



**2020/0340(COD)**

26.3.2021

**\*\*\*I**

## **DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council  
on European data governance (Data Governance Act)  
(COM(2020)0767 – C9-0377/2020 – 2020/0340(COD))

Committee on Industry, Research and Energy

Rapporteur: Angelika Niebler

Rapporteur for the opinion (\*):  
Sergey Lagodinsky, Committee on Civil Liberties, Justice and Home Affairs

(\* ) Associated committee – Rule 57 of the Rules of Procedure

### ***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

### ***Amendments to a draft act***

#### **Amendments by Parliament set out in two columns**

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

#### **Amendments by Parliament in the form of a consolidated text**

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council on European data governance (Data Governance Act)  
(COM(2020)0767 – C9-0377/2020 – 2020/0340(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2020)0767),
  - having regard to Article 294(2) and Article 114 of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0377/2020),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of [xx xx 2021]<sup>1</sup>,
  - after consulting the Committee of the Regions,
  - having regard to Rule 59 of its Rules of Procedure,
  - having regard to the opinions of the Committee on the Internal Market and Consumer Protection, Committee on Legal Affairs and the Committee on Civil Liberties, Justice and Home Affairs,
  - having regard to the report of the Committee on Industry, Research and Energy (A9-0000/2021),
1. Adopts its position at first reading hereinafter set out;
  2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>1</sup> OJ C 0, 0.0.0000, p. 0.

## Amendment 1

### Proposal for a regulation

#### Recital 3

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

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

##### *Amendment*

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

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

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

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

<sup>27</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of

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

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

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

<sup>27</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of

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

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

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

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

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

<sup>32</sup> Directive 2000/31/EC of the European

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

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<sup>32</sup> Directive 2000/31/EC of the European



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

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

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

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

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

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

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

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

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

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

Or. en

## Amendment 2

### Proposal for a regulation Recital 4

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 3

### Proposal for a regulation Recital 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(4a) The Commission's consultation of 9 October 2019 entitled 'SME panel consultation on B2B Data Sharing Principles and Guidance' found that 40% of small and medium-sized enterprises (SMEs) struggle to access the data they need to develop data-driven products and services underscoring the need to lower the barriers to a data-driven economy, in particular for SMEs.***

Or. en

## Amendment 4

### Proposal for a regulation Recital 6 a (new)

*Text proposed by the Commission*

*Amendment*

**(6a) In accordance with Regulation (EU) 2016/679 the principles of data protection should not apply to anonymous information, namely information which does not relate to an identified or identifiable natural person or to personal data rendered anonymous in such a manner that the data subject is not or no longer identifiable. The European Data Protection Board (EDPB) defines anonymisation in its guidelines as “the use of a set of techniques in order to remove the ability to link the data with an identified or identifiable natural person against any ‘reasonable’ effort”<sup>1a</sup>.**

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<sup>1a</sup> *European Data Protection Board (2020), Guidelines 04/2020 on the use of location data and contact tracing tools in the context of the COVID-19 outbreak, 21.4.2020 p. 5.*

Or. en

## Amendment 5

### Proposal for a regulation Recital 9

*Text proposed by the Commission*

*Amendment*

(9) Public sector bodies should comply with competition law when establishing the principles for re-use of data they hold, avoiding ***as far as possible*** the conclusion of agreements, which might have as their objective or effect the creation of exclusive rights for the re-use of certain data. Such agreement should be only possible when

(9) Public sector bodies should comply with competition law when establishing the principles for re-use of data they hold, avoiding the conclusion of agreements, which might have as their objective or effect the creation of exclusive rights for the re-use of certain data. Such agreement should be only possible when justified and

justified and necessary for the provision of a service of general interest. This may be the case when exclusive use of the data is the only way to maximise the societal benefits of the data in question, for example where there is only one entity (which has specialised in the processing of a specific dataset) capable of delivering the service or the product which allows the public sector body to provide an advanced digital service in the general interest. Such arrangements should, however, be concluded in compliance with public procurement rules and be subject to regular review based on a market analysis in order to ascertain whether such exclusivity continues to be necessary. In addition, such arrangements should comply with the relevant State aid rules, as appropriate, and should be concluded for a limited period, which should not exceed **three years**. In order to ensure transparency, such exclusive agreements should be published online, regardless of a possible publication of an award of a public procurement contract.

necessary for the provision of a service of general interest. This may be the case when exclusive use of the data is the only way to maximise the societal benefits of the data in question, for example where there is only one entity (which has specialised in the processing of a specific dataset) capable of delivering the service or the product which allows the public sector body to provide an advanced digital service in the general interest. Such arrangements should, however, be concluded in compliance with public procurement rules and be subject to regular review based on a market analysis in order to ascertain whether such exclusivity continues to be necessary. In addition, such arrangements should comply with the relevant State aid rules, as appropriate, and should be concluded for a limited period, which should not exceed **12 months with the possibility of a further 12-month extension subject to approval by the competent body supporting the public sector body in question**. In order to ensure transparency, such exclusive agreements should be published online, regardless of a possible publication of an award of a public procurement contract.

Or. en

## Amendment 6

### Proposal for a regulation

#### Recital 11

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

(11) Conditions for re-use of protected data that apply to public sector bodies competent under national law to allow re-use, and which should be without prejudice to rights or obligations concerning access to such data, should be laid down. Those conditions should be non-discriminatory, proportionate and objectively justified,

##### *Amendment*

(11) Conditions for re-use of protected data that apply to public sector bodies competent under national law to allow re-use, and which should be without prejudice to rights or obligations concerning access to such data, should be laid down. Those conditions should be non-discriminatory, proportionate and objectively justified,

while not restricting competition. In particular, public sector bodies allowing re-use should have in place the technical means necessary to ensure the protection of rights and interests of third parties.

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

while not restricting competition. In particular, public sector bodies allowing re-use should have in place the technical means necessary to ensure the protection of rights and interests of third parties.

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

by establishing technical mechanisms that permit transmitting requests for consent from re-users, where practically feasible. No contact information should be given that allows re-users to contact data subjects or companies directly.

by establishing technical mechanisms that permit transmitting requests for consent from re-users, where practically feasible. No contact information should be given that allows re-users to contact data subjects or companies directly.

