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NOTE

From:	Presidency
To:	Permanent Representatives Committee
No. prev. doc.:	12124/21
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Subject:	Proposal for a Regulation of the European Parliament and of the Council on European data governance (Data Governance Act) - Preparation for the trilogue

I. INTRODUCTION

1. The Commission adopted the proposal for a Regulation on European data governance (Data Governance Act, DGA) on 25 November 2020¹. It is the first of a set of measures announced by the Commission in the 2020 European strategy for data².
2. The mandate for opening negotiations with the European Parliament on the DGA was granted by Coreper on 1 October. After the opening trilogue on 20 October, during which the work on all issues was delegated to the technical level, the Slovenian Presidency held 12 technical meetings with the European Parliament.

¹ doc. 13351/20.

² [COM/2020/66 final](#).

3. Following intensive talks with the European Parliament and a discussion in the WP TELECOM, the Slovenian Presidency agreed on the compromise wording of the vast majority of provisions of the proposal, as presented in the fourth column of the document attached in the Annex.
4. The changes in the attached document compared with the Commission proposal are marked with ***bold italics*** (additions) and with ~~striketrough~~ (deletions). The lines which have been agreed are marked with green.
5. Some parts of the text are still subject to confirmation at the political level. **These lines have been marked with red in the attached document and they are presented in section III of this note.**

II. MAIN CHANGES

The most important changes as compared with the Coreper mandate from 1 October and as presented under this chapter, relate to the changes marked as green in the 4-column table. These changes have been provisionally agreed with the European Parliament at the technical level and presented to the WP TELECOM. The Presidency considers these changes to fall within the Coreper mandate from 1 October. These changes are the following (lines marked in green in the 4-column table):

1. **Reuse of protected public sector data (Chapter II)**: A number of provisions regulating the administrative aspects of the provision of protected public sector data for reuse have been clarified, but without any substantial changes compared with the Council mandate. As regards fees, the Presidency has accepted the EP's request to introduce a provision which states that public sector bodies may make the data available at a discounted fee or free of charge, if they so wish, in particular to SMEs and start-ups, civil society and educational establishments. Also, an important task for the Commission has been added, whereby it would be obliged to establish a European single access point offering a searchable electronic register of data available in the national single information points.

2. **Data intermediation services (Chapter III)**: As regards the novel services which are supposed to facilitate data sharing in the economy, the relevant provisions have been modified to indicate more clearly which types of entities are in scope of the obligations laid down in this chapter, including by revising the definition of a data intermediation service in Article 2(2a). As part of this revision the Presidency agreed to change the reference to 'direct legal or business relationships' to 'commercial relationships' in the description of the types of relationships that such services are expected to facilitate, as the commercial aspect was already present in the Council mandate, and commercial relationships are by their nature direct and legal. The Presidency has also agreed to introduce a requirement for commercial separation, prohibiting to make the pricing of services of data intermediation services dependent on whether or not data holders or subjects choose to use and pay for other services that these entities may provide. Also, in order to foster trust and improve visibility of data intermediation service providers, the Presidency has agreed to accept the EP's request to introduce a voluntary certification in the form of a logo, to make it easier to identify compliant service providers.
3. **Data altruism (Chapter IV)**: As regards data altruism, the requirement that a structure through which a recognised data altruism organisation performs the activities related to data altruism should be legally separate from its other activities has been brought back to the text in addition to the Council's addition concerning the requirement for a functional separation. The references to the codes of conduct have been replaced with references to a 'rulebook', to indicate more clearly that compliance with this rulebook will be a requirement for registration as a recognised data altruism organisation in accordance with the DGA. Finally, as in the case of data intermediation services, in order to foster trust and improve visibility of data altruism organisations, the Presidency has agreed to accept the EP's request to introduce a voluntary certification in the form of a logo, to make it easier to identify compliant organisations.
4. **European Data Innovation Board**: As regards the European Data Innovation Board, the Presidency has agreed to accept some amendments from the EP which create a more prominent role for Board, with more tasks such as issuing guidelines on how to facilitate the development of data spaces and advising the Commission on a range of

other topics, such as developing a consistent practice for data altruism across the Union or facilitating the cooperation between the Member States with regard to setting harmonised conditions allowing for the re-use of data.

III. OUSTANDING ISSUES

The following issues are still pending confirmation during the upcoming trilogue and **the Presidency would like the delegations to indicate their flexibilities on these issues** (lines marked in red in the 4-column table):

1. **Period of exclusivity - Articles 4(5) and 4(7) and Recitals 9 and 10:** The EP proposes to shorten the exclusivity period that can be granted for the re-use of public sector data to only one year, as compared with three years in the Council mandate. This concerns both potential new exclusive arrangements and those that would be concluded before the date of entry into force of the DGA. **The Presidency may need to compromise on this point to get concessions on other issues. For this reason delegations are requested to indicate whether any shortening of the exclusivity period that can be granted by public sector bodies for the re-use of their data would be acceptable.**
2. **Support by public sector bodies for reusers - Articles 5(6) and 5(6a), Recital 11:** The Council made an important modification in this respect in its mandate in order to ensure that that public sector bodies should not be obliged to provide assistance to potential re-users in seeking consent or permission for re-use, leaving the provision of such assistance at their discretion. Although the EP is unwilling to accept this change, the Presidency is aware that this is a very important issue for the Member States and will resist any changes during the negotiations. **Nevertheless, the Presidency would like to ask whether, as a last resort, delegations would be open to keeping this provision as an obligation for public sector bodies, but with considerably softer language,** e.g. by saying that public sector bodies should provide assistance with obtaining consent or permission, but only in duly justified cases where it would not be feasible to do so for the re-user.
3. **Delegated vs implementing acts:** In the current text of the DGA there are four instances of the delegation of power to the Commission to adopt secondary legislation, where the positions of the Council and the EP differ, namely:

- **adequacy decisions for transfers of non-personal data to third countries - Article 5(10b)**, where the Council prefers an implementing act with examination procedure and the EP wishes to use a delegated act;

- **conditions for transfers of highly sensitive public sector data to third countries - Article 5(11)**, where the Council prefers an implementing act with examination procedure and the EP wishes to keep a delegated act;

- **model contractual clauses to support public sector bodies and re-users in their compliance with conditions for re-use - Article 5(10a)**, where the Council prefers an implementing act with examination procedure and the EP would like to stick to an implementing act with advisory procedure; and

- **rulebook for data altruism organisations - Article 19a(1)**, where the Council prefers an implementing act with examination procedure and the EP wishes to use a delegated act.

The Presidency considers that most important case where it would be preferable to keep implementing acts is the adequacy decisions for transfers of non-personal data to third countries, as this would also be in line with existing similar arrangements for personal data. However, in order to secure this outcome, in the remaining three instances listed above it may be necessary to make some concessions towards the European Parliament.

In this context, the Presidency would like to ask the delegations to indicate their flexibilities as regards each of the above four situations where the choice between implementing or delegated acts, or the choice between advisory or examination procedure for implementing acts will still need to be negotiated.

4. **Date of application - Article 35**: The Council has extended the date of application of the DGA from 12 to 18 months from entry to force. The EP, on the other hand, would prefer to keep the original 12 month period as proposed by the Commission. **The Presidency may need to make a concession on this point as part of the overall deal and therefore would like the delegations to indicate whether they have any flexibility in this regard.**

IV. CONCLUSION

1. The Presidency considers that the compromise proposal is a balanced text, which takes into account the key concerns of Member States and which can serve as a good basis for the second trilogue with the European Parliament, scheduled to take place on 30 November.
 2. **The Presidency invites the Coreper to:**
 - **endorse the compromise proposals presented under section II;**
 - **indicate their flexibility with regard to the lines marked in red and presented in section III of this note;**
 - **grant it a mandate to conclude negotiations with the European Parliament on the basis of the compromise text set out in the Annex.**
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ANNEX

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on European data governance (Data Governance Act) (Text with EEA relevance)

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Formula				
1	2020/0340 (COD)	2020/0340 (COD)	2020/0340 (COD)	2020/0340 (COD) <small>Text Origin: Commission Proposal</small>
Proposal Title				
2	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on European data governance (Data Governance Act) (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on European data governance (Data Governance Act) (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on European data governance (Data Governance Act) (Text with EEA relevance)	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on European data governance (Data Governance Act) (Text with EEA relevance) <small>Text Origin: Commission Proposal</small>
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
Citation 1				
4	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 114 thereof, Text Origin: Commission Proposal
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission, Text Origin: Commission Proposal
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments, Text Origin: Commission Proposal
Citation 4				
7				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. .	Having regard to the opinion of the European Economic and Social Committee ¹ , 1. OJ C , , p. . Text Origin: Commission Proposal
Citation 5				
8	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. . Text Origin: Commission Proposal
Citation 6				
9	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure, Text Origin: Commission Proposal
Formula				
10	Whereas:	Whereas:	Whereas:	Whereas: Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Recital 1				
11	(1) The Treaty on the functioning of the European Union ('TFEU') provides for the establishment of an internal market and the institution of a system ensuring that competition in the internal market is not distorted. The establishment of common rules and practices in the Member States relating to the development of a framework for data governance should contribute to the achievement of those objectives.	(1) The Treaty on the Functioning of the European Union ('TFEU') provides for the establishment of an internal market and the institution of a system ensuring that competition in the internal market is not distorted. The establishment of common rules and practices in the Member States relating to the development of a framework for data governance should contribute to the achievement of those objectives, <u>while fully respecting fundamental rights. It should also guarantee the strengthening of the open strategic autonomy of the Union while ensuring free flow of data.</u>	(1) The Treaty on the functioning of the European Union ('TFEU') provides for the establishment of an internal market and the institution of a system ensuring that competition in the internal market is not distorted. The establishment of common rules and practices in the Member States relating to the development of a framework for data governance should contribute to the achievement of those objectives.	(1) The Treaty on the Functioning of the European Union ('TFEU') provides for the establishment of an internal market and the institution of a system ensuring that competition in the internal market is not distorted. The establishment of common rules and practices in the Member States relating to the development of a framework for data governance should contribute to the achievement of those objectives, <u>while fully respecting fundamental rights. It should also guarantee the strengthening of the open strategic autonomy of the Union while fostering international free flow of data.</u> Text Origin: EP Mandate
Recital 2				
12	(2) Over the last few years, digital technologies have transformed the economy and society, affecting all sectors of activity and daily life. Data is at the centre of this	(2) Over the last few years <u>decade</u> , digital technologies have transformed the economy and society, affecting all sectors of activity and daily life. Data is at the	(2) Over the last few years, digital technologies have transformed the economy and society, affecting all sectors of activity and daily life. Data is at the centre of this	(2) Over the last few years <u>decade</u> , digital technologies have transformed the economy and society, affecting all sectors of activity and daily life. Data is at the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>transformation: data-driven innovation will bring enormous benefits for citizens, for example through improved personalised medicine, new mobility, and its contribution to the European Green Deal¹. In its Data Strategy², 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 Union 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, in line with international obligations. In order to turn that vision into reality, it proposes to establish domain-specific common European data spaces, as the concrete arrangements in which data sharing and data pooling can happen. As foreseen in that strategy, such common European data spaces can cover areas such as health, mobility, manufacturing, financial services, energy, or agriculture or thematic areas, such</p>	<p>centre of this transformation: data-driven innovation will bring enormous benefits <u>both</u> for citizens <u>and the economy</u>, for example through improved personalised medicine, new mobility, and its contribution to the <u>communication of the Commission of 11 December 2019 on the European Green Deal. The data economy has to be built in a way to enable businesses, in particular micro, small and medium sized enterprises (SMEs) as defined in the annex to Commission Recommendation 2003/361/EC¹ and start-ups to thrive, ensuring data access neutrality, portability and interoperability, and avoiding lock-in effects²</u>. In its <u>Data communication of 19 February 2020 on a European Strategy² for data</u>, 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 Union in compliance with applicable law, <u>which inter alia can be pivotal for the rapid development of artificial intelligence technologies</u>. It also</p>	<p>transformation: data-driven innovation will bring enormous benefits for citizens <u>and the economy</u>, for example through improved personalised medicine, new mobility, and its contribution to the European Green Deal¹. In its Data Strategy², 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 Union 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, in line with international obligations. In order to turn that vision into reality, it proposes to establish domain-specific common European data spaces, as the concrete arrangements in which data sharing and data pooling can happen. As foreseen in that strategy, such common European data spaces can cover areas such as health, mobility, manufacturing, financial services, energy, or</p>	<p>centre of this transformation: data-driven innovation will bring enormous benefits <u>both</u> for citizens <u>and the economy</u>, for example through improved personalised medicine, new mobility, and its contribution to the <u>communication of the Commission of 11 December 2019 on the European Green Deal. The data economy has to be built in a way to enable businesses, in particular micro, small and medium sized enterprises (SMEs) as defined in the annex to Commission Recommendation 2003/361/EC¹ and start-ups to thrive, ensuring data access neutrality, portability and interoperability, and avoiding lock-in effects²</u>. In its <u>Data communication of 19 February 2020 on a European Strategy² for data</u>, 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 Union in compliance with applicable law, <u>which inter alia can be pivotal for the rapid development of artificial intelligence technologies</u>. It also</p>

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	<p>as the European green deal or European data spaces for public administration or skills.</p> <p>1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the European Green Deal. Brussels, 11.12.2019. (COM(2019) 640 final)</p> <p>2. COM (2020) 66 final.</p>	<p>called for the free and safe flow of data with third countries, subject to exceptions and restrictions for on <u>the basis of fundamental rights</u>, public security, public order and other legitimate public policy objectives of the European Union, in line with international obligations. In order to turn that vision into reality, it proposes to establish domain-specific common European data spaces, as the concrete arrangements in which data sharing and data pooling can happen. As foreseen in that strategy, 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. <u>In accordance with the FAIR data principles, common European data spaces should make data findable, accessible, interoperable and re-usable, while ensuring a high level of cybersecurity. When there is a level playing field in the data economy, businesses compete on quality of services, and not on the amount of data they control.</u></p>	<p>agriculture or thematic areas, such as the European green deal or European data spaces for public administration or skills, <u>as well as a combination of these areas, e.g. energy and climate.</u></p> <p>1. <u>[1]</u> Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the European Green Deal. Brussels, 11.12.2019. (COM(2019) 640 final)</p> <p>2. <u>[2]</u> COM (2020) 66 final.</p>	<p>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, in line with international obligations, <u>including on fundamental rights</u>. In order to turn that vision into reality, it proposes to establish domain-specific common European data spaces, as the concrete arrangements in which data sharing and data pooling can happen. As foreseen in that strategy, 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, <u>as well as a combination of these areas, e.g. energy and climate. In accordance with the FAIR data principles, common European data spaces should make data findable, accessible, interoperable and re-usable, while ensuring a high level of cybersecurity. When there is a level playing field in the data</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>For the purposes of the design, creation and maintenance of the level playing field in the data economy, a sound governance is needed, in which relevant stakeholders of a common European data space need to be represented and engaged.</u></p> <p>1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the European Green Deal. Brussels, 11.12.2019. (COM(2019) 640 final<u>Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).</u></p> <p>2. COM (2020) 66 final.</p>		<p><u>economy, businesses compete on quality of services, and not on the amount of data they control. For the purposes of the design, creation and maintenance of the level playing field in the data economy, a sound governance is needed, in which relevant stakeholders of a common European data space need to be represented and engaged.</u></p> <p>1. Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions on the European Green Deal. Brussels, 11.12.2019. (COM(2019) 640 final<u>Commission Recommendation 2003/361/EC of 6 May 2003 concerning the definition of micro, small and medium-sized enterprises (OJ L 124, 20.5.2003, p. 36).</u></p> <p>2. COM (2020) 66 final.</p> <p>Text Origin: EP Mandate</p>
	Recital 2a			
g 12a		<p><u>(2a) The Union's growth potential depends on the skills of its population and workforce. Bearing in mind that 42% of</u></p>		<p><u>(deleted)</u></p> <p>Text Origin: EP Mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>Union citizens lack basic digital skills¹, promoting digital literacy will be a key element in increasing citizens' trust in intensifying data sharing. Improving data literacy should be part of the strategic actions to reduce social inequalities and to promote a just digital environment.</u></p> <p><u>1. Analyse one indicator and compare breakdowns — Digital Scoreboard - Data & Indicators (digital-agenda-data.eu)</u></p>		
Recital 2b				
G	12b	<p><u>(2b) Action at Union and national level is necessary to address the fact that women are under-represented at all levels in the digital sector in the Union.</u></p>		<p><u>(deleted)</u></p> <p>Text Origin: EP Mandate</p>
Recital 2c				
G	12c	<p><u>(2c) It is important for the Union to focus on the need to develop the data economy, in particular by building common European data spaces, paying particular attention to software engineering and attracting talent to the information and communication</u></p>		<p><u>(deleted)</u></p> <p>Text Origin: EP Mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>technology (ICT) sector in order to build European know-how that focuses on next-generation and cutting-edge technologies.</u>		
Recital 2d				
12d				<u>(2d) In order to facilitate and encourage the use of public sector data for the purposes of scientific research, public sector bodies are encouraged to develop a harmonized approach and processes to make public sector data easily accessible for the purposes of scientific research in the public interest. This could mean, inter alia, creating streamlined administrative procedures, standardized data formatting, informative metadata on the methodological and data collection choices, and standardized data-fields that enable the easy joining of data-sets from different public sector data sources where relevant for the purposes of analysis. These practices should have as its objective the promotion of the publicly funded and produced data for the purposes of scientific research in accordance with the</u>

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				<u>principle of ‘as open as possible, as closed as necessary’;</u>
Recital 3				
13	<p>(3) It is necessary to improve the conditions for data sharing in the internal market, by creating a harmonised framework for data exchanges. Sector-specific legislation can develop, adapt and propose new and complementary elements, depending on the specificities of the sector, such as the envisaged legislation on the European health data space¹ and on access to vehicle data. Moreover, certain sectors of the economy are already regulated by sector-specific Union law that include rules relating to cross-border or Union wide sharing or access to data². This Regulation is therefore without prejudice to Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽³⁾, and in particular the implementation of this Regulation shall not prevent cross border transfers of data in accordance with Chapter V of Regulation (EU) 2016/679 from taking place, Directive (EU) 2016/680 of the</p>	<p>(3) It is necessary to improve the conditions for data sharing in the internal market, by creating a harmonised framework for data exchanges, <u>paying specific attention to facilitating cooperation. This Regulation should aim to develop further a borderless digital internal market and a human-centric, trustworthy and secure data society and economy.</u> Sector-specific legislation can develop, adapt and propose new and complementary elements, depending on the specificities of the sector, such as the envisaged legislation on the European health data space¹ and on access to vehicle data. Moreover, certain sectors of the economy are already regulated by sector-specific Union law that include rules relating to cross-border or Union wide sharing or access to data². This Regulation is therefore without prejudice to Regulation (EU) 2016/679 of the European Parliament and of the Council ⁽³⁾,</p>	<p>(3) It is necessary to improve the conditions for data sharing in the internal market, by creating a harmonised framework for data exchanges <u>and laying down certain basic requirements for data governance.</u> Sector-specific legislation can develop, adapt and propose new and complementary elements, depending on the specificities of the sector, such as the envisaged legislation on the European health data space¹ and on access to vehicle data. Moreover, certain sectors of the economy are already regulated by sector-specific Union law that include rules relating to cross-border or Union wide sharing or access to data². This Regulation is <u>should</u> therefore <u>be</u> without prejudice to Regulation (EU) 2016/679 Directive (EU) 2016/943 of the European Parliament and of the Council ⁽³⁾, and in particular the implementation of this Regulation shall not prevent cross border transfers of data in accordance</p>	<p>(3) It is necessary to improve the conditions for data sharing in the internal market, by creating a harmonised framework for data exchanges <u>and laying down certain basic requirements for data governance, paying specific attention to facilitating cooperation between Member States. This Regulation should aim to develop further a borderless digital internal market and a human-centric, trustworthy and secure data society and economy.</u> Sector-specific legislation can develop, adapt and propose new and complementary elements, depending on the specificities of the sector, such as the envisaged legislation on the European health data space¹ and on access to vehicle data. Moreover, certain sectors of the economy are already regulated by sector-specific Union law that include rules relating to cross-border or Union wide sharing or access to data². This Regulation is <u>should</u></p>

