directive 2014/65/EU and account information service providers as defined in point 19 of Article 4 of Directive (EU) 2015/2366*

Or. en

**Amendment 317**

**Damian Boeselager**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 7 a (new)**

*Text proposed by the Commission*

*Amendment*

*(7 a) ‘data intermediary’ means an undertaking, or related commercial entity, which provides data sharing services to intermediate between an indefinite number of potential data holders and potential data users by making available technical, legal, or other means to enable or facilitate the exchange, pooling or licensing of data between data holders and data users;*

Or. en

**Amendment 318**

**Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 7 a (new)**

*Text proposed by the Commission*

*Amendment*

*(7 a) ‘data exchange’ means and encompasses all the activities performed by the data holder, the data user and the data sharing service provider, for the*

*purpose of exchanging data, under open data or commercial licenses, for free or against remuneration.*

Or. en

**Amendment 319**

**Damian Boeselager**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 7 b (new)**

*Text proposed by the Commission*

*Amendment*

*(7 b) 'data cooperative' means an organisation or service, which:*

*(a) supports members, who are data subjects, to exercise the rights provided in Regulation (EU) 2016/679, by offering services including, but not limited to, collectively negotiating terms and conditions for data processing, in making informed choices before consenting to data processing, and allowing for mechanisms to exchange views on data processing purposes and conditions that would represent their interest, or;*

*(b) enables small and medium-sized enterprises, not-for-profit or academic institutions to collectively negotiate terms for sharing non-personal data.*

Or. en

**Amendment 320**

**Marisa Matias**

on behalf of the The Left Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 8**

*Text proposed by the Commission*

*Amendment*

(8) 'access' means processing by a data

(8) 'access' means processing by a data

user of data that has been provided by a data holder, in accordance with specific technical, legal, or organisational requirements, without necessarily implying the transmission or downloading of such data;

user of data *established in the Union* that has been provided by a data holder, in accordance with specific technical, legal, or organisational requirements, without necessarily implying the transmission or downloading of such data;

Or. en

#### **Amendment 321**

**Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**(8 a) ‘processing’ means any operation or set of operations which is performed on data or on sets of data in electronic format, whether or not by automated means, such as collection, recording, organisation, structuring, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or otherwise making available, alignment or combination, restriction, erasure or destruction;**

Or. en

#### **Amendment 322**

**Damian Boeselager**

on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 10**

*Text proposed by the Commission*

*Amendment*

**(10) ‘data altruism’ means the consent by data subjects to process personal data pertaining to them, or permissions of other data holders to allow the use of their non-personal data without seeking a**

**deleted**

*reward, for purposes of general interest, such as scientific research purposes or improving public services;*

Or. en

### **Amendment 323**

**Miapetra Kumpula-Natri**

on behalf of the S&D Group

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 10**

*Text proposed by the Commission*

(10) ‘data altruism’ means *the* consent *by* data subjects to process personal data pertaining to *them*, or permissions of other data holders to allow the use of their non-personal data without seeking a reward, *for* purposes *of* general interest, such as scientific research purposes or improving public services;

*Amendment*

(10) ‘data altruism’ means: *an extraordinary and voluntary individual act of donation. It need to be carried out under the GDPR provisions and ensure the explicit, unambiguous and clear consent of data subjects to guarantee that data subjects are clearly informed, that their consent is freely given and easy to withdrawal any time. Data altruisms can be used to share and process personal data pertaining to data subjects, or permissions of other data holders to allow the use of their non-personal data without seeking a reward, including a financial reward. Data altruism can only be carried out for two purposes: for general public interest, such as scientific research purposes or improving public services for the benefit of the general public. Data altruism should be carried out only within the European Economic Area. Data altruism should not be used as a mean to accumulate power over data and should not be subject to marketing or to commercial practices.*

Or. en

### **Amendment 324**

**Marisa Matias**

on behalf of the The Left Group

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 10**

*Text proposed by the Commission*

(10) ‘data altruism’ means the consent by data subjects to process personal data pertaining to them, or permissions of other data holders to allow the use of their non-personal data without seeking a reward, for purposes of general interest, such as scientific research purposes or improving public services;

*Amendment*

(10) ‘data altruism’ means the consent by data subjects to process personal data pertaining to them, or permissions of other data holders to allow the use of their non-personal data without seeking a reward, for purposes of general interest such as ***the Green Deal and Paris Agreement, via*** scientific research purposes or improving public services ***and services of general interest*** ;

Or. en

**Amendment 325**  
**Dace Melbārde**  
on behalf of the ECR Group

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 10**

*Text proposed by the Commission*

(10) ‘data altruism’ means the consent by data subjects to process personal data pertaining to them, or permissions of other data holders to allow the use of their non-personal data without seeking a ***reward***, for purposes of general interest, such as scientific research purposes or improving public services;

*Amendment*

(10) ‘data altruism’ means the consent by data subjects to process personal data pertaining to them, or permissions of other data holders to allow the use of their non-personal data without seeking a ***profit***, for purposes of general interest ***defined, where applicable, in accordance with the national legislation***, such as scientific research purposes or improving public services;

Or. en

**Amendment 326**  
**Angelika Niebler, Eva Maydell, Tom Berendsen, Dan-Ștefan Motreanu, Pilar del Castillo Vera, Franc Bogovič, Marion Walsmann, Jens Gieseke, Henna Virkkunen, Adam Jarubas, François-Xavier Bellamy, Seán Kelly, Maria da Graça Carvalho, Ivan Štefanec, Cristian-Silviu Bușoi, Ioan-Rareș Bogdan**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 10**

*Text proposed by the Commission*

(10) ‘data altruism’ means *the consent* by data subjects to process personal data pertaining to them, or permissions of other data holders to allow the use of their non-personal data without seeking a reward, for purposes of general interest, such as scientific research purposes or improving public services;

*Amendment*

(10) ‘data altruism’ means *voluntary sharing of data* by data subjects to process personal data pertaining to them, or permissions of other data holders to allow the use of their non-personal data without seeking *or receiving* a reward, for purposes of general interest, such as scientific research purposes, *policy making* or improving public services;

Or. en

**Amendment 327**  
**Evžen Tošenovský, Zdzisław Krasnodębski**

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 10**

*Text proposed by the Commission*

(10) ‘data altruism’ means the consent by data subjects to process personal data pertaining to them, or permissions of other data holders to allow the use of their non-personal data without seeking a *reward*, for purposes of general interest, such as scientific research purposes or improving public services;

*Amendment*

(10) ‘data altruism’ means the consent by data subjects to process personal data pertaining to them, or permissions of other data holders to allow the use of their non-personal data without seeking a *profit*, for purposes of general interest, such as scientific research purposes or improving public services;

Or. en

**Amendment 328**  
**Marisa Matias**  
on behalf of the The Left Group

**Proposal for a regulation**  
**Article 2 – paragraph 1 – point 10 a (new)**

*Text proposed by the Commission*

*Amendment*



*(10 a) 'Consent' means, as provided by the GDPR, consent of the data subject means any freely given, specific, informed and unambiguous indication of the data subject's wishes by which he or she, by a statement or by a clear affirmative action, signifies agreement to the processing of personal data relating to him or her. A data subject has the right to withdraw consent at any time. The processing of personal data shall be lawful only if and to the extent that at least one of the legal basis under Article 6(1) of the GDPR applies.*

Or. en

**Amendment 329**

**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 10 a (new)**

*Text proposed by the Commission*

*Amendment*

*(10 a) 'data cooperative' means an organisation supporting its members, who are data subjects or one-person companies, micro, small and medium-sized enterprises, in making informed choices before consenting to data processing, or in negotiating terms and conditions for data processing and data sharing;*

Or. en

**Amendment 330**

**Marisa Matias**

on behalf of the The Left Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 10 b (new)**

***(10 b) 'General interest' means the best interest of the community as a whole in the pursuit of common good and core objectives and values of the Union, supported and limited by citizens' rights and guarantees enshrined in the Treaties and other European or international legislation such as the Green Deal or Paris Agreement;***

Or. en

**Amendment 331**

**Nicola Danti, Ivars Ijabs, Andrus Ansip, Klemen Grošelj, Martina Dlabajová, Dragoș Pîslaru, Iskra Mihaylova, Christophe Grudler, Valérie Hayer, Susana Solís Pérez**

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 10 b (new)**

*Text proposed by the Commission*

*Amendment*

***(10 b) 'purposes of general interest' means purposes established by national law and national competent authorities including and not limited to healthcare, official statistics, improving the provision of public services, supporting research;***

Or. en

**Amendment 332**

**Miapetra Kumpula-Natri**

on behalf of the S&D Group

**Proposal for a regulation**

**Article 2 – paragraph 1 – point 12 – point a**

*Text proposed by the Commission*

*Amendment*

(a) they are established for the specific purpose of meeting needs in the **general** interest, and do not have an industrial or commercial character;

(a) they are established for the specific purpose of meeting needs in the **public** interest, and do not have an industrial or commercial character;

**Amendment 333****Miapetra Kumpula-Natri**

on behalf of the S&amp;D Group

**Proposal for a regulation****Article 2 – paragraph 1 – point 14***Text proposed by the Commission*

(14) ‘secure processing environment’ means the physical or virtual environment and organisational means to provide the opportunity to re-use data in a manner that allows for the operator of the secure processing environment to determine and supervise all data processing actions, including to display, storage, download, export of the data and calculation of derivative data through computational algorithms.

*Amendment*

(14) ‘secure processing environment’ means the physical or virtual environment and organisational means to provide the opportunity to re-use data in a manner that allows for the operator of the secure processing environment to determine and supervise all data processing actions, including to display, storage, download, export of the data and calculation of derivative data through computational algorithms. ***A ‘secure processing environment’ should also be understood as protection against threats.***

Or. en

**Amendment 334****Sara Skyttedal****Proposal for a regulation****Article 2 – paragraph 1 – point 14***Text proposed by the Commission*

(14) ‘secure processing environment’ means the physical or virtual environment and organisational means to provide the opportunity to re-use data in a manner that allows for the operator of the secure processing environment to determine and supervise all data processing actions, including to display, storage, download, export of the data and calculation of derivative data through computational algorithms.

*Amendment*

(14) ‘secure processing environment’ means the physical or virtual environment and organisational means ***to uphold data confidentiality, integrity and availability and*** to provide the opportunity to re-use data in a manner that allows for the operator of the secure processing environment to determine and supervise all data processing actions, including to display, storage, download, export of the data and calculation of derivative data

through computational algorithms.

Or. en

### **Amendment 335**

**Marisa Matias**

on behalf of the The Left Group

#### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 14**

###### *Text proposed by the Commission*

(14) ‘secure processing environment’ means the physical or virtual environment and organisational means to provide the opportunity to re-use data in a manner that allows for the operator of the secure processing environment to determine and supervise all data processing actions, including to display, storage, download, export of the data and calculation of derivative data through computational algorithms.

###### *Amendment*

(14) ‘secure processing environment’ means the physical or virtual environment and organisational means to provide the opportunity to re-use data in a manner that allows for the operator of the secure processing environment to determine and supervise all data processing actions ***within the Union***, including to display, storage, download, export of the data and calculation of derivative data through computational algorithms ***as well as protection against cyber-attacks***.

Or. en

### **Amendment 336**

**Angelika Niebler, Eva Maydell, Tom Berendsen, Dan-Ștefan Motreanu, 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 Bușoi, Ioan-Rareș Bogdan**

#### **Proposal for a regulation**

##### **Article 2 – paragraph 1 – point 14**

###### *Text proposed by the Commission*

(14) ‘secure processing environment’ means the physical or virtual environment and organisational means to provide the opportunity to re-use data in a manner that allows for the operator of the secure processing environment to determine and supervise all data processing actions,

###### *Amendment*

(14) ‘secure processing environment’ means the physical or virtual environment and organisational means to provide the opportunity to re-use data in a manner ***ensuring compliance with applicable legislation*** that allows for the operator of the secure processing environment to

including to display, storage, download, export of the data and calculation of derivative data through computational algorithms.

determine and supervise all data processing actions, including to display, storage, download, export of the data and calculation of derivative data through computational algorithms.

Or. en

#### **Amendment 337**

**Miapetra Kumpula-Natri**

on behalf of the S&D Group

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 15**

*Text proposed by the Commission*

(15) ‘representative’ means any natural or legal person established in the Union explicitly designated to act on behalf of a provider of data sharing services or an entity that collects data for objectives of **general** interest made available by natural or legal persons on the basis of data altruism not established in the Union, which may be addressed by a national competent authority instead of the provider of data sharing services or entity with regard to the obligations of that provider of data sharing services or entity set up by this Regulation.

*Amendment*

(15) ‘representative’ means any natural or legal person established in the Union explicitly designated to act on behalf of a provider of data sharing services or an entity that collects data for objectives of **public** interest made available by natural or legal persons on the basis of data altruism not established in the Union, which may be addressed by a national competent authority instead of the provider of data sharing services or entity with regard to the obligations of that provider of data sharing services or entity set up by this Regulation.

