European data governance (Data Governance Act)

2020/0340(COD) - 22/07/2021 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Industry, Research and Energy adopted the report by Angelika NIEBLER (EPP, DE) on the proposal for a regulation of the European Parliament and of the Council on European data governance (Data Governance Act).

The proposed regulation aims to promote the availability of data for use, increasing trust in data intermediaries and strengthening data sharing mechanisms across the EU.

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Re-use of certain categories of public sector data

Members believe that public sector bodies should avoid entering into agreements creating exclusive rights for the re-use of certain data. They propose **limiting exclusivity agreements to a period of 12 months**.

Public sector bodies competent to grant or refuse access for re-use of one or more of the categories of data should be provided with the necessary **human and financial resources** and should make public the conditions for authorising such re-use and the procedure for applying for re-use through the national single information points.

Conditions for re-use

Conditions for re-use should be transparent and should not be designed to restrict the participation of SMEs, start-ups or civil society actors.

Public sector bodies should **ensure that the protected nature of data is preserved**. EU and Member State law on the protection of personal data should apply to any personal data processed under the Regulation.

Where public sector bodies make personal data available for re-use, they should assist data subjects to exercise their rights, including vis-à-vis potential re-users. Within their capabilities, public sector bodies should provide advice and support to re-users to help them comply with their obligations.

Transfer of data to third countries

The Commission should adopt delegated acts establishing that a third country offers a level of protection substantially equivalent to that provided by EU or national law. It should also: (i) issue guidelines on the obligations relating to the transfer of non-personal data to a third country by re-users; (ii) establish, by means of implementing acts, standard contractual clauses for the transfer by re-users of non-personal data to a third country.

Single information point

Single information points should provide an electronic and public register of single information points in all other Member States and be linked to the single digital gateway established by Regulation (EU) 2018

/1724 of the European Parliament and the Council. A separate, simplified and well-documented information channel could be established for SMEs and start-ups.

The Commission should establish a **European single information point** providing a searchable electronic register of data available in national single information points and further information on how to access data through these single information points.

Requirements for data sharing services

Members clarified the scope of the legislation, in particular regarding **data intermediation services**, to ensure that large technology companies are included in the framework.

In order to ensure that recognised data intermediation service providers in the EU are easily identifiable throughout the EU, the Commission should establish, by means of implementing acts, a design for a common logo. Providers of data intermediation services recognised in the Union shall display the common logo clearly on every online and offline publication that relates to their data intermediation activities.

Altruistic data organisations

Members proposed that only an entity **registered in the public national register of recognised data altruism** under the Regulation should be allowed to use the name 'data altruism organisation recognised in the Union' in its written and spoken communications, together with a common logo.

EU-recognised altruistic data organisations should clearly display the common logo on every online and offline publication that relates to their altruistic data activities.

Where an entity that is not established in the Union fails to designate a legal representative or the legal representative fails to provide within a reasonable timeframe, the necessary information that comprehensively demonstrates compliance with this Regulation, the competent authority should have the power to impose the immediate cessation of the provision of the data altruism activity.

Both data intermediaries and data altruism organisations should be removed from the respective national and Union registers in case of non-compliance.

Fees

Fees applicable under the Regulation should be transparent, proportionate, non-discriminatory and objectively justified. Furthermore, competent authorities should be able to apply reduced or zero fees for micro, small and medium-sized enterprises, start-ups, civil society organisations and educational institutions.

Judicial remedy

Any natural or legal person affected by a decision of a public sector body or competent body, as the case may be, should have an effective judicial remedy against that decision before the courts of the Member State in which the body is located.

Members also considered that Member States should provide for a system of penalties applicable to breaches of the provisions of the Regulation.