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	<p>European Parliament and of the Council ⁽⁴⁾, Directive (EU) 2016/943 of the European Parliament and of the Council ⁽⁵⁾, Regulation (EU) 2018/1807 of the European Parliament and of the Council ⁽⁶⁾, Regulation (EC) No 223/2009 of the European Parliament and of the Council ⁽⁷⁾, Directive 2000/31/EC of the European Parliament and of the Council ⁽⁸⁾, Directive 2001/29/EC of the European Parliament and of the Council ⁽⁹⁾, Directive (EU) 2019/790 of the European Parliament and of the Council ⁽¹⁰⁾, Directive 2004/48/EC of the European Parliament and of the Council ⁽¹¹⁾, Directive (EU) 2019/1024 of the European Parliament and of the Council ⁽¹²⁾, as well as Regulation 2018/858/EU of the European Parliament and of the Council ⁽¹³⁾, Directive 2010/40/EU of the European Parliament and of the Council ⁽¹⁴⁾ 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</p>	<p><i>and in particular the implementation of this Regulation shall not prevent cross border transfers of data in accordance with Chapter V of Regulation (EU) 2016/679 from taking place, Directive (EU) 2016/680 of the European Parliament and of the Council ⁽⁴⁾, Directive (EU) 2016/943 of the European Parliament and of the Council ⁽⁵⁾, Regulation (EU) 2018/1807 of the European Parliament and of the Council ⁽⁶⁾, Regulation (EC) No 223/2009 of the European Parliament and of the Council ⁽⁷⁾, Directive 2000/31/EC of the European Parliament and of the Council ⁽⁸⁾, Directive 2001/29/EC of the European Parliament and of the Council ⁽⁹⁾, Directive (EU) 2019/790 of the European Parliament and of the Council ⁽¹⁰⁾, Directive 2004/48/EC of the European Parliament and of the Council ⁽¹¹⁾, Directive (EU) 2019/1024 of the European Parliament and of the Council ⁽¹²⁾, as well as Regulation 2018/858/EU of the European Parliament and of the Council ⁽¹³⁾, Directive 2010/40/EU of the European Parliament and of the</i></p>	<p><i>with Chapter V of Regulation (EU) 2016/679 from taking place, Directive (EU) 2016/680</i> <u>2018/1807</u> of the European Parliament and of the Council ⁽⁴⁾, <i>Directive (EU) Regulation (EC) 2016/943</i> <u>No 223/2009</u> of the European Parliament and of the Council ⁽⁵⁾, <i>Regulation (EU) 2018/1807</i> <u>Directive 2000/31/EC</u> of the European Parliament and of the Council ⁽⁶⁾, <i>Regulation (EC) No 223/2009</i> <u>Directive 2001/29/EC</u> of the European Parliament and of the Council ⁽⁷⁾, Directive <u>2000/31/EC (EU) 2019/790</u> of the European Parliament and of the Council ⁽⁸⁾, Directive <u>2001/29/EC 2004/48/EC</u> of the European Parliament and of the Council ⁽⁹⁾, Directive (EU) <u>2019/790 2019/1024</u> of the European Parliament and of the Council ⁽¹⁰⁾, <i>Directive 2004/48/EC</i> <u>as well as Regulation 2018/858/EU</u> of the European Parliament and of the Council ⁽¹¹⁾, Directive <i>(EU) 2019/1024</i> <u>2010/40/EU</u> of the European Parliament and of the Council ⁽¹²⁾, <i>as well as Regulation 2018/858/EU, Directive 2007/2/EC</i> of the European</p>	<p>therefore <u>be</u> without prejudice to <i>Regulation (EU) 2016/679</i> <u>Directive (EU) 2016/943</u> of the European Parliament and of the Council ⁽³⁾, <i>and in particular the implementation of this Regulation shall not prevent cross border transfers of data in accordance with Chapter V of Regulation (EU) 2016/679 from taking place, Directive (EU) 2016/680</i> <u>2018/1807</u> of the European Parliament and of the Council ⁽⁴⁾, <i>Directive (EU) Regulation (EC) 2016/943</i> <u>No 223/2009</u> of the European Parliament and of the Council ⁽⁵⁾, <i>Regulation (EU) 2018/1807</i> <u>Directive 2000/31/EC</u> of the European Parliament and of the Council ⁽⁶⁾, <i>Regulation (EC) No 223/2009</i> <u>Directive 2001/29/EC</u> of the European Parliament and of the Council ⁽⁷⁾, Directive <u>2000/31/EC (EU) 2019/790</u> of the European Parliament and of the Council ⁽⁸⁾, Directive <u>2001/29/EC 2004/48/EC</u> of the European Parliament and of the Council ⁽⁹⁾, Directive (EU) <u>2019/790 2019/1024</u> of the European Parliament and of the Council ⁽¹⁰⁾, <i>Directive 2004/48/EC</i> <u>as well as Regulation</u></p>

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	<p>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.</p> <p>1. 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</p>	<p>Council⁽⁴⁾¹² 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 <u>Union or Member State law on</u> 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, <u>as well as international cooperation in that context. This Regulation should be without prejudice to the competences of the Member States regarding activities concerning public security, defence and national security</u>. A horizontal regime for the re-use of certain categories of protected data held by public sector bodies, the provision of data sharing<u>intermediation</u> 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-</p>	<p>Parliament and of the Council⁽⁴⁾¹³, Directive <u>2010/40/EU (EU) 2017/1132</u> of the European Parliament and of the Council¹⁴, <u>Directive (EU⁽⁴⁾) and Delegated Regulations adopted on its basis, 2015/849 of the European Parliament and of the Council¹⁵</u> and any other sector-specific Union legislation that organises the access to and re-use of data. This Regulation should be without prejudice to <u>Union and national law on</u> 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, <u>as well as international cooperation in this context. This Regulation should be without prejudice to the competences of the Member States regarding activities concerning public security, defence and national security. Re-use of data protected for such reasons and held by public sector bodies should not be covered by this Regulation. This should include data from procurement procedures falling within the scope of Directive</u></p>	<p><u>2018/858/EU</u> of the European Parliament and of the Council⁽¹¹⁾, Directive (EU) <u>2019/1024/2010/40/EU</u> of the European Parliament and of the Council⁽¹²⁾, as well as Regulation 2018/858/EU, <u>Directive 2007/2/EC</u> of the European Parliament and of the Council⁽¹³⁾¹³, Directive <u>2010/40/EU (EU) 2017/1132</u> of the European Parliament and of the Council¹⁴, <u>Directive (EU⁽⁴⁾) and Delegated Regulations adopted on its basis, 2015/849 of the European Parliament and of the Council¹⁵</u> and any other sector-specific Union legislation that organises the access to and re-use of data. This Regulation should be without prejudice to <u>Union and national law on</u> 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, <u>as well as international cooperation in this context. This Regulation should be without prejudice to the competences of the Member States regarding activities concerning public</u></p>

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	<p>final).</p> <p>2. 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.</p> <p>3. Regulation (EU) 2016/679 of the European Parliament and of the Council of 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)</p> <p>4. Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA. (OJ L 119, 4.5.2016, p.89)</p> <p>5. Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure. (OJ L 157, 15.6.2016, p.1)</p> <p>6. Regulation (EU) 2018/1807 of the European Parliament and of the Council of 14 November 2018 on a framework for the free flow of non-personal data in the European Union. (OJ L 303, 28.11.2018, p. 59)</p>	<p>specific Union legal act requires public sector bodies, providers of data sharing <u>intermediation</u> 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.</p> <p>11. Directive 2004/48/EC <u>Regulation (EU) 2018/858</u> of the European Parliament and of the Council of 29 April 2004 <u>30 May 2018</u> on the enforcement of intellectual property rights. <u>(OJ L 157, 30.4.2004 approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018).</u></p> <p>12. Directive (EU) 2019/1024 <u>2010/40/EU</u> of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information <u>7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport.</u> (OJ L 172, 26.6.2019, p. 56) <u>207, 6.8.2010, p. 1).</u></p> <p>13. Regulation (EU) 2018/858 of the European Parliament and of the Council of</p>	<p><u>2009/81/EC</u>. A horizontal regime for the re-use of certain categories of protected data held by public sector bodies, the provision of data sharing <u>intermediation</u> 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 <u>intermediation</u> 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.</p> <p>11. Directive 2004/48/EC <u>[13] Regulation (EU) 2018/858</u> of the European Parliament and of the Council of 29 April 2004 <u>30 May 2018</u> on the enforcement of intellectual property rights. <u>(OJ L 157, 30.4.2004 approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such</u></p>	<p><u>security, defence and national security. Re-use of data protected for such reasons and held by public sector bodies should not be covered by this Regulation. This should include data from procurement procedures falling within the scope of Directive 2009/81/EC</u>. A horizontal regime for the re-use of certain categories of protected data held by public sector bodies, the provision of data sharing <u>intermediation</u> 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 <u>intermediation</u> 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.</p>

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	<p>7. Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities. (OJ L 87, 31.03.2009, p. 164)</p> <p>8. Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000, on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce). (OJ L 178, 17.07.2000, p. 1)</p> <p>9. Directive 2001/29/EC of the European Parliament and of the Council of 22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society. (OJ L 167, 22.6.2001, p. 10)</p> <p>10. Directive (EU) 2019/790 of the European Parliament and of the Council of 17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC. (OJ L 130, 17.5.2019, p. 92)</p> <p>11. Directive 2004/48/EC of the European Parliament and of the Council of 29 April 2004 on the enforcement of intellectual property rights. (OJ L 157, 30.4.2004)</p> <p>12. Directive (EU) 2019/1024 of the European Parliament and of the Council of 20 June 2019 on open data and the re-use</p>	<p>30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018).</p> <p>14. Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport. (OJ L 207, 6.8.2010, p. 1)</p> <p>1. 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 <u>final COM(2020)0690</u>).</p> <p>2. 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.</p> <p>3. <u>Regulation (EU) 2016/679 Directive (EU) 2016/943</u> of the European Parliament and of the Council of 27 April <u>8 June</u> 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) <u>undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure (OJ L 157, 15.6.2016, p.1).</u></p>	<p><u>vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018).</u></p> <p>12. [14] Directive (EU) 2019/1024 <u>2010/40/EU</u> of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information <u>7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport.</u> (OJ L 172, 26.6.2019, p. 56). <u>207, 6.8.2010, p. 1</u>)</p> <p>13. <u>Regulation (EU) 2018/858 Directive 2007/2/EC</u> of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018) <u>(OJ L 108, 25.4.2007, p. 1).</u></p> <p>14. Directive 2010/40/EU <u>(EU) 2017/1132</u> of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport. (OJ L 207, 6.8.2010, p. 1) <u>14 June 2017 relating to certain aspects of company law (OJ L 169, 30.6.2017, p. 46).</u></p> <p><u>15. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the</u></p>	<p>11. <u>Directive 2004/48/EC [13] Regulation (EU) 2018/858</u> of the European Parliament and of the Council of 29 April 2004 <u>30 May 2018</u> on the enforcement of intellectual property rights. <u>(OJ L 157, 30.4.2004 approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018).</u></p> <p>12. [14] Directive (EU) 2019/1024 <u>2010/40/EU</u> of the European Parliament and of the Council of 20 June 2019 on open data and the re-use of public sector information <u>7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport.</u> (OJ L 172, 26.6.2019, p. 56). <u>207, 6.8.2010, p. 1</u>)</p> <p>13. <u>Regulation (EU) 2018/858 Directive 2007/2/EC</u> of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018) <u>(OJ L 108, 25.4.2007, p. 1).</u></p> <p>14. Directive 2010/40/EU <u>(EU) 2017/1132</u> of the European Parliament and of the Council of 7 July 2010 on the framework</p>

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	<p>of public sector information. (OJ L 172, 26.6.2019, p. 56).</p> <p>13. Regulation (EU) 2018/858 of the European Parliament and of the Council of 30 May 2018 on the approval and market surveillance of motor vehicles and their trailers, and of systems, components and separate technical units intended for such vehicles, amending Regulations (EC) No 715/2007 and (EC) No 595/2009 and repealing Directive 2007/46/EC (OJ L 151, 14.6.2018).</p> <p>14. Directive 2010/40/EU of the European Parliament and of the Council of 7 July 2010 on the framework for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport. (OJ L 207, 6.8.2010, p. 1)</p>	<p>4. <u>Directive (EU) 2016/680 Regulation (EU) 2018/1807</u> of the European Parliament and of the Council of 27 April 2016 <u>14 November 2018</u> on the protection of natural persons with regard to the processing of personal data by competent authorities <u>for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA. (OJ L 119, 1.5.2016, p. 89)</u> <u>free flow of non-personal data in the European Union (OJ L 303, 28.11.2018, p. 59).</u></p> <p>5. <u>Directive (EU) Regulation (EC) 2016/943 No 223/2009</u> of the European Parliament and of the Council of 8 June 2016 <u>11 March 2009</u> on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure. (OJ L 157, 15.6.2016, p. 1) <u>on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities (OJ L 87, 31.03.2009, p. 164).</u></p> <p>6. <u>Regulation (EU) 2018/1807 Directive 2000/31/EC</u> of the European Parliament and of the Council of 14 November 2018 <u>on a framework for the free flow of non-</u></p>	<p><u>purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70.</u></p> <p>1. <u>[1]</u> 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).</p> <p>2. <u>[2]</u> For example, Directive 2011/24/EU in the context of the European Health Data Space, and-<u>relevant</u> transport legislation such as Directive 2010/40/EU, Regulation 2019/1239 and Regulation (EU)-<u>2020/1056</u>, in the context of the European Mobility Data Space.</p> <p>3. <u>Regulation (EU) 2016/679 [5] Directive (EU) 2016/943</u> of the European Parliament and of the Council of 27 April 2016 <u>8 June 2016</u> 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) <u>undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure. (OJ L 157, 15.6.2016, p.1)</u></p> <p>4. <u>Directive (EU) 2016/680 [6] Regulation (EU) 2018/1807</u> of the European Parliament and of the Council of 27 April 2016 <u>14 November 2018</u> on the protection of natural persons with regard to the processing of personal data by competent authorities <u>14</u></p>	<p>for the deployment of Intelligent Transport Systems in the field of road transport and for interfaces with other modes of transport. (OJ L 207, 6.8.2010, p. 1) <u>14 June 2017 relating to certain aspects of company law (OJ L 169, 30.6.2017, p. 46).</u></p> <p><u>15. Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No 648/2012 of the European Parliament and of the Council, and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70.</u></p> <p>1. <u>[1]</u> 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).</p> <p>2. <u>[2]</u> For example, Directive 2011/24/EU in the context of the European Health Data Space, and-<u>relevant</u> transport legislation such as Directive 2010/40/EU, Regulation 2019/1239 and Regulation (EU)-<u>2020/1056</u>, in the context of the European Mobility Data Space.</p> <p>3. <u>Regulation (EU) 2016/679 [5] Directive (EU) 2016/943</u> of the European Parliament and of the Council of 27 April 2016 <u>8 June 2016</u> 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,</p>

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		<p>personal data<u>8 June 2000, on certain legal aspects of information society services, in particular electronic commerce</u>, in the European Union. (OJ L 303, 28.11.2018, p. 59)<u>Internal Market (Directive on electronic commerce) (OJ L 178, 17.07.2000, p. 1)</u>.</p> <p>7. Regulation (EC) No 223/2009<u>Directive 2001/29/EC</u> of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities. (OJ L 87, 31.03.2009, p. 164)<u>22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society (OJ L 167, 22.6.2001, p. 10)</u>.</p> <p>8. Directive 2000/31/EC<u>(EU) 2019/790</u> of the European Parliament and of the Council of 8 June 2000, on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce). (OJ L 178, 17.07.2000, p. 1)<u>17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC (OJ L 130, 17.5.2019, p. 92)</u>.</p> <p>9. Directive 2001/29/EC<u>2004/48/EC</u> of the European Parliament and of the Council of 22 May 2004<u>29 April 2004</u> on the harmonisation of certain aspects of</p>	<p>November 2018 on a framework for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA<u>free flow of non-personal data in the European Union</u>. (OJ L 119, 4.5.2016, p. 89)<u>303, 28.11.2018, p. 59</u></p> <p>5. Directive (EU)<u>[7]</u> <u>Regulation (EC) 2016/943</u><u>No 223/2009</u> of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure<u>11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities</u>. (OJ L 157, 15.6.2016, p. 187, 31.03.2009, p. 164)</p> <p>6. Regulation (EU) 2018/1807<u>[8]</u><u>Directive 2000/31/EC</u> of the European Parliament and of the Council of 14 November 2018 on a framework for the free flow of non-personal data<u>8 June 2000, on certain legal aspects of information society services, in particular electronic commerce</u>, in the European Union<u>Internal Market (Directive on electronic commerce)</u>. (OJ L 303, 28.11.2018, p. 59)<u>178, 17.07.2000, p. 1</u></p>	<p>4.5.2016<u>undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure</u>. (OJ L 157, 15.6.2016, p. 1)</p> <p>4. Directive (EU) 2016/680<u>[6]</u><u>Regulation (EU) 2018/1807</u> of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities<u>14 November 2018 on a framework</u> for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA<u>free flow of non-personal data in the European Union</u>. (OJ L 119, 4.5.2016, p. 89)<u>303, 28.11.2018, p. 59</u></p> <p>5. Directive (EU)<u>[7]</u> <u>Regulation (EC) 2016/943</u><u>No 223/2009</u> of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure<u>11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities</u>. (OJ L 157, 15.6.2016, p. 187, 31.03.2009, p. 164)</p> <p>6. Regulation (EU) 2018/1807<u>[8]</u></p>

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		<p>copyright and related<u>enforcement of intellectual property</u> rights in the information society. (OJ L 167, 22.6.2001, p.10)</p> <p>10. Directive (EU) 2019/790<u>2019/1024</u> of the European Parliament and of the Council of 17 April<u>20 June</u> 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC. (OJ L 130, 17.5.2019, p. 92)<u>open data and the re-use of public sector information (OJ L 172, 26.6.2019, p. 56)</u>.</p>	<p>7. Regulation (EC) No 223/2009<u>[9]</u> Directive 2001/29/EC of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society. (OJ L 87, 31.03.2009, p. 164)<u>167, 22.6.2001, p. 10</u></p> <p>8. [10] Directive 2000/31/EC<u>(EU) 2019/790</u> of the European Parliament and of the Council of 8 June 2000, on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce)<u>17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC</u>. (OJ L 178, 17.07.2000, p. 130, 17.5.2019, p. 92)</p> <p>9. [11] Directive 2001/29/EC<u>2004/48/EC</u> of the European Parliament and of the Council of 22 May 2004 on the harmonisation of certain aspects of copyright and related<u>enforcement of intellectual property</u> rights in the information society. (OJ L 167, 22.6.2001, p.157, 30.4.2004). 10</p> <p>10. [12] Directive (EU)</p>	<p><u>Directive 2000/31/EC</u> of the European Parliament and of the Council of 11 March 2009 on European statistics and repealing Regulation (EC, Euratom) No 1101/2008 of the European Parliament and of the Council on the transmission of data subject to statistical confidentiality to the Statistical Office of the European Communities, Council Regulation (EC) No 322/97 on Community Statistics, and Council Decision 89/382/EEC, Euratom establishing a Committee on the Statistical Programmes of the European Communities22 May 2001 on the harmonisation of certain aspects of copyright and related rights in the information society. (OJ L 87, 31.03.2009, p. 164)<u>167, 22.6.2001, p. 10</u></p> <p>8. [10] Directive 2000/31/EC<u>(EU) 2019/790</u> of the European Parliament and of the Council of 8 June 2000, on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market (Directive on electronic commerce)<u>17 April 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC</u>. (OJ L 178, 17.07.2000, p. 130, 17.5.2019, p. 92)</p>