Or. en

#### **Amendment 338**

**Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin**

#### **Proposal for a regulation**

#### **Article 2 – paragraph 1 – point 15 a (new)**

*Text proposed by the Commission*

*Amendment*

***(15 a) 'data sovereignty' means a form of management of the cyber space that provides for the possession by the Member State of the networks and data transmitted***

*through them.*

Or. en

### **Amendment 339**

**Miapetra Kumpula-Natri**

on behalf of the S&D Group

### **Proposal for a regulation**

#### **Article 2 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***‘Data space’ means a logically defined entity, in which all the participants follow jointly agreed principles and framework of sharing of data. Data space refers to the integration of and interaction between different actors including data rights holders, data sources, data intermediaries and data users, that are involved in, or affected by, related data access and sharing arrangements, according to their different roles, responsibilities and rights, technologies and business models. The aim of a data space is to create interoperability and trust for a data transfer and a seamless digital area with the scale that will enable the development of new products and services based on data.***

Or. en

### **Amendment 340**

**Damian Boeselager**

on behalf of the Greens/EFA Group

### **Proposal for a regulation**

#### **Article 3 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

(1) This Chapter applies to data held by public sector bodies which are protected on grounds of:

(1) This Chapter applies, ***without prejudice to the legal regime of open data set by the Directive on open data and the***

*re-use of public sector information (Directive (EU) 2019/1024), to other categories of data held by public sector bodies and public undertakings to data held by public sector bodies which are protected on grounds of:*

Or. en

**Amendment 341**

**Marisa Matias**

on behalf of the The Left Group

**Proposal for a regulation**

**Article 3 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

**(d) protection of personal data.**

**deleted**

Or. en

**Amendment 342**

**Damian Boeselager**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 3 – paragraph 2 – point a**

*Text proposed by the Commission*

*Amendment*

**(a) data held by public undertakings;**

**deleted**

Or. en

**Amendment 343**

**Damian Boeselager**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 3 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) data held by cultural establishments and educational establishments;

(c) data held by cultural establishments and educational establishments **when protected by fundamental rights provisions or third party intellectual property rights**;

Or. en

#### **Amendment 344**

**Miapetra Kumpula-Natri**

on behalf of the S&D Group

#### **Proposal for a regulation**

#### **Article 3 – paragraph 2 – point c**

*Text proposed by the Commission*

*Amendment*

(c) data held by cultural establishments and educational establishments;

(c) data held by cultural establishments **protected by intellectual property rights of third** and educational establishments;

Or. en

#### **Amendment 345**

**Marisa Matias**

on behalf of the The Left Group

#### **Proposal for a regulation**

#### **Article 3 – paragraph 2 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

**(e a) (f) data processed in the context of employment.**

Or. en

#### *Justification*

*Personal employee data and, if applicable, other data from the context of employment must be excluded from the scope of this chapter in order to ensure that they do not fall below the protection according to Article 6, 88 and others of the GDPR. There are far-reaching possibilities for further processing of employee data already today. For example, according to Article 7 of the GDPR, data processing can regularly take place on the basis of voluntary consent. In this respect, there is no need for further regulation.*



**Amendment 346**

**Marisa Matias**

on behalf of the The Left Group

**Proposal for a regulation**

**Article 3 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**(2 a) *personal data***

Or. en

**Amendment 347**

**Damian Boeselager**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 3 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

(3) The provisions of this Chapter do not create any obligation on public sector bodies to allow re-use of data nor do they release public sector bodies from their confidentiality obligations. This Chapter is without prejudice to Union and national law or international agreements to which the Union or Member States are parties on the protection of categories of data provided in paragraph 1. This Chapter is without prejudice to Union and national law on access to documents and to obligations of public sector bodies under Union and national law to allow the re-use of data.

(3) The provisions of this Chapter do not create any obligation on public sector bodies to allow re-use of data ***beyond the Open Data Directive*** nor do they release public sector bodies from their confidentiality obligations, ***but sets a framework for such reuse when data is made available***. This Chapter is without prejudice to Union and national law or international agreements to which the Union or Member States are parties on the protection of categories of data provided in paragraph 1. This Chapter is without prejudice to Union and national law on access to documents and to obligations of public sector bodies under Union and national law to allow the re-use of data.

Or. en

**Amendment 348**

**Ivo Hristov**

**Proposal for a regulation**  
**Article 3 – paragraph 3**

*Text proposed by the Commission*

(3) The provisions of this Chapter do not create any obligation on public sector bodies to allow re-use of data nor do they release public sector bodies from their confidentiality obligations. This Chapter is without prejudice to Union and national law or international agreements to which the Union or Member States are parties on the protection of categories of data provided in paragraph 1. This Chapter is without prejudice to Union and national law on access to documents and to obligations of public sector bodies under Union and national law to allow the re-use of data.

*Amendment*

(3) The provisions of this Chapter do not create any obligation on public sector bodies to allow re-use of data nor do they release public sector bodies from their confidentiality obligations. This Chapter is without prejudice to Union and national law or international agreements to which the Union or Member States are parties on the protection of categories of data provided in paragraph 1. This Chapter is without prejudice to Union and national law on access to documents, ***in particular with regard to register data***, and to obligations of public sector bodies under Union and national law to allow the re-use of data.

Or. en

**Amendment 349**  
**Damian Boeselager**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 4 – paragraph 2**

*Text proposed by the Commission*

(2) By way of derogation from paragraph 1, an exclusive right to re-use data referred to in that paragraph may be granted to the extent necessary for the provision of a service or a product in the ***general*** interest.

*Amendment*

(2) By way of derogation from paragraph 1, an exclusive right to re-use data referred to in that paragraph may be granted ***for a limited duration and*** to the extent necessary for the provision of a service or a product in the ***public*** interest ***that would have otherwise not be possible without such derogation***.

Or. en

**Amendment 350**

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

**Proposal for a regulation**  
**Article 4 – paragraph 2**

*Text proposed by the Commission*

(2) By way of derogation from paragraph 1, an exclusive right to re-use data referred to in that paragraph may be granted to the extent necessary for the provision of a service or a product in the **general** interest.

*Amendment*

(2) By way of derogation from paragraph 1, an exclusive right to re-use data referred to in that paragraph may be granted to the extent necessary for the provision of a service or a product in the **public** interest.

Or. en

**Amendment 351**  
**Damian Boeselager**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 4 – paragraph 3**

*Text proposed by the Commission*

(3) Such exclusive right shall be granted ***in the context of a relevant service or concession contract in compliance with applicable Union and national public procurement and concession award rules, or, in the case of a contract of a value for which neither Union nor national public procurement and concession award rules are applicable,*** in compliance with the principles of transparency, equal treatment and non-discrimination ***on grounds of nationality.***

*Amendment*

(3) Such exclusive right shall be granted in compliance with the principles of transparency, equal treatment and non-discrimination.

Or. en

**Amendment 352**  
**Damian Boeselager**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

## Article 4 – paragraph 4

*Text proposed by the Commission*

*Amendment*

(4) *In all cases not covered by paragraph 3 and where the general interest purpose cannot be fulfilled without granting an exclusive right, the principles of transparency, equal treatment and non-discrimination on grounds of nationality shall apply.*

*deleted*

Or. en

### Amendment 353

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

#### Proposal for a regulation Article 4 – paragraph 4

*Text proposed by the Commission*

*Amendment*

(4) In all cases not covered by paragraph 3 and where the *general* interest purpose cannot be fulfilled without granting an exclusive right, the principles of transparency, equal treatment and non-discrimination on grounds of nationality shall apply.

(4) In all cases not covered by paragraph 3 and where the *public* interest purpose cannot be fulfilled without granting an exclusive right, the principles of transparency, equal treatment and non-discrimination on grounds of nationality shall apply.

Or. en

### Amendment 354

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

#### Proposal for a regulation Article 4 – paragraph 5

*Text proposed by the Commission*

*Amendment*

(5) The period of exclusivity of the right to re-use data shall not exceed *three years*. Where a contract is concluded, the duration of the contract awarded shall be as

(5) The period of exclusivity of the right to re-use data shall not exceed *12 months with the possibility of a further 12-month extension, subject to approval*

aligned with the period of exclusivity.

*by the competent body referred to in Article 7(1)*. Where a contract is concluded, the duration of the contract awarded shall be as aligned with the period of exclusivity.

Or. en

### **Amendment 355**

**Damian Boeselager**

on behalf of the Greens/EFA Group

### **Proposal for a regulation**

#### **Article 4 – paragraph 5**

##### *Text proposed by the Commission*

(5) The period of exclusivity of the right to re-use data shall not exceed **three years**. Where a contract is concluded, the duration of the contract awarded shall be as aligned with the period of exclusivity.

##### *Amendment*

(5) The period of exclusivity of the right to re-use data shall not exceed **six months, and shall be subject to approval by the competent authority referred to in Article 7(1)**. Where a contract is concluded, the duration of the contract awarded shall be as aligned with the period of exclusivity.

Or. en

##### *Justification*

*Granting exclusivity should be the absolute exception, given the serious risks to fair competition that can result from exclusive access to data. The hurdles for such access should be put as high as possible and a competent authority, independent of the public body should supervise the exceptional granting of exclusivity.*

### **Amendment 356**

**Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin**

### **Proposal for a regulation**

#### **Article 4 – paragraph 5**

##### *Text proposed by the Commission*

(5) The period of exclusivity of the right to re-use data shall not exceed **three** years. Where a contract is concluded, the

##### *Amendment*

(5) The period of exclusivity of the right to re-use data shall not exceed **two** years, **subject to approval by the**

duration of the contract awarded shall be as aligned with the period of exclusivity.

***competent body referred to in Article 7(1).***  
Where a contract is concluded, the duration of the contract awarded shall be as aligned with the period of exclusivity.

Or. en

#### **Amendment 357**

**Miapetra Kumpula-Natri**

on behalf of the S&D Group

#### **Proposal for a regulation**

##### **Article 4 – paragraph 6**

###### *Text proposed by the Commission*

(6) The award of an exclusive right pursuant to paragraphs (2) to (5), including the reasons why it is necessary to grant such a right, shall be transparent and be made publicly available online, regardless of a possible publication of an award of a public procurement and concessions contract.

###### *Amendment*

(6) The award of an exclusive right pursuant to paragraphs (2) to (5), including the reasons why it is necessary to grant such a right, shall be transparent and be made publicly available online ***two months before entry into force***, regardless of a possible publication of an award of a public procurement and concessions contract.

Or. en

#### **Amendment 358**

**Damian Boeselager**

on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

##### **Article 4 – paragraph 6**

###### *Text proposed by the Commission*

(6) The award ***of*** an exclusive right pursuant to paragraphs (2) to (5), including the reasons why it is necessary to grant such a right, shall be transparent and be made publicly available online, regardless of a possible publication of an award of a public procurement and concessions contract.

###### *Amendment*

(6) The ***decision to*** award an exclusive right pursuant to paragraphs (2) to (5), including the reasons why it is necessary to grant such a right, shall be transparent and be made publicly available online, regardless of a possible publication of an award of a public procurement and concessions contract.

**Amendment 359**

**Miapetra Kumpula-Natri**

on behalf of the S&D Group

**Proposal for a regulation**

**Article 4 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**(7 a) (7a) Where an exclusive right to re-use data does not meet the conditions set out in paragraphs 2, 3 and 4, the exclusive right shall be void.**

Or. en

**Amendment 360**

**Damian Boeselager**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 4 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

**(7 a) Where an exclusive right to re-use data does not meet the conditions set out in paragraphs 2, 3 and 4, the exclusive right shall be void.**

Or. en

**Amendment 361**

**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 5 – paragraph 1**

*Text proposed by the Commission*

*Amendment*

(1) Public sector bodies which are

(1) Public sector bodies which are

competent under national law to grant or refuse access for the re-use of one or more of the categories of data referred to in Article 3 (1) shall make publicly available the conditions for allowing such re-use. In that task, they may be assisted by the competent bodies referred to in Article 7 (1).

competent under national law to grant or refuse access for the re-use of one or more of the categories of data referred to in Article 3 (1) shall make publicly available the conditions for allowing such re-use **and the procedure to request the re-use**. In that task, they may be assisted by the competent bodies referred to in Article 7 (1).

Or. en

### **Amendment 362**

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

#### **Proposal for a regulation** **Article 5 – paragraph 1**

*Text proposed by the Commission*

(1) Public sector bodies which are competent under national law to grant or refuse access for the re-use of one or more of the categories of data referred to in Article 3 (1) shall make publicly available the conditions for allowing such re-use. In that task, they may be assisted by the competent bodies referred to in Article 7 (1).

*Amendment*

(1) Public sector bodies which are competent under national law to grant or refuse access for the **re-use and the process to request such** re-use of one or more of the categories of data referred to in Article 3 (1) shall make publicly available the conditions for allowing such re-use. In that task, they may be assisted by the competent bodies referred to in Article 7 (1).

Or. en

### **Amendment 363**

**Damian Boeselager**  
on behalf of the Greens/EFA Group

#### **Proposal for a regulation** **Article 5 – paragraph 2**

*Text proposed by the Commission*

(2) Conditions for re-use shall be non-discriminatory, proportionate and objectively justified with regard to

*Amendment*

(2) Conditions for re-use shall be non-discriminatory, proportionate and objectively justified with regard to



categories of data and purposes of re-use and the nature of the data for which re-use is allowed. These conditions shall not be used to restrict competition.

categories of data and purposes of re-use and the nature of the data for which re-use is allowed. These conditions shall not be ***constructed in a way to pose restrictions to participate for SMEs, start-ups or civil society actors or otherwise be*** used to restrict competition.

Or. en

**Amendment 364**  
**Miapetra Kumpula-Natri**  
on behalf of the S&D Group

**Proposal for a regulation**  
**Article 5 – paragraph 2**

*Text proposed by the Commission*

(2) Conditions for re-use shall be non-discriminatory, proportionate and objectively justified with regard to categories of data and purposes of re-use and the nature of the data for which re-use is allowed. These conditions shall not be used to restrict competition.

*Amendment*

(2) Conditions for re-use shall be non-discriminatory, ***lawful, transparent***, proportionate and objectively justified with regard to categories of data and purposes of re-use and the nature of the data for which re-use is allowed. These conditions shall not be used to restrict competition.

Or. en

**Amendment 365**  
**Marisa Matias**  
on behalf of the The Left Group

**Proposal for a regulation**  
**Article 5 – paragraph 2**

*Text proposed by the Commission*

(2) Conditions for re-use shall be non-discriminatory, proportionate and objectively justified with regard to categories of data and purposes of re-use and the nature of the data for which re-use is allowed. ***These conditions shall not be used to restrict competition.***

*Amendment*

(2) Conditions for re-use shall be ***lawful, transparent***, non-discriminatory, proportionate and objectively justified with regard to categories of data and purposes of re-use and the nature of the data for which re-use is allowed.