Or. en

### *Justification*

*“Full” anonymisation and “definitively” not allowing identification seem to be stricter than provisions in the GDPR (Recital 26).*

## **Amendment 7**

### **Proposal for a regulation**

#### **Recital 15**

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

(15) Furthermore, it is important to protect commercially sensitive data of non-personal nature, notably trade secrets, but also non-personal data representing content protected by intellectual property rights from unlawful access that may lead to IP theft or industrial espionage. In order to ensure the protection of fundamental rights or interests of data holders, non-personal data which is to be protected from unlawful or unauthorised access under Union or national law, and which is held by public sector bodies, should be transferred only to third-countries where appropriate safeguards for the use of data are provided. Such appropriate safeguards should be considered to exist when in that third-country there are equivalent measures in place which ensure that non-personal data benefits from a level of protection similar to that applicable by means of Union or national law in particular as regards the protection of trade secrets and the protection of intellectual property rights. To that end, the Commission may adopt implementing acts that declare that a third

##### *Amendment*

(15) Furthermore, it is important to protect commercially sensitive data of non-personal nature, notably trade secrets, but also non-personal data representing content protected by intellectual property rights from unlawful access that may lead to IP theft or industrial espionage. In order to ensure the protection of fundamental rights or interests of data holders, non-personal data which is to be protected from unlawful or unauthorised access under Union or national law, and which is held by public sector bodies, should be transferred only to third-countries where appropriate safeguards for the use of data are provided. Such appropriate safeguards should be considered to exist when in that third-country there are equivalent measures in place which ensure that non-personal data benefits from a level of protection similar to that applicable by means of Union or national law in particular as regards the protection of trade secrets and the protection of intellectual property rights. To that end, the Commission may adopt implementing acts that declare that a third

country provides a level of protection that is essentially equivalent to those provided by Union or national law. The assessment of the level of protection afforded in such third-country should, in particular, take into consideration the relevant legislation, both general and sectoral, including concerning public security, defence, national security and criminal law concerning the access to and protection of non-personal data, any access by the public authorities of that third country to the data transferred, the existence and effective functioning of one or more independent supervisory authorities in the third country with responsibility for ensuring and enforcing compliance with the legal regime ensuring access to such data, or the third countries' international commitments regarding the protection of data the third country concerned has entered into, or other obligations arising from legally binding conventions or instruments as well as from its participation in multilateral or regional systems. The existence of effective legal remedies for data holders, public sector bodies or data *sharing providers* in the third country concerned is of particular importance in the context of the transfer of non-personal data to that third country. Such safeguards should therefore include the availability of enforceable rights and of effective legal remedies.

country provides a level of protection that is essentially equivalent to those provided by Union or national law. The assessment of the level of protection afforded in such third-country should, in particular, take into consideration the relevant legislation, both general and sectoral, including concerning public security, defence, national security and criminal law concerning the access to and protection of non-personal data, any access by the public authorities of that third country to the data transferred, the existence and effective functioning of one or more independent supervisory authorities in the third country with responsibility for ensuring and enforcing compliance with the legal regime ensuring access to such data, or the third countries' international commitments regarding the protection of data the third country concerned has entered into, or other obligations arising from legally binding conventions or instruments as well as from its participation in multilateral or regional systems. The existence of effective legal remedies for data holders, public sector bodies or data *intermediary* in the third country concerned is of particular importance in the context of the transfer of non-personal data to that third country. Such safeguards should therefore include the availability of enforceable rights and of effective legal remedies.

Or. en

## **Amendment 8**

### **Proposal for a regulation Recital 18**

*Text proposed by the Commission*

(18) In order to prevent unlawful access to non-personal data, public sector bodies, natural or legal persons to which the right

*Amendment*

(18) In order to prevent unlawful access to non-personal data, public sector bodies, natural or legal persons to which the right

to re-use data was granted, data *sharing providers* and entities entered in the register of recognised data altruism organisations should take all reasonable measures to prevent access to the systems where non-personal data is stored, including encryption of data or corporate policies.

to re-use data was granted, data *intermediaries* and entities entered in the register of recognised data altruism organisations should take all reasonable measures to prevent access to the systems where non-personal data is stored, including encryption of data or corporate policies.

Or. en

## Amendment 9

### Proposal for a regulation

#### Recital 22

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

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

##### *Amendment*

(22) *Data intermediaries (specific providers of data sharing services)* are expected to play a key role in the data economy, as a tool to facilitate the aggregation and exchange of substantial amounts of relevant data. Data intermediaries offering services that connect the different actors have the potential to contribute to the efficient pooling of data as well as to the facilitation of bilateral data sharing. Specialised data intermediaries that are independent from both data holders and data users can have a facilitating role in the emergence of new data-driven ecosystems independent from any player with a significant degree of market power. This Regulation should only cover *data intermediaries with the main objective of establishing* of a business, a legal and potentially also technical relation between data holders, including data subjects, and potential *data* users and *which* assist both parties in a transaction of data assets between the two. It should only cover services aiming at intermediating between an indefinite number of data holders and data users, excluding data sharing services *developed jointly by multiple legal persons for the purpose of*



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

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

purposes.

Regulation, as this activity serves objectives of general interest by increasing the volume of data available for such purposes.

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

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

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

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

Or. en

## Amendment 10

### Proposal for a regulation Recital 25

#### *Text proposed by the Commission*

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

#### *Amendment*

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

in the data economy between data provision, intermediation and use. **Providers of data sharing services** may also make available specific technical infrastructure for the interconnection of data holders and data users.

in the data economy between data provision, intermediation and use. **Data intermediaries** may also make available specific technical infrastructure for the interconnection of data holders and data users. ***In that regard, it is of particular importance to shape that infrastructure in such a way that SMEs encounter no technical or other barriers for their participation in the data economy.***

Or. en

## Amendment 11

### Proposal for a regulation Recital 26

#### *Text proposed by the Commission*

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

#### *Amendment*

(26) A key element to bring trust and more control for data holder and data users in data sharing services is the neutrality of data ***intermediaries*** as regards the data exchanged between data holders and data users. It is therefore necessary that data ***intermediaries*** act only as intermediaries in the transactions, and do not use the data exchanged for any other purpose. This will also require structural separation between the data sharing service and any other services provided, so as to avoid issues of conflict of interest. This means that the data sharing service should be provided through a legal entity that is separate from the other activities of that data ***intermediary***. ***Data intermediaries should, however, be able to put at the disposal of data holders or data users their own or third-party tools to improve the usability of the data, for example tools for the analysis or aggregation of data.*** Data ***intermediaries*** that intermediate the exchange of data between individuals as data holders and legal persons should, in addition, bear fiduciary duty towards the individuals, to ensure that they act in the

best interest of the data holders.