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			<p>2019/790<u>2019/1024</u> of the European Parliament and of the Council of 17 April<u>20 June</u> 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC<u>open data and the re-use of public sector information</u>. (OJ L 130, 17.5.2019, p. 92<u>172</u>, 26.6.2019, p. 56).</p>	<p>9. [111] Directive 2001/29/EC<u>2004/48/EC</u> of the European Parliament and of the Council of 22 May 2001<u>29 April 2004</u> on the harmonisation of certain aspects of copyright and related enforcement of intellectual property<u>rights in the information society</u>. (OJ L 167, 22.6.2001, p157, <u>30.4.2004</u>). 10</p> <p>10. [12] Directive (EU) 2019/790<u>2019/1024</u> of the European Parliament and of the Council of 17 April<u>20 June</u> 2019 on copyright and related rights in the Digital Single Market and amending Directives 96/9/EC and 2001/29/EC<u>open data and the re-use of public sector information</u>. (OJ L 130, 17.5.2019, p. 92<u>172</u>, 26.6.2019, p. 56).</p> <p>Text Origin: Council Mandate</p>
Recital 3a				
13a		<p><u>(3a) This Regulation is without prejudice to Regulation (EU) 2016/679 of the European Parliament and of the Council¹ and to Directives 2002/58/EC² and (EU) 2016/680³ of the European Parliament and of the Council, and the corresponding provisions of national law. This Regulation should in particular not be read as creating a new legal basis for the</u></p>	<p><u>(3a) This Regulation should be without prejudice to Regulation (EU) 2016/679 of the European Parliament and of the Council, to Directive 2002/58/EC of the European Parliament and of the Council and Directive (EU) 2016/680 of the European Parliament and of the Council (¹). This Regulation should in particular not be read as creating</u></p>	<p><u>(3a) This Regulation is without prejudice to Regulation (EU) 2016/679 of the European Parliament and of the Council¹ and to Directives 2002/58/EC² and (EU) 2016/680³ of the European Parliament and of the Council, and the corresponding provisions of national law. This Regulation should in particular not be read as creating a new legal basis for the</u></p>

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		<p><u>processing of personal data for any of the regulated activities. In the event of conflict between the provisions of this Regulation and Union law on the protection of personal data, the latter should prevail. It should be possible to consider data protection authorities competent authorities for the purposes of this Regulation. Where other entities act as competent authorities under this Regulation, it should be without prejudice to the supervisory powers of data protection authorities under Regulation (EU) 2016/679.</u></p> <p><u>1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 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).</u></p> <p><u>2. Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).</u></p> <p><u>3. Directive (EU) 2016/680 of the European Parliament and of the Council</u></p>	<p><u>a new legal basis for the processing of personal data for any of the regulated activities, or as modifying information requirements under Regulation (EU) 2016/679. Its implementation should not prevent cross-border transfers of data in accordance with Chapter V of Regulation (EU) 2016/679 from taking place. In the event of conflict between the provisions of this Regulation and Union law or national law on the protection of personal data, the latter should prevail. Data protection authorities should be able to be competent authorities under this Regulation. Where other organisations function as competent authorities under this Regulation, it should be without prejudice to the supervisory powers and competences of data protection authorities under Regulation (EU) 2016/679. Where personal and non-personal data in a data set are inextricably linked, this Regulation should not prejudice the application of Regulation (EU) 2016/679.</u></p> <p><u>1. [1] Directive (EU) 2016/680 of the European Parliament and of the</u></p>	<p><u>processing of personal data for any of the regulated activities, or as modifying information requirements under Regulation (EU) 2016/679. Its implementation should not prevent cross-border transfers of data in accordance with Chapter V of Regulation (EU) 2016/679 from taking place. In the event of conflict between the provisions of this Regulation and Union law or national law on the protection of personal data adopted in accordance with Union law, the latter should prevail. It should be possible to consider data protection authorities competent authorities under this Regulation. Where other entities function as competent authorities under this Regulation, it should be without prejudice to the supervisory powers and competences of data protection authorities under Regulation (EU) 2016/679. Where personal and non-personal data in a data set are inextricably linked, this Regulation should not prejudice the application of Regulation (EU) 2016/679.</u></p>

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		<u>of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p.89).</u>	<u>Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA. (OJ L 119, 4.5.2016, p. 89)</u>	
	Recital 3b			
13b		<u>(3b) In the case of a data set composed of both personal and non-personal data, where those data are inextricably linked, that data set should be considered personal data.</u>		<u>(3b) (moved)</u>
	Recital 4			
14	(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	(4) Action at Union level is necessary in order to address the barriers to a well-functioning <u>and competitive</u> data-driven economy and to create . A Union-wide governance framework <u>should have the objective of building trust among individuals and businesses</u> for data access, <u>control, sharing, use and re-use</u> and use , in particular <u>by establishing proper</u>	(4) Action at Union level is necessary <u>to increase trust in data sharing by establishing proper mechanisms for control by data subjects and data holders over the data that relates to them and</u> in order to address the other barriers to a well-functioning data-driven economy and to create a Union-wide governance framework for data access, <u>control</u> and use, in	(4) Action at Union level is necessary <u>to increase trust in data sharing by establishing proper mechanisms for control by data subjects and data holders over the data that relates to them, and</u> in order to address the other barriers to a well-functioning data-driven economy and to create <u>and competitive data-driven economy</u> . A Union-wide governance

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	subjects, as well as the collection and processing of data made available for altruistic purposes by natural and legal persons.	<u><i>mechanisms for data subjects to know and meaningfully exercise their rights, as well as</i></u> regarding the re-use of certain types of data held by the public sector, the provision of services by <u><i>providers of data intermediation services</i></u> <i>data-sharing providers</i> 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. <u><i>In particular, more transparency regarding the purpose of data use and conditions under which data is stored by businesses can help increase trust. That action is without prejudice to obligations and commitments in trade agreements concluded by the Union.</i></u>	particular regarding the re-use of certain types of data held by the public sector, the provision of services by data <u><i>intermediation service</i></u> <i>sharing</i> 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. <u><i>This action should be without prejudice to obligations and commitments in the international trade agreements concluded by the Union.</i></u>	framework <u><i>should have the objective of building trust among individuals and businesses</i></u> for data access, <u><i>control, sharing, use and re-use</i></u> <i>and use</i> , in particular <u><i>by establishing proper mechanisms for data subjects to know and meaningfully exercise their rights, as well as</i></u> regarding the re-use of certain types of data held by the public sector, the provision of services by <u><i>providers of data intermediation services</i></u> <i>data sharing providers</i> 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. <u><i>In particular, more transparency regarding the purpose of data use and conditions under which data is stored by businesses can help increase trust. This action is without prejudice to obligations and commitments in the international trade agreements concluded by the Union.</i></u>
	Recital 4a			
G 14a		<u><i>(4a) The Commission's</i></u>		<u><i>(4a) (deleted)</i></u>

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		<p><u>consultation of 9 October 2019 entitled ‘SME panel consultation on B2B Data Sharing Principles and Guidance’ found that 40 % of 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 the benefit of SMEs. The Digital Europe Programme established by Regulation (EU) 2021/694 of the European Parliament and of the Council¹, as well as other Union and national programmes, should support cooperation to achieve a European ecosystem for trusted data sharing. European Digital Innovation Hubs and their network should also be able to help businesses, in particular SMEs and start-ups, to benefit from the European data economy.</u></p> <p><u>1. Regulation (EU) 2021/694 of the European Parliament and of the Council of 29 April 2021 establishing the Digital Europe Programme and repealing Decision (EU) 2015/2240 (OJ L 166, 11.5.2021, p. 1).</u></p>		
	Recital 5			
G	15			G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>(5) The idea that data that has been generated at the expense of public budgets should benefit society has been part of Union policy for a long time. Directive (EU) 2019/1024 as well as sector-specific legislation ensure that the public sector makes more of the data it produces easily available for use and re-use. However, certain categories of data (commercially confidential data, data subject to statistical confidentiality, data protected by intellectual property rights of third parties, including trade secrets and personal data not accessible on the basis of specific national or Union legislation, such as Regulation (EU) 2016/679 and Directive (EU) 2016/680) in public databases is often not made available, not even for research or innovative activities. Due to the sensitivity of this data, certain technical and legal procedural requirements must be met before they are made available, in order to ensure the respect of rights others have over such data. Such requirements are usually time- and knowledge-intensive to fulfil. This has led to the underutilisation of such data. While some Member</p>	<p>(5) The idea that data that has been generated at the expense of public budgets should benefit society has been part of Union policy for a long time. Directive (EU) 2019/1024 as well as sector-specific legislation ensure that the public sector makes more of the data it produces easily available for use and re-use. However, certain categories of data (commercially confidential data, data subject to statistical confidentiality, data protected by intellectual property rights of third parties, including trade secrets and personal data <u>in public databases is often not made available, despite this being possible in accordance with the applicable</u>not accessible on the basis of specific national or Union legislation, such as law, in particular Regulation (EU) 2016/679 and Directive (EU) 2016/680 in public databases is often not made available <u>Directives 2002/58/EC and (EU) 2016/680</u>, not even for research or innovative activities <u>in the public interest</u>. Due to the sensitivity of this<u>those</u> data, certain technical and legal procedural requirements must be met before they are made available,</p>	<p>(5) The idea that data that has been generated <u>or collected by public sector bodies or other entities</u> at the expense of public budgets should benefit society has been part of Union policy for a long time. Directive (EU) 2019/1024 as well as sector-specific legislation ensure that the public sector makes more of the data it produces easily available for use and re-use. However, certain categories of data (commercially confidential data, data subject to statistical confidentiality, data protected by intellectual property rights of third parties, including trade secrets and personal data not accessible on the basis of specific national or Union legislation, such as Regulation (EU) 2016/679 and Directive (EU) 2016/680) in public databases is often not made available, not even for research or innovative activities. Due to the sensitivity of this data, certain technical and legal procedural requirements must be met before they are made available, in order to ensure the respect of rights others have over such data. Such requirements are usually time- and knowledge-intensive to fulfil. This has led to</p>	<p>(5) The idea that data that has been generated <u>or collected by public sector bodies or other entities</u> at the expense of public budgets should benefit society has been part of Union policy for a long time. Directive (EU) 2019/1024 as well as sector-specific legislation ensure that the public sector makes more of the data it produces easily available for use and re-use. However, certain categories of data (commercially confidential data, data subject to statistical confidentiality, data protected by intellectual property rights of third parties, including trade secrets and personal data <u>in public databases is often not made available, despite this being possible in accordance with the applicable</u>not accessible on the basis of specific national or Union legislation, such as law, in particular Regulation (EU) 2016/679 and Directive (EU) 2016/680 in public databases is often not made available <u>Directives 2002/58/EC and (EU) 2016/680</u>, not even for research or innovative activities <u>in the public interest</u>. Due to the sensitivity of this<u>those</u> data, certain technical and legal procedural requirements must be</p>

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	States are setting up structures, processes and sometimes legislate to facilitate this type of re-use, this is not the case across the Union.	<u>not least</u> in order to ensure the respect of rights others have over such data, <u>or limit negative impact on fundamental rights, the principle of non-discrimination and data protection</u> . Such requirements are usually time- and knowledge-intensive to fulfil. This has led to the underutilisation of such data. While some Member States are setting up structures, processes and sometimes legislate to facilitate this type of re-use, this is not the case across the Union. <u>In order to facilitate the use of data for European research and innovation by private and public entities, clear conditions for access to and use of such data are needed across the Union.</u>	the underutilisation of such data. While some Member States are setting up structures, processes and sometimes legislate to facilitate this type of re-use, this is not the case across the Union.	met before they are made available, <u>not least</u> in order to ensure the respect of rights others have over such data, <u>or limit negative impact on fundamental rights, the principle of non-discrimination and data protection</u> . Such requirements are usually time- and knowledge-intensive to fulfil. This has led to the underutilisation of such data. While some Member States are setting up structures, processes and sometimes legislate to facilitate this type of re-use, this is not the case across the Union. <u>In order to facilitate the use of data for European research and innovation by private and public entities, clear conditions for access to and use of such data are needed across the Union.</u> Text Origin: EP Mandate
Recital 6				
16	(6) There are techniques enabling privacy-friendly analyses on databases that contain personal data, such as anonymisation, pseudonymisation, differential	(6) There are techniques enabling privacy-friendly analyses on databases that contain personal data, such as anonymisation, pseudonymisation, differential	(6) There are techniques enabling privacy-friendly analyses on databases that contain personal data, such as anonymisation, pseudonymisation , differential	(6) There are techniques enabling privacy-friendly analyses on databases that contain personal data, such as anonymisation, pseudonymisation , differential

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>privacy, generalisation, or suppression and randomisation. Application of these privacy-enhancing technologies, together with comprehensive data protection approaches should ensure the safe re-use of personal data and commercially confidential business data for research, innovation and statistical purposes. In many cases this implies that the data use and re-use in this context can only be done in a secure processing environment set in place and supervised by the public sector. There is experience at Union level with such secure processing environments that are used for research on statistical microdata on the basis of Commission Regulation (EU) 557/2013 ⁽¹⁾. In general, insofar as personal data are concerned, the processing of personal data should rely upon one or more of the grounds for processing provided in Article 6 of Regulation (EU) 2016/679.</p> <p><small>1. Commission Regulation (EU) 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European Statistics as regards access to confidential data for scientific purposes and repealing</small></p>	<p>privacy, generalisation, or suppression, and randomisation <u>and other state-of-the-art privacy preserving methods that could contribute to a more privacy-friendly processing of data.</u> <u>Member States should provide support to public sector bodies to make optimal use of such techniques, thus making as much data as possible available for sharing.</u> The application of these privacy-enhancing technologies <u>techniques</u>, together with comprehensive data protection approaches should ensure the safe <u>impact assessments and other safeguards can contribute to more safety in the use and</u> re-use of personal data and <u>should ensure the safe re-use of</u> commercially confidential business data for research, innovation and statistical purposes. In many cases this implies that the data use and re-use in this context can only be done in a secure processing environment set in place and supervised by the public sector. There is experience at Union level with such secure processing environments that are used for research on statistical microdata on</p>	<p>privacy, generalisation, or suppression, <u>randomisation, use of synthetic data or other such methods</u> and randomisation. Application of these privacy-enhancing technologies, together with comprehensive data protection approaches, <u>in line with the rules on personal data processing</u>, should ensure the safe re-use of <u>certain categories of protected data, for example</u> personal data and commercially confidential business data for research, innovation and statistical purposes. In many cases this implies that the data use and re-use in this context can only be done in a secure processing environment set in place and supervised by the public sector. There is experience at Union level with such secure processing environments that are used for research on statistical microdata on the basis of Commission Regulation (EU) 557/2013 ⁽¹⁾. In general, <u>The public sector body should be able to impose a condition whereby the re-use is restricted to machine-processing of data or to processing with limited human involvement.</u> Insofar as personal</p>	<p>privacy, generalisation, or suppression, and randomisation, <u>use of synthetic data or other such methods and other state-of-the-art privacy preserving methods that could contribute to a more privacy-friendly processing of data.</u> <u>Member States should provide support to public sector bodies to make optimal use of such techniques, thus making as much data as possible available for sharing.</u> The application of these privacy-enhancing technologies <u>techniques</u>, together with comprehensive data protection approaches should ensure the safe <u>impact assessments and other safeguards can contribute to more safety in the use and</u> re-use of personal data and <u>should ensure the safe re-use of</u> commercially confidential business data for research, innovation and statistical purposes. In many cases this implies that the data use and re-use in this context can only be done in a secure processing environment set in place and supervised by the public sector. There is experience at Union level with such secure processing environments that are used for</p>

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	Commission Regulation (EC) No 831/2002 (OJ L 164, 18.6.2013, p. 16).	<p>the basis of Commission Regulation (EU) 557/2013⁽⁺⁾¹. In general, insofar as personal data are concerned, the processing of personal data should rely upon one or more of the grounds for processing provided in Article 6 <u>Articles 6 and 9</u> of Regulation (EU) 2016/679.</p> <p>1. Commission Regulation (EU) 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European Statistics as regards access to confidential data for scientific purposes and repealing Commission Regulation (EC) No 831/2002 (OJ L 164, 18.6.2013, p. 16).</p>	<p>data are concerned, the processing of personal data should rely upon one or more of the grounds for processing provided in Article 6 <u>Articles 6 and 9</u> of Regulation (EU) 2016/679.</p> <p>1. <u>[1]</u> Commission Regulation (EU) 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European Statistics as regards access to confidential data for scientific purposes and repealing Commission Regulation (EC) No 831/2002 (OJ L 164, 18.6.2013, p. 16).</p>	<p>research on statistical microdata on the basis of Commission Regulation (EU) 557/2013⁽⁺⁾¹. In general, insofar as personal data are concerned, the processing of personal data should rely upon one or more of the grounds for processing provided in Article 6 <u>Articles 6 and 9</u> of Regulation (EU) 2016/679.</p> <p>1. Commission Regulation (EU) 557/2013 of 17 June 2013 implementing Regulation (EC) No 223/2009 of the European Parliament and of the Council on European Statistics as regards access to confidential data for scientific purposes and repealing Commission Regulation (EC) No 831/2002 (OJ L 164, 18.6.2013, p. 16).</p> <p>Text Origin: EP Mandate</p>
Recital 6a				
16a		<p><u>(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</u></p>		<p><u>(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</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>manner that the data subject is not or no longer identifiable. The European Data Protection Board 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.</u></p> <p><u>1. European Data Protection Board (2020), Guidelines 04/2020 on the use of location data and contact tracing tools in the context of the COVID-19 outbreak, 21.4.2020 p. 5.</u></p>		<p><u>manner that the data subject is not or no longer identifiable.</u></p> <p>Text Origin: EP Mandate</p>
Recital 6b				
16b		<p><u>(6b) In order to facilitate the protection of personal data and confidential data and to speed up the process of making such data available for re-use under this Regulation, Member States should encourage public authorities to apply the principle of 'open by design and by default' as referred to in Recital (16) of Directive (EU) 2019/1024 and promote the creation and the procurement of data in formats and structures that allow for swift anonymisation</u></p>		<p><u>(6b) In order to facilitate the protection of personal data and confidential data and to speed up the process of making such data available for re-use under this Regulation, Member States should encourage public authorities to create and make available data in accordance with the principle of 'open by design and by default' as referred to in Recital (16) of Directive (EU) 2019/1024 and promote the creation and the procurement of data in formats</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>in that regard.</u>		<u>and structures that facilitates anonymisation in that regard</u> Text Origin: EP Mandate
Recital 7				
17	<p>(7) The categories of data held by public sector bodies which should be subject to re-use under this Regulation fall outside the scope of Directive (EU) 2019/1024 that excludes data which is not accessible due to commercial and statistical confidentiality and data for which third parties have intellectual property rights. Personal data fall outside the scope of Directive (EU) 2019/1024 insofar as the access regime excludes or restricts access to such data for reasons of data protection, privacy and the integrity of the individual, in particular in accordance with data protection rules. The re-use of data, which may contain trade secrets, should take place without prejudice to Directive (EU) 2016/943¹, which sets the framework for the lawful acquisition, use or disclosure of trade secrets. This Regulation is</p>	<p>(7) The categories of data held by public sector bodies which should be subject to re-use under this Regulation fall outside the scope of Directive (EU) 2019/1024 that excludes data which is not accessible due to commercial and statistical confidentiality and data for which third parties have intellectual property rights. <u>This Regulation should apply to</u> personal data <u>that</u> fall outside the scope of Directive (EU) 2019/1024 insofar as the access regime excludes or restricts access to such data for reasons of data protection, privacy and the integrity of the individual, in particular in accordance with data protection rules. The re-use of data, which may contain trade secrets, should take place without prejudice to Directive (EU) 2016/943 <u>of the European Parliament and of the Council</u>¹, which sets the</p>	<p>(7) The categories of data held by public sector bodies which should be subject to re-use under this Regulation fall outside the scope of Directive (EU) 2019/1024 that excludes data which is not accessible due to commercial and statistical confidentiality and data for<u>that is included in works or other subject matter over</u> which third parties have intellectual property rights. <u>Commercially confidential data includes data protected by trade secrets, protected know-how and any other information the undue disclosure of which would have an impact on the market position or financial health of the business. This Regulation should apply to</u> personal data <u>that</u> fall outside the scope of Directive (EU) 2019/1024 insofar as the access regime excludes or restricts access to such data for reasons of data protection,</p>	<p>(7) The categories of data held by public sector bodies which should be subject to re-use under this Regulation fall outside the scope of Directive (EU) 2019/1024 that excludes data which is not accessible due to commercial and statistical confidentiality and data for<u>that is included in works or other subject matter over</u> which third parties have intellectual property rights. <u>Commercially confidential data includes data protected by trade secrets, protected know-how and any other information the undue disclosure of which would have an impact on the market position or financial health of the business. This Regulation should apply to</u> personal data <u>that</u> fall outside the scope of Directive (EU) 2019/1024 insofar as the access regime excludes or restricts access to such data for reasons of data protection,</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>without prejudice and complementary to more specific obligations on public sector bodies to allow re-use of data laid down in sector-specific Union or national law.</p> <p>1. OJ L 157, 15.6.2016, p. 1–18</p>	<p>framework for the lawful acquisition, use or disclosure of trade secrets. This Regulation is without prejudice and complementary to more specific obligations on public sector bodies to allow re-use of data laid down in sector-specific Union or national law. <u><i>This Regulation should not create an obligation to allow re-use of personal data held by public sector bodies.</i></u></p> <p>1. <u><i>Directive (EU) 2016/943 of the European Parliament and of the Council of 8 June 2016 on the protection of undisclosed know-how and business information (trade secrets) against their unlawful acquisition, use and disclosure</i></u> (OJ L 157, 15.6.2016, p. 1–18 <u>1</u>).</p>	<p>privacy and the integrity of the individual, in particular in accordance with data protection rules. The re-use of data, which may contain trade secrets, should take place without prejudice to Directive (EU) 2016/943¹, which sets the framework for the lawful acquisition, use or disclosure of trade secrets. This Regulation <u><i>should not create an obligation to allow re-use of public sector data. In particular, each Member State should therefore be able to decide whether data is made accessible for re-use, also in terms of the purposes and scope of such access. It should be</i></u> is without prejudice and complementary to more specific obligations on public sector bodies to allow re-use of data laid down in sector-specific Union or national law. <u><i>Public access to official documents may be considered to be in the public interest. Taking into account the role of public access to official documents and transparency in a democratic society, this Regulation is also without prejudice to national law on granting access to and disclosing official documents. Access to</i></u></p>	<p>privacy and the integrity of the individual, in particular in accordance with data protection rules. The re-use of data, which may contain trade secrets, should take place without prejudice to Directive (EU) 2016/943¹, which sets the framework for the lawful acquisition, use or disclosure of trade secrets. This Regulation <u><i>should not create an obligation to allow re-use of public sector data. In particular, each Member State should therefore be able to decide whether data is made accessible for re-use, also in terms of the purposes and scope of such access. It should be</i></u> is without prejudice and complementary to more specific obligations on public sector bodies to allow re-use of data laid down in sector-specific Union or national law. <u><i>Public access to official documents may be considered to be in the public interest. Taking into account the role of public access to official documents and transparency in a democratic society, this Regulation is also without prejudice to national law on granting access to and disclosing official documents. Access to</i></u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>official documents may in particular be granted in accordance with national law without imposing specific conditions or by imposing specific conditions that are not provided by this Regulation.</u> 1. <u>[1]</u> OJ L 157, 15.6.2016, p. 1–18.	<u>official documents may in particular be granted in accordance with national law without imposing specific conditions or by imposing specific conditions that are not provided by this Regulation.</u> 1. <u>[1]</u> OJ L 157, 15.6.2016, p. 1–18. Text Origin: Council Mandate
Recital 8				
18	(8) The re-use regime provided for in this Regulation should apply to data the supply of which forms part of the public tasks of the public sector bodies concerned, as defined by law or by other binding rules in the Member States. In the absence of such rules the public tasks should be defined in accordance with common administrative practice in the Member States, provided that the scope of the public tasks is transparent and subject to review. The public tasks could be defined generally or on a case-by-case basis for individual public sector bodies. As public undertakings are not covered by the definition of public sector	(8) The re-use regime provided for in this Regulation should apply to data the supply of which forms part of the public tasks of the public sector bodies concerned, as defined by law or by other binding rules in the Member States. In the absence of such rules the public tasks should be defined in accordance with common administrative practice in the Member States, provided that the scope of the public tasks is transparent and subject to review. The public tasks could be defined generally or on a case-by-case basis for individual public sector bodies. As public undertakings are not covered by the definition of public sector	(8) The re-use regime provided for in this Regulation should apply to data the supply of which forms part of the public tasks of the public sector bodies concerned, as defined by law or by other binding rules in the Member States. In the absence of such rules the public tasks should be defined in accordance with common administrative practice in the Member States, provided that the scope of the public tasks is transparent and subject to review. The public tasks could be defined generally or on a case-by-case basis for individual public sector bodies. As public undertakings are not covered by the definition of public sector	(8) The re-use regime provided for in this Regulation should apply to data the supply of which forms part of the public tasks of the public sector bodies concerned, as defined by law or by other binding rules in the Member States. In the absence of such rules the public tasks should be defined in accordance with common administrative practice in the Member States, provided that the scope of the public tasks is transparent and subject to review. The public tasks could be defined generally or on a case-by-case basis for individual public sector bodies. As public undertakings are not covered by the definition of public sector