### Amendment 366

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

#### Proposal for a regulation

##### Article 5 – paragraph 2

###### *Text proposed by the Commission*

(2) Conditions for re-use shall be non-discriminatory, proportionate and objectively justified with regard to categories of data and purposes of re-use and the nature of the data for which re-use is allowed. These conditions shall **not be used to restrict** competition.

###### *Amendment*

(2) Conditions for re-use shall be non-discriminatory, proportionate and objectively justified with regard to categories of data and purposes of re-use and the nature of the data for which re-use is allowed. These conditions shall **be in line with** competition **law**.

Or. en

### Amendment 367

Marisa Matias

on behalf of the The Left Group

#### Proposal for a regulation

##### Article 5 – paragraph 3

###### *Text proposed by the Commission*

(3) Public sector bodies **may** impose an obligation to re-use only pre-processed **data where such pre-processing aims to anonymize or pseudonymise personal data or delete commercially confidential information, including** trade secrets.

###### *Amendment*

(3) Public sector bodies **shall** impose an obligation to re-use only pre-processed **non-personal data and that data containing** trade secrets **are processed accordingly. It must be ensured that companies do not have direct access to protected data and that, as a consequence, anonymisation or pseudonymisation cannot be carried out by them.**

Or. en

### Amendment 368

Ivo Hristov

**Proposal for a regulation**  
**Article 5 – paragraph 3**

*Text proposed by the Commission*

(3) Public sector bodies may impose an obligation to re-use only pre-processed data where such pre-processing aims to anonymize or pseudonymise personal data or delete commercially confidential information, including trade secrets.

*Amendment*

(3) Public sector bodies may impose an obligation to re-use only pre-processed data where such pre-processing aims to anonymize or pseudonymise personal data or delete commercially confidential information, including trade secrets. ***In the area of research, it must be ensured that the results of data processing remain traceable and reproducible even after anonymisation has taken place.***

Or. en

**Amendment 369**

**Damian Boeselager**

on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 5 – paragraph 3**

*Text proposed by the Commission*

(3) Public sector bodies ***may impose an obligation*** to re-use ***only pre-processed*** data where ***such pre-processing aims to anonymize or pseudonymise*** personal data ***or delete*** commercially confidential information, including trade secrets.

*Amendment*

(3) Public sector bodies ***shall only grant access*** to re-use data, where ***any*** personal data ***is effectively anonymised or pseudonymised and*** commercially confidential information, including trade secrets ***is effectively removed from the data unless the scope of processing is inextricably linked to the personal or confidential character of the data.***

Or. en

**Amendment 370**

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

**Proposal for a regulation**  
**Article 5 – paragraph 3**

*Text proposed by the Commission*

(3) Public sector bodies may impose an obligation to re-use only ***pre-processed*** data where such pre-processing aims to anonymize or pseudonymise personal data or delete commercially confidential information, including trade secrets.

*Amendment*

(3) Public sector bodies may impose an obligation to re-use only ***previously processed*** data where such pre-processing, ***performed by the public sector itself***, aims to anonymize or pseudonymise personal data or delete commercially confidential information, including trade secrets ***or content protected by Intellectual Property Rights***;

Or. en

**Amendment 371**  
**Miapetra Kumpula-Natri**  
on behalf of the S&D Group

**Proposal for a regulation**  
**Article 5 – paragraph 3**

*Text proposed by the Commission*

(3) Public sector bodies may impose an obligation to re-use only pre-processed data where such pre-processing aims to anonymize ***or pseudonymise*** personal data or delete commercially confidential information, including trade secrets.

*Amendment*

(3) Public sector bodies may impose an obligation to re-use only pre-processed data where such pre-processing aims to anonymize personal data or delete commercially confidential information, including trade secrets.

Or. en

**Amendment 372**  
**Marisa Matias**  
on behalf of the The Left Group

**Proposal for a regulation**  
**Article 5 – paragraph 4 – introductory part**

*Text proposed by the Commission*

(4) Public sector bodies ***may*** impose obligations

*Amendment*

(4) Public sector bodies ***shall*** impose obligations ***in all circumstances***

*to both*

Or. en

**Amendment 373**

**Damian Boeselager**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 5 – paragraph 4 – introductory part**

*Text proposed by the Commission*

(4) Public sector bodies may impose ***obligations***

*Amendment*

(4) Public sector bodies may ***also*** impose ***conditions***

Or. en

**Amendment 374**

**Ivo Hristov**

**Proposal for a regulation**

**Article 5 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) to access and re-use the data within a secure processing environment provided and controlled by the public sector ;

*Amendment*

(a) to access and re-use the data within a secure processing environment, ***including techniques for pseudonymisation, anonymisation, generalisation, suppression and randomisation of personal data***, provided and controlled by the public sector ;

Or. en

**Amendment 375**

**Marisa Matias**

on behalf of the The Left Group

**Proposal for a regulation**

**Article 5 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) to access and re-use the data within a secure processing environment provided and controlled by the public sector ;

*Amendment*

(a) to access and re-use the data within a secure processing environment provided and controlled by the public sector ***within the Union*** ;

Or. en

**Amendment 376**

**Damian Boeselager**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 5 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) to access and re-use the data within a secure processing environment provided and controlled by the public sector ;

*Amendment*

(a) to access and re-use the data within a ***remote*** secure processing environment provided and controlled by the public sector ;

Or. en

**Amendment 377**

**Dace Melbārde**

on behalf of the ECR Group

**Proposal for a regulation**

**Article 5 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) to access and re-use the data within a secure processing environment provided and controlled by the public sector ;

*Amendment*

(a) to access and re-use the data within a ***remote*** secure processing environment provided and controlled by the public sector ;

Or. en

**Amendment 378**

**Evžen Tošenovský, Zdzisław Krasnodębski**

**Proposal for a regulation**  
**Article 5 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) to access and re-use the data within a secure processing environment provided and controlled by the public sector ;

*Amendment*

(a) to access and re-use the data within a **remote** secure processing environment provided and controlled by the public sector ;

Or. en

**Amendment 379**

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

**Proposal for a regulation**  
**Article 5 – paragraph 4 – point a**

*Text proposed by the Commission*

(a) to access and re-use the data within a secure processing environment provided **and** controlled by the public sector ;

*Amendment*

(a) to access and re-use the data within a secure processing environment provided **or** controlled by the public sector ;

Or. en

**Amendment 380**

**Marisa Matias**

on behalf of the The Left Group

**Proposal for a regulation**  
**Article 5 – paragraph 4 – point b**

*Text proposed by the Commission*

(b) to access and re-use the data within the physical premises in which the secure processing environment is located, **if remote access cannot be allowed without jeopardising the rights and interests of third parties.**

*Amendment*

(b) to access and re-use the data within the physical premises in which the secure processing environment is located **in accordance with high security standards to be established and continuously monitored.**

Or. en

**Amendment 381**

**Marisa Matias**

on behalf of the The Left Group

**Proposal for a regulation**

**Article 5 – paragraph 4 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

**(b a) (c) to consult DPAs and/or the European Data Protection Board (EDPB) to guarantee anonymisation or pseudonymise personal data.**

Or. en

**Amendment 382**

**Damian Boeselager**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 5 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

(5) The public sector bodies shall impose conditions that preserve the integrity of the functioning of the technical systems of the secure processing environment used. The public sector body shall **be able** to verify any results of processing of data undertaken by the re-user and reserve the right to prohibit the use of results that contain information jeopardising the rights and interests of third parties.

(5) The public sector bodies shall impose conditions that preserve the integrity of the functioning of the technical systems of the secure processing environment used. The public sector body shall **reserve the right** to verify **the process, the means and** any results of processing of data undertaken by the re-user **to preserve the integrity of the protection of the data** and reserve the right to prohibit the use of results that contain information jeopardising the rights and interests of third parties. **The public sector body shall 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.*

Or. en

### **Amendment 383**

**Marisa Matias**

on behalf of the The Left Group

#### **Proposal for a regulation**

##### **Article 5 – paragraph 5**

*Text proposed by the Commission*

(5) The public sector bodies shall impose conditions that preserve the integrity of the functioning of the technical systems of the secure processing environment used. The public sector body shall be able to verify any results of processing of data undertaken by the re-user and reserve the right to prohibit the use of results that contain information jeopardising the rights and interests of third parties.

*Amendment*

(5) The public sector bodies shall impose conditions that preserve the integrity of the functioning of the technical systems of the secure processing environment used. The public sector body shall be able to verify any results of processing of data undertaken by the re-user and reserve the right to prohibit the use of results that contain information jeopardising the rights and interests of third parties. ***To this end, the public sector bodies shall be equipped with the necessary human and financial resources for monitoring and law enforcement.***

Or. en

### **Amendment 384**

**Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin**

#### **Proposal for a regulation**

##### **Article 5 – paragraph 5**

*Text proposed by the Commission*

(5) The public sector bodies shall impose conditions that preserve the integrity of the functioning of the technical systems of the secure processing environment used. The public sector body shall be able to verify any results of processing of data undertaken by the re-user and reserve the right to prohibit the

*Amendment*

(5) The public sector bodies shall impose conditions that preserve the integrity of the functioning of the technical systems of the secure processing environment used. The public sector body shall be able to verify any results of processing of data undertaken by the re-user and reserve the right to prohibit the

use of results that contain information jeopardising *the rights and interests of* third parties.

use of results that contain information jeopardising third parties' *IP rights, trade secrets or commercially sensitive information. Re-users may challenge such decisions and request additional verifications.*

Or. en

#### **Amendment 385**

**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, Ivan Štefanec, Cristian-Silviu Buşoi, Ioan-Rareş Bogdan**

#### **Proposal for a regulation Article 5 – paragraph 5**

##### *Text proposed by the Commission*

(5) The public sector bodies shall impose conditions that preserve the integrity of the functioning of the technical systems of the secure processing environment used. The public sector body shall be able to verify any results of processing of data undertaken by the re-user and reserve the right to prohibit the use of results that contain information jeopardising the rights and interests of third parties.

##### *Amendment*

(5) The public sector bodies shall impose conditions that preserve the integrity of the functioning of the technical systems of the secure processing environment used. The public sector body shall be able to verify any results of processing of data undertaken by the re-user and reserve the right, *after giving the re-user the possibility to provide further information*, to prohibit the use of results that contain information jeopardising the rights and interests of third parties.

Or. en

#### **Amendment 386**

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

#### **Proposal for a regulation Article 5 – paragraph 5**

##### *Text proposed by the Commission*

(5) The public sector bodies shall

##### *Amendment*

(5) The public sector bodies shall

impose conditions that preserve the integrity of the functioning of the technical systems of the secure processing environment used. The public sector body shall be able to verify any results of processing of data undertaken by the re-user and reserve the right to prohibit the use of results that contain information jeopardising the rights and interests of third parties.

impose conditions that preserve the integrity of the functioning of the technical systems of the secure processing environment used, **including high level cybersecurity standards**. The public sector body shall be able to verify any results of processing of data undertaken by the re-user and reserve the right to prohibit the use of results that contain information jeopardising the rights and interests of third parties.

Or. en

### **Amendment 387**

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

#### **Proposal for a regulation** **Article 5 – paragraph 5**

*Text proposed by the Commission*

(5) The public sector bodies shall impose conditions that preserve the integrity of the functioning of the technical systems of the secure processing environment used. The public sector body shall be able to verify any results of processing of data undertaken by the re-user and reserve the right to prohibit the use of results that contain information jeopardising the rights and interests of third parties.

*Amendment*

(5) The public sector bodies shall impose conditions that preserve the integrity of the functioning of the technical systems of the secure processing environment used. The public sector body shall be able to verify **the means and** any results of processing of data undertaken by the re-user and reserve the right to prohibit the use of results that contain information jeopardising the rights and interests of third parties.

Or. en

### **Amendment 388**

**Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin**

#### **Proposal for a regulation** **Article 5 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

**(5 a) A public sector body shall only**

*make commercially confidential data available for re-use if it is able to do so in a manner which protects the legitimate commercial interests of third parties in the commercially confidential data.*

Or. en

**Amendment 389**

**Zdzisław Krasnodębski, Evžen Tošenovský, Elżbieta Kruk, Pietro Fiocchi**

**Proposal for a regulation**

**Article 5 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

**(6) Where the re-use of data cannot be granted in accordance with the obligations laid down in paragraphs 3 to 5 and there is no other legal basis for transmitting the data under Regulation (EU) 2016/679, the public sector body shall support re-users in seeking consent of the data subjects and/or permission from the legal entities whose rights and interests may be affected by such re-use, where it is feasible without disproportionate cost for the public sector. In that task they may be assisted by the competent bodies referred to in Article 7 (1).** **deleted**

Or. en

*Justification*

*The proposed form of seeking consent is debatable. Moreover, in practice the costs of reaching to affected persons could be too high in relation to the potential gains.*

**Amendment 390**

**Marina Kaljurand**

**Proposal for a regulation**

**Article 5 – paragraph 6**

*Text proposed by the Commission*

(6) Where the re-use of data cannot be granted in accordance with the obligations laid down in paragraphs 3 to 5 and there is no other legal basis for transmitting the data under Regulation (EU) 2016/679, the public sector body shall support re-users in seeking consent of the data subjects and/or permission from the legal entities whose rights and interests may be affected by such re-use, where it is feasible without disproportionate cost for the public sector. In that task they may be assisted by the competent bodies referred to in Article 7 (1).

