










Procedure file

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

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ITRE Industry, Research and Energy		17/12/2020
		 NIEBLER Angelika	
		Shadow rapporteur	
		 KUMPULA-NATRI Miapetra	
		 DANTI Nicola	
		 BOESELAGER Damian	
		 MELBÄRDE Dace	
		 LIZZI Elena	
		Committee for opinion	Rapporteur for opinion
	IMCO Internal Market and Consumer Protection		09/02/2021
		 GOZI Sandro	
	JURI Legal Affairs		10/05/2021
		 MELCHIOR Karen	
	LIBE Civil Liberties, Justice and Home Affairs (Associated committee)		11/01/2021
		 LAGODINSKY Sergey	

Key events

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 71)		
15/09/2021	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
06/12/2021	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE703.098 GEDA/A/(2021)006048	
06/04/2022	Results of vote in Parliament		
06/04/2022	Debate in Parliament		
06/04/2022	Decision by Parliament, 1st reading	T9-0111/2022	Summary
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

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; Treaty on the Functioning of the EU TFEU 114-p1
Other legal basis	Rules of Procedure EP 165

Mandatory consultation of other institutions	European Economic and Social Committee European Committee of the Regions
Stage reached in procedure	Procedure completed
Committee dossier	ITRE/9/04735

Documentation gateway

Legislative proposal		COM(2020)0767	25/11/2020	EC	Summary
Document attached to the procedure		SEC(2020)0405	25/11/2020	EC	
Document attached to the procedure		SWD(2020)0295	25/11/2020	EC	
Document attached to the procedure		SWD(2020)0296	25/11/2020	EC	
Committee draft report		PE691.139	26/03/2021	EP	
Amendments tabled in committee		PE691.449	27/04/2021	EP	
Amendments tabled in committee		PE691.468	27/04/2021	EP	
Amendments tabled in committee		PE692.584	27/04/2021	EP	
Committee opinion	IMCO	PE691.362	24/06/2021	EP	
Committee opinion	JURI	PE693.557	05/07/2021	EP	
Committee opinion	LIBE	PE692.728	13/07/2021	EP	
Committee report tabled for plenary, 1st reading/single reading		A9-0248/2021	22/07/2021	EP	Summary
Coreper letter confirming interinstitutional agreement		GEDA/A/(2021)006048	15/12/2021	CSL	
Text agreed during interinstitutional negotiations		PE703.098	15/12/2021	EP	
Text adopted by Parliament, 1st reading/single reading		T9-0111/2022	06/04/2022	EP	Summary
Draft final act		00085/2021/LEX	30/05/2022	CSL	
Commission response to text adopted in plenary		SP(2022)281	01/06/2022	EC	

Final act

[Regulation 2022/868](#)
[OJ L 152 03.06.2022, p. 0001](#)

Final legislative act with provisions for delegated acts

European data governance (Data Governance Act)

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)

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.

European data governance (Data Governance Act)

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.

Transparency				
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	04/05/2021	Tekniikan akateemiset TEK
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	21/04/2021	European Policy Centre (EPC)
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	20/04/2021	The city of Helsinki

KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	20/04/2021	Aalto-korkeakoulusäätiö / Aalto University (AALTO)
DANTI Nicola	Shadow rapporteur	ITRE	15/04/2021	Association des Constructeurs Européens d'Automobiles Stellantis
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	15/04/2021	Centre for European Policy Studies (CEPS)
KUMPULA-NATRI Miapetra	Shadow rapporteur	ITRE	15/04/2021	Computer & Communications Industry Association (CCIA)
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