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	body, the data they hold should not be subject to this Regulation. Data held by cultural and educational establishments, for which intellectual property rights are not incidental, but which are predominantly contained in works and other documents protected by such intellectual property rights, are not covered by this Regulation.	body, the data they hold should not be subject to <u>be excluded from the scope of</u> this Regulation. Data held by cultural and educational establishments, for which intellectual property rights are not incidental, but which are predominantly contained in works and other documents protected by such intellectual property rights, <u>and data held by educational establishments</u> , are not covered by this Regulation.	body, the data they hold should not be subject to this Regulation. Data held by cultural and educational establishments, for which intellectual property rights are not incidental, but which are predominantly contained in <u>establishments, such as libraries, archives and museums, as well as orchestras, operas, ballets, and theatres, and educational establishments should not be covered by this Regulation since the</u> works and other documents protected by such <u>they hold are predominantly covered by third party</u> intellectual property rights. <u>Research performing organisations and research funding organisations could also be organised as public sector bodies and/or bodies governed by public law. This Regulation should apply to such hybrid organisations only in their capacity as research performing organisations. If such a research performing organisation holds data as a part of a specific public-private association with private sector organisations or other public bodies, bodies governed by public law or hybrid research</u>	body, the data they hold should not be subject to this Regulation. Data held by cultural <u>establishments, such as libraries, archives and museums, as well as orchestras, operas, ballets, and theatres, and educational establishments should not be covered by this Regulation since the</u> and educational establishments, for which intellectual property rights are not incidental, but which are predominantly contained in works and other documents protected by such <u>they hold are predominantly covered by third party</u> intellectual property rights. <u>Research performing organisations and research funding organisations could also be organised as public sector bodies and/or bodies governed by public law. This Regulation should apply to such hybrid organisations only in their capacity as research performing organisations. If such a research performing organisation holds data as a part of a specific public-private association with private sector organisations or other public bodies, bodies governed by public law or hybrid research performing organisations (i.e.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><u>performing organisations (i.e. organised as both public sector bodies or public undertakings) with the main purpose of pursuing research, these data should also not be are not covered by this Regulation. <u>Where relevant, Member States should be able to apply the requirements of this Regulation to public undertakings or private undertakings, such as those that exercise public sector duties or provide services of general interest. The exchange of data among public sector bodies, or between public sector bodies and public sector bodies in third countries or international organizations, purely in pursuit of their public tasks, including the exchange of data between researchers for non-commercial scientific research purposes, should not be subject to the provisions of this Regulation concerning the re-use of certain categories of protected data held by public sector bodies.</u></u></p> <p>Text Origin: Council Mandate</p>	<p><u>organised as both public sector bodies or public undertakings) with the main purpose of pursuing research, these data should also not be are not covered by this Regulation. <u>Where relevant, Member States should be able to apply the requirements of this Regulation to public undertakings or private undertakings that exercise public sector duties or provide services of general interest. The exchange of data among public sector bodies, or between public sector bodies and public sector bodies in third countries or international organizations, purely in pursuit of their public tasks, in particular the exchange of data between researchers for non-commercial scientific research purposes, should not be subject to the provisions of this Regulation concerning the re-use of certain categories of protected data held by public sector bodies.</u></u></p>
	Recital 9			
R	19			R

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>(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 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</p>	<p>(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 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 <u>and concession award</u> 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</p>	<p>(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 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</p>	

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	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.	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 <u>12 months</u> . 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.	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 <u>in a form that is in accordance with Union law on public procurement, where relevant. Where an exclusive right to re-use data does not meet the conditions set out in this Regulation, the exclusive right should be invalid</u> contract .	
Recital 10				
20	(10) Prohibited exclusive agreements and other practices or arrangements between data holders and data re-users which do not expressly grant exclusive rights but which can reasonably be expected to restrict the availability of data for re-use that have been concluded or have been already in place before the entry into force of this Regulation should not be renewed after the expiration of their term. In the case of indefinite or longer-term agreements, they should be	(10) Prohibited exclusive agreements and other practices or arrangements between data holders and data re-users <u>pertaining to the re-use of data held by public sector bodies</u> which do not expressly grant exclusive rights but which can reasonably be expected to restrict <u>hampen the functioning of the internal market by restricting</u> the availability of data for re-use that have been concluded or have been already in place before the entry into force of this	(10) Prohibited exclusive agreements and other practices or arrangements between data <u>subjects and data</u> holders <u>on the one hand,</u> and data re-users <u>on the other hand,</u> which do not expressly grant exclusive rights but which can reasonably be expected to restrict the availability of data for re-use that have been concluded or have been already in place before the entry into force of this Regulation should not be renewed after the expiration of their term. In	Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	terminated within three years from the date of entry into force of this Regulation.	Regulation should not be renewed after the expiration of their term. In the case of indefinite or longer-term agreements, they should be terminated within three years <u>one year</u> from the date of entry into force of this Regulation.	the case of indefinite or longer-term agreements, they should be terminated within three years from the date of entry into force of this Regulation.	
Recital 11				
21	(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	(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, <u>transparent</u> , proportionate and objectively justified, while not restricting competition <u>enhancing competition, with a specific focus on promoting access to such data by SMEs and start-ups and promoting scientific research</u> . 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 <u>and should be empowered to request the necessary</u>	(11) Conditions for re-use of protected data that apply to public sector bodies, <u>which are designated as</u> 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. <u>The conditions for re-use should be designed in a manner promoting scientific research, e.g. privileging research should be considered non-discriminatory.</u> 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	(11) Conditions for re-use of protected data that apply to public sector bodies, <u>which are designated as</u> 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, <u>transparent</u> , proportionate and objectively justified, while not restricting competition, <u>with a specific focus on promoting access to such data by SMEs and start-ups. The conditions for reuse should be designed in a manner promoting scientific research, e.g. privileging scientific research should as a rule be considered non-discriminatory.</u> In particular, Public sector bodies allowing re-use should have in place the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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</p>	<p><u>information from the re-user.</u> 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 <i>for burden on</i> the public sector. Depending on the case at hand, <u>Conditions should be designed to ensure effective safeguards with regard to the protection of personal data.</u> 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, <u>and where any requirements of completing a data protection impact assessment and consulting the supervisory authority pursuant to Articles 35</u></p>	<p>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 <i>burden</i> 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. <u>Alternatively, on-premise or remote re-use</u> 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 <u>data, for example pseudonymised data,</u> 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</p>	<p>technical means necessary to ensure the protection of rights and interests of third parties <u>and should be empowered to request the necessary information from the re-user.</u> 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 <i>burden</i> for the public sector. Depending on the case at hand, <u>Conditions should be designed to ensure effective safeguards with regard to the protection of personal data.</u> 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, <u>and where</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	<u>and 36 of Regulation (EU) 2016/679 have been fulfilled and the risks for the rights and interests of data subjects are minimal</u> , 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 <u>should</u> 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	others. In particular, personal data should only be transmitted for re-use to a third party where a legal basis <u>under data protection legislation</u> 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. This should also apply to pseudonymised data which remain personal data within the meaning of Regulation (EU) 2016/679. In the event of reidentification of data subjects, the obligation to notify such a data breach to the public sector body should apply in addition to the obligation to notify such a data breach to a supervisory authority and to the data subject in accordance with Regulation (EU) 2016/679. The public sector bodies, where relevant, should facilitate the re-use of data on the basis of consent of data subjects or permissions of	<u>any requirements of completing a data protection impact assessment and consulting the supervisory authority pursuant to Articles 35 and 36 of Regulation (EU) 2016/679 have been fulfilled and the risks for the rights and interests of data subjects have been found to be minimal</u> , on-premise or remote re-use of the data within a secure processing environment could be permitted. <u>This could be a suitable arrangement for the reuse of pseudonymised data.</u> 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 <u>under data protection legislation</u> 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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p>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. <u>When transmitting the request for consent, the public sector body should inform the data subjects or legal persons of their rights, in particular of the right to refuse such a request and not give their consent. The re-users should have responsibility for demonstrating that consent has been obtained. Public sector bodies should focus in particular on seeking to ensure that SMEs and start-ups are able to compete fairly with other re-users.</u> No contact information should be given that allows re-users to contact data subjects or companies directly. <u>In the event of any re-identification of individuals concerned, the re-users should report the incident to the supervisory authority competent under Regulation (EU) 2016/679 and inform the public sector body.</u></p>	<p>legal persons on the re-use of data pertaining to them through adequate technical means. In this respect, the public sector body should support <u>could provide assistance to</u> 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 <u>data holders</u> directly. <u>When transmitting the request to consent, the public sector body should ensure that the data subject is clearly informed of the possibility to refuse such a request.</u></p>	<p>may have acquired despite the safeguards put in place. This should also apply to pseudonymised data which remain personal data within the meaning of Regulation (EU) 2016/679. In the event of reidentification of data subjects, the obligation to notify such a data breach to the public sector body should apply in addition to the obligation to notify such a data breach to a supervisory authority and to the data subject in accordance with Regulation (EU) 2016/679. 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 <u>should/could provide assistance to</u> 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 <u>data holders</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<p>directly. <u>When transmitting the request to consent, the public sector body should ensure that the data subject is clearly informed of the possibility to refuse to give consent.</u></p> <p>Text Origin: Council Mandate</p>
Recital 11a				
21a		<p><u>(11a) The de-anonymisation of datasets should be prohibited unless data subjects have given their consent or another legal basis permits it. This should be without prejudice to the possibility to conduct research into anonymisation techniques, in particular where finding possible weaknesses in existing anonymisation techniques could lead to the overall strengthening of anonymisation, while duly respecting the fundamental right to the protection of personal data.</u></p>		<p><u>(11a) Re-identification of data subjects from anonymised datasets should be prohibited. This should not prejudice the possibility to conduct research into anonymisation techniques, in particular for the purposes of ensuring information security, improving existing anonymisation techniques and contributing to the overall robustness of anonymisation, undertaken in accordance with Regulation (EU) 2016/679</u></p> <p>Text Origin: EP Mandate</p>
Recital 12				
22				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>(12) The intellectual property rights of third parties should not be affected by this Regulation. This Regulation should neither affect the existence or ownership of intellectual property rights of public sector bodies, nor should it limit the exercise of these rights in any way beyond the boundaries set by this Regulation. The obligations imposed in accordance with this Regulation should apply only insofar as they are compatible with international agreements on the protection of intellectual property rights, in particular the Berne Convention for the Protection of Literary and Artistic Works (Berne Convention), the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and the WIPO Copyright Treaty (WCT). Public sector bodies should, however, exercise their copyright in a way that facilitates re-use.</p>	<p>(12) The intellectual property rights of third parties should not be affected by this Regulation. This Regulation should neither affect the existence or ownership of intellectual property rights of public sector bodies, nor should it limit the exercise of these rights in any way beyond the boundaries set by this Regulation. The obligations imposed in accordance with this Regulation should apply only insofar as they are compatible with international agreements on the protection of intellectual property rights, in particular the Berne Convention for the Protection of Literary and Artistic Works (Berne Convention), the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and the WIPO Copyright Treaty (WCT). Public sector bodies should, however, exercise their copyright in a way that facilitates re-use.</p>	<p>(12) The intellectual property rights of third parties should not be affected by this Regulation. This Regulation should neither affect the existence or ownership of intellectual property rights of public sector bodies, nor should it limit the exercise of these rights in any way beyond the boundaries set by this Regulation. The obligations imposed in accordance with this Regulation should apply only insofar as they are compatible with international agreements on the protection of intellectual property rights, in particular the Berne Convention for the Protection of Literary and Artistic Works (Berne Convention), the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and the WIPO Copyright Treaty (WCT) <u>and Union or national law governing intellectual property</u>. Public sector bodies should, however, exercise their copyright in a way that facilitates re-use.</p>	<p>(12) The intellectual property rights of third parties should not be affected by this Regulation. This Regulation should neither affect the existence or ownership of intellectual property rights of public sector bodies, nor should it limit the exercise of these rights in any way beyond the boundaries set by this Regulation. The obligations imposed in accordance with this Regulation should apply only insofar as they are compatible with international agreements on the protection of intellectual property rights, in particular the Berne Convention for the Protection of Literary and Artistic Works (Berne Convention), the Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS Agreement) and the WIPO Copyright Treaty (WCT) <u>and Union or national law governing intellectual property</u>. Public sector bodies should, however, exercise their copyright in a way that facilitates re-use.</p> <p>Text Origin: Council Mandate</p>
	Recital 13			
G 23				G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>(13) Data subject to intellectual property rights as well as trade secrets should only be transmitted to a third party where such transmission is lawful by virtue of Union or national law or with the agreement of the rightholder. Where public sector bodies are holders of the right provided for in Article 7(1) of Directive 96/9/EC of the European Parliament and of the Council ⁽¹⁾ they should not exercise that right in order to prevent the re-use of data or to restrict re-use beyond the limits set by this Regulation.</p> <p>1. Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996, p. 20).</p>	<p>(13) Data subject to intellectual property rights as well as trade secrets should only be transmitted to a third party where such transmission is lawful by virtue of Union or national law or with the agreement of the rightholder. Where public sector bodies are holders of the right provided for in Article 7(1) of Directive 96/9/EC of the European Parliament and of the Council ⁽¹⁾ they should not exercise that right in order to prevent the re-use of data or to restrict re-use beyond the limits set by this Regulation.</p> <p>1. Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996, p. 20).</p>	<p>(13) Data subject to intellectual property rights as well as trade secrets should only be transmitted to a third party where such transmission is lawful by virtue of Union or national law or with the agreement of the rightholder. Where public sector bodies are holders of the right provided for in Article 7(1) of Directive 96/9/EC of the European Parliament and of the Council ⁽¹⁾ they should not exercise that right in order to prevent the re-use of data or to restrict re-use beyond the limits set by this Regulation.</p> <p>1. 11 Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996, p. 20).</p>	<p>(13) Data subject to intellectual property rights as well as trade secrets should only be transmitted to a third party where such transmission is lawful by virtue of Union or national law or with the agreement of the rightholder. Where public sector bodies are holders of the right provided for in Article 7(1) of Directive 96/9/EC of the European Parliament and of the Council ⁽¹⁾ they should not exercise that right in order to prevent the re-use of data or to restrict re-use beyond the limits set by this Regulation.</p> <p>1. 11 Directive 96/9/EC of the European Parliament and of the Council of 11 March 1996 on the legal protection of databases (OJ L 77, 27.3.1996, p. 20).</p> <p>Text Origin: Council Mandate</p>
Recital 14				
24	<p>(14) Companies and data subjects should be able to trust that the re-use of certain categories of protected data, which are held by the public sector, will take place in a manner that respects their rights and interests. Additional safeguards should thus be put in</p>	<p>(14) Companies and data subjects should be able to trust that the re-use of certain categories of protected data, which are held by the public sector, will take place in a manner that respects their rights and interests. Additional safeguards should thus be put in</p>	<p>(14) Companies and data subjects should be able to trust that the re-use of certain categories of protected data, which are held by the public sector, will take place in a manner that respects their rights and interests. Additional safeguards should thus be put in</p>	<p>(14) Companies and data subjects should be able to trust that the re-use of certain categories of protected data, which are held by the public sector, will take place in a manner that respects their rights and interests. Additional safeguards should thus be put in</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	place for situations in which the re-use of such public sector data is taking place on the basis of a processing of the data outside the public sector. Such an additional safeguard could be found in the requirement that public sector bodies should take fully into account the rights and interests of natural and legal persons (in particular the protection of personal data, commercially sensitive data and the protection of intellectual property rights) in case such data is transferred to third countries.	place for situations in which the re-use of such public sector data is taking place on the basis of a processing of the data outside the public sector. Such an additional safeguard could be found in the requirement that public sector bodies should take fully into account <u>ensure that</u> the rights and interests of natural and legal persons <u>are fully protected</u> (in particular the protection of <u>with regard to</u> personal data, commercially sensitive data and the protection of intellectual property rights) in ease <u>all cases including when</u> such data is transferred to third countries.	place for situations in which the re-use of such public sector data is taking place on the basis of a processing of the data outside the public sector. Such an additional safeguard could be found in the requirement that public sector bodies should take fully into account the rights and interests of natural and legal persons (in particular the protection of personal data, commercially sensitive data and the protection of intellectual property rights) in case such data is transferred to third countries.	place for situations in which the re-use of such public sector data is taking place on the basis of a processing of the data outside the public sector. Such an additional safeguard could be found in the requirement that public sector bodies should take fully into account <u>ensure that</u> the rights and interests of natural and legal persons <u>are fully protected</u> (in particular the protection of <u>with regard to</u> personal data, commercially sensitive data and the protection of intellectual property rights) in ease <u>all cases including when</u> such data is transferred to third countries. <u>Public sector bodies should not permit re-use of information stored in e-health applications by insurance companies or any other service provider for the purpose of discriminating in the setting of prices, as this would run counter to the fundamental right of access to health.</u> Text Origin: EP Mandate
	Recital 15			
G 25				G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>(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</p>	<p>(15) Furthermore, <u>in order to preserve fair competition and an open market economy</u> it is important<u>of the utmost importance</u> to protect commercially sensitive data of non-personal nature, notably<u>in particular</u> 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</p>	<p>(15) Furthermore, it is important to protect commercially sensitive <u>safeguard protected</u> 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 <u>subjects and data</u> 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<u>can</u> be transferred only to third-countries where only when 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 <u>include the public sector body only transmitting protected data to a re-user, if the</u></p>	<p>(15) Furthermore, <u>in order to preserve fair competition and an open market economy</u> it is important to protect commercially sensitive <u>of the utmost importance to safeguard protected</u> data of non-personal nature, notably<u>in particular</u> 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<u>can</u> be transferred only to third-countries where only when 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</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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</p>	<p>intellectual property rights. To that end, the Commission may <u>power to adopt implementing acts that declare acts in accordance with Article 290 TFEU should be delegated to the Commission in respect of declaring</u> 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</p>	<p><u>re-user undertakes obligations in the interest of</u> the protection of intellectual property rights <u>the data</u>. To that end, the Commission may adopt implementing acts that declare that a <u>The re-user that intends to transfer the data to such</u> 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 <u>should commit to comply with the obligations laid out in this Regulation even after the data has been transferred to the</u> third country. <u>To ensure the proper enforcement of such obligations, the re-user should also accept the jurisdiction of the Member State of the</u> to the data transferred, the existence and effective functioning of one or</p>	<p>secrets and <u>include the public sector body only transmitting protected data to a re-user, if the re-user undertakes obligations in the interest of</u> the protection of intellectual property rights <u>the data</u>. To that end, the Commission may adopt implementing acts that declare that a <u>The re-user that intends to transfer the data to such</u> 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 <u>should commit to comply with the obligations laid out in this Regulation even after the data has been transferred to the</u> third country. <u>To ensure the proper enforcement of such obligations, the re-user should also accept the jurisdiction of the</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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 <u>providers of data intermediation services</u> 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.	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 <u>body that allowed the re-use for the judicial settlement of disputes. In addition, the public sector body and the re-user may rely on model contractual clauses adopted by the Commission.</u>	<u>Member State of the public sector body that allowed the re-use for the judicial settlement of disputes. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to establish model contractual clauses for the transfer by re-users 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</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<p>that a third country. Such safeguards should therefore include the availability of enforceable rights and of effective legal remedies.</p> <p>Text Origin: Council Mandate</p>
Recital 16				
26	<p>(16) In cases where there is no implementing act adopted by the Commission in relation to a third country declaring that it provides a level of protection, in particular as regards the protection of commercially sensitive data and the protection of intellectual property rights, which is essentially equivalent to that provided by Union or national law, the public sector body should only transmit protected data to a re-user, if the re-user undertakes obligations in the interest of the protection of the data. The re-user that intends to transfer the data to such third country should commit to comply with the obligations laid out in this Regulation even after the data has been transferred to the third country. To ensure the proper enforcement of such obligations,</p>	<p>(16) In cases where there is no implementing<u>delegated</u> act adopted by the Commission in relation to a third country declaring that it provides a level of protection, in particular as regards the protection of commercially sensitive data and the protection of intellectual property rights, which is essentially equivalent to that provided by Union or national law, the public sector body should only transmit <u>non-personal</u> protected data to a re-user, if the re-user undertakes obligations in the interest of the protection of the data. The re-user that intends to transfer the data to such third country should commit to comply with the obligations laid out in this Regulation even after the data has been transferred to the third country. To ensure the proper enforcement of such obligations,</p>	<p>(16) In cases where there is no implementing act adopted by the Commission in relation to a third country declaring that it provides<u>Appropriate safeguards should also be considered to be implemented when in that third-country there are equivalent measures in place which ensure that non-personal data benefits from</u> a level of protection; <u>similar to that applicable by means of Union law</u> in particular as regards the protection of commercially sensitive data<u>trade secrets</u> and the protection of intellectual property rights. <u>To that end, the Commission may adopt implementing acts, when justified by a substantial number of requests, across the Union, concerning the re-use of non-personal data in specific third</u></p>	<p>(16) In cases where there is no implementing act adopted by the Commission in relation to a third country declaring that it provides<u>Appropriate safeguards should also be considered to be implemented when in that third-country there are equivalent measures in place which ensure that non-personal data benefits from</u> a level of protection; <u>similar to that applicable by means of Union law</u> in particular as regards the protection of commercially sensitive data<u>trade secrets</u> and the protection of intellectual property rights. <u>To that end, the Commission may adopt [implementing/delegated acts], when justified by a substantial number of requests, across the Union, concerning the re-use of non-personal data in specific third</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>the re-user should also accept the jurisdiction of the Member State of the public sector body that allowed the re-use for the judicial settlement of disputes.</p>	<p>the re-user should also accept the jurisdiction of the Member State of the public sector body that allowed the re-use for the judicial settlement of disputes. <u>In that regard, the public sector bodies should, where relevant and to the extent of their capabilities, provide guidance and legal and administrative support to re-users, in particular small actors, such as SMEs and start-ups, for the purpose of supporting them in complying with those obligations. The Commission should issue guidelines on the obligations as regards the transfer by re-users of non-personal data to a third country. In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to establish standard contractual clauses for the transfer by re-users of non-personal data to a third country.</u></p>	<p><u>countries, that declare that a third country provides a level of protection that,</u>which<u> is essentially equivalent to thatthose provided by Union or national law,</u>the<u>. The Commission should assess the necessity of the adoption of such implementing acts based on the information provided by the Member States through the European Data Innovation Board. Such implementing acts would reassure public sector body should only transmit protected data to a re-user, if the re-user undertakes obligations in the interestbodies that re-use of publicly held data in the concerned third-country would not compromise the protected nature of the data. The assessment of the protection of the data. The re-user that intends to transfer level of protection afforded in such third-country should, in particular, take into consideration the relevant legislation, both general and sectoral, including on public security, defence, national security and criminal law concerning the access to and protection of non-personal data,</u></p>	<p><u>countries, that declare that a third country provides a level of protection that</u>is<u>is essentially equivalent to thatthose provided by Union or national law,</u>the<u>. The Commission should assess the necessity of the adoption of such [implementing/delegated acts] based on the information provided by the Member States through the European Data Innovation Board. Such [implementing/delegated acts] would reassure public sector body should only transmit protected data to a re-user, if the re-user undertakes obligations in the interestbodies that re-use of publicly held data in the concerned third-country would not compromise the protected nature of the data. The assessment of the level of protection of the data. The re-user that intends to transfer the data</u>afforded in such third-country should, in particular, take into consideration the relevant legislation, both general and sectoral, including on public security, defence, national security and criminal law concerning the access to and protection of non-personal data,</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><u>any access by the public authorities of that third country to the data to such transferred, the existence and effective functioning of one or more independent supervisory authorities in the</u> third country should commit to comply with <u>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 laid out in this Regulation even after the data has been transferred to 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 subjects and data holders, public sector bodies or data intermediation service providers in</u> the third country. To ensure the proper enforcement of such obligations, the re-user <u>concerned is of particular importance in the context of the transfer of non-personal data to that third country. Such</u></p>	<p><u>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</u> third country should commit to comply with the <u>countries' international commitments regarding the protection of data the third country concerned has entered into, or other obligations laid out in this Regulation even after the data has been transferred to 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 intermediation service providers in</u> the third country. To ensure the proper enforcement of such obligations, the re-user <u>concerned is of particular importance in the context of the transfer of non-personal data to that third country. Such safeguards</u> should also accept the</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>safeguards</u> should also accept the jurisdiction of the Member State of <u>therefore include the availability of enforceable rights and of effective legal remedies. Such implementing acts are without prejudice to any legal obligation or contractual arrangements already undertaken by a re-user in the interest of the protection of non-personal data, in particular industrial data, and to</u> the public sector body that allowed the re-use for the judicial settlement of disputes <u>bodies' right to oblige re-users to comply with conditions for re-use, in accordance with this Regulation.</u>	jurisdiction of the Member State of <u>therefore include the availability of enforceable rights and of effective legal remedies. Such [implementing/delegated acts] are without prejudice to any legal obligation or contractual arrangements already undertaken by a re-user in the interest of the protection of non-personal data, in particular industrial data, and to</u> the public sector body that allowed the re-use for the judicial settlement of disputes <u>bodies' right to oblige re-users to comply with conditions for re-use, in accordance with this Regulation.</u>
Recital 17				
27	(17) Some third countries adopt laws, regulations and other legal acts which aim at directly transferring or providing access to non-personal data in the Union under the control of natural and legal persons under the jurisdiction of the Member States. Judgments of courts or tribunals or decisions of administrative authorities in third countries requiring such transfer or access to non-personal	(17) Some third countries adopt laws, regulations and other legal acts which aim at directly transferring or providing access to non-personal data in the Union under the control of natural and legal persons under the jurisdiction of the Member States. Judgments of courts or tribunals or decisions of administrative authorities in third countries requiring such transfer or access to non-personal	(17) Some third countries adopt laws, regulations and other legal acts which aim at directly transferring or providing <u>governmental</u> access to non-personal data in the Union under the control of natural and legal persons under the jurisdiction of the Member States. Judgments of courts or tribunals or decisions of administrative authorities in third countries requiring such transfer or	(17) Some third countries adopt laws, regulations and other legal acts which aim at directly transferring or providing <u>governmental</u> access to non-personal data in the Union under the control of natural and legal persons under the jurisdiction of the Member States. Judgments of courts or tribunals or decisions of administrative authorities in third countries requiring such transfer or