*Amendment*

(6) Where the re-use of data cannot be granted in accordance with the obligations laid down in paragraphs 3 to 5 and there is no other legal basis for transmitting the data under Regulation (EU) 2016/679, the public sector body shall support re-users in seeking consent of the data subjects and/or permission from the legal entities whose rights and interests may be affected by such re-use, where it is feasible without disproportionate cost for the public sector. In that task they may be assisted by the competent bodies referred to in Article 7 (1). ***All processing of personal data shall occur in full compliance with the GDPR and be accompanied by appropriate data protection safeguards. Re-use of data must be conditional on the signature by the re-user of a confidentiality agreement as set out in Recital 11.***

Or. en

**Amendment 391**

**Damian Boeselager**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 5 – paragraph 6**

*Text proposed by the Commission*

(6) Where the re-use of data cannot be granted in accordance with the obligations laid down in paragraphs 3 to 5 and there is no other legal basis for transmitting the data under Regulation (EU) 2016/679, the public sector body shall ***support re-users in seeking*** consent of the data subjects and/or permission from the legal entities whose rights and interests may be affected by such re-use, ***where it is feasible without disproportionate cost for the public sector.*** In that task they may be assisted by the competent bodies referred to in Article 7 (1).

*Amendment*

(6) Where the re-use of data cannot be granted in accordance with the obligations laid down in paragraphs 3 to 5 and there is no other legal basis for transmitting the data under Regulation (EU) 2016/679, the public sector body shall ***seek*** consent of the data subjects and/or permission from the legal entities whose rights and interests may be affected by such re-use. In that task they may be assisted by the competent bodies referred to in Article 7 (1).

**Amendment 392**

**Miapetra Kumpula-Natri**

on behalf of the S&D Group

**Proposal for a regulation**

**Article 5 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**(6 a) In order to provide such support as described in paragraph (6), the public sector body may establish a data intermediation service as defined in Art 2. This service shall be considered in the scope of data intermediation services described in Art 9, subject to the notification procedure described in Art 10, and subject to the conditions set out in Art 11 with the exception of paragraph (1), which requires the placement of intermediation services into a separate legal entity. It will be subject to monitoring by the competent authorities described in Art 12-13.**

**Amendment 393**

**Damian Boeselager**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 5 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

(7) Re-use of data shall only be allowed in compliance with intellectual property rights. The right of the maker of a database as provided for in Article 7(1) of Directive 96/9/EC shall not be exercised by public sector bodies in order to prevent the re-use of data or to restrict re-use beyond the limits set by this Regulation.

(7) Re-use of data shall only be allowed in compliance with intellectual property rights. The right of the maker of a database as provided for in Article 7(1) of Directive 96/9/EC shall not be exercised by public sector bodies **or those who benefit from the data available for reuse** in order to prevent the re-use of data or to restrict

re-use beyond the limits set by this Regulation.

Or. en

#### **Amendment 394**

**Damian Boeselager**

on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

##### **Article 5 – paragraph 8**

*Text proposed by the Commission*

(8) When data requested is considered confidential, in accordance with Union or national law ***on commercial confidentiality***, the public sector bodies shall ensure that the confidential information is not disclosed as a result of the re-use.

*Amendment*

(8) When data requested is considered confidential, in accordance with Union or national law, the public sector bodies shall ensure that the confidential information is not disclosed as a result of the re-use.

Or. en

#### **Amendment 395**

**Evžen Tošenovský, Jessica Stegrud**

#### **Proposal for a regulation**

##### **Article 5 – paragraph 9**

*Text proposed by the Commission*

(9) ***The Commission may adopt implementing acts declaring that the legal, supervisory and enforcement arrangements of a third country:***

- (a) ensure protection of intellectual property and trade secrets in a way that is essentially equivalent to the protection ensured under Union law;***
- (b) are being effectively applied and enforced; and***
- (c) provide effective judicial redress.***

***Those implementing acts shall be adopted***

*Amendment*

*deleted*

*in accordance with the advisory procedure referred to in Article 29 (2).*

Or. en

### **Amendment 396**

**Marisa Matias**

on behalf of the The Left Group

### **Proposal for a regulation**

#### **Article 5 – paragraph 9**

*Text proposed by the Commission*

*Amendment*

**(9) The Commission may adopt implementing acts declaring that the legal, supervisory and enforcement arrangements of a third country:** *deleted*

**(a) ensure protection of intellectual property and trade secrets in a way that is essentially equivalent to the protection ensured under Union law;**

**(b) are being effectively applied and enforced; and**

**(c) provide effective judicial redress.**

**Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 29 (2).**

Or. en

#### *Justification*

*An authorisation of the Commission to adopt implementing acts for the further use of data to third countries must be ruled out. This is also contradictory to Recital 3 of the Commission's proposal that states the necessity "to improve the conditions for data sharing in the internal market". In terms of anonymisation and pseudonymisation of personal data, the Commission's proposal notes in Article 5 (11) that there may be "risks of re-identification of anonymized data for data subjects". As long as there are security risks, the re-use of these data should be ruled out.*

### **Amendment 397**

**Damian Boeselager**

on behalf of the Greens/EFA Group



**Proposal for a regulation**

**Article 5 – paragraph 9 – introductory part**

*Text proposed by the Commission*

(9) The Commission may adopt implementing acts declaring that the legal, supervisory and enforcement arrangements of a third country:

*Amendment*

(9) The Commission may adopt implementing acts declaring that the legal, supervisory and enforcement arrangements of a third country, ***without prejudice to the adequacy requirements defined in Article 45 of Regulation (EU) 2016/679:***

Or. en

**Amendment 398**

**Nicola Danti, Ivars Ijabs, Andrus Ansip, Klemen Grošelj, Dragoș Pîslaru, Iskra Mihaylova**

**Proposal for a regulation**

**Article 5 – paragraph 9 – introductory part**

*Text proposed by the Commission*

(9) The Commission may adopt implementing acts declaring that the legal, supervisory and enforcement arrangements of a third country:

*Amendment*

(9) ***When justified by the volume of cases concerning the re-use of data in specific third countries,*** the Commission may adopt implementing acts declaring that the legal, supervisory and enforcement arrangements of a third country:

Or. en

*Justification*

*The aim is to give more clarity on the possible trigger of the implementing act.*

**Amendment 399**

**Angelika Niebler, Tom Berendsen, Dan-Ștefan Motreanu, Eva Maydell, Pilar del Castillo Vera, Franc Bogovič, Marion Walsmann, Jens Gieseke, Henna Virkkunen, Adam Jarubas, Seán Kelly, Maria da Graça Carvalho, Ivan Ștefanec, Cristian-Silviu Bușoi, Ioan-Rareș Bogdan**

**Proposal for a regulation**

**Article 5 – paragraph 9 – introductory part**

*Text proposed by the Commission*

*Amendment*

(9) The Commission may adopt **implementing** acts declaring that the legal, supervisory and enforcement arrangements of a third country:

(9) The Commission may adopt **delegated** acts declaring that the legal, supervisory and enforcement arrangements of a third country:

Or. en

#### **Amendment 400**

**Christophe Grudler, Dragoş Pîslaru, Sylvie Brunet, Sandro Gozi, Stéphanie Yon-Courtin, Catherine Chabaud**

#### **Proposal for a regulation**

**Article 5 – paragraph 9 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

**(a a) ensure that a natural or legal person located in a third country seeking the right to re-use has a legal representative in one of the Member States;**

Or. en

#### **Amendment 401**

**Christophe Grudler, Valérie Hayer, Dragoş Pîslaru, Sylvie Brunet, Sandro Gozi, Stéphanie Yon-Courtin, Catherine Chabaud**

#### **Proposal for a regulation**

**Article 5 – paragraph 9 – subparagraph 1**

*Text proposed by the Commission*

*Amendment*

Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 29 (2).

Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 29 (2) **and will permit transfers to the concerned third country.**

Or. en

#### *Justification*

*Non personal data must be afforded the same type of protection afforded by the GDPR to personal data. It is therefore necessary to regulate in the same manner international transfers*

*to ensure and enforce an adequate degree of protection to intellectual property rights and trade secrets.*

**Amendment 402**

**Angelika Niebler, Tom Berendsen, Dan-Ștefan 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 Bușoi, Ioan-Rareș Bogdan**

**Proposal for a regulation**

**Article 5 – paragraph 9 – subparagraph 1**

*Text proposed by the Commission*

Those ***implementing*** acts shall be adopted in accordance with the ***advisory*** procedure referred to in Article 29 (2).

*Amendment*

Those ***delegated*** acts shall be adopted in accordance with the procedure referred to in Article 28.

Or. en

**Amendment 403**

**Marisa Matias**

on behalf of the The Left Group

**Proposal for a regulation**

**Article 5 – paragraph 10**

*Text proposed by the Commission*

***(10) Public sector bodies shall only transmit confidential data or data protected by intellectual property rights to a re-user which intends to transfer the data to a third country other than a country designated in accordance with paragraph 9 if the re-user undertakes:***

***(a) to comply with the obligations imposed in accordance with paragraphs 7 to 8 even after the data is transferred to the third country; and***

***(b) to accept the jurisdiction of the courts of the Member State of the public sector body as regards any dispute related to the compliance with the obligation in point a).***

*Amendment*

***deleted***

### *Justification*

*An authorisation of the Commission to adopt implementing acts for the further use of data to third countries must be ruled out. This is also contradictory to Recital 3 of the Commission's proposal that states the necessity "to improve the conditions for data sharing in the internal market". In terms of anonymisation and pseudonymisation of personal data, the Commission's proposal notes in Article 5 (11) that there may be "risks of re-identification of anonymized data for data subjects". As long as there are security risks, the re-use of these data should be ruled out.*

#### **Amendment 404**

**Sara Skyttedal**

#### **Proposal for a regulation**

#### **Article 5 – paragraph 10 – introductory part**

##### *Text proposed by the Commission*

(10) Public sector bodies shall only transmit confidential data or data protected by intellectual property rights to a re-user which intends to transfer the data to a third country other than a country designated in accordance with paragraph 9 if the re-user undertakes:

##### *Amendment*

(10) Public sector bodies shall only ***after consent from the competent body*** transmit confidential data or data protected by intellectual property rights to a re-user which intends to transfer the data to a third country other than a country designated in accordance with paragraph 9 if the re-user undertakes:

Or. en

#### **Amendment 405**

**Damian Boeselager**

on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 5 – paragraph 10 – introductory part**

##### *Text proposed by the Commission*

(10) Public sector bodies shall ***only transmit confidential data or data protected by intellectual property rights to a re-user which intends to transfer the data*** to a third country other than a country designated in accordance with paragraph 9

##### *Amendment*

(10) Public sector bodies shall ***oblige the re-user not to transfer non-personal data protected on grounds set out in Article 3*** to a third country other than a country designated in accordance with paragraph 9 ***unless*** the re-user undertakes:

*if* the re-user undertakes:

Or. en

**Amendment 406**

**Damian Boeselager**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 5 – paragraph 10 a (new)**

*Text proposed by the Commission*

*Amendment*

***(10 a) Public sector bodies or the competent bodies referred to in Article 7(1) shall provide guidance and legal and administrative support to re-users, where relevant, for the purpose of supporting them in complying with the obligations referred to in paragraph 10(a).***

Or. en

**Amendment 407**

**Evžen Tošenovský, Zdzisław Krasnodębski, Jessica Stegrud**

**Proposal for a regulation**

**Article 5 – paragraph 11**

*Text proposed by the Commission*

*Amendment*

***(11) Where specific Union acts adopted in accordance with a legislative procedure establish that certain non-personal data categories held by public sector bodies shall be deemed to be highly sensitive for the purposes of this Article, the Commission shall be empowered to adopt delegated acts in accordance with Article 28 supplementing this Regulation by laying down special conditions applicable for transfers to third-countries. The conditions for the transfer to third-countries shall be based on the nature of data categories identified in the Union act and on the grounds for deeming them***

***deleted***

*highly sensitive, non-discriminatory and limited to what is necessary to achieve the public policy objectives identified in the Union law act, such as safety and public health, as well as risks of re-identification of anonymized data for data subjects, in accordance with the Union's international obligations. They may include terms applicable for the transfer or technical arrangements in this regard, 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, in exceptional cases, restrictions as regards transfers to third-countries.*

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 408**

**Marisa Matias**

on behalf of the The Left Group

**Proposal for a regulation**

**Article 5 – paragraph 11**

*Text proposed by the Commission*

*Amendment*

*(11) Where specific Union acts adopted in accordance with a legislative procedure establish that certain non-personal data categories held by public sector bodies shall be deemed to be highly sensitive for the purposes of this Article, the Commission shall be empowered to adopt delegated acts in accordance with Article 28 supplementing this Regulation by laying down special conditions applicable for transfers to third-countries. The conditions for the transfer to third-countries shall be based on the nature of data categories identified in the Union act*

*deleted*

*and on the grounds for deeming them highly sensitive, non-discriminatory and limited to what is necessary to achieve the public policy objectives identified in the Union law act, such as safety and public health, as well as risks of re-identification of anonymized data for data subjects, in accordance with the Union's international obligations. They may include terms applicable for the transfer or technical arrangements in this regard, 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, in exceptional cases, restrictions as regards transfers to third-countries.*

Or. en

#### *Justification*

*An authorisation of the Commission to adopt implementing acts for the further use of data to third countries must be ruled out. This is also contradictory to Recital 3 of the Commission's proposal that states the necessity "to improve the conditions for data sharing in the internal market". In terms of anonymisation and pseudonymisation of personal data, the Commission's proposal notes in Article 5 (11) that there may be "risks of re-identification of anonymized data for data subjects". As long as there are security risks, the re-use of these data should be ruled out.*

#### **Amendment 409**

**Dace Melbārde**

on behalf of the ECR Group

#### **Proposal for a regulation**

#### **Article 5 – paragraph 11**

*Text proposed by the Commission*

*Amendment*

*(11) Where specific Union acts adopted in accordance with a legislative procedure establish that certain non-personal data categories held by public sector bodies shall be deemed to be highly sensitive for the purposes of this Article, the Commission shall be empowered to adopt delegated acts in accordance with Article 28 supplementing this Regulation by*