Or. en

## Amendment 12

### Proposal for a regulation Recital 27

#### *Text proposed by the Commission*

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

#### *Amendment*

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

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

representative should act on behalf of the **data intermediary** and it should be possible for competent authorities to contact the representative. The representative should be designated by a written mandate of the **data intermediary** to act on the latter's behalf with regard to the latter's obligations under this Regulation.

Or. en

### Amendment 13

#### Proposal for a regulation Recital 28

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

(28) This Regulation should be without prejudice to the obligation of **providers of data sharing services** to comply with Regulation (EU) 2016/679 and the responsibility of supervisory authorities to ensure compliance with that Regulation. Where the data **sharing service providers** are data controllers or processors in the sense of Regulation (EU) 2016/679 they are bound by the rules of that Regulation. This Regulation should be also without prejudice to the application of competition law.

##### *Amendment*

(28) This Regulation should be without prejudice to the obligation of **data intermediaries** to comply with Regulation (EU) 2016/679 and the responsibility of supervisory authorities to ensure compliance with that Regulation. Where the data **intermediaries** are data controllers or processors in the sense of Regulation (EU) 2016/679 they are bound by the rules of that Regulation. This Regulation should be also without prejudice to the application of competition law.

Or. en

### Amendment 14

#### Proposal for a regulation Recital 29

*Text proposed by the Commission*

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

*Amendment*

(29) **Data intermediaries** should also take measures to ensure compliance with competition law. This applies in particular in situations where data sharing enables businesses to become aware of market strategies of their actual or potential competitors. Competitively sensitive information typically includes information on future prices, production costs, quantities, turnovers, sales or capacities.

Or. en

## **Amendment 15**

### **Proposal for a regulation**

#### **Recital 31**

*Text proposed by the Commission*

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

*Amendment*

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

Or. en

## Amendment 16

### Proposal for a regulation Recital 32

*Text proposed by the Commission*

(32) The main establishment of a **provider of data sharing services** in the Union should be the Member State with the place of its central administration in the Union. The main establishment of a **provider of data sharing services** in the Union should be determined according to objective criteria and should imply the effective and real exercise of management activities.

*Amendment*

(32) The main establishment of a **data intermediary** in the Union should be the Member State with the place of its central administration in the Union. The main establishment of a **data intermediary** in the Union should be determined according to objective criteria and should imply the effective and real exercise of management activities.

Or. en

## Amendment 17

### Proposal for a regulation Recital 39

*Text proposed by the Commission*

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

*Amendment*

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

for sectoral adjustments of the European data altruism consent form.

perspective, there should be a possibility for sectoral adjustments of the European data altruism consent form.

Or. en

## Amendment 18

### Proposal for a regulation

#### Recital 40

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

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

##### *Amendment*

(40) In order to successfully implement the data governance framework, a European Data Innovation Board (***the 'Board'***) should be established, in the form of an expert group. The Board should consist of representatives of the Member States, the Commission and representatives of relevant data spaces and specific sectors (such as health, agriculture, transport and statistics). The European Data Protection Board should be invited to appoint a representative to the Board. ***A data innovation advisory council should be established as a sub-group of the Board consisting of relevant representatives from industry, research, standardisation organisations and other relevant stakeholders. That council should support the work of the Board by providing advice relating to the exchange of data.***

Or. en

## Amendment 19

### Proposal for a regulation

#### Recital 41

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

(41) The Board should support the Commission in coordinating national

##### *Amendment*

(41) The Board should support the Commission in coordinating national



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

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

45

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

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

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

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

Or. en

## Amendment 20

### Proposal for a regulation

#### Article 1 – paragraph 1 – point c a (new)

*Text proposed by the Commission*

*Amendment*

**(ca) a framework for the establishment of a European data innovation board.**

Or. en

## **Amendment 21**

### **Proposal for a regulation Article 1 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

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

2. This Regulation is without prejudice to specific provisions in other Union legal acts regarding access to or re-use of certain categories of data, or requirements related to processing of personal or non-personal data. Where a sector-specific Union legal act requires public sector bodies, **data intermediaries** or registered entities providing data altruism services to comply with specific additional technical, administrative or organisational requirements, including through an authorisation or certification regime, those provisions of that sector-specific Union legal act shall also apply.

Or. en

## **Amendment 22**

### **Proposal for a regulation Article 2 – paragraph 1 – point 15**

*Text proposed by the Commission*

*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

(15) ‘representative’ means any natural or legal person established in the Union explicitly designated to act on behalf of a **data intermediary** or an entity that collects

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.

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 *data intermediary* or entity with regard to the obligations of that *data intermediary* or entity set up by this Regulation.

Or. en

### Amendment 23

#### Proposal for a regulation

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

*Text proposed by the Commission*

*Amendment*

***(15a) ‘data intermediary’ means a provider of data sharing services with the main objective of establishing a business, a legal and potentially also technical relation between an indefinite number of data holders, including data subjects and an indefinite number of potential data users and which assists both parties in a transaction of data assets between the two.***

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

***(a) providers conducting activities which aggregate, enrich or transform data and licence the use of the resulting data to data users, without providing data sharing services as referred to in Article 9(1);***

***(b) the following providers of data-sharing services:***

***(i) providers of cloud infrastructure services;***

***(ii) providers of services that focus on the intermediation of content, in***

*particular on copyright-protected content;*

*(iii) 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;*

*(iv) 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 24

### Proposal for a regulation

#### Article 2 – paragraph 1 – point 15 b (new)

*Text proposed by the Commission*

*Amendment*

*(15b) ‘services of data cooperative’ means services that support data subjects, one-person companies or micro, small and medium-sized enterprises, who are members of the cooperative or who confer power on 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

#### *Justification*

*This definition was originally given in Art 9 (1) (c) but fits better in Art 2 definitions.*

## Amendment 25

### Proposal for a regulation Article 3 – paragraph 2 – point c

*Text proposed by the Commission*

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

*Amendment*

(c) data held by cultural establishments  
*and protected by copyright or IPRs;*

Or. en

## Amendment 26

### Proposal for a regulation Article 3 – paragraph 2 – point c a (new)

*Text proposed by the Commission*

*(ca) data held by educational  
establishments;*

*Amendment*

Or. en

## Amendment 27

### 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 **12 months with the possibility of a further 12-month extension, subject to approval 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 28

### Proposal for a regulation Article 4 – paragraph 7

*Text proposed by the Commission*

(7) Agreements or other practices falling within the scope of the prohibition in paragraph 1, which do not meet the conditions set out in paragraph 2, and which were concluded before the date of entry into force of this Regulation shall be terminated at the end of the contract and in any event at the latest within **three** years after the date of entry into force of this Regulation.