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>data should be enforceable when based on an international agreement, such as a mutual legal assistance treaty, in force between the requesting third country and the Union or a Member State. In some cases, situations may arise where the obligation to transfer or provide access to non-personal data arising from a third country law conflicts with a competing obligation to protect such data under Union or national law, in particular as regards the protection of commercially sensitive data and the protection of intellectual property rights, and including its contractual undertakings regarding confidentiality in accordance with such law. In the absence of international agreements regulating such matters, transfer or access should only be allowed under certain conditions, in particular that the third-country system requires the reasons and proportionality of the decision to be set out, that the court order or the decision is specific in character, and the reasoned objection of the addressee is subject to a review by a competent court in the third country, which is empowered to</p>	<p>data should be enforceable when based on an international agreement, such as a mutual legal assistance treaty, in force between the requesting third country and the Union or a Member State. In some cases, situations may arise where the obligation to transfer or provide access to non-personal data arising from a third country law conflicts with a competing obligation to protect such data under Union or national law, in particular as regards the protection of commercially sensitive data and the protection of intellectual property rights, and including its contractual undertakings regarding confidentiality in accordance with such law. In the absence of international agreements regulating such matters, transfer or access should only be allowed under certain conditions, in particular thatif the third-country system requires the reasons and proportionality of the decision to be set out, that the court order or the decision is specific in character, and the reasoned objection of the addressee is subject to a review by a competent court in the third country, which is empowered to</p>	<p>access to non-personal data should be enforceable when based on an international agreement, such as a mutual legal assistance treaty, in force between the requesting third country and the Union or a Member State. In some cases, situations may arise where the obligation to transfer or provide access to non-personal data arising from a third country law conflicts with a competing obligation to protect such data under Union or national law, in particular as regards the protection of <u>fundamental rights of the individual or the fundamental interests of a Member State related to national security or defence, as well as the protection of</u> commercially sensitive data and the protection of intellectual property rights, and including its contractual undertakings regarding confidentiality in accordance with such law. In the absence of international agreements regulating such matters, transfer or access should only be allowed under certain conditions, in particular <u>after verifying</u> that the third-country <u>'s legal</u> system requires the reasons and proportionality of the</p>	<p>access to non-personal data should be enforceable when based on an international agreement, such as a mutual legal assistance treaty, in force between the requesting third country and the Union or a Member State. In some cases, situations may arise where the obligation to transfer or provide access to non-personal data arising from a third country law conflicts with a competing obligation to protect such data under Union or national law, in particular as regards the protection of <u>fundamental rights of the individual or the fundamental interests of a Member State related to national security or defence, as well as the protection of</u> commercially sensitive data and the protection of intellectual property rights, and including its contractual undertakings regarding confidentiality in accordance with such law. In the absence of international agreements regulating such matters, transfer or access should only be allowed under certain conditions<u>if</u>, in particular <u>it has been verified</u> that the third-country <u>'s legal</u> system requires the reasons and proportionality of the</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	take duly into account the relevant legal interests of the provider of such data.	take duly into account the relevant legal interests of the provider of such data.	<p>decision to be set out, that the court order or the decision is specific in character, and the reasoned objection of the addressee is subject to a review by a competent court in the third country, which is empowered to take duly into account the relevant legal interests of the provider of such data.</p> <p><u>Moreover, public sector bodies, natural or legal persons to which the right to re-use data was granted, data intermediation service providers and entities entered in the register of recognised data altruism organisations should ensure, when signing contractual agreements with other private parties, that non-personal data held in the Union are only accessed in or transferred to third countries in compliance with the law of the Union or the law of the relevant Member State.</u></p>	<p>decision to be set out, that the court order or the decision is specific in character, and <u>that</u> the reasoned objection of the addressee is subject to a review by a competent court in the third country, which is empowered to take duly into account the relevant legal interests of the provider of such data.</p> <p><u>Moreover, public sector bodies, natural or legal persons to which the right to re-use data was granted, data intermediation service providers and entities entered in the register of recognised data altruism organisations should ensure, when signing contractual agreements with other private parties, that non-personal data held in the Union are only accessed in or transferred to third countries in compliance with the law of the Union or the law of the relevant Member State.</u></p> <p>Text Origin: Council Mandate</p>
Recital 18				
28	(18) In order to prevent unlawful access to non-personal data, public sector bodies, natural or legal	(18) In order to prevent unlawful access to non-personal data, public sector bodies, natural or legal	(18) In order to prevent unlawful access to non personal data, public sector bodies, natural or legal	(18) In order to prevent unlawful access to non personal data, public sector bodies, natural or legal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	persons to which the right to re-use data was granted, <u>providers of data intermediation services</u> 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, <u>cybersecurity measures</u> or corporate policies.	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. <u>(deleted)</u>	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. <u>(deleted)</u>
	Recital 18a			
28a			<u>(18a) To foster further trust in the data economy of the Union, it is essential that the safeguards in relation to Union citizens, the public sector and businesses that ensure that control over their strategic and sensitive data are implemented and that Union law, values and standards are upheld in terms of , but not limited to, security, data protection and consumer protection. 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 intermediation service providers and entities</u>	<u>(18a) To foster further trust in the data economy of the Union, it is essential that the safeguards in relation to Union citizens, the public sector and businesses that ensure that control over their strategic and sensitive data are implemented and that Union law, values and standards are upheld in terms of , but not limited to, security, data protection and consumer protection. 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 intermediation service providers and entities</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><u>entered in a national register of recognised data altruism</u> <u>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. To these ends, it has to be ensured that public sector bodies, natural or legal persons to which the right to re-use data was granted, data intermediation service providers and entities entered in the register of recognized data altruism</u> <u>organisations should adhere to all relevant technical standards, codes of conduct and certifications at Union level.</u></p>	<p><u>entered in a national register of recognised data altruism</u> <u>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. To these ends, it has to be ensured that public sector bodies, natural or legal persons to which the right to re-use data was granted, data intermediation service providers and entities entered in the register of recognized data altruism</u> <u>organisations should adhere to all relevant technical standards, codes of conduct and certifications at Union level.</u></p> <p>Text Origin: Council Mandate</p>
Recital 19				
29	<p>(19) In order to build trust in re-use mechanisms, it may be necessary to attach stricter conditions for certain types of non-personal data that have been identified as highly sensitive, as regards the transfer to third countries, if such transfer could jeopardise public policy objectives,</p>	<p>(19) In order to build trust in re-use mechanisms, it may be necessary to attach stricter conditions for certain types of non-personal data that have been identified as highly sensitive <u>by a specific Union act</u>, as regards the transfer to third countries, if such transfer could jeopardise public</p>	<p>(19) In order to build trust in re-use mechanisms, it may be necessary to attach stricter conditions for certain types of non-personal data that have been <u>may be</u> identified as highly sensitive <u>in future specific Union acts adopted in accordance with a legislative procedure</u>, as regards the transfer</p>	<p>(19) In order to build trust in re-use mechanisms, it may be necessary to attach stricter conditions for certain types of non-personal data that have been <u>may be</u> identified as highly sensitive <u>in future specific Union acts adopted in accordance with a legislative procedure</u>, as regards the transfer</p>