*deleted*

*laying down special conditions applicable for transfers to third-countries. The conditions for the transfer to third-countries shall be based on the nature of data categories identified in the Union act and on the grounds for deeming them highly sensitive, non-discriminatory and limited to what is necessary to achieve the public policy objectives identified in the Union law act, such as safety and public health, as well as risks of re-identification of anonymized data for data subjects, in accordance with the Union's international obligations. They may include terms applicable for the transfer or technical arrangements in this regard, 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, in exceptional cases, restrictions as regards transfers to third-countries.*

Or. en

#### **Amendment 410**

**Nicola Danti, Ivars Ijabs, Andrus Ansip, Klemen Grošelj, Martina Dlabajová, Dragoș Pîslaru, Iskra Mihaylova, Christophe Grudler, Valérie Hayer**

#### **Proposal for a regulation**

#### **Article 5 – paragraph 11**

##### *Text proposed by the Commission*

(11) Where specific Union acts adopted in accordance with a legislative procedure establish that certain non-personal data categories held by public sector bodies shall be deemed to be highly sensitive for the purposes of this Article, the Commission shall be empowered to adopt delegated acts in accordance with Article 28 supplementing this Regulation by laying down special conditions applicable for transfers to third-countries. The conditions *for the transfer to third-countries* shall be *based on the nature of data categories identified in the Union act and on the*

##### *Amendment*

(11) Where specific Union acts adopted in accordance with a legislative procedure establish that certain non-personal data categories held by public sector bodies shall be deemed to be highly sensitive for the purposes of this Article, the Commission shall be empowered to adopt delegated acts in accordance with Article 28 supplementing this Regulation by laying down special conditions applicable for transfers to third-countries. The conditions shall be non-discriminatory, *proportionate* and limited to what is necessary to achieve the public policy objectives identified in



***grounds for deeming them highly sensitive***, non-discriminatory and limited to what is necessary to achieve the public policy objectives identified in the Union law act, ***such as safety and public health, as well as risks of re-identification of anonymized data for data subjects, in accordance with the Union's international obligations. They may include terms applicable for the transfer or technical arrangements in this regard, 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, in exceptional cases, restrictions as regards transfers to third-countries.***

the Union law act.

Or. en

#### *Justification*

*The paragraph is too prescriptive of a future act.*

#### **Amendment 411**

**Miapetra Kumpula-Natri**

on behalf of the S&D Group

#### **Proposal for a regulation**

#### **Article 5 – paragraph 11**

##### *Text proposed by the Commission*

(11) Where specific Union acts adopted in accordance with a legislative procedure establish that certain non-personal data categories held by public sector bodies shall be deemed to be highly sensitive for the purposes of this Article, the Commission shall be empowered to adopt delegated acts in accordance with Article 28 supplementing this Regulation by laying down special conditions applicable for transfers to third-countries. The conditions for the transfer to third-countries shall be based on the nature of data categories identified in the Union act and on the grounds for deeming them highly sensitive,

##### *Amendment*

(11) Where specific Union acts adopted in accordance with a legislative procedure establish that certain non-personal data categories held by public sector bodies shall be deemed to be highly sensitive for the purposes of this Article ***such as where their transfer to third countries may put at risk Union policy objectives (for instance safety and public health) or may lead to the risk of re-identification of anonymised data***, the Commission shall be empowered to adopt delegated acts in accordance with Article 28 supplementing this Regulation by laying down special conditions applicable for transfers to third-countries.

non-discriminatory and limited to what is necessary to achieve the public policy objectives identified in the Union law act, such as safety and public health, as well as risks of re-identification of anonymized data for data subjects, in accordance with the Union's international obligations. They may include terms applicable for the transfer or technical arrangements in this regard, 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, in exceptional cases, restrictions as regards transfers to third-countries.

The conditions for the transfer to third-countries shall be based on the nature of data categories identified in the Union act and on the grounds for deeming them highly sensitive, non-discriminatory and limited to what is necessary to achieve the public policy objectives identified in the Union law act, such as safety and public health, as well as risks of re-identification of anonymized data for data subjects, in accordance with the Union's international obligations. They may include terms applicable for the transfer or technical arrangements in this regard, 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, in exceptional cases, restrictions as regards transfers to third-countries.

Or. en

#### **Amendment 412**

**Zdzisław Krasnodebski, Elżbieta Kruk, Pietro Fiocchi**

#### **Proposal for a regulation Article 5 – paragraph 11**

##### *Text proposed by the Commission*

(11) Where specific Union acts adopted in accordance with a legislative procedure establish that certain non-personal data categories held by public sector bodies shall be deemed to be highly sensitive for the purposes of this Article, the Commission ***shall be empowered to adopt delegated acts in accordance with Article 28 supplementing this Regulation by laying down special conditions applicable for transfers to third-countries. The conditions for the transfer to third-countries shall be based on the nature of data categories identified in the Union act and on the grounds for deeming them highly sensitive, non-discriminatory and limited to what is necessary to achieve the public policy objectives identified in the***

##### *Amendment*

(11) Where specific Union acts adopted in accordance with a legislative procedure establish that certain non-personal data categories held by public sector bodies shall be deemed to be highly sensitive for the purposes of this Article, ***implementing powers should be conferred on the Commission as regards the laying down special conditions applicable for transfers to third-countries, based on the recommendations from the European Data Innovation Board.*** The conditions for the transfer to third-countries shall be based on the nature of data categories identified in the Union act and on the grounds for deeming them highly sensitive, non-discriminatory and limited to what is necessary to achieve the public policy

Union law act, such as safety and public health, as well as risks of re-identification of anonymized data for data subjects, in accordance with the Union's international obligations. They may include terms applicable for the transfer or technical arrangements in this regard, 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, in exceptional cases, restrictions as regards transfers to third-countries.

objectives identified in the Union law act, such as safety and public health, as well as risks of re-identification of anonymized data for data subjects, in accordance with the Union's international obligations. They may include terms applicable for the transfer or technical arrangements in this regard, 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, in exceptional cases, restrictions as regards transfers to third-countries. ***The implementing powers should be exercised in accordance with Regulation (EU) [No182/2011 of the European Parliament and of the Council.***

Or. en

#### *Justification*

*Criteria for highly sensitive data cannot be considered as non-essential elements of the basic legislative act to be supplemented by a delegated act. The basic conditions should be already stipulated by this Regulation. If not, the criteria should be set by an implementing act, in a procedure similar to Article 45 of GDPR. The Commission should base its proposal on the recommendations from the European Data Innovation Board.*

#### **Amendment 413**

**Damian Boeselager**

on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 5 – paragraph 11**

##### *Text proposed by the Commission*

(11) ***Where*** specific Union acts adopted in accordance with a legislative procedure ***establish that*** certain non-personal data categories held by public sector bodies ***shall be deemed*** to be highly sensitive for the purposes of this Article, the Commission shall be empowered to adopt delegated acts in accordance with Article 28 supplementing this Regulation by laying down special conditions applicable for transfers to third-countries. ***The conditions for the transfer to third-countries*** shall be

##### *Amendment*

(11) Specific Union acts adopted in accordance with a legislative procedure ***may deem*** certain non-personal data categories held by public sector bodies to be highly sensitive for the purposes of this Article, ***where their transfer to third countries may put at risk Union policy objectives, such as safety and public health, or may lead to the risk of re-identification of anonymised data.*** The Commission shall be empowered to adopt delegated acts in accordance with Article

based on the nature of data categories identified in the Union act and on the grounds for deeming them highly sensitive, non-discriminatory and limited to what is necessary to achieve the public policy objectives identified in the Union law act, such as safety and public health, as well as risks of re-identification of anonymized data **for data subjects**, in accordance with the Union's international obligations. **They** may include terms applicable for the transfer or technical arrangements in this regard, 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, in exceptional cases, restrictions as regards transfers to third-countries.

28 supplementing this Regulation by laying down special conditions applicable for transfers to third-countries. **Those** conditions shall be based on the nature of data categories identified in the Union act and on the grounds for deeming them highly sensitive, non-discriminatory and limited to what is necessary to achieve the public policy objectives identified in the Union law act, such as safety and public health, as well as risks of re-identification of anonymized data, in accordance with the Union's international obligations. **The conditions** may include terms applicable for the transfer or technical arrangements in this regard, 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, in exceptional cases, restrictions as regards transfers to third-countries.

Or. en

#### **Amendment 414**

**Marisa Matias**

on behalf of the The Left Group

#### **Proposal for a regulation**

#### **Article 5 – paragraph 12**

*Text proposed by the Commission*

**(12) The natural or legal person to which the right to re-use non-personal data was granted may transfer the data only to those third-countries for which the requirements in paragraphs 9 to 11 are met.**

*Amendment*

**deleted**

Or. en

*Justification*

*An authorisation of the Commission to adopt implementing acts for the further use of data to third countries must be ruled out. This is also contradictory to Recital 3 of the Commission's proposal that states the necessity "to improve the conditions for data sharing in the internal market". In terms of anonymisation and pseudonymisation of personal data, the*

*Commission's proposal notes in Article 5 (11) that there may be "risks of re-identification of anonymized data for data subjects". As long as there are security risks, the re-use of these data should be ruled out.*

#### **Amendment 415**

**Marisa Matias**

on behalf of the The Left Group

#### **Proposal for a regulation**

#### **Article 5 – paragraph 13**

*Text proposed by the Commission*

*Amendment*

**(13) Where the re-user intends to transfer non-personal data to a third country, the public sector body shall inform the data holder about the transfer of data to that third country.**

**deleted**

Or. en

*Justification*

*An authorisation of the Commission to adopt implementing acts for the further use of data to third countries must be ruled out. This is also contradictory to Recital 3 of the Commission's proposal that states the necessity "to improve the conditions for data sharing in the internal market". In terms of anonymisation and pseudonymisation of personal data, the Commission's proposal notes in Article 5 (11) that there may be "risks of re-identification of anonymized data for data subjects". As long as there are security risks, the re-use of these data should be ruled out.*

#### **Amendment 416**

**Damian Boeselager**

on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 5 – paragraph 13**

*Text proposed by the Commission*

*Amendment*

**(13) Where the re-user intends to transfer non-personal data to a third country, the public sector body shall inform the data holder about the transfer of data to that third country.**

**(13) Where the re-user intends to transfer non-personal data to a third country, *it shall inform the public sector body of such intent.* The public sector body shall inform the data holder *and, where relevant, legal entity to which the data relates* about the *intention to* transfer**

*the* data to that third country.

Or. en

#### **Amendment 417**

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

#### **Proposal for a regulation Article 5 – paragraph 13**

*Text proposed by the Commission*

(13) Where the re-user intends to transfer non-personal data to a third country, the public sector body shall inform the data holder about the transfer of data to that third country.

*Amendment*

(13) Where the re-user intends to transfer non-personal data to a third country, the public sector body shall inform the data holder about the transfer of data to that third country ***and the purpose of such transfer.***

Or. en

#### **Amendment 418**

**Marisa Matias**

on behalf of the The Left Group

#### **Proposal for a regulation Article 6 – paragraph 1**

*Text proposed by the Commission*

(1) Public sector bodies which allow re-use of the categories of data referred to in Article 3 (1) may charge fees for allowing the re-use of such data.

*Amendment*

(1) Public sector bodies which allow re-use of the categories of data referred to in Article 3 (1) may charge fees for allowing the re-use of such data, ***to the exception of personal data that belongs solely to data subjects.***

Or. en

#### **Amendment 419**

**Evžen Tošenovský, Zdzisław Krasnodębski, Jessica Stegrud**

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

*Text proposed by the Commission*

(2) Any fees shall be non-discriminatory, proportionate and objectively justified and shall not restrict competition.

*Amendment*

(2) Any fees shall be non-discriminatory, proportionate and objectively justified and shall not restrict competition. ***They shall be limited to the necessary costs incurred for the reproduction, provision and dissemination of data, costs for anonymisation of personal data, costs for the maintenance of the secure processing environment, as well as any costs in relation to supporting re-users in seeking consent of data subjects.***

Or. en

**Amendment 420**  
**Marisa Matias**  
on behalf of the The Left Group

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

*Text proposed by the Commission*

(2) Any fees shall be non-discriminatory, proportionate and objectively justified and shall ***not restrict competition.***

*Amendment*

(2) Any fees shall be non-discriminatory, proportionate and objectively justified and shall ***at least cover the costs of monitoring and enforcement. They shall not create incentives to sell or lower the protection of sensitive data.***

Or. en

**Amendment 421**  
**Damian Boeselager**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

(2) Any fees shall be non-discriminatory, proportionate **and** objectively justified and shall not restrict competition.

(2) Any fees shall be non-discriminatory, proportionate **to the cost of providing data for re-use**, objectively justified and shall not restrict competition.

Or. en

**Amendment 422**

**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 6 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

(2) Any fees shall be non-discriminatory, proportionate and objectively justified and shall **not restrict** competition.

(2) Any fees shall be non-discriminatory, proportionate and objectively justified and shall **be in line with** competition **law**.

Or. en

**Amendment 423**

**Marisa Matias**

on behalf of the The Left Group

**Proposal for a regulation**  
**Article 6 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

(3) Public sector bodies shall ensure that any fees can be paid online through widely available cross-border payment services, without discrimination based on the place of establishment of the payment service provider, the place of issue of the payment instrument or the location of the payment account within the Union.

(3) Public sector bodies shall ensure that any fees can be paid online through widely available cross-border payment services, without discrimination based on the place of establishment of the payment service provider **within the internal market**, the place of issue of the payment instrument or the location of the payment account within the Union.

Or. en



## Amendment 424

Dace Melbārde

on behalf of the ECR Group

Evžen Tošenovský

### Proposal for a regulation

#### Article 6 – paragraph 3

*Text proposed by the Commission*

(3) Public sector bodies shall ensure that any fees can be paid online through widely available cross-border payment services, without discrimination based on the place of establishment of the payment service provider, the place of issue of the payment instrument or the location of the payment account ***within the Union***.