*Amendment*

7. Agreements or other practices falling within the scope of the prohibition in paragraph 1, which do not meet the conditions set out in paragraph 2, and which were concluded before the date of entry into force of this Regulation shall be terminated at the end of the contract and in any event at the latest within **two** years after the date of entry into force of this Regulation.

Or. en

## Amendment 29

### 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 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 **via the single information point referred to in Article 8**. In that task, they may be assisted by the competent bodies referred to in Article 7(1).

Or. en

## Amendment 30

### Proposal for a regulation

#### Article 5 – paragraph 4 – introductory part

*Text proposed by the Commission*

(4) Public sector bodies may impose obligations

*Amendment*

4. ***In duly justified circumstances*** public sector bodies may impose obligations:

Or. en

## Amendment 31

### 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 ***remotely*** within a secure processing environment provided and controlled by the public sector; ***or***

Or. en

## Amendment 32

### 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 for SMEs.***

Or. en

## Amendment 33

### Proposal for a regulation Article 7 – paragraph 2 – point a a (new)

*Text proposed by the Commission*

*Amendment*

***(aa) providing guidance and technical support on how to best structure and store data to make data easily accessible, in particular through application programming interfaces, as well as interoperable, transferable and searchable, taking into account best practices for data processing;***

Or. en

## Amendment 34

### Proposal for a regulation Article 7 – paragraph 2 – point c

*Text proposed by the Commission*

*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 specific decisions of data holders, including on the jurisdiction or jurisdictions in which the data processing is intended to take place;

(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 ***and assisting the public sector bodies in establishing technical mechanisms that allow transmitting requests for consent from re-users, where that is practically feasible;***

Or. en



## Amendment 35

### Proposal for a regulation Article 7 – paragraph 3

*Text proposed by the Commission*

(3) The competent bodies may also be entrusted, pursuant Union or national law which provides for such access to be given, to grant access for the re-use of the categories of data referred to in Article 3 (1). While performing their function to grant or refuse access for re-use, Articles 4, 5, 6 **and 8 (3)** shall apply in regard to such competent bodies.

*Amendment*

3. The competent bodies may also be entrusted, pursuant Union or national law which provides for such access to be given, to grant access for the re-use of the categories of data referred to in Article 3 (1). While performing their function to grant or refuse access for re-use, Articles 4, 5 **and 6** shall apply in regard to such competent bodies.

Or. en

## Amendment 36

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

*Text proposed by the Commission*

*Amendment*

***3a. 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 paragraph 1 of this Article within a reasonable time and in any case within two months of the date of the request.***

Or. en

*Justification*

*Moved here from Article 8 to achieve better coherence.*

## Amendment 37

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

*Text proposed by the Commission*

*Amendment*

**3b. Any natural or legal person affected by a decision of a public sector body or of a competent body, as the case may be, shall have the right to an effective judicial remedy against such decision before the courts of the Member State where the relevant body is located.**

Or. en

*Justification*

*Moved here from Article 8 to achieve better coherence.*

### **Amendment 38**

#### **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 legal and technical capacities and expertise **and shall be sufficiently staffed with skilled personnel** 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 39**

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

*Text proposed by the Commission*

*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

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

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.

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 ***searchable*** register of available data resources containing relevant information describing the nature of available data, ***including at least the data format and size and the conditions for its re-use.***

Or. en

#### **Amendment 40**

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

*Text proposed by the Commission*

*Amendment*

***2a. The single information point shall offer an electronic, public register of single information points of all other Member States.***

Or. en

#### **Amendment 41**

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

*Text proposed by the Commission*

*Amendment*

***2b. The Commission shall establish a European single information point offering a searchable electronic register of data available in national single information points and further information on how to request data via those single information points.***

Or. en

## Amendment 42

### 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.** **deleted**

Or. en

*Justification*

*Moved to Article 7*

## Amendment 43

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

*Text proposed by the Commission*

*Amendment*

**(4) Any natural or legal person affected by a decision of a public sector body or of a competent body, as the case may be, shall have the right to an effective judicial remedy against such decision before the courts of the Member State where the relevant body is located.** **deleted**

Or. en

*Justification*

*Moved to Article 7*

## Amendment 44

### Proposal for a regulation Article 9 – title

*Text proposed by the Commission*

**Providers of data sharing services**

*Amendment*

**Data intermediaries**

Or. en

## Amendment 45

### 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. **Data intermediaries providing** the following data sharing services shall be subject to a notification procedure:

Or. en

## Amendment 46

### 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.

*Justification*

*The definition of data cooperative was moved to Article 2*

**Amendment 47**

**Proposal for a regulation**

**Article 9 – paragraph 2**

*Text proposed by the Commission*

(2) This Chapter shall be without prejudice to the application of other Union and national law to ***providers of data sharing services***, including powers of supervisory authorities to ensure compliance with applicable law, in particular as regard the protection of personal data and competition law.

*Amendment*

2. This Chapter shall be without prejudice to the application of other Union and national law to ***data intermediaries***, including powers of supervisory authorities to ensure compliance with applicable law, in particular as regard the protection of personal data and competition law.

**Amendment 48**

**Proposal for a regulation**

**Article 9 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. If the competent authority referred to in Article 12 has confirmed that a data intermediary complies with the requirements laid down in Articles 10 and 11 that data intermediary may refer to itself as a ‘data intermediary recognised in the Union’ in its written and spoken communication.***

## Amendment 49

### Proposal for a regulation Article 10 – title

*Text proposed by the Commission*

Notification of data *sharing service providers*

*Amendment*

Notification of data *intermediaries*

Or. en

## Amendment 50

### 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 intermediaries providing* the services referred to in Article 9(1) shall submit a notification to the competent authority referred to in Article 12.