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	<p>in line with international commitments. For example, in the health domain, certain datasets held by actors in the public health system, such as public hospitals, could be identified as highly sensitive health data. In order to ensure harmonised practices across the Union, such types of highly sensitive non-personal public data should be defined by Union law, for example in the context of the European Health Data Space or other sectoral legislation. The conditions attached to the transfer of such data to third countries should be laid down in delegated acts. Conditions should be proportionate, non-discriminatory and necessary to protect legitimate public policy objectives identified, such as the protection of public health, public order, safety, the environment, public morals, consumer protection, privacy and personal data protection. The conditions should correspond to the risks identified in relation to the sensitivity of such data, including in terms of the risk of the re-identification of individuals. These conditions could include terms applicable for the transfer or</p>	<p>policy objectives, in line with international commitments. For example, in the health domain, certain datasets held by actors in the public health system, such as public hospitals, could be identified as highly sensitive health data. In order to ensure harmonised practices across the Union, such types of highly sensitive non-personal public data should be defined by Union law, for example in the context of the European Health Data Space or other sectoral legislation. <u>Insurance companies or any other service provider entitled to access information stored in e-health applications should not be allowed to use those data for the purpose of discriminating in the setting of prices, as this would run counter to the fundamental right of access to health.</u> The conditions attached to the transfer of such data to third countries should be laid down in delegated acts. Conditions should be proportionate, and non-discriminatory, <u>should not restrict competition and should be</u> and necessary to protect legitimate public policy objectives identified, such as the protection of public</p>	<p>to third countries, if such transfer could jeopardise public policy objectives, in line with international commitments. For example, in the health domain, certain datasets held by actors in the public health system, such as public hospitals, could be identified as highly sensitive health data. <u>Other relevant sectors could be transport, energy, environment and finance.</u> In order to ensure harmonised practices across the Union, such types of highly sensitive non-personal public data should be defined by Union law, for example in the context of the European Health Data Space or other sectoral legislation. The conditions attached to the transfer of such data to third countries should be laid down in delegated <u>implementing</u> acts. Conditions should be proportionate, non-discriminatory and necessary to protect legitimate public policy objectives identified, such as the protection of public health, public order, safety, the environment, public morals, consumer protection, privacy and personal data protection. The conditions should correspond to the risks</p>	<p>to third countries, if such transfer could jeopardise public policy objectives, in line with international commitments. For example, in the health domain, certain datasets held by actors in the public health system, such as public hospitals, could be identified as highly sensitive health data. <u>Other relevant sectors could be transport, energy, environment and finance.</u> In order to ensure harmonised practices across the Union, such types of highly sensitive non-personal public data should be defined by Union law, for example in the context of the European Health Data Space or other sectoral legislation. The conditions attached to the transfer of such data to third countries should be laid down in delegated <u>implementing/delegated</u> acts. Conditions should be proportionate, non-discriminatory and necessary to protect legitimate public policy objectives identified, such as the protection of public health, public order, safety, the environment, public morals, consumer protection, privacy and personal data protection. The conditions should correspond to the</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	technical arrangements, such as the requirement of using a secure processing environment, limitations as regards the re-use of data in third-countries or categories of persons which are entitled to transfer such data to third countries or who can access the data in the third country. In exceptional cases they could also include restrictions on transfer of the data to third countries to protect the public interest.	health, public order, safety, the environment, public morals, consumer protection, privacy and personal data protection. The conditions should correspond to the risks identified in relation to the sensitivity of such data, including in terms of the risk of the re-identification of individuals. These conditions could include terms applicable for the transfer or technical arrangements, such as the requirement of using a secure processing environment, limitations as regards the re-use of data in third-countries or categories of persons which are entitled to transfer such data to third countries or who can access the data in the third country. In exceptional cases they could also include restrictions on transfer of the data to third countries to protect the public interest.	identified in relation to the sensitivity of such data, including in terms of the risk of the re-identification of individuals. These conditions could include terms applicable for the transfer or technical arrangements, such as the requirement of using a secure processing environment, limitations as regards the re-use of data in third-countries or categories of persons which are entitled to transfer such data to third countries or who can access the data in the third country. In exceptional cases they could also include restrictions on transfer of the data to third countries to protect the public interest.	risks identified in relation to the sensitivity of such data, including in terms of the risk of the re-identification of individuals. These conditions could include terms applicable for the transfer or technical arrangements, such as the requirement of using a secure processing environment, limitations as regards the re-use of data in third-countries or categories of persons which are entitled to transfer such data to third countries or who can access the data in the third country. In exceptional cases they could also include restrictions on transfer of the data to third countries to protect the public interest. IA vs DA still to be decided Text Origin: Council Mandate
Recital 20				
30	(20) Public sector bodies should be able to charge fees for the re-use of data but should also be able to decide to make the data available at lower or no cost, for example for certain categories of re-uses such	(20) Public sector bodies should be able to charge fees for the re-use of data <u>to cover the costs of providing for such data re-use,</u> but should also be able to decide to make the data available at lower or	(20) Public sector bodies should be able to charge fees for the re-use of data but should also be able to decide to <u>allow re-use</u> make the data available at lower or no cost, for example for certain categories	(20) Public sector bodies should be able to charge fees for the re-use of data but should also be able to decide to make the data available <u>allow re-use</u> at lower or no cost, for example for certain categories

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	<p>as non-commercial re-use, or re-use by small and medium-sized enterprises, so as to incentivise such re-use in order to stimulate research and innovation and support companies that are an important source of innovation and typically find it more difficult to collect relevant data themselves, in line with State aid rules. Such fees should be reasonable, transparent, published online and non-discriminatory.</p>	<p>no cost, for example for certain categories of re-uses such as non-commercial re-use, or re-use by small and medium-sized enterprises <u>SMEs and start-ups, civil society and educational establishments</u>, so as to incentivise such re-use in order to stimulate research and innovation and support companies that are an important source of innovation and typically find it more difficult to collect relevant data themselves, in line with State aid rules. Such fees should be reasonable <u>proportionate to the costs incurred</u>, transparent, published online, <u>non-discriminatory and should not restrict competition. A list of categories of re-users to which a discounted fee or no charge applies, together with the criteria used to establish that list, should be made public</u> and non-discriminatory.</p>	<p>of re-uses such as non-commercial re-use <u>re-use for scientific research purposes</u>, or re-use by small and medium-sized enterprises, so as to incentivise such re-use in order to stimulate research and innovation and support companies that are an important source of innovation and typically find it more difficult to collect relevant data themselves, in line with State aid rules. <u>In this specific context, scientific research purposes should be understood to include any type of research related purpose regardless of the organizational or financial structure of the research institution in question, with the exception of research that is being conducted by a company aiming exclusively at the development, enhancement or optimisation of products or services.</u> Such fees should be reasonable, transparent, published online and non-discriminatory.</p>	<p>of re-uses such as non-commercial re-use <u>or scientific research purposes</u>, or re-use by small and medium-sized enterprises <u>SMEs and start-ups, civil society and educational establishments</u>, so as to incentivise such re-use in order to stimulate research and innovation and support companies that are an important source of innovation and typically find it more difficult to collect relevant data themselves, in line with State aid rules. <u>In this specific context, scientific research purposes should be understood to include any type of research related purpose regardless of the organizational or financial structure of the research institution in question, with the exception of research that is being conducted by a company aiming at the development, enhancement or optimisation of products or services.</u> Such fees should be reasonable <u>proportionate to the costs incurred</u>, transparent, published online <u>non-discriminatory and should not restrict competition</u> and non-discriminatory. <u>A list of categories of re-users to which a discounted</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>fee or no charge applies, together with the criteria used to establish that list, should be made public.</u> Text Origin: Council Mandate
Recital 21				
31	<p>(21) In order to incentivise the re-use of these categories of data, Member States should establish a single information point to act as the primary interface for re-users that seek to re-use such data held by the public sector bodies. It should have a cross-sector remit, and should complement, if necessary, arrangements at the sectoral level. In addition, Member States should designate, establish or facilitate the establishment of competent bodies to support the activities of public sector bodies allowing re-use of certain categories of protected data. Their tasks may include granting access to data, where mandated in sectoral Union or Member States legislation. Those competent bodies should provide support to public sector bodies with state-of-the-art techniques, including secure data processing environments,</p>	<p>(21) In order to incentivise <u>and promote</u> the re-use of these<u>specific</u> categories of data, Member States should establish a single information point to act as the primary interface for re-users that seek to re-use such data held by the public sector bodies. It should have a cross-sector remit, and should complement, if necessary, arrangements at the sectoral level. In addition, Member States should designate, establish or facilitate the establishment of competent bodies to support the activities of public sector bodies allowing re-use of certain categories of protected data. Their tasks may include granting access to data, where mandated in sectoral Union or Member States legislation <u>and developing a harmonised approach and processes, where applicable, for public sector bodies to make scientific data available for</u></p>	<p>(21) In order to incentivise the re-use of these categories of data, Member States should establish a single information point to act as the primary <u>an</u> interface for re-users that seek to re-use such data held by the public sector bodies. It should have a cross-sector remit, and should complement, if necessary, arrangements at the sectoral level. <u>The single information point should be able to rely on automated means when transmitting enquiries or requests for the re-use. Sufficient human oversight should be ensured in the transmission process. Already existing practical arrangements such as Open Data Portals could be used for this purpose. It should have an asset list containing all available data sources, including, where relevant, those available at sectoral, regional and local information points, with relevant</u></p>	<p>(21) In order to incentivise the re-use of these categories of data, Member States should establish a single information point to act as the primary <u>an</u> interface for re-users that seek to re-use such data held by the public sector bodies. It should have a cross-sector remit, and should complement, if necessary, arrangements at the sectoral level. <u>The single information point should be able to rely on automated means when transmitting enquiries or requests for the re-use. Sufficient human oversight should be ensured in the transmission process. Already existing practical arrangements such as Open Data Portals could be used for this purpose. It should have an asset list containing all available data sources, including, where relevant, those available at sectoral, regional and local information points, with relevant</u></p>

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	<p>which allow data analysis in a manner that preserves the privacy of the information. Such support structure could support the data holders with management of the consent, including consent to certain areas of scientific research when in keeping with recognised ethical standards for scientific research. Data processing should be performed under the responsibility of the public sector body responsible for the register containing the data, who remains a data controller in the sense of Regulation (EU) 2016/679 insofar as personal data are concerned. Member States may have in place one or several competent bodies, which could act in different sectors.</p>	<p><u><i>purposes of research</i></u>. Those competent bodies should provide support to public sector bodies with state-of-the-art techniques, including secure data processing environments, which allow data analysis in a manner that preserves the privacy of the information. Such support structure could support the data holders <u><i>or data subjects</i></u> with management of the consent <u><i>and permission</i></u>, including consent to certain areas of scientific research when in keeping with recognised ethical standards for scientific research. <u><i>Without prejudice to the supervisory powers of data protection authorities</i></u>, data processing should be performed under the responsibility of the public sector body responsible for the register containing the data, who remains a data controller in the sense of Regulation (EU) 2016/679 insofar as personal data are concerned. Member States may have in place one or several competent bodies, which could act in different sectors, <u><i>while fully respecting the powers of supervisory authorities under Regulation (EU) 2016/679</i></u>.</p>	<p><u><i>information describing the data</i></u>. In addition, Member States should designate, establish or facilitate the establishment of competent bodies to support the activities of public sector bodies allowing re-use of certain categories of protected data. Their tasks may include granting access to data, where mandated in sectoral Union or Member States legislation. Those competent bodies should provide support to public sector bodies with state-of-the-art techniques, including secure data processing environments, which allow data analysis in a manner that preserves the privacy of the information <u><i>and act in accordance with the instructions received from the public sector body</i></u>. Such support structure could support the data <u><i>subjects and data</i></u> holders with management of the consent <u><i>or permission to re-use</i></u>, including consent to certain areas of scientific research when in keeping with recognised ethical standards for scientific research. <u><i>The competent bodies should not have a supervisory function, which is reserved for supervisory authorities under Regulation (EU) 2016/679. Without prejudice to the</i></u></p>	<p><u><i>information describing the data</i></u>. In addition, Member States should designate, establish or facilitate the establishment of competent bodies to support the activities of public sector bodies allowing re-use of certain categories of protected data. Their tasks may include granting access to data, where mandated in sectoral Union or Member States legislation. Those competent bodies should provide support to public sector bodies with state-of-the-art techniques, <u><i>including in particular through application programming interfaces, interoperable, transferable and searchable, taking into account best practices for data processing, as well as any existing regulatory and technical standards and</i></u> secure data processing environments, which allow data analysis in a manner that preserves the privacy of the information <u><i>and act in accordance with the instructions received from the public sector body</i></u>. Such support structure could support the data <u><i>subjects and data</i></u> holders with management of the consent <u><i>or permission to re-use</i></u>, including consent to certain areas of</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><u>supervisory powers of data protection authorities</u>, data processing should be performed under the responsibility of the public sector body responsible for the register containing the data, who remains a data controller-in the sense <u>within the meaning</u> of Regulation (EU) 2016/679 insofar as personal data are concerned. Member States may have in place one or several competent bodies, which could act in different sectors. <u>Internal services of public sector bodies could act as competent bodies. A competent body can be a public sector body supporting other public sector bodies in allowing re-use of data, where relevant, or a public sector body allowing re-use itself. Supporting other public sector bodies entails informing them, upon request, about best practices on how to fulfil the requirements established by this Regulation such as the technical means to make a secure processing environment available or the technical means to ensure privacy and confidentiality when providing access to data within the scope of this Regulation.</u></p>	<p>scientific research when in keeping with recognised ethical standards for scientific research. <u>The competent bodies should not have a supervisory function, which is reserved for supervisory authorities under Regulation (EU) 2016/679. Without prejudice to the supervisory powers of data protection authorities</u>, data processing should be performed under the responsibility of the public sector body responsible for the register containing the data, who remains a data controller-in the sense <u>within the meaning</u> of Regulation (EU) 2016/679 insofar as personal data are concerned. Member States may have in place one or several competent bodies, which could act in different sectors. <u>Internal services of public sector bodies could act as competent bodies. A competent body can be a public sector body supporting other public sector bodies in allowing re-use of data, where relevant, or a public sector body allowing re-use itself. Supporting other public sector bodies entails informing them, upon request, about best practices on how to fulfil the requirements</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<p><u>established by this Regulation such as the technical means to make a secure processing environment available or the technical means to ensure privacy and confidentiality when providing access to data within the scope of this Regulation.</u></p> <p>Text Origin: Council Mandate</p>
Recital 22				
32	<p>(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</p>	<p>(22) Providers of data sharing<u>Data intermediation</u> 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. <u>Providers of data intermediation services, which can also include public sector bodies.</u>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<u>intermediation services</u> that are independent from both data holders and data users</p>	<p>(22) Providers of datasharing intermediation services (data intermediaries) are expected to play a key role in the data economy, as a<u>in particular in supporting and promoting voluntary data sharing practices between companies or facilitating data sharing obligations set by Union or national law. They could become a</u> 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</p>	<p>(22) Providers of data sharing<u>Data intermediation</u> services (data intermediaries) are expected to play a key role in the data economy, as<u>in particular in supporting and promoting voluntary data sharing practices between companies or facilitating data sharing obligations set by Union or national law. They could become</u> a tool to facilitate the aggregation and exchange<u>the exchange</u> of substantial amounts of relevant data. <u>Providers of data intermediation services, which can also include public sector bodies.</u>Data intermediaries offering services that connect the different actors have the potential</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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 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,</p>	<p>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, while allowing non-discriminatory access to the data economy for actors of all sizes, in particular SMEs and start-ups with limited financial, legal or administrative means. This Regulation should only cover services aiming at intermediating between an indefinite number of data holders and data users, excluding data sharing <u>data intermediation</u> services that are meant to be used by a closed group of data holders and users. Providers of cloud services should be excluded, as well as service providers that obtain data from data holders, aggregate, enrich or</p>	<p>are independent from both data <u>subjects and data</u> holders, <u>and from</u> and data users can, <u>could</u> 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 <u>will be particularly important in the context of</u> 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 <u>common European data spaces. Such data spaces could require an entity to structure and organise ('orchestrate') such data spaces. Data intermediation</u> services aiming at intermediating between an indefinite number of data holders and data users, excluding data <u>could include inter alia bilateral or multilateral</u> sharing services that are meant to be used by a closed group of data holders and users. Providers of</p>	<p>to contribute to the efficient pooling of data as well as to the facilitation of bilateral data sharing. Specialised data intermediaries <u>intermediation services</u> that are independent from both data holders <u>subjects</u> and data holders, and from <u>data</u> users, can <u>could</u> 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 holders and users. Providers of cloud services should be excluded, as well as service providers that obtain data</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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 ¹ 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 Council² should not be considered as data sharing service providers for the purposes of this Regulation.</p>	<p>transform the data and licence the use of the resulting data to data users, without establishing a direct relationship between <u>with the objective of establishing relationships through legal, technical or other means between an undetermined number of</u> 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 <u>subjects and data users to enable or facilitate the</u> 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</p>	<p>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 <u>or the creation of platforms or databases enabling the</u> 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 <u>or joint</u> use of data they hold as well as platforms developed in the context of objects</p>	<p>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, <u>while allowing non-discriminatory access to the data economy for actors of all sizes, in particular SMEs and start-ups with limited financial, legal or administrative means. This will be particularly important in the context of the establishment of common European data spaces, meaning purpose- or sector-specific or cross-sectoral interoperable frameworks of common standards and practices to share or jointly process data</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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 purposes.</p> <p>1. Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU, OJ L 173/349. 2. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC.</p>	<p>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.</p> <p>‘Consolidated tape providers’ in the sense of Article 4 (1) point 53 of Directive 2014/65/EU of the European Parliament and of the Council¹ 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 Council² should not be considered as data sharing service providers for the purposes of this Regulation.</p> <p>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 purposes.</p> <p><u>exchange or pooling of data, under open data or commercial licenses for non-personal data, for a fee or free of cost.</u></p> <p>¹. Directive 2014/65/EU of the European</p>	<p>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.</p> <p>‘Consolidated tape providers’ in the sense of Article 4 (1) point 53 of Directive 2014/65/EU of the European Parliament and of the Council¹, 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 Council² should not be considered as data sharing service providers</p> <p><u>the establishment of a specific infrastructure</u> for the purposes of this Regulation.</p> <p>Entities which restrict their activities to facilitating use</p> <p><u>interconnection</u> 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 purposes</p> <p><u>holders, data subjects and</u></p>	<p><u>for, inter alia, development of new products and</u> services that focus on the intermediation of content, in particular on copyright-protected content, should not be covered by this Regulation.</p> <p>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.</p> <p>‘Consolidated tape providers’ in the sense of Article 4 (1) point 53 of Directive 2014/65/EU of the European Parliament and of the Council¹, scientific research or civil society initiatives.</p> <p><u>Data intermediation services could include inter alia bilateral or multilateral sharing of data or the creation of platforms or databases enabling the sharing or joint use of data,</u> 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</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><i>Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU, OJ L 173/349.</i></p> <p><i>2. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC.</i></p>	<p><u>data users.</u></p> <p><i>1. Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU, OJ L 173/349.</i></p> <p><i>2. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC.</i></p>	<p><i>Council² should not be considered as data sharing service providers</i><u>the establishment of specific infrastructure</u><i> for the purposes of this Regulation. Entities which restrict their activities to facilitating use</i><u>interconnection</u><i> 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 purposes</i><u>holders, data subjects and data users.</u></p> <p><i>1. Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU, OJ L 173/349.</i></p> <p><i>2. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC.</i></p>
Recital 22a				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
32a		<p><u>(22a) Where businesses and other actors offer multiple data-related services, including cloud storage, analytics or other value-adding data services, only the activities which directly concern the provision of data intermediation services are covered by this Regulation. Data intermediation services that are exclusively used by one data holder in order to enable the use of data they hold, or for the purpose of exchanging data by multiple legal entities in a closed group, including contractually-defined collaborations or supplier or customer relationships, in particular those that have as a main objective the ensuring of functionalities of objects and devices connected to the internet-of-things are excluded from the scope of this Regulation. Value-added data services, which aggregate, transform or combine data with other data, or analyse it for the purpose of adding substantial value to it and make available the use of the resulting data to data users, as well as auxiliary technical, legal,</u></p>	<p><u>(22a) This Regulation should only cover entities that provide information society services within the meaning of Article 1(1)(b) of Directive (EU) 2015/1535 and which have as a main objective the establishment of direct legal or business relationships, or both, between data subjects and data holders, on the one hand, and potential users on the other hand, and assist both parties in a transaction of data assets between the two. This would include, inter alia, data marketplaces on which companies could publish information on data the use of which they would be willing to license to others, ecosystem orchestrators that ensure the proper functioning of data sharing ecosystems that are open to all interested parties, for instance in the context of common European data spaces, as well as data pools established jointly by several companies with the intention to license the use of such pool to all interested parties in a manner that all companies contributing to the pool would receive direct reward for their</u></p>	<p><u>(22a) This Regulation should cover services which aim at the establishment commercial relationships for the purpose of data sharing between an undetermined number of data subjects and data holders, on the one hand, and data users on the other hand, through technical, legal or other means, including for the exercise of data subjects' rights in relation to personal data.. Where businesses and other actors offer multiple data-related services, only the activities which directly concern the provision of data intermediation services are covered by this Regulation. The provision of cloud storage, analytics or of data sharing software, the provision of web browsers or browser plug-ins, or an email service should not be considered data intermediation services in the sense of this Regulation, as long as such services only provide technical tools for data subjects or data holders to share data with others, but are neither used for aiming to establish a commercial relationship between data holders</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>financial or administrative support services, are also excluded from the scope of this Regulation. At the same time, providers of data intermediation services 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 so desires, or improve interoperability such as to convert it into specific formats. In addition, services that focus on the intermediation of copyright-protected content, are excluded from the scope of this Regulation. ‘Consolidated tape providers’ as defined in Article 4 (1), point 53, of Directive 2014/65/EU of the European Parliament and of the Council¹ as well as ‘account information service providers’ as defined in Article 4, point 19, of Directive (EU) 2015/2366 of the European Parliament and of the Council² should not be considered to be providers of data intermediation services for the purposes of this Regulation. Entities which restrict their activities to facilitating use of data made available on the basis of</u></p>	<p><u>contribution to the pool. This would exclude service providers that obtain data from data subjects and data holders, aggregate, enrich or transform the data and licence the use of the resulting data to data users, without establishing a direct legal or business relationship between data subjects and data holders, on the one hand, and data users on the other hand, for example advertisement or data brokers, data consultancies, providers of data products resulting from value added to the data by the service provider. This Regulation should only cover services aiming at intermediating between an undefined number of data subjects and data holders, on the one hand, and data users on the other hand, inter alia situations where the data intermediation service is provided to all interested parties. This would be excluding data intermediation services that are meant to be used by a closed group of data subjects and data holders, and users, i.e. a situation where a data sharing service was set up for a definite number of data subjects, data holders and</u></p>	<p><u>and data users, nor allow the provider to acquire information on the establishment of commercial relationships for the purpose of data sharing, through the provision of such services. Examples of data intermediation services would include, inter alia, data marketplaces on which companies could make available data to others, orchestrators of data sharing ecosystems that are open to all interested parties, for instance in the context of common European data spaces, as well as data pools established jointly by several legal or natural persons with the intention to license the use of such pool to all interested parties in a manner that all participants contributing to the pool would receive a reward for their contribution to the pool. This would exclude value-added data services, that obtain data from data holders, aggregate, enrich or transform the data for the purpose of adding substantial value to it and license the use of the resulting data to data users, without establishing a commercial relationship between data holders and data users. This would also</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>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 purposes.</u></p> <p><u>1. Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU (OJ L 173, 12.6.2014, p. 349).</u></p> <p><u>2. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35).</u></p>	<p><u>data users, and access to such service is dependent on the agreement by the members of the group. In such closed arrangements, there is sufficient trust of the parties in the service provider that is used for the sharing of data. The provision of cloud infrastructure, or of data sharing software, the provision of web browsers or browser plug-ins, or an email service should not be considered data intermediation services in the sense of this Regulation as such services only provide technical tools for data subjects or data holders to share data with others, but are neither aiming to establish a direct legal or business relationship between them and data users, nor are through the provision of such acquiring any information on the establishment of such relationship. Data intermediation service providers should be allowed to offer certain services, e.g. making adaptations to the data exchanged, to the extent that such services are intrinsically linked with the sharing of the data and that this improves the usability of the data</u></p>	<p><u>exclude data intermediation services, exclusively used by one data holder in order to enable the use of data they hold, or used by multiple legal entities in a closed group, including supplier or customer relationships or contractually-defined collaborations, in particular those that have as a main objective the ensuring of functionalities of objects and devices connected to the internet-of-things;</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><u>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, such as online content sharing service providers in the meaning of Article 2(6) of Directive (EU) 2019/790 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 and exclusively offered by manufacturers of objects and devices connected to the Internet-of-Things, which have as their main objective to ensure functionalities of the connected object or device and to allow value added services, should not be covered by this Regulation. ‘Consolidated tape providers’ as defined in of Article 4 (1) point 53 of Directive 2014/65/EU of the European Parliament and of the Council¹ fall outside the scope of the definition of data intermediation services. Additionally, ‘account</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><u>information service providers' as defined in Article 4 point 19 of Directive (EU) 2015/2366 of the European Parliament and of the Council² should not be considered as data intermediation service providers for the purposes of this Regulation. Public sector bodies that offer data intermediation services on a non-commercial basis are not covered by Chapter III of this Regulation. Member States may determine whether public sector bodies can provide data intermediation services on a commercial basis. 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 purposes.</u></p> <p><u>1. [1] Directive 2014/65/EU of the European Parliament and of the Council of 15 May 2014 on markets in financial instruments and amending Directive 2002/92/EC and Directive 2011/61/EU, OJ L 173/349.</u></p> <p><u>2. [2] Directive (EU) 2015/2366 of the European Parliament and of the</u></p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC.</u>	
Recital 23				
33	<p>(23) A specific category of data intermediaries includes providers of data sharing services that offer their services to data subjects in the sense of Regulation (EU) 2016/679. Such providers focus exclusively on personal data and seek to enhance individual agency and the individuals' control over the data pertaining to them. They would assist individuals in exercising their rights under Regulation (EU) 2016/679, in particular managing their consent to data processing, the right of access to their own data, the right to the rectification of inaccurate personal data, the right of erasure or right 'to be forgotten', the right to restrict processing and the data portability right, which allows data subjects to move their personal data from one controller to the other. In this context, it is important that their business model</p>	<p>(23) A specific category of <u>providers of data intermediation services</u>data intermediaries includes providers of data sharing<u>intermediation</u> services that offer their services to data subjects in the sense of Regulation (EU) 2016/679. Such providers focus exclusively on personal data and seek to enhance individual agency and <u>in particular</u> the individuals' control over the data pertaining<u>relating</u> to them. They would assist individuals in exercising their rights under Regulation (EU) 2016/679, in particular managing<u>giving and withdrawing</u> their consent to data processing, the right of access to their own data, the right to the rectification of inaccurate personal data, the right of erasure or right 'to be forgotten', the right to restrict processing and the data portability right, which allows data</p>	<p>(23) A specific category of data intermediaries includes providers of data sharing <u>intermediation</u> services that offer their services to data subjects in the sense <u>within the meaning</u> of Regulation (EU) 2016/679. Such providers focus exclusively on personal data and seek to enhance individual agency, <u>and in particular</u> and the individuals' control over the data pertaining <u>relating</u> to them. They would assist individuals in exercising their rights under Regulation (EU) 2016/679, in particular managing their consent to data processing, the right of access to their own data, the right to the rectification of inaccurate personal data, the right of erasure or right 'to be forgotten', the right to restrict processing and the data portability right, which allows data subjects to move their personal data from one controller to the</p>	<p>(23) A specific category of data intermediaries<u>intermediation</u> services includes providers of data sharing services that offer their services to data subjects in the sense <u>within the meaning</u> of Regulation (EU) 2016/679. Such providers focus exclusively on personal data and seek to enhance individual agency, <u>and in particular</u> and the individuals' control over the data pertaining <u>relating</u> to them. They would assist individuals in exercising their rights under Regulation (EU) 2016/679, in particular managing<u>giving and withdrawing</u> their consent to data processing, the right of access to their own data, the right to the rectification of inaccurate personal data, the right of erasure or right 'to be forgotten', the right to restrict processing and the data portability right, which allows data subjects to move their</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>ensures that there are no misaligned incentives that encourage individuals to make more data available for processing than what is in the individuals' own interest. This could include advising individuals on uses of their data they could allow and making due diligence checks on data users before allowing them to contact data subjects, in order to avoid fraudulent practices. In certain situations, it could be desirable to collate actual data within a personal data storage space, or 'personal data space' so that processing can happen within that space without personal data being transmitted to third parties in order to maximise the protection of personal data and privacy.</p>	<p>subjects to move their personal data from one controller to the other. In this context, it is important that their business model ensures that there are no misaligned incentives that encourage individuals to make more data available for processing than what is in the individuals' own interest. This could include advising individuals on uses of their data they could allow and making due diligence checks on data users before allowing them to contact data subjects, in order to avoid fraudulent practices. In certain situations, it could be desirable to collate actual data within a personal data storage space, or 'personal data space' so that processing can happen within that space without personal data being transmitted to third parties in order to maximise the protection of personal data and privacy.</p>	<p>other. In this context, it is important that their business model ensures that there are no misaligned incentives that encourage individuals to <u>use such services to</u> make more data <u>relating to them</u> available for processing than what is in the individuals' own interest. This could include advising individuals on uses of their data they could allow and making due diligence checks on data users before allowing them to contact data subjects, in order to avoid fraudulent practices. In certain situations, it could be desirable to collate actual data within a personal data storage space, or 'personal data space' so that processing can happen within that space without personal data being transmitted to third parties in order to maximise the protection of personal data and privacy. <u>Such 'personal data spaces' may contain static personal data such as name, address or date of birth as well as dynamic data that an individual generates e.g. through the use of an online service or an object connected to the Internet-of-Things. They may also be used</u></p>	<p>personal data from one controller to the other. In this context, it is important that their business model ensures that there are no misaligned incentives that encourage individuals to <u>use such services to</u> make more data <u>relating to them</u> available for processing than what is in the individuals' own interest. This could include advising individuals on uses of their data they could allow and making due diligence checks on data users before allowing them to contact data subjects, in order to avoid fraudulent practices. In certain situations, it could be desirable to collate actual data within a personal data storage space, or 'personal data space' so that processing can happen within that space without personal data being transmitted to third parties in order to maximise the protection of personal data and privacy. <u>Such 'personal data spaces' may contain static personal data such as name, address or date of birth as well as dynamic data that an individual generates e.g. through the use of an online service or an object connected to the Internet-</u></p>

