DRAFT REPORT


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


(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],

– 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.

1 OJ C 0, 0.0.0000, p. 0.
Parliament and of the Council (38) and Delegated Regulations adopted on its basis, and any other sector-specific Union legislation that organises the access to and re-use of data. This Regulation should be without prejudice to the access and use of data for the purpose of international cooperation in the context of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties. A horizontal regime for the re-use of certain categories of protected data held by public sector bodies, the provision of data sharing services and of services based on data altruism in the Union should be established. Specific characteristics of different sectors may require the design of sectoral data-based systems, while building on the requirements of this Regulation. Where a sector-specific Union legal act requires public sector bodies, providers of data sharing services or registered entities providing data altruism services to comply with specific additional technical, administrative or organisational requirements, including through an authorisation or certification regime, those provisions of that sector-specific Union legal act should also apply.

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

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

27 Regulation (EU) 2016/679 of the European Parliament and of the Council of Parliament and of the Council (38) and Delegated Regulations adopted on its basis, and any other sector-specific Union legislation that organises the access to and re-use of data. This Regulation should be without prejudice to the access and use of data for the purpose of international cooperation in the context of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties. A horizontal regime for the re-use of certain categories of protected data held by public sector bodies, the provision of data sharing services and of services based on data altruism in the Union should be established. Specific characteristics of different sectors may require the design of sectoral data-based systems, while building on the requirements of this Regulation. Where a sector-specific Union legal act requires public sector bodies, data intermediaries or registered entities providing data altruism services to comply with specific additional technical, administrative or organisational requirements, including through an authorisation or certification regime, those provisions of that sector-specific Union legal act should also apply.
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)


32 Directive 2000/31/EC of the European


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

(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.

Amendment

Or. en
Amendment 4
Proposal for a regulation
Recital 6 a (new)

*Text proposed by the Commission*

(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”\(^1\).


Or. en

Amendment 5
Proposal for a regulation
Recital 9

*Text proposed by the Commission*

(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.

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.
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.

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.

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 users.

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 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 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 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 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 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.


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.

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.**

**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

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

(27) In order to ensure the compliance of 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 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.

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
(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.

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**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.
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.

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

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.

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\textsuperscript{44} and the CEF Building Blocks\textsuperscript{45}), without prejudice to standardisation work taking place in specific sectors or domains. Work on technical standardisation may include the identification of priorities for the development of standards and establishing and maintaining a set of technical and legal standards for transmitting data between two processing environments that allows data spaces to be organised without making recourse to an intermediary. The Board should cooperate with sectoral bodies, networks or expert groups, or other cross-sectoral organisations dealing with re-use of data. Regarding data altruism, the Board should assist the Commission in the development of the data altruism consent form, in consultation with the European Data Protection Board.

\textsuperscript{44} https://joinup.ec.europa.eu/collection/semantic-interoperability-community-semantic/core-vocabularies

\textsuperscript{45} https://joinup.ec.europa.eu/collection/connecting-europe-facility-cef

\textbf{Amendment 20}

\textbf{Proposal for a regulation}

\textbf{Article 1 – paragraph 1 – point c a (new)}
Text proposed by the Commission

(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.

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, 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.

Amendment 22

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

Text proposed by the Commission

(15) ‘representative’ means any natural or legal person established in the Union explicitly designated to act on behalf of a provider of data sharing services or an

Amendment

(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.

Amendment 23

Proposal for a regulation
Article 2 – paragraph 1 – point 15 a (new)

Text proposed by the Commission

(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;

Amendment 24

Proposal for a regulation
Article 2 – paragraph 1 – point 15 b (new)

Text proposed by the Commission

(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.

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;

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

(\textit{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

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

Amendment

(c) assisting the public sector bodies, where relevant, in obtaining consent or permission by re-users for re-use for altruistic and other purposes in line with 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

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.

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)
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.

Justification

Moved here from Article 8 to achieve better coherence.

Amendment 38

Proposal for a regulation
Article 7 – paragraph 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).

Amendment 39

Proposal for a regulation
Article 8 – paragraph 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.

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

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

Amendment

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

Or. en

Justification

Moved to Article 7

Amendment 43
Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

(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.

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.

Or. en

Justification

Moved to Article 7
Amendment 44
Proposal for a regulation
Article 9 – title

Text proposed by the Commission
Amendment

Providers of data sharing services
Data intermediaries

Or. en

Amendment 45
Proposal for a regulation
Article 9 – paragraph 1 – introductory part

Text proposed by the Commission
Amendment

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

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
Amendment

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

(c) services of data cooperatives.
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

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

Or. en
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

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

Amendment

Deleted

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

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.

Amendment

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

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

Amendment

Deleted

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

(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;

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

(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;

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;

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;

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.

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**
Articles 10 and 11.

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.

Amendment 89
Proposal for a regulation
Article 19 – paragraph 2 a (new)

Text proposed by the Commission

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.

Amendment

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.  

**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.

**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.

**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 Cybersitecurity (ENISA), the Commission, relevant data spaces and other representatives of competent authorities in specific sectors and a representative of the Data Innovation Advisory Council.

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.

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

(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;

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 intermediaries;

Or. en

Amendment 97

Proposal for a regulation
Article 27 – paragraph 1 – point b a (new)

Text proposed by the Commission

(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;

Amendment

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 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.
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:

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.

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.

Amendment 107

Proposal for a regulation
Article 32 – paragraph 1

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>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.</td>
<td>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.</td>
</tr>
</tbody>
</table>

Amendment 108

Proposal for a regulation
Article 33 – paragraph 1 – table

<table>
<thead>
<tr>
<th>Text proposed by the Commission</th>
<th>Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td>Starting, running and closing a business</td>
<td>Notification as a provider of data sharing services</td>
</tr>
<tr>
<td>Registration as a European Data Altruism Organisation</td>
<td>Confirmation of the registration</td>
</tr>
</tbody>
</table>

| Amendment |
|-------------------|-----------------|
| Starting, running and closing a business | Notification as a data intermediary | Confirmation of the receipt of notification |
| Registration as a European | Confirmation of the registration |
| Data Altruism Organisation | registration |

Or. en