Or. en

## Amendment 51

### Proposal for a regulation Article 10 – paragraph 2

*Text proposed by the Commission*

(2) For the purposes of this Regulation, a *provider of data sharing services* with establishments in more than one Member State, shall be deemed to be under the jurisdiction of the Member State in which it has its main establishment.

*Amendment*

2. For the purposes of this Regulation, a *data intermediary* with establishments in more than one Member State, shall be deemed to be under the jurisdiction of the Member State in which it has its main establishment.

Or. en

## Amendment 52

### 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 **data intermediary** 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 **data intermediary** shall be deemed to be under the jurisdiction of the Member State in which the legal representative is established.

Or. en

## Amendment 53

### 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 Chapter.

*Amendment*

4. Upon notification, the **data intermediary** may start the activity subject to the conditions laid down in this Chapter.

Or. en

## Amendment 54

### Proposal for a regulation Article 10 – paragraph 5

*Text proposed by the Commission*

(5) The notification shall entitle the **provider** to provide data sharing services in all Member States.

*Amendment*

5. The notification shall entitle the **data intermediary** to provide data sharing services in all Member States.



## Amendment 55

### Proposal for a regulation

#### Article 10 – paragraph 6 – point a

*Text proposed by the Commission*

(a) the name of the **provider of data sharing services**;

*Amendment*

(a) the name of the **data intermediary**;

Or. en

## Amendment 56

### 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 **data intermediary's** legal status, form and registration number, where the provider is registered in trade or in another similar public register;

Or. en

## Amendment 57

### 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 paragraph 3;

*Amendment*

(c) the address of the **data intermediary'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 paragraph 3;

Or. en

## Amendment 58

### 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 **data intermediary** and the activities can be found, where applicable;

Or. en

## Amendment 59

### Proposal for a regulation Article 10 – paragraph 6 – point e

*Text proposed by the Commission*

(e) the **provider's** contact persons and contact details;

*Amendment*

(e) the **data intermediary's** contact persons and contact details;

Or. en

## Amendment 60

### Proposal for a regulation Article 10 – paragraph 6 – point f

*Text proposed by the Commission*

(f) a description of the service the **provider** intends to provide;

*Amendment*

(f) a description of the service the **data intermediary** intends to provide;

Or. en

## Amendment 61

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

*Text proposed by the Commission*

*Amendment*

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

Or. en

*Justification*

*This should not be necessary according to Article 10 (5)*

## **Amendment 62**

### **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.** At the request of the **data intermediary**, the competent authority shall, within one week, issue a standardised declaration, confirming that the **data intermediary** has submitted the notification referred to in paragraph 4.

Or. en

## **Amendment 63**

### **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

*Justification*

*It is easier the Commission keeps a public register.*

## Amendment 64

### 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 intermediaries**.

Or. en

## Amendment 65

### Proposal for a regulation Article 10 – paragraph 11

*Text proposed by the Commission*

(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.

*Amendment*

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 national competent authorities in the Member States and to the Commission by electronic means.

Or. en

## Amendment 66

### Proposal for a regulation Article 11 – title

*Text proposed by the Commission*

Conditions for providing data sharing services

*Amendment*

Conditions for **data intermediaries** providing data sharing services

## Amendment 67

### Proposal for a regulation

#### Article 11 – paragraph 1 – point 1

*Text proposed by the Commission*

(1) the ***provider may not*** use the data for which it provides services ***for other purposes than to put them at the disposal of data users and*** data sharing services shall be placed in a separate legal entity;

*Amendment*

(1) the ***data intermediary shall*** use the data for which it provides services ***only in the context of the provision of services referred to in Article 9(1); those*** data sharing services shall be placed in a separate legal entity;

Or. en

## Amendment 68

### Proposal for a regulation

#### Article 11 – paragraph 1 – point 2

*Text proposed by the Commission*

(2) the metadata collected from the provision of the data sharing service ***may*** be used only for the development of that service;

*Amendment*

(2) the metadata collected from the provision of the data sharing service ***shall*** be used only for the development of that service, ***which may entail the use of metadata for the detection of fraud or cybersecurity threat monitoring;***

Or. en

## Amendment 69

### Proposal for a regulation

#### Article 11 – paragraph 1 – point 3

*Text proposed by the Commission*

(3) the ***provider*** shall ensure that the procedure for access to its service is fair, transparent and non-discriminatory for

*Amendment*

(3) the ***data intermediary*** shall ensure that the procedure for access to its service is fair, transparent and non-discriminatory

both data holders and data users, including as regards prices;

for both data holders and data users, including as regards prices *as well as terms of service*;

Or. en

## Amendment 70

### Proposal for a regulation Article 11 – paragraph 1 – point 4

*Text proposed by the Commission*

(4) the **provider** shall facilitate the exchange of the data in the format in which it receives it from the data holder and shall convert the data into specific formats only to enhance interoperability within and across sectors or if requested by the data user or where mandated by Union law or to ensure harmonisation with international or European data standards;

*Amendment*

(4) the **data intermediary** shall facilitate the exchange of the data in the format in which it receives it from the data holder and shall convert the data into specific formats only to enhance interoperability within and across sectors or if requested by the data user or where mandated by Union law or to ensure harmonisation with international or European data standards;

Or. en

## Amendment 71

### Proposal for a regulation Article 11 – paragraph 1 – point 4 a (new)

*Text proposed by the Commission*

*Amendment*

***(4a) the data intermediary may offer tools capable of analysis, aggregation, improving the quality or conversion of data to data holders or data users, and those tools shall be used only at the explicit request or approval of the data holder and third-party tools offered in that context shall not use data for purposes other than those requested or approved by the data holder;***

Or. en

## Amendment 72

### Proposal for a regulation Article 11 – paragraph 1 – point 5

*Text proposed by the Commission*

(5) the **provider** shall have procedures in place to prevent fraudulent or abusive practices in relation to access to data from parties seeking access through their services;

*Amendment*

(5) the **data intermediary** shall have procedures in place to prevent fraudulent or abusive practices in relation to access to data from parties seeking access through their services;

Or. en

## Amendment 73

### Proposal for a regulation Article 11 – paragraph 1 – point 6

*Text proposed by the Commission*

(6) the **provider** shall ensure a reasonable continuity of provision of its services and, in the case of services which ensure storage of data, shall have sufficient guarantees in place that allow data holders and data users to obtain access to their data in case of insolvency;