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			<u>to store verified identity information (passport number, social security information) as well as proof of personal attributes (e.g. driving licence, diplomas or bank account information).</u>	<u>of-Things. They may also be used to store verified identity information (passport number, social security information) as well as proof of personal attributes (e.g. driving licence, diplomas or bank account information).</u> Text Origin: Council Mandate
Recital 24				
34	(24) Data cooperatives seek to strengthen the position of individuals in making informed choices before consenting to data use, influencing the terms and conditions of data user organisations attached to data use or potentially solving disputes between members of a group on how data can be used when such data pertain to several data subjects within that group. In this context it is important to acknowledge that the rights under Regulation (EU) 2016/679 can only be exercised by each individual and cannot be conferred or delegated to a data cooperative. Data cooperatives could also provide a useful means for one-person companies, micro,	(24) Data cooperatives seek to <u>achieve a number of objectives, in particular to</u> strengthen the position of individuals in making informed choices before consenting to data use, influencing the terms and conditions of data user organisations attached to data use <u>in a manner that gives better choices to the individual members of the group</u> or potentially solving disputes between <u>finding solutions to conflicting positions of individual</u> members of a group on how data can be used when such data pertain <u>relates</u> to several data subjects within that group. In this context it is important to acknowledge that the rights under Regulation (EU) 2016/679 can	(24) Data cooperatives seek to strengthen the position of individuals in making informed choices before consenting to data use, influencing the terms and conditions of data user organisations attached to data use or potentially solving disputes between members of a group on how data can be used when such data pertain to several data subjects within that group. In this context it is important to acknowledge that the rights under Regulation (EU) 2016/679 can only be exercised by each individual and cannot be conferred or delegated to a data cooperative <u>are personal rights of the data subject and that data subjects cannot relinquish such</u>	(24) Data cooperatives seek to <u>achieve a number of objectives, in particular to</u> strengthen the position of individuals in making informed choices before consenting to data use, influencing the terms and conditions of data user organisations attached to data use <u>in a manner that gives better choices to the individual members of the group</u> or potentially solving disputes between <u>finding solutions to conflicting positions of individual</u> members of a group on how data can be used when such data pertain <u>relates</u> to several data subjects within that group. In this context it is important to acknowledge that the rights under Regulation (EU) 2016/679 can

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	small and medium-sized enterprises that in terms of knowledge of data sharing, are often comparable to individuals.	only be exercised by each individual and cannot be conferred or delegated to a data cooperative. Data cooperatives could also provide a useful means for one-person companies, micro, small and medium-sized enterprises and <u>SMEs</u> that in terms of knowledge of data sharing, are often comparable to individuals.	<u>rights</u> . Data cooperatives could also provide a useful means for one-person companies, micro, small and medium-sized enterprises that in terms of knowledge of data sharing, are often comparable to individuals.	only be exercised by each individual and cannot be conferred or delegated to a data cooperative <u>are personal rights of the data subject and that data subjects cannot waive such rights</u> . Data cooperatives could also provide a useful means for one-person companies, micro, small and medium-sized enterprises and <u>SMEs</u> that in terms of knowledge of data sharing, are often comparable to individuals. Text Origin: Council Mandate
Recital 25				
35	(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	(25) In order to increase trust in such data sharing <u>intermediation</u> services, in particular related to the use of data and the compliance with the conditions imposed by data holders or data subjects , 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 <u>intermediation</u> services. This will contribute to ensuring that data holders, <u>data subjects</u> and data users have better control over	(25) In order to increase trust in such data sharing <u>intermediation</u> services, in particular related to the use of data and the compliance with the conditions imposed by data <u>subjects and data</u> holders, it is necessary to create a Union-level regulatory framework, which would set <u>sets</u> out highly harmonised requirements related to the trustworthy provision of such data <u>intermediation services, and which is implemented by the national competent authorities</u> sharing services . This will	(25) In order to increase trust in such data sharing <u>intermediation</u> services, in particular related to the use of data and the compliance with the conditions imposed by <u>data subjects and</u> data holders, it is necessary to create a Union-level regulatory framework, which would set <u>sets</u> out highly harmonised requirements related to the trustworthy provision of such data <u>intermediation services, and which is implemented by the national competent authorities</u> sharing services . This will

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	<p>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 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.</p>	<p>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, <u>providers of data intermediation services</u>data sharing providers should offer a novel, ‘European’ way of data governance, by providing a separation in the data economy between data provision, intermediation and use, <u>which is at the core of increasing such trust among data holders, be they individuals or businesses</u>. Providers of data sharing<u>intermediation</u> services may also make available specific technical infrastructure for the interconnection of data holders and data users. <u>In that regard, it is of particular importance to shape that infrastructure in such a way that SMEs and start-ups encounter no technical or other barriers to their participation in the data economy.</u></p>	<p>contribute to ensuring that data <u>subjects and data</u> holders, <u>as well as</u> as and data users, have better control over the access to and use of their data, in accordance with Union law. <u>The Commission could also encourage and facilitate the development of self-regulatory codes of conduct at Union level, involving relevant stakeholders, in particular on interoperability.</u> Both in situations where data sharing occurs in a business-to-business context and where it occurs in a business-to-consumer context, data <u>intermediation service</u>sharing providers 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 <u>intermediation</u> services may <u>could</u> also make available specific technical infrastructure for the interconnection of data <u>subjects and data</u> holders and <u>with</u> data users.</p>	<p>contribute to ensuring that data <u>subjects and data</u> holders, <u>as well as</u> as and data users, have better control over the access to and use of their data, in accordance with Union law. <u>The Commission could also encourage and facilitate the development of codes of conduct at Union level, involving relevant stakeholders, in particular on interoperability.</u> Both in situations where data sharing occurs in a business-to-business context and where it occurs in a business-to-consumer context, data <u>intermediation service</u>sharing providers 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 <u>intermediation</u> services may <u>could</u> also make available specific technical infrastructure for the interconnection of <u>data subjects and</u> data holders <u>with data users</u>. <u>In that regard, it is of particular importance to shape that infrastructure in such a way that SMEs and start-ups encounter no technical or other barriers to their</u></p>

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				<p><u>participation in the data economy. At the same time, providers of data intermediation services 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 so desires, or improve interoperability such as to convert it into specific formats</u>and data users.</p> <p>Text Origin: Council Mandate</p>
	Recital 25a			
35a		<p><u>(25a) Providers of data intermediation services which meet the requirements laid down in this Regulation should be able to use the title ‘providers of data intermediation services recognised in the Union’. In order to assist data subjects and legal entities to easily identify, and thereby increase their trust in, providers of data intermediation services recognised in the Union, a common logo that is recognisable throughout the Union should be established. In order to ensure uniform conditions for the</u></p>		<p><u>(25a) Providers of data intermediation services which meet the requirements laid down in this Regulation should be able to use the title ‘providers of data intermediation services recognised in the Union’. In order to assist data subjects and legal entities to easily identify, and thereby increase their trust in, providers of data intermediation services recognised in the Union, a common logo that is recognisable throughout the Union should be established. In order to ensure uniform conditions for the</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>application of that logo, implementing powers should be conferred on the Commission to establish a design for that common logo.</u>		<u>application of that logo, implementing powers should be conferred on the Commission to establish a design for that common logo.</u> Text Origin: EP Mandate
Recital 26				
36	(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	(26) <u>It is important to enable a competitive environment for data sharing.</u> A key element to bring trust and more control for data holder holders, data subjects and data users in data sharing intermediation services is the neutrality of data-sharing service providers providers of data <u>intermediation services</u> as regards the data exchanged between data holders <u>or data subjects</u> and data users. It is therefore necessary that <u>providers of data intermediation services</u> data-sharing service providers act only as intermediaries in the transactions, and do not use the data exchanged for any other purpose. <u>The pricing and terms of data intermediation services should not be made dependent on whether or to what extent a potential data holder or</u>	(26) A key element to bring trust <u>in data intermediation services</u> and more control for data holder subjects and data users in data sharing services holders, as well as <u>for data users,</u> is the neutrality of data sharing <u>intermediation</u> service providers as regards the data exchanged between data <u>subjects and data</u> holders, <u>on the one hand,</u> and data users <u>on the other hand.</u> It is therefore necessary that data sharing <u>intermediation</u> 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 <u>intermediation</u> service and any other services provided, so as to avoid issues of conflict of interest. This means that	(26) <u>It is important to enable a competitive environment for data sharing.</u> A key element to bring trust and more control for data holder holders, data subjects and data users in data sharing intermediation services is the neutrality of <u>providers of data intermediation services</u> data sharing service providers as regards the data exchanged between data holders <u>or data subjects</u> and data users. It is therefore necessary that <u>providers of data intermediation services</u> data-sharing service providers act only as intermediaries in the transactions, and do not use the data exchanged for any other purpose. <u>The pricing and terms of data intermediation services should not be made dependent on whether or to what</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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.</p>	<p><u>data user is using other services, including storage, analytics, artificial intelligence or other data-based applications, provided by the same provider or a related entity.</u> This will also require structural separation between the data sharingintermediation service and any other services provided, so as to avoid issues of conflict of interest. This means that the data sharingintermediation service should be provided through a legal entity that is separate from the other activities of that <u>provider of data intermediation services.</u> <u>Providers of data intermediation services should, however, be able to put at the disposal of data holders, data subjects or data users their own or third-party tools for the purpose of facilitating the exchange of data, for example tools for the analysis, conversion or aggregation of data only at the explicit request or approval of the data subject or data holder. The third-party tools offered in that context shall not use data for purposes other than those related to data intermediation services.</u>data sharing provider. Data sharing</p>	<p>the datasharing <u>intermediation</u> service should be provided through a legalentity <u>person</u> that is separate from the other activities of that data <u>intermediation service</u> sharing provider. <u>As an exception to this, the data intermediation service providers should be able to use the data provided by the data holder for the improvement of their data intermediation services.</u> <u>In addition to that the providers could offer additional specific services to improve the usability of the data and ancillary services that facilitate the Data sharing of data, such as storage, curation, pseudonymisation and anonymisation. Data intermediation service</u> providers that intermediate the exchange of data between individuals as data holders <u>subjects</u> and legal persons<u>entities as data users</u> should, in addition, bear fiduciary duty towards the individuals, to ensure that they act in the best interest of the data <u>subjects.</u> <u>Questions of liability for all material and immaterial damages and detriments resulting from any conduct of the data intermediation service provider could be</u></p>	<p><u>extent a potential data holder or data user is using other services, including storage, analytics, artificial intelligence or other data-based applications, provided by the same provider or a related entity.</u> This will also require structural separation between the data sharingintermediation service and any other services provided, so as to avoid issues of conflict of interest. This means that the data sharingintermediation service should be provided through a legal entity that is separate from the other activities of that <u>provider of data intermediation services.</u> <u>As an exception to this, the data intermediation service providers should be able to use the data provided by the data holder for the improvement of their data intermediation services. Providers of data intermediation services should be able to put at the disposal of data holders, data subjects or data users their own or third-party tools for the purpose of facilitating the exchange of data, for example tools for the conversion or curation of data only at the explicit request or approval of the data subject or</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		Providers <u>of data intermediation services</u> that intermediate the exchange of data between individuals as data holders <u>subjects</u> and legal persons <u>as data users</u> should, in addition, bear fiduciary duty towards the individuals, to ensure that they act in the best interest of the data holders <u>subjects</u> .	<u>addressed in the relevant contract, based on the national liability regimes</u> holders .	<u>data holder. The third-party tools offered in that context shall not use data for purposes other than those related to data intermediation services.</u> data sharing provider. Data sharing Providers <u>of data intermediation services</u> that intermediate the exchange of data between individuals as data holders <u>subjects</u> and legal persons <u>as data users</u> should, in addition, bear fiduciary duty towards the individuals, to ensure that they act in the best interest of the data holders <u>subjects</u> . <u>Questions of liability for all material and immaterial damages and detriments resulting from any conduct of the data intermediation service provider could be addressed in the relevant contract, based on the national liability regimes;</u> Text Origin: EP Mandate
Recital 26a				
36a		<u>(26a) Providers of data intermediation services should take reasonable measures to ensure interoperability with other data intermediation services to</u>	<u>(26a) Data intermediation service providers should take reasonable measures to ensure interoperability within a sector and between different sectors to</u>	<u>(26a) Data intermediation service providers should take reasonable measures to ensure interoperability within a sector and between different sectors to</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>ensure the proper functioning of the market. Reasonable measures could include employing commonly used standards. The European Data Innovation Board should facilitate the emergence of additional standards, where necessary.</u>	<u>ensure the proper functioning of the market. Reasonable measures could include following the existing, commonly-used standards in the sector where the data service provider operates. The European Data Innovation Board should facilitate the emergence of additional industry standards, where necessary. Data intermediation service providers should implement in due time the measures for interoperability between the data intermediation services set out by the European Data Innovation Board.</u>	<u>ensure the proper functioning of the market. Reasonable measures could include following the existing, commonly-used standards in the sector where the data service provider operates. The European Data Innovation Board should facilitate the emergence of additional industry standards, where necessary. Data intermediation service providers should implement in due time the measures for interoperability between the data intermediation services set out by the European Data Innovation Board.</u> Text Origin: Council Mandate
Recital 27				
37	(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	(27) In order to ensure the compliance of the providers of data sharing <u>data intermediation</u> services with the conditions set out in this Regulation, <u>providers of such services</u> such providers should have a place of establishment in the Union. Alternatively, Where a provider of data sharing <u>intermediation</u> services not established in the Union offers services within the Union, it should	(27) In order to ensure the compliance of the providers of data sharing <u>intermediation</u> 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 <u>intermediation</u> services not established in the Union offers services within the Union, it should designate a representative.	(27) In order to ensure the compliance of the providers of data sharing <u>data intermediation</u> services with the conditions set out in this Regulation, <u>providers of such services</u> such providers should have a place of establishment in the Union. Alternatively, Where a provider of data sharing <u>intermediation</u> services not established in the Union offers services within the Union, it should

