## Basic information

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| **2020/0340(COD)**<br><br>COD - Ordinary legislative procedure (ex-codecision procedure)<br>Regulation | Procedure completed |
| European data governance (Data Governance Act)<br><br>**Subject**<br><br>1.20.05 Public access to information and documents, administrative practice<br>1.20.09 Protection of privacy and data protection<br>2.40 Free movement of services, freedom to provide<br>2.80 Cooperation between administrations<br>3.30.06 Information and communication technologies, digital technologies<br>3.30.25 International information networks and society, internet<br>3.50.04 Innovation | |

## Key players

### European Parliament

| Committee responsible | Rapporteur | Appointed |
|---|---|---|
| ITRE Industry, Research and Energy | NIEBLER Angelika (EPP) | 17/12/2020 |
| | Shadow rapporteur<br><br>KUMPULA-NATRI Miapetra (S&D)<br><br>DANTI Nicola (Renew)<br><br>BOESELAGER Damian (Greens/EFA)<br><br>MELBĀRDE Dace (ECR)<br><br>LIZZI Elena (ID) | |

| Committee for opinion | Rapporteur for opinion | Appointed |
|---|---|---|
| IMCO Internal Market and Consumer Protection | GOZI Sandro (Renew) | 09/02/2021 |
| JURI Legal Affairs | MELCHIOR Karen (Renew) | 10/05/2021 |
| LIBE Civil Liberties, Justice and Home Affairs<br>(Associated committee) | LAGODINSKY Sergey (Greens/EFA) | 11/01/2021 |

### Council of the European Union

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| European Commission | **Commission DG** | **Commissioner** |
| | Communications Networks, Content and Technology | BRETON Thierry |
| European Economic and Social Committee | | |
| European Committee of the Regions | | |

## Key events

| Date | Event | Reference | Summary |
|---|---|---|---|
| 25/11/2020 | Legislative proposal published | COM(2020)0767 | Summary |
| 14/12/2020 | Committee referral announced in Parliament, 1st reading | | |
| 10/06/2021 | Referral to associated committees announced in Parliament | | |
| 15/07/2021 | Vote in committee, 1st reading | | |
| 15/07/2021 | Committee decision to open interinstitutional negotiations with report adopted in committee | | |
| 22/07/2021 | Committee report tabled for plenary, 1st reading | A9-0248/2021 | Summary |
| 13/09/2021 | Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72) | | |
| 15/09/2021 | Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72) | | |
| 06/12/2021 | Approval in committee of the text agreed at 1st reading interinstitutional negotiations | GEDA/A/(2021)006048<br>PE703.098 | |
| 06/04/2022 | Decision by Parliament, 1st reading | T9-0111/2022 | Summary |
| 06/04/2022 | Results of vote in Parliament | | |
| 06/04/2022 | Debate in Parliament | | |
| 16/05/2022 | Act adopted by Council after Parliament's 1st reading | | |
| 30/05/2022 | Final act signed | | |
| 03/06/2022 | Final act published in Official Journal | | |

## Technical information

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|---|---|
| **Procedure reference** | 2020/0340(COD) |
| **Procedure type** | COD - Ordinary legislative procedure (ex-codecision procedure) |
| **Procedure subtype** | Legislation |
| **Legislative instrument** | Regulation |
| **Legal basis** | Rules of Procedure EP 57_o<br>Treaty on the Functioning of the European Union TFEU 114-p1 |
| **Other legal basis** | Rules of Procedure EP 165 |
| **Mandatory consultation of other institutions** | European Economic and Social Committee<br>European Committee of the Regions |

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| **Stage reached in procedure** | Procedure completed |
| **Committee dossier** | ITRE/9/04735 |

## Documentation gateway

### European Parliament

| Document type | Committee | Reference | Date | Summary |
|---|---|---|---|---|
| Committee draft report | | PE691.139 | 26/03/2021 | |
| Amendments tabled in committee | | PE691.449 | 27/04/2021 | |
| Amendments tabled in committee | | PE691.468 | 27/04/2021 | |
| Amendments tabled in committee | | PE692.584 | 27/04/2021 | |
| Committee opinion | IMCO | PE691.362 | 24/06/2021 | |
| Committee opinion | JURI | PE693.557 | 05/07/2021 | |
| Committee opinion | LIBE | PE692.728 | 13/07/2021 | |
| Committee report tabled for plenary, 1st reading/single reading | | A9-0248/2021 | 22/07/2021 | Summary |
| Text agreed during interinstitutional negotiations | | PE703.098 | 15/12/2021 | |
| Text adopted by Parliament, 1st reading/single reading | | T9-0111/2022 | 06/04/2022 | Summary |

