# European data governance (Data Governance Act)

2020/0340(COD) - 25/11/2020 - Legislative proposal

PURPOSE: to promote the availability of data for use, by proposing measures to stimulate data sharing and to support the European Data Spaces.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: this proposal for a Regulation on European Data Governance (Data Governance Act) is the first concrete action in the framework of the European Data Strategy.

In its Data Strategy, the Commission described the vision of a common European data space, a Single Market for data in which data could be used irrespective of its physical location of storage in the EU in compliance with applicable law. It also called for the free and safe flow of data with third countries, subject to exceptions and restrictions for public security, public order and other legitimate public policy objectives of the European Union.

The Commission proposed to establish domain specific common European data spaces, as the concrete arrangements in which data sharing and data pooling can happen. Such common European data spaces can cover areas such as health, mobility, manufacturing, financial services, energy, or agriculture or thematic areas, such as the European green deal or European data spaces for public administration or skills.

In this context, it is necessary to improve the conditions for data sharing in the internal market, by creating a harmonised framework for data exchanges.

A single market for data should ensure that data from the public sector, businesses and citizens can be accessed and used in the most effective and responsible manner possible, while businesses and citizens keep control of the data they generate and the investments made into their collection are safeguarded.

IMPACT ASSESSMENT: according to the impact assessment support study, while in the baseline scenario the data economy and the economic value of data sharing is expected to increase to an estimated EUR 510-533 billion (3.87% of GDP), this would rise to EUR 540.7-544.4 billion (3.92%-3.95% of GDP) depending on the preferred option.

CONTENT: the proposed Regulation aims to promote the availability of data for use, by increasing trust in data intermediaries and strengthening data sharing mechanisms across the EU.

***Re-use of certain data held by the public sector***

The proposal creates a mechanism to enhance the use of certain public sector data, conditional on the respect of the rights of others (notably on grounds of protection of personal data, but also protection of intellectual property rights and commercial confidentiality).

Public sector bodies authorising such re-use should be technically equipped to ensure that data protection, privacy and confidentiality are fully preserved.

The proposal:

- defines a set of harmonised basic conditions, the respect of which would allow the re-use of data (e.g. the non-exclusivity requirement);

- obliges Member States to set up (i) a single contact point to help researchers and innovative companies select identify suitable data, and (ii) structures that will support public sector bodies with technical means and legal assistance.

***Creation of a notification regime for data sharing service providers***

In order to increase trust in the sharing of personal and non-personal data and lower transaction costs to B2B and C2B data sharing by creating a notification regime for data sharing providers, providers of data-sharing services would have to comply with a number of requirements, including the obligation to remain neutral with regard to the data exchanged and not to use such data for other purposes.

A competent authority designated by the Member States would be responsible for monitoring compliance with the requirements relating to the provision of data sharing services.

***Data Altruism***

In order to facilitate altruistic data (data voluntarily made available by individuals or companies for the common good), the proposal gives data altruistic organisations the possibility to register as a 'Data Altruism Organisation recognised in the EU' in order to increase trust in their operations.

***Governance***

The proposal:

- sets out the requirements for the functioning of the competent authorities designated to monitor and implement the notification framework for data-sharing service providers and entities engaged in data altruism. It also contains provisions on the right to lodge complaints against the decisions of such bodies and on the means of judicial redress;

- creates a formal expert group (the 'European Data Innovation Board'), which will facilitate the emergence of best practice by Member State authorities and advise the Commission on the governance of cross-sectoral standardisation.