*Amendment*

(6) the **data intermediary** shall ensure a reasonable continuity of provision of its services and, in the case of services which ensure storage of data, shall have sufficient guarantees in place that allow data holders and data users to obtain access to their data in case of insolvency;

Or. en

## Amendment 74

### Proposal for a regulation Article 11 – paragraph 1 – point 6 a (new)

*Text proposed by the Commission*

*Amendment*

**(6a) the data intermediary shall avoid lock-in effects and shall ensure interoperability with other data sharing services to the extent technically reasonable, in particular as regards data**

*formats and other data standards;*

Or. en

## Amendment 75

### Proposal for a regulation

#### Article 11 – paragraph 1 – point 7

*Text proposed by the Commission*

(7) the *provider* shall put in place adequate technical, legal and organisational measures in order to prevent transfer or access to non-personal data that is unlawful under Union law;

*Amendment*

(7) the *data intermediary* shall put in place adequate technical, legal and organisational measures in order to prevent transfer or access to non-personal data that is unlawful under Union law;

Or. en

## Amendment 76

### Proposal for a regulation

#### Article 11 – paragraph 1 – point 8

*Text proposed by the Commission*

(8) the *provider* shall take measures to ensure a high level of security for the storage and transmission of non-personal data;

*Amendment*

(8) the *data intermediary* shall take measures to ensure a high level of security, ***including state-of-the-art cybersecurity, for the storage and transmission of non-personal data and the intermediary shall further ensure the highest level of security, including state-of-the-art cybersecurity, for the storage and transmission of competitively sensitive information;***

Or. en

## Amendment 77

### Proposal for a regulation

#### Article 11 – paragraph 1 – point 9



*Text proposed by the Commission*

(9) the **provider** shall **have procedures in place to** ensure compliance with **the** Union and national rules on competition;

*Amendment*

(9) the **data intermediary** shall ensure compliance with Union and national **law, in particular** rules on competition **and data protection**;

Or. en

## **Amendment 78**

### **Proposal for a regulation**

#### **Article 11 – paragraph 1 – point 10**

*Text proposed by the Commission*

(10) the **provider** offering services to data subjects shall act in the data subjects' best interest when facilitating the exercise of their rights, in particular by advising data subjects on potential data uses and standard terms and conditions attached to such uses;

*Amendment*

(10) the **data intermediary** offering services to data subjects shall act in the data subjects' best interest when facilitating the exercise of their rights, in particular by advising data subjects on potential data uses and standard terms and conditions attached to such uses;

Or. en

## **Amendment 79**

### **Proposal for a regulation**

#### **Article 11 – paragraph 1 – point 11**

*Text proposed by the Commission*

(11) where a **provider** provides tools for obtaining consent from data subjects or permissions to process data made available by legal persons, it shall specify the jurisdiction or jurisdictions in which the data use is intended to take place.

*Amendment*

(11) where a **data intermediary** provides tools for obtaining consent from data subjects or permissions to process data made available by legal persons, it shall specify the jurisdiction or jurisdictions in which the data use is intended to take place.

Or. en

## Amendment 80

### Proposal for a regulation Article 12 – paragraph 3

*Text proposed by the Commission*

(3) The designated competent authorities, the data protection authorities, the national competition authorities, the authorities in charge of cybersecurity, and other relevant sectorial authorities shall exchange the information which is necessary for the exercise of their tasks in relation to data *sharing providers*.

*Amendment*

3. The designated competent authorities, the data protection authorities, the national competition authorities, the authorities in charge of cybersecurity, and other relevant sectorial authorities shall exchange the information which is necessary for the exercise of their tasks in relation to data *intermediaries*.

Or. en

## Amendment 81

### Proposal for a regulation Article 13 – paragraph 2

*Text proposed by the Commission*

(2) The competent authority shall have the power to request from *providers of data sharing services* all the information that is necessary to verify compliance with the requirements laid down in Articles 10 and 11. Any request for information shall be proportionate to the performance of the task and shall be reasoned.

*Amendment*

2. The competent authority shall have the power to request from *data intermediaries or their legal representatives* all the information that is necessary to verify compliance with the requirements laid down in Articles 10 and 11. Any request for information shall be proportionate to the performance of the task and shall be reasoned.

Or. en

## Amendment 82

### Proposal for a regulation Article 13 – paragraph 3

*Text proposed by the Commission*

(3) Where the competent authority

*Amendment*

3. Where the competent authority

finds that a *provider of data sharing services* does not comply with one or more of the requirements laid down in Article 10 or 11, it shall notify that *provider* of those findings and give it the opportunity to state its views, within a reasonable time limit.

finds that a *data intermediary* does not comply with one or more of the requirements laid down in Article 10 or 11, it shall notify that *data intermediary* of those findings and give it the opportunity to state its views, within a reasonable time limit.

Or. en

## Amendment 83

### Proposal for a regulation Article 13 – paragraph 6

*Text proposed by the Commission*

(6) If a *provider of data sharing services* has its main establishment or legal representative in a Member State, but provides services in other Member States, the competent authority of the Member State of the main establishment or where the legal representative is located and the competent authorities of those other Member States shall cooperate and assist each other. Such assistance and cooperation may cover information exchanges between the competent authorities concerned and requests to take the measures referred to in this Article.

*Amendment*

6. If a *data intermediary* has its main establishment or legal representative in a Member State, but provides services in other Member States, the competent authority of the Member State of the main establishment or where the legal representative is located and the competent authorities of those other Member States shall cooperate and assist each other. Such assistance and cooperation may cover information exchanges between the competent authorities concerned and requests to take the measures referred to in this Article.

Or. en

## Amendment 84

### Proposal for a regulation Article 13 – paragraph 6 a (new)

*Text proposed by the Commission*

*Amendment*

**6a. Upon the request of a data intermediary the competent authority shall confirm that the data intermediary complies with the requirements laid down**

## **Amendment 85**

### **Proposal for a regulation Article 15 – paragraph 1**

*Text proposed by the Commission*

(1) Each competent authority designated pursuant to Article 20 shall keep a register of recognised data altruism organisations.

*Amendment*

1. Each competent authority designated pursuant to Article 20 shall keep a **public** register of recognised data altruism organisations.