*Amendment*

(3) Public sector bodies shall ensure that any fees can ***also*** be paid online through widely available cross-border payment services, without discrimination based on the place of establishment of the payment service provider, the place of issue of the payment instrument or the location of the payment account.

Or. en

## Amendment 425

Miapetra Kumpula-Natri

on behalf of the S&D Group

### Proposal for a regulation

#### Article 6 – paragraph 4

*Text proposed by the Commission*

(4) Where they apply fees, public sector bodies shall take measures to incentivise the re-use of the categories of data referred to in Article 3 (1) for non-commercial purposes and by small and medium-sized enterprises in line with State aid rules.

*Amendment*

(4) Where they apply fees, public sector bodies shall take measures to incentivise the re-use of the categories of data referred to in Article 3 (1) for non-commercial purposes and by small and medium-sized enterprises in line with State aid rules. ***In that regard, public sector bodies may also make the data available at a discounted fee or free of charge, in particular when used for public services for SMEs and civil society, and educational establishments.***

Or. en

#### **Amendment 426**

**Marisa Matias**

on behalf of the The Left Group

#### **Proposal for a regulation**

#### **Article 6 – paragraph 4**

*Text proposed by the Commission*

(4) Where they apply fees, public sector bodies shall take measures to incentivise the re-use of the categories of data referred to in Article 3 (1) for non-commercial purposes and by small and medium-sized enterprises in line with State aid rules.

*Amendment*

(4) Where they apply fees, public sector bodies shall take measures to incentivise the re-use of the categories of data referred to in Article 3 (1) for non-commercial purposes and by small and medium-sized enterprises in line with State aid rules. ***In that regard, public sector bodies are encourage to make the data available at a discounted fee or free of charge for all actors, in particular cooperatives.***

Or. en

#### **Amendment 427**

**Damian Boeselager**

on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 6 – paragraph 4**

*Text proposed by the Commission*

(4) Where they apply fees, public sector bodies shall take measures to incentivise the re-use of the categories of data referred to in Article 3 (1) for non-commercial purposes and by small and medium-sized enterprises in line with State aid rules.

*Amendment*

(4) Where they apply fees, public sector bodies shall take measures to incentivise the re-use of the categories of data referred to in Article 3 (1) for non-commercial purposes and by small and medium-sized enterprises in line with State aid rules. ***This may include allowing re-use at lower or no cost.***

Or. en

#### **Amendment 428**

**Dace Melbārde**

on behalf of the ECR Group

Evžen Tošenovský

**Proposal for a regulation**  
**Article 6 – paragraph 4**

*Text proposed by the Commission*

(4) Where they apply fees, public sector bodies shall take measures to incentivise the re-use of the categories of data referred to in Article 3 (1) for non-commercial purposes and by small and medium-sized enterprises in line with State aid rules.

*Amendment*

(4) Where they apply fees, public sector bodies shall take measures to incentivise the re-use of the categories of data referred to in Article 3 (1) for non-commercial purposes **such as research** and by **micro**, small and medium-sized enterprises in line with State aid rules.

Or. en

**Amendment 429**

**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 6 – paragraph 4**

*Text proposed by the Commission*

(4) Where they apply fees, public sector bodies shall take measures to incentivise the re-use of the categories of data referred to in Article 3 (1) for non-commercial purposes and **by** small and medium-sized enterprises in line with State aid rules.

*Amendment*

(4) Where they apply fees, public sector bodies shall take measures to incentivise the re-use of the categories of data referred to in Article 3 (1) for non-commercial purposes and **the re-use by micro and** small and medium-sized enterprises in line with State aid rules.

Or. en

**Amendment 430**

**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 6 – paragraph 4 a (new)**

**(4 a) Public sector bodies may set up a list of categories of re-users for which data is made available at reduced or no cost, which shall be published together with the criteria used to establish such list and which shall have the objective to foster a wider re-use of the categories of data referred to in Article 3(1) and accessibility by a wider range of re-users, in line with State aid rules and competition law;**

Or. en

### **Amendment 431**

**Damian Boeselager**

on behalf of the Greens/EFA Group

### **Proposal for a regulation**

#### **Article 6 – paragraph 5**

*Text proposed by the Commission*

(5) Fees shall be derived from the costs related to the processing of requests for re-use of the categories of data referred to in Article 3 (1). **The** methodology for calculating fees shall be published in advance.

*Amendment*

(5) Fees shall be derived from the costs related to the processing of requests for re-use of the categories of data referred to in Article 3 (1). **Any fees shall be limited to the necessary costs incurred for the reproduction, provision and dissemination of data, costs for anonymisation or other forms or preparation of personal and confidential data as provided in Article 5(3), costs for the maintenance of the secure processing environment, as well as any costs in relation to supporting re-users in seeking consent of from data subjects and permission from data holders whose rights and interests may be affected by such re-use. The criteria and methodology for calculating fees shall be published in advance.**

Or. en

## Amendment 432

Dace Melbārde

on behalf of the ECR Group

Evžen Tošenovský

### Proposal for a regulation

#### Article 7 – paragraph 1

*Text proposed by the Commission*

(1) Member States shall designate one or more competent bodies, which may be sectoral, to support the public sector bodies which grant access to the re-use of the categories of data referred to in Article 3 (1) in the exercise of that task.

*Amendment*

(1) Member States shall designate one or more competent bodies, which may be sectoral, to support the public sector bodies which grant access to the re-use of the categories of data referred to in Article 3 (1) in the exercise of that task. ***In order to fulfil the conditions set out by this Regulation, Member States may delegate the tasks to already existing one or more competent bodies, without being required to set up new ones.***

Or. en

## Amendment 433

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

### Proposal for a regulation

#### Article 7 – paragraph 1

*Text proposed by the Commission*

(1) Member States shall designate one or more competent bodies, which may be sectoral, to support the public sector bodies which grant access to the re-use of the categories of data referred to in Article 3 (1) in the exercise of that task.

*Amendment*

(1) Member States shall designate one or more competent bodies, which may be sectoral, to support the public sector bodies which grant access to the re-use of the categories of data referred to in Article 3 (1) in the exercise of that task ***and in verifying the characteristics of portability and interoperability of data.***

Or. en

## Amendment 434

Ivo Hristov

**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

(1) Member States shall designate one or more competent bodies, which may be sectoral, to support the public sector bodies which grant access to the re-use of the categories of data referred to in Article 3 (1) in the exercise of that task.

*Amendment*

(1) Member States shall designate one or more competent bodies ***under Regulation 2018/679***, which may be sectoral, to support the public sector bodies which grant access to the re-use of the categories of data referred to in Article 3 (1) in the exercise of that task.

Or. en

**Amendment 435**  
**Marisa Matias**  
on behalf of the The Left Group

**Proposal for a regulation**  
**Article 7 – paragraph 1**

*Text proposed by the Commission*

(1) Member States shall designate ***one or more competent bodies, which may be sectoral***, to support the public sector bodies which grant access to the re-use of the categories of data referred to in Article 3 (1) in the exercise of that task.

*Amendment*

(1) Member States shall designate ***data protection authorities***, to support the public sector bodies which grant access to the re-use of the categories of data referred to in Article 3 (1) in the exercise of that task.

Or. en

**Amendment 436**  
**Sara Skyttedal**

**Proposal for a regulation**  
**Article 7 – paragraph 2 – point a**

*Text proposed by the Commission*

(a) providing technical support by making available a secure processing environment ***for providing access for the re-use of data***;

*Amendment*

(a) providing technical support by making available a secure processing environment ***covering the whole re-using process***;

**Amendment 437**

**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 7 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) providing technical support in the application of tested techniques ensuring data processing in a manner that preserves privacy of the information contained in the data for which re-use is allowed, including techniques for pseudonymisation, anonymisation, generalisation, suppression and randomisation of personal data;

*Amendment*

(b) providing technical support in the application of tested techniques ensuring data processing in a manner that preserves privacy of the information contained in the data for which re-use is allowed, including techniques for pseudonymisation, anonymisation, generalisation, suppression and randomisation of personal data **and the deletion of commercially confidential information, including trade secrets or content protected by Intellectual Property Rights**;

**Amendment 438**

**Sara Skyttedal**

**Proposal for a regulation**

**Article 7 – paragraph 2 – point b**

*Text proposed by the Commission*

(b) providing technical support in the application of tested techniques ensuring data processing in a manner that preserves privacy of the information contained in the data for which re-use is allowed, including techniques for pseudonymisation, anonymisation, generalisation, suppression and randomisation of personal data;

*Amendment*

(b) providing technical support in the application of tested techniques ensuring data processing in a manner that preserves privacy, **integrity and availability** of the information contained in the data for which re-use is allowed, including techniques for pseudonymisation, anonymisation, generalisation, suppression and randomisation of personal data;

## Amendment 439

**Damian Boeselager**

on behalf of the Greens/EFA Group

### Proposal for a regulation

#### Article 7 – paragraph 2 – point b

*Text proposed by the Commission*

(b) providing technical support in the application of tested techniques ensuring data processing in a manner that preserves privacy of the information contained in the data for which re-use is allowed, including techniques for pseudonymisation, anonymisation, generalisation, suppression and randomisation of personal data;

*Amendment*

(b) providing technical support in the application of tested techniques ensuring data processing in a manner that **effectively** preserves privacy of the information contained in the data for which re-use is allowed, including techniques for pseudonymisation, anonymisation, generalisation, suppression and randomisation of personal data;

Or. en

## Amendment 440

**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 Ştefanec, Cristian-Silviu Buşoi, Ioan-Rareş Bogdan**

### Proposal for a regulation

#### Article 7 – paragraph 2 – point b

*Text proposed by the Commission*

(b) providing technical support **in the application of tested techniques** ensuring data processing in a manner that preserves privacy of the information contained in the data for which re-use is allowed, including techniques for pseudonymisation, anonymisation, generalisation, suppression **and** randomisation of personal data;

*Amendment*

(b) providing technical support ensuring data processing in a manner that preserves privacy of the information contained in the data for which re-use is allowed, including techniques for pseudonymisation, anonymisation, generalisation, suppression, randomisation of personal data **or other state-of-the-art privacy preserving methods**;

Or. en



#### **Amendment 441**

**Marisa Matias**

on behalf of the The Left Group

#### **Proposal for a regulation**

##### **Article 7 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) assisting the public sector bodies, where relevant, in obtaining consent or permission by re-users for re-use for altruistic and other purposes in line with ***specific decisions of data holders***, including on the jurisdiction or jurisdictions in which the data processing is intended to take place;

*Amendment*

(c) assisting the public sector bodies, where relevant, in obtaining consent or permission by re-users for re-use for altruistic and other purposes in line with ***GDPR rules on consent***, including on the jurisdiction or jurisdictions in which the data processing is intended to take place;

Or. en

#### **Amendment 442**

**Damian Boeselager**

on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

##### **Article 7 – paragraph 2 – point c**

*Text proposed by the Commission*

(c) assisting the public sector bodies, ***where relevant***, in obtaining consent or permission ***by re-users for re-use for altruistic and other purposes*** in line with specific decisions ***of data holders***, including on the jurisdiction or jurisdictions in which the data processing is intended to take place;

*Amendment*

(c) assisting the public sector bodies ***to support re-users*** in obtaining consent ***for re-use from data subjects*** or permission ***from data holders*** in line with ***their*** specific decisions, including on the jurisdiction or jurisdictions in which the data processing is intended to take place;

Or. en

#### **Amendment 443**

**Miapetra Kumpula-Natri**

on behalf of the S&D Group

#### **Proposal for a regulation**

##### **Article 7 – paragraph 2 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(d a) a harmonised approach for public sector bodies to make scientific data available for purposes of research in order to support rapid innovation in the EU small and medium-sized enterprises in line with State aid rules.***

Or. en

**Amendment 444**

**Marisa Matias**

on behalf of the The Left Group

**Proposal for a regulation**

**Article 7 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

(4) The competent body or bodies shall have adequate legal and technical capacities and expertise to be able to comply with relevant Union or national law concerning the access regimes for the categories of data referred to in Article 3 (1).

(4) The competent body or bodies shall have adequate ***human resources as well as*** legal and technical capacities and expertise to be able to comply with relevant Union or national law concerning the access regimes for the categories of data referred to in Article 3 (1), ***so that data protection, privacy and confidentiality are fully respected. The competences and resources of the competent body or bodies shall prohibit unjustifiable outsourcing.***

Or. en

**Amendment 445**

**Miapetra Kumpula-Natri**

on behalf of the S&D Group

**Proposal for a regulation**

**Article 7 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

(4) The competent body or bodies shall have adequate legal and technical

(4) The competent body or bodies shall have adequate legal, ***financial*** and

capacities and expertise to be able to comply with relevant Union or national law concerning the access regimes for the categories of data referred to in Article 3 (1).

technical capacities and expertise to be able to comply with relevant Union or national law concerning the access regimes for the categories of data referred to in Article 3 (1).

Or. en

#### **Amendment 446**

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

#### **Proposal for a regulation Article 7 – paragraph 5**

##### *Text proposed by the Commission*

(5) The Member States shall communicate to the Commission the identity of the competent bodies designated pursuant to paragraph 1 by [date of application of this Regulation]. They shall also communicate to the Commission any subsequent modification of the identity of those bodies.

##### *Amendment*

(5) The Member States shall **make public and** communicate to the Commission the identity of the competent bodies designated pursuant to paragraph 1 by [date of application of this Regulation]. They shall also **make public and** communicate to the Commission any subsequent modification of the identity of those bodies.

Or. en

#### **Amendment 447**

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

#### **Proposal for a regulation Article 8 – paragraph 1**

##### *Text proposed by the Commission*

(1) Member States shall ensure that all relevant information concerning the application of Articles 5 and 6 is available through a single information point.