### Council of the EU

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Coreper letter confirming interinstitutional agreement | GEDA/A/(2021)006048 | 15/12/2021 | |
| Draft final act | 00085/2021/LEX | 30/05/2022 | |

### European Commission

| Document type | Reference | Date | Summary |
|---|---|---|---|
| Legislative proposal | COM(2020)0767 | 25/11/2020 | Summary |
| Document attached to the procedure | SEC(2020)0405 | 25/11/2020 | |
| Document attached to the procedure | SWD(2020)0295 | 25/11/2020 | |
| Document attached to the procedure | SWD(2020)0296 | 25/11/2020 | |
| Commission response to text adopted in plenary | SP(2022)281 | 01/06/2022 | |

### National parliaments

| Document type | Parliament /Chamber | Reference | Date | Summary |
|---|---|---|---|---|
| Contribution | DE_BUNDESRAT | COM(2020)0767 | 19/02/2021 | |

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|---|---|---|---|---|
| Contribution | ES_PARLIAMENT | COM(2020)0767 | 22/02/2021 | |
| Contribution | PT_PARLIAMENT | COM(2020)0767 | 24/02/2021 | |
| Contribution | CZ_SENATE | COM(2020)0767 | 24/03/2021 | |
| Contribution | RO_SENATE | COM(2020)0767 | 22/04/2021 | |

**Other institutions and bodies**

| Institution/body | Document type | Reference | Date | Summary |
|---|---|---|---|---|
| EESC | Economic and Social Committee: opinion, report | CES5545/2020 | 27/04/2021 | |

**Additional information**

| Source | Document | Date |
|---|---|---|
| European Commission | EUR-Lex | |

## Meetings with interest representatives published in line with the Rules of Procedure

### Rapporteurs, Shadow Rapporteurs and Committee Chairs

**Transparency**

| Name | Role | Committee | Date | Interest representatives |
|---|---|---|---|---|
| KUMPULA-NATRI Miapetra | Shadow rapporteur | ITRE | 04/05/2021 | Tekniikan akateemiset TEK |
| KUMPULA-NATRI Miapetra | Shadow rapporteur | ITRE | 21/04/2021 | European Policy Centre |
| KUMPULA-NATRI Miapetra | Shadow rapporteur | ITRE | 20/04/2021 | The city of Helsinki |
| KUMPULA-NATRI Miapetra | Shadow rapporteur | ITRE | 20/04/2021 | Aalto University / Aalto-korkeakoulusäätiö |
| KUMPULA-NATRI Miapetra | Shadow rapporteur | ITRE | 15/04/2021 | Computer & Communications Industry Association (CCIA) |
| KUMPULA-NATRI Miapetra | Shadow rapporteur | ITRE | 15/04/2021 | Centre for European Policy Studies |
| DANTI Nicola | Shadow rapporteur | ITRE | 15/04/2021 | Association des Constructeurs Européens d'Automobiles Stellantis |
| KUMPULA-NATRI Miapetra | Shadow rapporteur | ITRE | 14/04/2021 | FEPS |
| KUMPULA-NATRI Miapetra | Shadow rapporteur | ITRE | 12/04/2021 | Confederation of Swedish Enterprise |
| KUMPULA-NATRI Miapetra | Shadow rapporteur | ITRE | 30/03/2021 | The city of Helsinki |
| KUMPULA-NATRI Miapetra | Shadow rapporteur | ITRE | 22/03/2021 | Mastercard Europe |
| KUMPULA-NATRI Miapetra | Shadow rapporteur | ITRE | 19/03/2021 | PES Democracy Newtwork |
| KUMPULA-NATRI Miapetra | Shadow rapporteur | ITRE | 18/03/2021 | MyData Global ry |

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| KUMPULA-NATRI Miapetra | Shadow rapporteur | ITRE | 18/03/2021 | Danish Business Authority |
| KUMPULA-NATRI Miapetra | Shadow rapporteur | ITRE | 11/03/2021 | Suomen itsenäisyyden juhlarahasto |
| KUMPULA-NATRI Miapetra | Shadow rapporteur | ITRE | 10/03/2021 | Finnish Academia |
| KUMPULA-NATRI Miapetra | Shadow rapporteur | ITRE | 04/03/2021 | INNOPAY |
| KUMPULA-NATRI Miapetra | Shadow rapporteur | ITRE | 01/03/2021 | ETUC |
| KUMPULA-NATRI Miapetra | Shadow rapporteur | ITRE | 01/03/2021 | Here maps |
| KUMPULA-NATRI Miapetra | Shadow rapporteur | ITRE | 18/02/2021 | Suomen itsenäisyyden juhlarahasto |
| KUMPULA-NATRI Miapetra | Shadow rapporteur | ITRE | 16/02/2021 | Kalevi Sorsa Foundation<br>FEPS<br>Effi ry<br>Neogames |

| Final act |
|---|
| Regulation 2022/0868<br>OJ L 152 03.06.2022, p. 0001 |

# 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.

# European data governance (Data Governance Act)

2020/0340(COD) - 06/04/2022 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 501 votes to 12, with 40 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council on European data governance (Data Governance Act).