## **Amendment 86**

### **Proposal for a regulation Article 15 – paragraph 2**

*Text proposed by the Commission*

(2) The Commission shall maintain a Union register of recognised data altruism organisations.

*Amendment*

2. The Commission shall maintain a **public** Union register of recognised data altruism organisations.

## **Amendment 87**

### **Proposal for a regulation Article 19 – paragraph 1 – introductory part**

*Text proposed by the Commission*

(1) Any entity entered in the register of recognised data altruism organisations shall inform data holders:

*Amendment*

1. Any entity entered in the register of recognised data altruism organisations shall inform data holders **prior to any processing of their data**:

## Amendment 88

### Proposal for a regulation Article 19 – paragraph 1 – point b

*Text proposed by the Commission*

(b) about any processing outside the Union.

*Amendment*

(b) about ***the location of*** any processing ***performed*** outside the Union.

Or. en

## Amendment 89

### Proposal for a regulation Article 19 – paragraph 2 a (new)

*Text proposed by the Commission*

*Amendment*

***2a. The entity shall also ensure that consent from data subjects or permissions to process data made available by legal persons can be withdrawn easily and in a user-friendly way by the data subject or legal person.***

Or. en

## Amendment 90

### Proposal for a regulation Article 23 – paragraph 1

*Text proposed by the Commission*

(1) The competent authorities designated pursuant to Article 12 and Article 20 shall be legally distinct from, and functionally independent of any ***provider of data sharing services*** or entity included in the register of recognised data

*Amendment*

1. The competent authorities designated pursuant to Article 12 and Article 20 shall be legally distinct from, and functionally independent of any ***data intermediary*** or entity included in the register of recognised data altruism

altruism organisations.

organisations.

Or. en

## Amendment 91

### Proposal for a regulation Article 24 – paragraph 1

*Text proposed by the Commission*

(1) Natural and legal persons shall have the right to lodge a complaint with the relevant national competent authority against a ***provider of data sharing services*** or an entity entered in the register of recognised data altruism organisations.

*Amendment*

1. Natural and legal persons shall have the right to lodge a complaint with the relevant national competent authority against a ***data intermediary*** or an entity entered in the register of recognised data altruism organisations.

Or. en

## Amendment 92

### Proposal for a regulation Article 25 – paragraph 1 – point b

*Text proposed by the Commission*

(b) decisions of the competent authorities referred to in Articles 13, 17 and 21 taken in the management, control and enforcement of the notification regime for ***providers of data sharing services*** and the monitoring of entities entered into the register of recognised data altruism organisations.

*Amendment*

(b) decisions of the competent authorities referred to in Articles 13, 17 and 21 taken in the management, control and enforcement of the notification regime for ***data intermediaries*** and the monitoring of entities entered into the register of recognised data altruism organisations.

Or. en

## Amendment 93

### Proposal for a regulation Article 26 – paragraph 1

*Text proposed by the Commission*

(1) The Commission shall establish a European Data Innovation Board (“the Board”) in the form of an Expert Group, consisting of the representatives of competent authorities of all the Member States, the European Data Protection Board, the Commission, relevant data spaces and other representatives of competent authorities in specific sectors.

*Amendment*

1. The Commission shall establish a European Data Innovation Board (“the Board”) in the form of an Expert Group, consisting of the representatives of competent authorities of all the Member States, the European Data Protection Board, the ***European Union Agency for Cybersecurity (ENISA)***, the Commission, relevant data spaces and other representatives of competent authorities in specific sectors ***and a representative of the Data Innovation Advisory Council***.

Or. en

**Amendment 94**

**Proposal for a regulation  
Article 26 – paragraph 2**

*Text proposed by the Commission*

(2) Stakeholders ***and relevant*** third parties ***may*** be invited to attend meetings of the Board and to participate in its work.

*Amendment*

2. ***The Board shall establish a Data Innovation Advisory Council (the “Advisory Council”). The Advisory Council shall be composed of relevant representatives from industry, SMEs, research, standardisation organisations and other relevant stakeholders or third parties appointed by the Board. The Advisory Council shall nominate a representative to attend meetings of the Board and to participate in its work.***

Or. en

**Amendment 95**

**Proposal for a regulation  
Article 26 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

**4a. The Board's deliberations and documents shall be made public.**

Or. en

## **Amendment 96**

### **Proposal for a regulation**

#### **Article 27 – paragraph 1 – point b**

*Text proposed by the Commission*

*Amendment*

(b) to advise and assist the Commission in developing a consistent practice of the competent authorities in the application of requirements applicable to data **sharing providers**;

(b) to advise and assist the Commission in developing a consistent practice of the competent authorities in the application of requirements applicable to data **intermediaries**;

Or. en

## **Amendment 97**

### **Proposal for a regulation**

#### **Article 27 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

**(ba) to advise and assist the Commission in developing consistent guidelines for the use of privacy enhancing technologies such as anonymisation, pseudonymisation, differential privacy, generalisation, or suppression and randomisation for the re-use of personal and non-personal data;**

Or. en



## Amendment 98

### Proposal for a regulation

#### Article 27 – paragraph 1 – point b b (new)

*Text proposed by the Commission*

*Amendment*

**(bb) to advise and assist the Member States and the Commission on the harmonisation of the interpretation and use of anonymisation of data across the Union;**

Or. en

## Amendment 99

### Proposal for a regulation

#### Article 27 – paragraph 1 – point b c (new)

*Text proposed by the Commission*

*Amendment*

**(bc) to advise and assist the Commission in developing consistent guidelines for cybersecurity requirements for the exchange and storage of data;**

Or. en

## Amendment 100

### Proposal for a regulation

#### Article 27 – paragraph 1 – point e

*Text proposed by the Commission*

*Amendment*

(e) to facilitate the cooperation between national competent authorities under this Regulation through capacity-building and the exchange of information, in particular by establishing methods for the efficient exchange of information relating to the notification procedure for data *sharing service providers* and the registration and monitoring of recognised

(e) to facilitate the cooperation between national competent authorities under this Regulation through capacity-building and the exchange of information, in particular by establishing methods for the efficient exchange of information relating to the notification procedure for data *intermediaries* and the registration and monitoring of recognised data altruism

data altruism organisations.

organisations.