##### *Amendment*

(1) Member States shall ensure that all relevant information concerning the application of Articles 5 and 6 is available through a single information point, **unless the information concerns one sector only in which case the information can be**

*made available through a sectoral competent body referred to in Article 7 (1). Functions of a single information point may be automatically provided if adequate support by a public sector body is ensured. Member States shall be allowed either to establish a new information point or to rely on an existing structure.*

Or. en

**Amendment 448**  
**Patrizia Toia, Franco Roberti**

**Proposal for a regulation**  
**Article 8 – paragraph 1**

*Text proposed by the Commission*

(1) Member States shall ensure that all relevant information concerning the application of Articles 5 and 6 is available through a single information point.

*Amendment*

(1) Member States shall ensure that all relevant information concerning the application of Articles 5 and 6 is available through a single information point. ***It must be accessible to all relevant stakeholders, so as to ensure efficient operation and promote good collaboration with civil society organizations, social partners and professional organisations.***

Or. en

**Amendment 449**  
**Miapetra Kumpula-Natri**  
on behalf of the S&D Group

**Proposal for a regulation**  
**Article 8 – paragraph 2**

*Text proposed by the Commission*

(2) The single information point shall receive requests for the re-use of the categories of data referred to in Article 3 (1) and shall transmit them to the competent public sector bodies, or the

*Amendment*

(2) The single information point shall receive requests for the re-use of the categories of data referred to in Article 3 (1) and shall transmit them to the competent public sector bodies, or the

competent bodies referred to in Article 7 (1), where relevant. The single information point shall make available by electronic means a register of available data resources containing relevant information describing the nature of available data.

competent bodies referred to in Article 7 (1), where relevant ***and where possible and appropriate, by automated means. When request concerns only one sector, the request may also be made directly to a sectoral competent body referred to in Article 7 (1).*** The single information point shall make available by electronic means a register of available data resources containing relevant information describing the nature of available data.

Or. en

**Amendment 450**  
**Patrizia Toia, Franco Roberti**

**Proposal for a regulation**  
**Article 8 – paragraph 2**

*Text proposed by the Commission*

(2) The single information point shall receive requests for the re-use of the categories of data referred to in Article 3 (1) and shall transmit them to the competent public sector bodies, or the competent bodies referred to in Article 7 (1), where relevant. The single information point shall make available by electronic means a register of available data resources containing relevant information describing the nature of available data.

*Amendment*

(2) The single information point shall receive requests for the re-use of the categories of data referred to in Article 3 (1) and shall transmit them to the competent public sector bodies, or the competent bodies referred to in Article 7 (1), where relevant. The single information point shall make ***publicly*** available by electronic means a register of available data resources containing relevant information describing the nature of available data. ***At least the format, size, conditions for reuse such as characteristics of interoperability and portability and the data holder shall be made public.***

Or. en

**Amendment 451**  
**Angelika Niebler, Markus Ferber, Tom Berendsen, Dan-Ștefan Motreanu, Eva Maydell, Pilar del Castillo Vera, Franc Bogovič, Marion Walsmann, Jens Gieseke, Henna Virkkunen, Adam Jarubas, Georgios Kyrtos, Markus Pieper, Seán Kelly, Maria da Graça Carvalho, Othmar Karas, Ivan Štefanec, Cristian-Silviu Bușoi, Ioan-Rareș**

**Bogdan**

**Proposal for a regulation  
Article 8 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**(2 a) The single information point may establish a separate, simplified and well-documented information channel for small and medium-sized enterprises (SMEs), addressing their needs and capabilities in requesting the re-use of the categories of data referred to in Article 3 (1).**

Or. en

**Amendment 452  
Miapetra Kumpula-Natri  
on behalf of the S&D Group**

**Proposal for a regulation  
Article 8 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**(2 a) The Commission shall establish a European single information point, network offering information on the data available in national single information points and on how to request and access data via those single information points.**

Or. en

**Amendment 453  
Elena Lizzi, Paolo Borchia, Isabella Tovaglieri, Gianna Gancia, Joëlle Mélin**

**Proposal for a regulation  
Article 8 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

**(2 a) The Commission shall create a single European data information point**

*which guarantees access to a searchable common data register. It is necessary that the conditions for access are fair, clear and transparent.*

Or. en

#### **Amendment 454**

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

#### **Proposal for a regulation Article 8 – paragraph 3**

*Text proposed by the Commission*

(3) Requests for the re-use of the categories of data referred to in Article 3 (1) shall be granted or refused by the competent public sector bodies or the competent bodies referred to in Article 7 (1) within a reasonable time, and in any case within two months from the date of the request.

*Amendment*

(3) Requests for the re-use of the categories of data referred to in Article 3 (1) shall be granted or refused by the competent public sector bodies or the competent bodies referred to in Article 7 (1) within a reasonable time, and in any case within two months from the date of the request. ***In order to contribute to a consistent application of this Regulation the competent public sector bodies shall cooperate with each other, and where relevant with the Commission, when refusing requests for re-use of the categories of data referred to in Article 3 (1).***

Or. en

#### **Amendment 455**

**Dace Melbārde**

on behalf of the ECR Group

**Evžen Tošenovský**

#### **Proposal for a regulation Article 8 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

(3) Requests for the re-use of the categories of data referred to in Article 3 (1) shall be granted or refused by the competent public sector bodies or the competent bodies referred to in Article 7 (1) **within a reasonable time**, and in any case **within** two months from the date of the request.

(3) Requests for the re-use of the categories of data referred to in Article 3 (1) shall be granted or refused by the competent public sector bodies or the competent bodies referred to in Article 7 (1) **without undue delay**, and in any case **no later than** two months from the date of the request.

Or. en

#### **Amendment 456**

**Nicola Danti, Ivars Ijabs, Andrus Ansip, Klemen Grošelj, Martina Dlabajová, Dragoș Pîslaru, Iskra Mihaylova, Sandro Gozi, Bart Groothuis, Susana Solís Pérez**

#### **Proposal for a regulation Article 8 – paragraph 3**

##### *Text proposed by the Commission*

(3) Requests for the re-use of the categories of data referred to in Article 3 (1) shall be granted or refused by the competent public sector bodies or the competent bodies referred to in Article 7 (1) **within a reasonable time**, and in any case within two months from the date of the request.

##### *Amendment*

(3) Requests for the re-use of the categories of data referred to in Article 3 (1) shall be granted or refused by the competent public sector bodies or the competent bodies referred to in Article 7 (1) **within the shortest delay**, and in any case within two months from the date of the request.

Or. en

#### **Amendment 457**

**Damian Boeselager**

on behalf of the Greens/EFA Group

#### **Proposal for a regulation Article 9 – paragraph 1 – introductory part**

##### *Text proposed by the Commission*

(1) The provision of **the following** data sharing services **shall be subject to a notification procedure**:

##### *Amendment*

(1) **This Chapter applies to** the provision of data sharing services. **These services include, but are not limited to:**

Or. en



### *Justification*

*The subject of this article should not be the notification process but the overall chapter of this law, which includes the application of Articles 10 & 11. We propose to change the logic of the article to address the activity of providing data sharing services, rather than the data sharing providers themselves. This leads to much more legal clarity and reduces ambiguity.*

#### **Amendment 458**

**Damian Boeselager**

on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 9 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) *intermediation services between data holders which are legal persons and potential data users, including making available the technical or other means to enable such services; those services may include bilateral or multilateral exchanges of data or the creation of platforms or databases enabling the exchange or joint exploitation of data, as well as the establishment of a specific infrastructure for the interconnection of data holders and data users;*

*Amendment*

(a) *operation of specific infrastructure, platforms or databases and enabling data sharing through bilateral or multilateral exchanges, characterized by, among others:*

*(i) the technical means to effectuate data access or transfer or;*

*(ii) the provision of a register or catalogue of data available for sharing or;*

*(iii) the facilitation of payment or other forms of compensation by data users in exchange for the provision of data by data holders;*

Or. en

### *Justification*

*These should be understood as open data exchanges where an indefinite number data holders and data users offer and buy or licence data.*

#### **Amendment 459**

**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, Ivan Štefanec, Cristian-Silviu Buşoi, Ioan-Rareş Bogdan**

**Proposal for a regulation**

**Article 9 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) intermediation services between data subjects that seek to make their personal data available and potential data users, including making available the technical or other means to enable such services, in the exercise of the rights provided in Regulation (EU) 2016/679;

*Amendment*

(b) intermediation services between data subjects that seek to make their personal data available and potential data users, including making available the technical or other means to enable such services, in the exercise of the rights provided in Regulation (EU) 2016/679, ***in particular managing the data subjects' consent to data processing;***

Or. en

**Amendment 460**

**Miapetra Kumpula-Natri**

on behalf of the S&D Group

**Proposal for a regulation**

**Article 9 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) intermediation services between data subjects that seek to make their personal data available and potential data users, including making available the technical or other means to enable such services, in the exercise of the rights provided in Regulation (EU) 2016/679;

*Amendment*

(b) intermediation services between data subjects that seek to make their personal ***or non-personal*** data available and potential data users, including making available the technical or other means to enable such services, in the exercise of the rights provided in Regulation (EU) 2016/679;

Or. en

**Amendment 461**

**Damian Boeselager**

on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 9 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) ***services of data cooperatives, that is to say services supporting data subjects or one-person companies or micro, small and medium-sized enterprises, who are members of the cooperative or who confer the power to the cooperative to negotiate terms and conditions for data processing before they consent, in making informed choices before consenting to data processing, and allowing for mechanisms to exchange views on data processing purposes and conditions that would best represent the interests of data subjects or legal persons.***

(c) data cooperatives.

Or. en

**Amendment 462**

**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**  
**Article 9 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) ***services of data cooperatives, that is to say services supporting data subjects or one-person companies or micro, small and medium-sized enterprises, who are members of the cooperative or who confer the power to the cooperative to negotiate terms and conditions for data processing before they consent, in making informed choices before consenting to data processing, and allowing for mechanisms to exchange views on data processing purposes and conditions that would best represent the interests of data subjects or legal persons.***

(c) services of data cooperatives.

Or. en

*Justification*

*A new definition of data cooperative has been added to Article 2.*

**Amendment 463**

**Patrizia Toia, Franco Roberti**

**Proposal for a regulation**

**Article 9 – paragraph 1 – point c**

*Text proposed by the Commission*

(c) services of data cooperatives, that is to say services supporting data subjects or one-person companies or micro, small and medium-sized enterprises, who are members of the cooperative or who confer the power to the cooperative to negotiate terms and conditions for data processing before they consent, in making informed choices before consenting to data processing, and allowing for mechanisms to exchange views on data processing purposes and conditions that would best represent the interests of data subjects or legal persons.

*Amendment*

(c) services of data cooperatives, that is to say services supporting data subjects or one-person companies or micro, small and medium-sized **enterprises, including social economy** enterprises, who are members of the cooperative or who confer the power to the cooperative to negotiate terms and conditions for data processing before they consent, in making informed choices before consenting to data processing, and allowing for mechanisms to exchange views on data processing purposes and conditions that would best represent the interests of data subjects or legal persons.

Or. en

**Amendment 464**

**Miapetra Kumpula-Natri**

on behalf of the S&D Group

**Proposal for a regulation**

**Article 9 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1 a) any operations involving personal data in the scope of Article 9 is subject to the rules of the GDPR and therefore the conditions for the joint use of the data is subject to these rules.***

Or. en

**Amendment 465**  
**Damian Boeselager**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

**(1 a) This chapter does not apply to the following activities:**

Or. en

*Justification*

*The exclusions in Recital 22 of the Commission proposal are both very imprecise and in the wrong place, and should be clearly and legally precise stated in the Article.*

**Amendment 466**  
**Damian Boeselager**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

**(1 b) (a) services, which are aimed at a closed group of data holders or data users, including those operated between two companies or a limited group of legal entities for the purpose of exchanging data in the context of a contractually-defined collaboration or joint undertaking;**

Or. en

*Justification*

*Closed data sharing services for a pre-defined number of actors in a contractual setting (e.g. for IoT) shall not be covered unless they open up to an indefinite number of data holders or data users.*

**Amendment 467**  
**Damian Boeselager**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

***(1 c) (b) value-added data services, which aggregate data, transform or combine data with other data, or analyse it for the purpose of adding substantial value to it and make available the use of the resulting data to data users, unless they have a direct relationship with data holders for the purpose of data sharing services or reshare the unprocessed data received from the data holder;***

Or. en

*Justification*

*Value-added services, i.e services that only aggregate data to provide value add services (analytics, AI, predictive maintenance, etc.) should not fall under this law unless they engage in providing data sharing services that directly intermediate between data holders and an open amount of data users.*

**Amendment 468**  
**Damian Boeselager**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

***(1 d) (c) auxiliary technical, legal, financial or administrative support services offered to either data holder or data users for the purpose of preparing an exchange of data;***

Or. en

**Amendment 469**  
**Damian Boeselager**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

**(1 e) (d) not-for-profit online encyclopedias, not-for-profit educational and scientific repositories, and open source software-developing and-sharing platforms;**

Or. en

**Amendment 470**  
**Damian Boeselager**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

**(1 f) (e) ‘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;**

Or. en

**Amendment 471**  
**Damian Boeselager**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

**(1 g) (f) ‘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;**

**Amendment 472**  
**Damian Boeselager**  
on behalf of the Greens/EFA Group

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

*Text proposed by the Commission*

*Amendment*

***(1 h) (g) providers of data sharing services, which have been available to the public in the Union for less than 12 months and which have either a consolidated annual turnover at the group level below EUR 10 million, calculated in accordance with Commission Recommendation 2003/361/EC, or, where no consolidated annual turnover can be established less, than one hundred users, who are legal entities, or less than one thousand users who are natural persons.***

Or. en

**Amendment 473**  
**Marisa Matias**  
on behalf of the The Left Group

**Proposal for a regulation**  
**Article 9 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***(2 a) A mandatory certification system shall be provided for data intermediaries in order to limit the risks associated with the central role of data intermediaries and thus increase trust in these organisations and their activities.***

Or. en



**Amendment 474**  
**Damian Boeselager**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 10 – paragraph 1**

*Text proposed by the Commission*

(1) *Any provider of* data sharing services *who intends to provide the services referred to in Article 9 (1)* shall submit a notification to the competent authority referred to in Article 12.