The European Parliament's first reading position under the ordinary legislative procedure amends the proposal as follows.

*Subject matter and scope*

This Regulation lays down: (i) conditions for the re-use, within the Union, of certain categories of data held by public sector bodies; (ii) a notification and supervisory framework for the provision of data intermediation services; (iii) a framework for voluntary registration of entities which collect and process data made available for altruistic purposes; and (iv) a framework for the establishment of a European Data Innovation Board.

The Data Governance Act (DGA) aims to **increase trust in data sharing**, create new European rules on the neutrality of data markets and facilitate the re-use of certain data held by the public sector. It will establish common European data spaces in strategic areas such as health, environment, energy, agriculture, mobility, finance, manufacturing, public administration and skills.

The Regulation does not create any obligation for public sector bodies to allow the re-use of data, nor does it release public sector bodies from confidentiality obligations under EU or national law.

*Re-use of certain categories of public sector data*

Public sector bodies will need to avoid creating exclusive rights for the re-use of certain data, and exclusive agreements should be **limited to a period of 12 months for new contracts**, and two and a half years (30 months) for existing contracts, to make more data available to SMEs and start-ups.

*Conditions for the re-use of data*

The public sector bodies competent to grant or refuse access for re-use of one or more of the categories of data should make public the conditions for allowing such re-use and the procedure for requesting re-use through the national Single Points of Information.

The conditions for re-use should be non-discriminatory, transparent, proportionate and objectively justified, without restricting competition, with an **emphasis on promoting access to such data by SMEs and start-ups**.

Public sector bodies will have to ensure that the protected nature of the data is preserved.

Unless national law provides specific safeguards on confidentiality obligations applicable to the re-use of data, the public sector body will have to make the re-use of the data provided conditional on the re-user complying with a confidentiality obligation prohibiting the disclosure of any information that compromises the rights and interests of third parties that the re-user may have acquired despite the safeguards in place.

*Transfer of data to third countries*

A re-user intending to transfer protected data to a third country will have to comply with the obligations laid down in the Regulation, even after the data have been transferred to the third country. The Commission may declare, by means of implementing acts, where this is justified by a large number of requests throughout the Union for the re-use of non-personal data in specific third countries, that a third country offers a **substantially equivalent level of protection** to that provided for under Union law.

*Fees*

Fees applicable under the Regulation should be transparent, proportionate, non-discriminatory and objectively justified. In addition, competent authorities will be able to apply **reduced or zero fees** for SMEs, start-ups, civil society organisations and educational establishments.

*Single information point*

Member States should ensure that all relevant information on conditions for re-use and charges is available and easily accessible through a single information point. The single information point may be linked to sectoral, regional or local information points. It could establish a **separate, simplified and well-documented information channel** for SMEs and start-ups, to meet their needs and capacities for requesting data re-use.

*Data intermediation service providers*

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 data intermediation service providers recognised in the EU are easily identifiable throughout the EU, the Commission will have to devise a **common logo** by means of implementing acts. EU-recognised data altruism organisations should display the common logo clearly on every online and offline publication that relates to their data altruism activities.

Where a data intermediation service provider not established in the Union does not appoint a legal representative or where that **legal representative** does not provide the necessary information proving compliance with the Regulation, the competent authority may postpone the commencement of the provision of the data intermediation service or suspend its provision.

*Data altruism*

Member States may develop national policies in the field of data altruism. These national policies may, in particular, assist data subjects in making personal data related to them held by public sector bodies available voluntarily for data altruism. Data intermediation services providers recognised in the Union should display the common logo clearly on every online and offline publication that relates to their data intermediation activities.

*Legal remedies and sanctions*

Any natural or legal person affected by a decision of a public sector body or a competent body, as the case may be, should have an effective right of judicial review of that decision before the courts of the Member State in which that body is situated. Member States will also have to provide for a system of penalties applicable to breaches of the provisions of the Regulation.

# 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.