Or. en

## Amendment 101

### Proposal for a regulation

#### Article 27 – paragraph 1 – point e a (new)

*Text proposed by the Commission*

*Amendment*

***(ea) to facilitate cooperation between Member States in relation to the rules on penalties laid down by the Member States pursuant to Article 31 and to issue recommendations as regards the harmonisation of those penalties across the Union.***

Or. en

## Amendment 102

### Proposal for a regulation

#### Article 30 – paragraph 1

*Text proposed by the Commission*

*Amendment*

(1) The public sector body, the natural or legal person to which the right to re-use data was granted under Chapter 2, the data ***sharing provider*** or the entity entered in the register of recognised data altruism organisations, as the case may be, shall take all reasonable technical, legal and organisational measures in order to prevent transfer or access to non-personal data held in the Union where such transfer or access would create a conflict with Union law or the law of the relevant Member State, unless the transfer or access are in line with paragraph 2 or 3.

1. The public sector body, the natural or legal person to which the right to re-use data was granted under Chapter 2, the data ***intermediary*** or the entity entered in the register of recognised data altruism organisations, as the case may be, shall take all reasonable technical, legal and organisational measures in order to prevent transfer or access to non-personal data held in the Union where such transfer or access would create a conflict with Union law or the law of the relevant Member State, unless the transfer or access are in line with paragraph 2 or 3.

Or. en

## Amendment 103

### Proposal for a regulation Article 30 – paragraph 2

*Text proposed by the Commission*

(2) Any judgment of a court or tribunal and any decision of an administrative authority of a third country requiring a public sector body, a natural or legal person to which the right to re-use data was granted under Chapter 2, a data **sharing provider** or entity entered in the register of recognised data altruism organisations to transfer from or give access to non-personal data subject to this Regulation in the Union may only be recognised or enforceable in any manner if based on an international agreement, such as a mutual legal assistance treaty, in force between the requesting third country and the Union or any such agreement between the requesting third country and a Member State concluded before [the entry into force of this Regulation].

*Amendment*

2. Any judgment of a court or tribunal and any decision of an administrative authority of a third country requiring a public sector body, a natural or legal person to which the right to re-use data was granted under Chapter 2, a data **intermediary** or entity entered in the register of recognised data altruism organisations to transfer from or give access to non-personal data subject to this Regulation in the Union may only be recognised or enforceable in any manner if based on an international agreement, such as a mutual legal assistance treaty, in force between the requesting third country and the Union or any such agreement between the requesting third country and a Member State concluded before [the entry into force of this Regulation].

Or. en

## Amendment 104

### Proposal for a regulation Article 30 – paragraph 3 – introductory part

*Text proposed by the Commission*

(3) Where a public sector body, a natural or legal person to which the right to re-use data was granted under Chapter 2, a data **sharing provider** or entity entered in the register of recognised data altruism organisations is the addressee of a decision of a court or of an administrative authority of a third country to transfer from or give access to non-personal data held in the

*Amendment*

3. Where a public sector body, a natural or legal person to which the right to re-use data was granted under Chapter 2, a data **intermediary** or entity entered in the register of recognised data altruism organisations is the addressee of a decision of a court or of an administrative authority of a third country to transfer from or give access to non-personal data held in the

Union and compliance with such a decision would risk putting the addressee in conflict with Union law or with the law of the relevant Member State, transfer to or access to such data by that third-country authority shall take place only:

Union and compliance with such a decision would risk putting the addressee in conflict with Union law or with the law of the relevant Member State, transfer to or access to such data by that third-country authority shall take place only:

Or. en

## Amendment 105

### Proposal for a regulation Article 30 – paragraph 4

#### *Text proposed by the Commission*

(4) If the conditions in paragraph 2, or 3 are met, the public sector body, the natural or legal person to which the right to re-use data was granted under Chapter 2, the data **sharing provider** or the entity entered in the register of recognised data altruism organisations, as the case may be, shall, provide the minimum amount of data permissible in response to a request, based on a reasonable interpretation of the request.

#### *Amendment*

4. If the conditions in paragraph 2, or 3 are met, the public sector body, the natural or legal person to which the right to re-use data was granted under Chapter 2, the data **intermediary** or the entity entered in the register of recognised data altruism organisations, as the case may be, shall, provide the minimum amount of data permissible in response to a request, based on a reasonable interpretation of the request.

Or. en

## Amendment 106

### Proposal for a regulation Article 30 – paragraph 5

#### *Text proposed by the Commission*

(5) The public sector body, the natural or legal person to which the right to re-use data was granted under Chapter 2, the data **sharing provider** and the entity providing data altruism shall inform the data holder about the existence of a request of an administrative authority in a third-country to access its data, except in cases where the

#### *Amendment*

5. The public sector body, the natural or legal person to which the right to re-use data was granted under Chapter 2, the data **intermediary** and the entity providing data altruism shall inform the data holder about the existence of a request of an administrative authority in a third-country to access its data, except in cases where the

request serves law enforcement purposes and for as long as this is necessary to preserve the effectiveness of the law enforcement activity.

request serves law enforcement purposes and for as long as this is necessary to preserve the effectiveness of the law enforcement activity.

Or. en

## Amendment 107

### Proposal for a regulation Article 32 – paragraph 1

#### *Text proposed by the Commission*

By [**four** years after the **data** of application of this Regulation], the Commission shall carry out an evaluation of this Regulation, and submit a report on its main findings to the European Parliament and to the Council as well as to the European Economic and Social Committee. Member States shall provide the Commission with the information necessary for the preparation of that report.

#### *Amendment*

By ... [**two** years after the **date** of application of this Regulation], the Commission shall carry out an evaluation of this Regulation, and submit a report on its main findings to the European Parliament and to the Council as well as to the European Economic and Social Committee. Member States shall provide the Commission with the information necessary for the preparation of that report.

Or. en

## Amendment 108

### Proposal for a regulation Article 33 – paragraph 1 – table

<i>Text proposed by the Commission</i>		
Starting, running and closing a business	Notification as <b>a provider of data sharing services</b>	Confirmation of the receipt of notification
	Registration as a European Data Altruism Organisation	Confirmation of the registration
<i>Amendment</i>		
Starting, running and closing a business	Notification as a <b>data intermediary</b>	Confirmation of the receipt of notification
	Registration as a European	Confirmation of the

	Data Altruism Organisation	registration
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Or. en