*Amendment*

(1) Data sharing services shall submit a notification to the competent authority referred to in Article 12.

Or. en

*Justification*

*The proposed amendment aligns the text to the change in regulatory focus, from entities to services.*

**Amendment 475**  
**Miapetra Kumpula-Natri**  
on behalf of the S&D Group

**Proposal for a regulation**  
**Article 10 – paragraph 3**

*Text proposed by the Commission*

(3) A provider of data sharing services that is not established in the Union, but offers the services referred to in Article 9 (1) within the Union, shall appoint a legal representative in one of the Member States in which those services are offered. The provider shall be deemed to be under the jurisdiction of the Member State in which the legal representative is established.

*Amendment*

(3) A provider of data sharing services that is not established in the Union, but offers the services referred to in Article 9 (1) within the Union, shall appoint a legal representative in one of the Member States in which those services are offered. The provider shall be deemed to be under the jurisdiction of the Member State in which the legal representative is established. ***The representative shall be mandated by the data intermediary services to be addressed in addition to or instead of it by, in particular, competent authorities and data holders, on all issues related to the service, for the purposes of ensuring compliance with this Regulation. The designation of a representative by the***

*provider of data sharing services shall be without prejudice to legal actions which could be initiated against the provider of data sharing services themselves.*

Or. en

#### **Amendment 476**

**Damian Boeselager**

on behalf of the Greens/EFA Group

#### **Proposal for a regulation**

#### **Article 10 – paragraph 3**

*Text proposed by the Commission*

(3) A provider of data sharing services that is not established in the Union, but offers the services referred to in Article 9 (1) within the Union, shall **appoint** a legal **representative** in one of the Member States in which those services are offered. The provider shall be deemed to be under the jurisdiction of the Member State in which the legal **representative** is established.

*Amendment*

(3) A provider of data sharing services that is not established in the Union, but offers the services referred to in Article 9 (1) within the Union, shall **operate its services through** a legal **entity established** in one of the Member States in which those services are offered. The provider shall be deemed to be under the jurisdiction of the Member State in which the legal **entity** is established.

Or. en

*Justification*

*The proposed amendment aligns the text to the change in regulatory focus, from entities to services.*

#### **Amendment 477**

**Nicola Danti, Ivars Ijabs, Andrus Ansip, Klemen Grošelj, Dragoș Pîslaru, Iskra Mihaylova, Bart Groothuis, Susana Solís Pérez**

#### **Proposal for a regulation**

#### **Article 10 – paragraph 4**

*Text proposed by the Commission*

(4) **Upon notification, the provider of data sharing services may start the activity subject to the conditions laid down in this**

*Amendment*

**deleted**

*Justification*

*The activity should start after the verification of the notification by the competent authority.  
Moved to paragraph 7 a new*

**Amendment 478**

**Damian Boeselager**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 10 – paragraph 6 – point b**

*Text proposed by the Commission*

(b) the provider's legal status, **form** and registration number, where the provider is registered in trade or in another similar public register;

*Amendment*

(b) the provider's legal status, **ownership structure, form, relevant subsidiaries or related entities**, and registration number, where the provider is registered in trade or in another similar public register;

*Justification*

*The categories of information provided needed to be extended in order to ensure better transparency*

**Amendment 479**

**Damian Boeselager**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 10 – paragraph 6 – point c**

*Text proposed by the Commission*

(c) the address of the provider's main establishment in the Union, if any, and, where applicable, any secondary branch in another Member State or that of the legal **representative** designated pursuant to

*Amendment*

(c) the address of the provider's main establishment in the Union, if any, and, where applicable, any secondary branch in another Member State or that of the legal **entity** designated pursuant to

paragraph 3;

paragraph 3;

Or. en

*Justification*

*Improved text alignment*

**Amendment 480**

**Damian Boeselager**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 10 – paragraph 6 – point d**

*Text proposed by the Commission*

(d) a website where information on the provider and the activities can be found, *where applicable*;

*Amendment*

(d) a website where information on the provider and the activities can be found, ***including as a minimum the information as referred to in letters a, b, c and f of this paragraph***;

Or. en

*Justification*

*The change improves legal certainty for website owners and visitors*

**Amendment 481**

**Dace Melbārde**

on behalf of the ECR Group

**Evžen Tošenovský**

**Proposal for a regulation**

**Article 10 – paragraph 6 – point d**

*Text proposed by the Commission*

(d) a website where information on the provider and the activities can be found, where applicable;

*Amendment*

(d) a website where ***above*** information on the provider and the activities can be found, where applicable;

Or. en

**Amendment 482**  
**Damian Boeselager**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 10 – paragraph 6 – point g**

*Text proposed by the Commission*

(g) the estimated date for starting the activity;

*Amendment*

(g) the estimated date for starting the activity, **or the date the activity has started;**

Or. en

*Justification*

*The change improves clarity*

**Amendment 483**  
**Dace Melbārde**  
on behalf of the ECR Group  
**Evžen Tošenovský**

**Proposal for a regulation**  
**Article 10 – paragraph 6 – point h**

*Text proposed by the Commission*

(h) the Member States where the provider intends to provide services.

*Amendment*

(h) **optionally, and indicative list of** the Member States where the provider intends to provide services.

Or. en

**Amendment 484**  
**Evžen Tošenovský, Zdzisław Krasnodębski**

**Proposal for a regulation**  
**Article 10 – paragraph 6 – point h**

*Text proposed by the Commission*

(h) the Member States where the provider intends to provide services.

*Amendment*

(h) **optionally, an indicative list of** the Member States where the provider intends to provide services.

**Amendment 485**

**Damian Boeselager**

on behalf of the Greens/EFA Group

**Proposal for a regulation**

**Article 10 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

**(6 a) The competent authority shall ensure that the notification procedure does not impose undue hurdles for small and medium-sized enterprises and organisations and ensures non-discrimination and competition.**

Or. en

*Justification*

*This addition introduce a proportionality safeguard for small and medium-sized enterprises and organisations*

**Amendment 486**

**Nicola Danti, Ivars Ijabs, Andrus Ansip, Klemen Grošelj, Dragoş Pişlaru, Iskra Mihaylova, Christophe Grudler, Bart Groothuis, Valérie Hayer, Susana Solís Pérez**

**Proposal for a regulation**

**Article 10 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**(7) At the request of the provider, the competent authority shall, within one week, issue a standardised declaration, confirming that the provider has submitted the notification referred to in paragraph 4.**

**(7) The competent authority shall, within one week, issue a standardised declaration, confirming that the provider has submitted the notification referred to in paragraph 4 and that the notification meets fully the requirements outlined in paragraph 6.**

Or. en

*Justification*

*A standardised declaration should be issued after the competent authority has verified that*

*the notification complies with paragraph 6.*

**Amendment 487**

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

**Proposal for a regulation**

**Article 10 – paragraph 7 a (new)**

*Text proposed by the Commission*

*Amendment*

***(7 a) Upon reception of the standardised declaration, the provider of data sharing services may start the activity subject to the conditions laid down in this Chapter.***

Or. en

**Amendment 488**

**Evžen Tošenovský, Zdzisław Krasnodębski**

**Proposal for a regulation**

**Article 10 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

***(8) The competent authority shall forward each notification to the national competent authorities of the Member States by electronic means, without delay.*** ***deleted***

Or. en

**Amendment 489**

**Zdzisław Krasnodębski, Evžen Tošenovský, Elżbieta Kruk, Pietro Fiocchi**

**Proposal for a regulation**

**Article 10 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

***(8) The competent authority shall forward each notification to the national competent authorities of the Member*** ***deleted***

*States by electronic means, without delay.*

Or. en

*Justification*

*A publicly available register would be a more reliant and effective solution than sending respective notifications between the Member States*

**Amendment 490**

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

**Proposal for a regulation**  
**Article 10 – paragraph 9**

*Text proposed by the Commission*

(9) The competent authority shall notify the Commission of each new notification. The Commission shall keep a register of providers of data sharing services.

*Amendment*

(9) The competent authority shall notify the Commission of each new notification ***without delay and the Commission shall forward each notification to the national competent authorities of the Member States by electronic means.*** The Commission shall keep a register of providers of data sharing services.

Or. en

**Amendment 491**  
**Evžen Tošenovský**

**Proposal for a regulation**  
**Article 10 – paragraph 9**

*Text proposed by the Commission*

(9) The competent authority shall notify the Commission of each new notification. The Commission shall keep a register of providers of data sharing services.

*Amendment*

(9) The competent authority shall notify the Commission ***and the national competent authorities of the Member States by electronic means, without delay,*** of each new notification. The Commission shall keep a ***public*** register of providers of



data sharing services *providing them in the Union*.

Or. en

#### **Amendment 492**

**Dace Melbārde**

on behalf of the ECR Group

**Evžen Tošenovský**

#### **Proposal for a regulation**

##### **Article 10 – paragraph 9**

*Text proposed by the Commission*

(9) The competent authority shall notify the Commission of each new notification. The Commission shall keep a register of providers of data sharing services.

*Amendment*

(9) *Using electronic means and permitting for the use of automated tools*, the competent authority shall notify the Commission of each new notification. The Commission shall keep a register of providers of data sharing services.

Or. en

#### **Amendment 493**

**Dace Melbārde**

on behalf of the ECR Group

**Evžen Tošenovský**

#### **Proposal for a regulation**

##### **Article 10 – paragraph 9**

*Text proposed by the Commission*

(9) The competent authority shall notify the Commission of each new notification. The Commission shall keep *a* register of providers of data sharing services.

*Amendment*

(9) The competent authority shall notify the Commission of each new notification. The Commission shall keep *and regularly update a public* register of *all* providers of data sharing services.

Or. en

#### **Amendment 494**

**Zdzisław Krasnodębski, Evžen Tošenovský, Elżbieta Kruk, Pietro Fiocchi**

**Proposal for a regulation**  
**Article 10 – paragraph 9**

*Text proposed by the Commission*

(9) The competent authority shall **notify the Commission of** each new notification. The Commission shall keep a register of providers of data sharing services.

*Amendment*

(9) The competent authority shall **enter** each new notification **in the Commission's register**. The Commission shall keep a **commonly available** register of providers of data sharing services.

Or. en

*Justification*

*A publicly available register would be a more reliant and effective solution than sending respective notifications between the Member States*

**Amendment 495**  
**Miapetra Kumpula-Natri**  
on behalf of the S&D Group

**Proposal for a regulation**  
**Article 10 – paragraph 9**

*Text proposed by the Commission*

(9) The competent authority shall notify the Commission of each new notification. The Commission shall keep a register of **providers of data sharing services**.

*Amendment*

(9) The competent authority shall notify the Commission of each new notification. The Commission shall keep a **public** register of **all data intermediary in Union**.

Or. en

**Amendment 496**  
**Damian Boeselager**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**  
**Article 10 – paragraph 10**

*Text proposed by the Commission*

(10) **The competent authority may charge fees. Such fees shall be**

*Amendment*

**deleted**

*proportionate and objective and be based on the administrative costs related to the monitoring of compliance and other market control activities of the competent authorities in relation to notifications of data sharing services.*

Or. en

*Justification*

*There should be no fees for providing such public service, especially in the context of encouraging new business models*

**Amendment 497**

**Angelika Niebler, Markus Ferber, Tom Berendsen, Dan-Ștefan Motreanu, Eva Maydell, Pilar del Castillo Vera, Franc Bogovič, Marion Walsmann, Jens Gieseke, Henna Virkkunen, Adam Jarubas, Markus Pieper, Georgios Kyrtos, Seán Kelly, Maria da Graça Carvalho, Othmar Karas, Ivan Štefanec, Cristian-Silviu Bușoi, Ioan-Rareș Bogdan**

**Proposal for a regulation  
Article 10 – paragraph 10**

*Text proposed by the Commission*

(10) The competent authority may charge fees. Such fees shall be proportionate and objective and be based on the administrative costs related to the monitoring of compliance and other market control activities of the competent authorities in relation to notifications of data sharing services.

*Amendment*

(10) The competent authority may charge fees. Such fees shall be proportionate and objective and be based on the administrative costs related to the monitoring of compliance and other market control activities of the competent authorities in relation to notifications of data sharing services. ***The competent authority may also charge discounted fees or allow free of charge notification for small and medium-sized enterprises (SMEs).***

Or. en

**Amendment 498**

**Damian Boeselager**  
on behalf of the Greens/EFA Group

**Proposal for a regulation**

## Article 10 – paragraph 10 a (new)

*Text proposed by the Commission*

*Amendment*

***(10 a) Providers shall submit any changes of the information provided pursuant to paragraph 6 to the competent authority within 14 calendar days from the day on which the change takes place;***

Or. en

*Justification*

*The information provided according to art. 10 need to be updated, therefore a provision has been introduced to that regard*

### **Amendment 499**

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

### **Proposal for a regulation**

#### **Article 10 – paragraph 11**

*Text proposed by the Commission*

*Amendment*

(11) Where a ***provider of data sharing services*** ceases its activities, it shall notify the relevant competent authority determined pursuant to paragraphs 1, 2 and 3 within 15 days. The competent authority shall forward without delay each such notification to the ***national competent authorities in the Member States and to the Commission*** by electronic means.

(11) Where a ***data intermediary*** ceases its activities, it shall notify the relevant competent authority determined pursuant to paragraphs 1, 2 and 3 within 15 days. The competent authority shall forward without delay each such notification to the Commission by electronic means. ***The Commission without delay shall forward each notification to the national competent authorities of the Member States by electronic means and update the public register.***

Or. en