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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 are in the Union, may</p>	<p>designate a <u>legal</u> representative. Designation of a <u>legal</u> representative <u>in such cases</u> is necessary, given that such providers of data sharing<u>intermediation</u> services handle personal data as well as commercially confidential data, which necessitates the close monitoring of the compliance of such service providers<u>providers of data intermediation services</u> with the conditions laid out in this Regulation. In order to determine whether such a provider of data sharing<u>intermediation</u> services is offering services within the Union, it should be ascertained whether it is apparent that the provider of data sharing<u>intermediation</u> 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<u>intermediation</u> services, or the use of a language generally used in the third country where the provider of data sharing<u>intermediation</u> services is established, should be considered insufficient to ascertain such an</p>	<p>Designation of a representative is necessary, given that such providers of data sharing<u>intermediation</u> 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<u>intermediation</u> services is offering services within the Union, it should be ascertained whether it is apparent that the provider of data sharing<u>intermediation</u> 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<u>intermediation</u> services, or the use of a language generally used in the third country where the provider of data sharing<u>intermediation</u> 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</p>	<p>designate a <u>legal</u> representative. Designation of a <u>legal</u> representative <u>in such cases</u> is necessary, given that such providers of data sharing<u>intermediation</u> services handle personal data as well as commercially confidential data, which necessitates the close monitoring of the compliance of such service providers<u>providers of data intermediation services</u> with the conditions laid out in this Regulation. In order to determine whether such a provider of data sharing<u>intermediation</u> services is offering services within the Union, it should be ascertained whether it is apparent that the provider of data sharing<u>intermediation</u> 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<u>intermediation</u> services, or the use of a language generally used in the third country where the provider of data sharing<u>intermediation</u> services is established, should be considered insufficient to ascertain such an</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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.</p>	<p>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<u>intermediation</u> services is planning to offer services within the Union. The <u>designated legal</u> representative should act on behalf of the provider of data sharing<u>intermediation</u> services and it should be possible for competent authorities to contact the <u>legal</u> representative, <u>including in the case of an infringement, to initiate enforcement proceeding against a non-compliant provider of data intermediation services not established in the Union. The legal</u> The representative should be designated by a written mandate of the provider of data sharing<u>intermediation</u> services to act on the latter's behalf with regard to the latter's obligations under this Regulation. <u>The designation of such a legal representative does not affect the responsibility or liability of the provider of data intermediation</u></p>	<p>Member States with the possibility of ordering services in that other language, or the mentioning of users who are in the Union, may <u>could</u> make it apparent that the provider of data sharing<u>intermediation</u> services is planning to offer services within the Union. The representative should act on behalf of the provider of data sharing<u>intermediation</u> 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<u>intermediation</u> services to act on the latter's behalf with regard to the latter's obligations under this Regulation.</p>	<p>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<u>could</u> make it apparent that the provider of data sharing<u>intermediation</u> services is planning to offer services within the Union. The <u>designated legal</u> representative should act on behalf of the provider of data sharing<u>intermediation</u> services and it should be possible for competent authorities to contact the <u>legal</u> representative, <u>including in the case of an infringement, to initiate enforcement proceeding against a non-compliant provider of data intermediation services not established in the Union. The legal</u> The representative should be designated by a written mandate of the provider of data sharing<u>intermediation</u> services to act on the latter's behalf with regard to the latter's obligations under this Regulation.</p> <p>Text Origin: EP Mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>services under this Regulation. The legal representative should perform its tasks in accordance with the mandate received from the provider of data intermediation services, including cooperating with and comprehensively demonstrating to the competent authorities, upon request, the actions taken and provisions put in place by the provider to ensure compliance with this Regulation. Where a provider of data intermediation services that is not established in the Union fails to designate a legal representative, or such legal representative fails to comply with its obligations under this Regulation, the competent authority should have the power to impose the immediate cessation of the provision of the data intermediation service. In the case of processing of personal data, the providers of data intermediation services not established in the Union should be subject to Regulation (EU) 2016/679.</u></p>		
	Recital 28			
G 38	(28) This Regulation should be	(28) This Regulation should be	(28) This Regulation should be	(28) This Regulation should be G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	without prejudice to the obligation of providers of data sharing <u>intermediation</u> 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 <u>When providers of data intermediation services process personal data, this Regulation should not affect the protection of personal data. Where the providers of data intermediation services</u> 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.	without prejudice to the obligation of providers of data sharing <u>intermediation</u> services to comply with Regulation (EU) 2016/679 and the responsibility of supervisory authorities to ensure compliance with that Regulation. Where the data sharing <u>When providers of data intermediation services process personal data, this Regulation does not affect the protection of personal data. Where the data intermediation</u> service providers are data controllers or processors in the sense of as defined in 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.	without prejudice to the obligation of providers of data sharing <u>intermediation</u> services to comply with Regulation (EU) 2016/679 and the responsibility of supervisory authorities to ensure compliance with that Regulation. Where the data sharing <u>When providers of data intermediation services process personal data, this Regulation does not affect the protection of personal data. Where the data intermediation</u> service providers are data controllers or processors in the sense of as defined in 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. Text Origin: Council Mandate
Recital 28a				
38a		<u>(28a) Providers of data intermediation services should have in place procedures and measures to sanction fraudulent or abusive practices in relation to access to data from parties seeking access through their</u>		<u>(28a) Providers of data intermediation services are expected to have in place procedures and measures to sanction fraudulent or abusive practices in relation to access to data from parties seeking access</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>services, including through measures such as the exclusion of data users that breach the terms of service or infringe existing legislation.</u>		<u>through their services, including through measures such as the exclusion of data users that breach the terms of service or infringe existing legislation.</u> Text Origin: EP Mandate
Recital 29				
39	(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.	(29) Providers of data sharing <u>intermediation</u> services should also take <u>effective</u> 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.	(29) <u>This Regulation should be also without prejudice to the application of competition law.</u> Providers of data sharing <u>intermediation</u> services should also take measures to ensure compliance with competition law <u>and have procedures in place to this effect.</u> Data sharing may could generate various types of efficiencies but may could 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 <u>customer data</u> , future prices, production	(29) Providers of data sharing services <u>This Regulation should be also without prejudice to the application of</u> 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 <u>Providers of data intermediation services should also take measures to ensure compliance with competition law and have procedures in place to this effect.</u> 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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			costs, quantities, turnovers, sales or capacities.	includes information on <u>customer data</u> , future prices, production costs, quantities, turnovers, sales or capacities. Text Origin: Council Mandate
Recital 29a				
39a		<u>(29a) Member States should lay down rules on penalties for the infringements of this Regulation, and should ensure that those rules are implemented. Those penalties should be effective, proportionate and dissuasive. Large discrepancies between rules on penalties among Member States should be avoided in order not to distort competition in the Digital Single Market. To facilitate a more consistent application of penalties, non-exhaustive and indicative criteria for the application of penalties should be included in this Regulation.</u>		<u>(29a) Member States should lay down rules on penalties for the infringements of this Regulation. Those penalties should be effective, proportionate and dissuasive. Large discrepancies between rules on penalties could lead to distortion of competition in the Digital Single Market. Harmonisation of such rules could be of benefit in this regard;</u> Text Origin: EP Mandate
Recital 30				
40	(30) A notification procedure for data sharing services should be established in order to ensure a	(30) A notification procedure for data sharing services should be established in order to ensure a	(30) A notification procedure for data sharing <u>intermediation</u> services should be established in	(30) A notification procedure for data sharing <u>intermediation</u> services should be established in

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	data governance within the Union based on trustworthy exchange of data. The benefits of a trustworthy environment would be best achieved by imposing a number of requirements for the provision of data sharing services, but without requiring any explicit decision or administrative act by the competent authority for the provision of such services.	data governance within the Union based on trustworthy exchange of data. The benefits of a trustworthy environment would be best achieved by imposing a number of requirements for the provision of data sharing services, but without requiring any explicit decision or administrative act by the competent authority for the provision of such services.	order to ensure a data governance within the Union based on trustworthy exchange of data. The benefits of a trustworthy environment would be best achieved by imposing a number of requirements for the provision of data sharing <u>intermediation</u> services, but without requiring any explicit decision or administrative act by the competent authority for the provision of such services.	order to ensure a data governance within the Union based on trustworthy exchange of data. The benefits of a trustworthy environment would be best achieved by imposing a number of requirements for the provision of data sharing <u>intermediation</u> services, but without requiring any explicit decision or administrative act by the competent authority for the provision of such services. <u>The notification procedure should not impose undue obstacles for SMEs, start-ups and civil society organisations and follow the principle of non-discrimination.</u> Text Origin: Council Mandate
Recital 31				
41	(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	(31) In order to support effective cross-border provision of services, the <u>provider of data intermediation services</u> 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	(31) In order to support effective cross-border provision of services, the data <u>intermediation service</u> 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	(31) In order to support effective cross-border provision of services, the <u>provider of data intermediation services</u> 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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	intention to provide such services and should be completed only by the information set out in this Regulation.	notification should not entail more than a mere declaration of the intention to provide such services and should be completed only by <u>providing</u> the information set out in this Regulation. <u>After the relevant notification the provider of data intermediation services should be able to start operating in other Member States without further notification obligations.</u>	than a mere declaration of the intention to provide such services and should be completed only by the information set out in this Regulation.	notification should not entail more than a mere declaration of the intention to provide such services and should be completed only by <u>providing</u> the information set out in this Regulation. <u>After the relevant notification the provider of data intermediation services should be able to start operating in other Member States without further notification obligations.</u> Text Origin: EP Mandate
Recital 32				
42	(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.	(32) The main establishment of a provider of data sharing <u>intermediation</u> 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 <u>intermediation</u> services in the Union should be determined according to <u>in accordance with</u> objective criteria and should imply the effective and real exercise of management activities.	(32) The main establishment of a provider of data sharing <u>intermediation</u> 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 <u>intermediation</u> services in the Union should be determined according to objective criteria and should imply the effective and real exercise of management activities. <u>Activities of a provider of data intermediation services should also be in line with national law of the Member State in which it has</u>	(32) The main establishment of a provider of data sharing <u>intermediation</u> 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 <u>intermediation</u> services in the Union should be determined according to objective criteria and should imply the effective and real exercise of management activities. <u>Activities of a provider of data intermediation services should also be in line with national law of the Member State in which it has</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>its main establishment.</u>	<u>its main establishment.</u> Text Origin: Council Mandate
Recital 33				
43	(33) The competent authorities designated to monitor compliance of data sharing services with the requirements in this Regulation should be chosen on the basis of their capacity and expertise regarding horizontal or sectoral data sharing, and they should be independent as well as transparent and impartial in the exercise of their tasks. Member States should notify the Commission of the identity of the designated competent authorities.	(33) The competent authorities designated to monitor compliance of <u>providers of data intermediation</u> data sharing services with the requirements in this Regulation should be chosen on the basis of their capacity and expertise regarding horizontal or sectoral data sharing, and they should be independent as well as transparent and impartial in the exercise of their tasks. Member States should notify the Commission of the identity of the designated competent authorities.	(33) The competent authorities designated to monitor compliance of data sharing <u>intermediation</u> services with the requirements in this Regulation should be chosen on the basis of their capacity and expertise regarding horizontal or sectoral data sharing, and they should be independent <u>of any provider of data intermediation services</u> as well as transparent and impartial in the exercise of their tasks. Member States should notify the Commission of the identity of the designated competent authorities. <u>The powers and competences of the designated competent authorities should be without prejudice to the powers of the data protection authorities. In particular, for any question requiring an assessment of compliance with Regulation (EU) 2016/679, the competent authority should seek, where relevant, an opinion or decision by the competent supervisory authority</u>	(33) The competent authorities designated to monitor compliance of data sharing <u>intermediation</u> services with the requirements in this Regulation should be chosen on the basis of their capacity and expertise regarding horizontal or sectoral data sharing, and they should be independent <u>of any provider of data intermediation services</u> as well as transparent and impartial in the exercise of their tasks. Member States should notify the Commission of the identity of the designated competent authorities. <u>The powers and competences of the designated competent authorities should be without prejudice to the powers of the data protection authorities. In particular, for any question requiring an assessment of compliance with Regulation (EU) 2016/679, the competent authority should seek, where relevant, an opinion or decision by the competent supervisory authority</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>established pursuant to that Regulation.</u>	<u>established pursuant to that Regulation.</u> Text Origin: Council Mandate
Recital 34				
44	(34) The notification framework laid down in this Regulation should be without prejudice to specific additional rules for the provision of data sharing services applicable by means of sector-specific legislation.	(34) The notification framework laid down in this Regulation should be without prejudice to specific additional rules for the provision of data sharing services applicable by means of sector-specific legislation.	(34) The notification framework laid down in this Regulation should be without prejudice to specific additional rules for the provision of data sharing <u>intermediation</u> services applicable by means of sector-specific legislation.	(34) The notification framework laid down in this Regulation should be without prejudice to specific additional rules for the provision of data sharing <u>intermediation</u> services applicable by means of sector-specific legislation. Text Origin: Council Mandate
Recital 35				
45	(35) There is a strong potential in the use of data made available voluntarily by data subjects based on their consent or, where it concerns non-personal data, made available by legal persons, for purposes of general interest. Such purposes would include healthcare, combating climate change, improving mobility, facilitating the establishment of official statistics or improving the provision of public services. Support to	(35) There is a strong potential in the use of data made available voluntarily by data subjects based on their <u>informed</u> consent or, where it concerns non-personal data, made available by legal persons, for purposes of general interest. Such purposes would include, in particular scientific research, healthcare, combating climate change, improving mobility, facilitating the establishment of official statistics	(35) There is a strong potential in the use of data made available voluntarily by data subjects based on their <u>informed</u> consent or, where it concerns non-personal data, made available by legal persons, for purposes <u>objectives</u> of general interest. Such purposes <u>objectives</u> would include healthcare, combating climate change, improving mobility, facilitating the establishment of official <u>development, production</u>	(35) There is a strong potential in the use of data made available voluntarily by data subjects based on their <u>informed</u> consent or, where it concerns non-personal data, made available by legal persons, for purposes <u>objectives</u> of general interest. Such purposes <u>objectives</u> would include healthcare, combating climate change, improving mobility, facilitating the establishment of official <u>development, production</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>scientific research, including for example technological development and demonstration, fundamental research, applied research and privately funded research, should be considered as well purposes of general interest. This Regulation aims at contributing to the emergence of pools of data made available on the basis of data altruism that have a sufficient size in order to enable data analytics and machine learning, including across borders in the Union.</p>	<p>or improving the provision of public services. Support to scientific research, including for example technological development and demonstration, fundamental research, applied research and privately funded research, should be considered as well purposes of general interest. <u>Such purposes may also be established by national law.</u> This Regulation aims at contributing to the emergence of pools of data made available on the basis of data altruism that have a sufficient size in order to enable data analytics and machine learning, including across borders in the Union.</p>	<p><u>and dissemination of European statistics-</u> or improving the provision of public services. Support to scientific research, including for example technological development and demonstration, fundamental research, applied research and privately funded research, should be considered as well purposes <u>objectives</u> of general interest. This Regulation aims <u>should aim</u> at contributing to the emergence of pools of data made available on the basis of data altruism that have a sufficient size in order to enable data analytics and machine learning, including across borders in the Union. <u>In order to achieve this objective, Member States could have organizational or technical arrangements in place, which would facilitate data altruism. Such arrangements could include the availability of easily useable tools for data subjects or data holders for giving consent or permission for the altruistic use of their data, the organization of awareness campaigns, or a structured exchange between public authorities on how public policies</u></p>	<p><u>and dissemination of European statistics-</u> or improving the provision of public services. Support to scientific research, including for example technological development and demonstration, fundamental research, applied research and privately funded research, should be considered as well purposes <u>an objective</u> of general interest. This Regulation aims <u>should aim</u> at contributing to the emergence of pools of data made available on the basis of data altruism that have a sufficient size in order to enable data analytics and machine learning, including across borders in the Union. <u>In order to achieve this objective, Member States could have organizational or technical arrangements in place, which would facilitate data altruism. Such arrangements could include the availability of easily useable tools for data subjects or data holders for giving consent or permission for the altruistic use of their data, the organization of awareness campaigns, or a structured exchange between public authorities on how public policies</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>benefit from data altruism (e.g. improving traffic, public health, combating climate change). In support of this, Member States could also define national policies for data altruism. Data subjects should be able to receive compensation related only to the costs they incur making their data available for objectives of general interest.</u>	<u>benefit from data altruism (e.g. improving traffic, public health, combating climate change). In support of this, Member States could also define national policies for data altruism. Data subjects should be able to receive compensation related only to the costs they incur making their data available for objectives of general interest.</u> Text Origin: Council Mandate
Recital 36				
46	(36) Legal entities that seek to support purposes of general interest by making available relevant data based on data altruism at scale and meet certain requirements, should be able to register as ‘Data Altruism Organisations recognised in the Union’. This could lead to the establishment of data repositories. As registration in a Member State would be valid across the Union, and this should facilitate cross-border data use within the Union and the emergence of data pools covering several Member States. Data subjects in this respect would	(36) Legal entities that seek to support purposes of general interest by making available relevant data based on data altruism at scale and meet certain requirements, should be able to register as ‘Data Altruism Organisations recognised in the Union’. This could lead to the establishment of data repositories. As registration in a Member State would be valid across the Union, and this should facilitate cross-border data use within the Union and the emergence of data pools covering several Member States. Data subjects in this respect would	(36) Legal entities that seek to support purposes <u>objectives</u> of general interest by making available relevant data based on data altruism at scale and meet certain requirements, should be able to register as ‘data altruism organisations recognised in the Union’. This could lead to the establishment of data repositories. As registration in a Member State would be valid across the Union, and this should facilitate cross-border data use within the Union and the emergence of data pools covering several Member States. Data subjects in this respect would	(36) Legal entities that seek to support purposes <u>objectives</u> of general interest by making available relevant data based on data altruism at scale and meet certain requirements, should be able to register as ‘data altruism organisations recognised in the Union’. This could lead to the establishment of data repositories. As registration in a Member State would be valid across the Union, and this should facilitate cross-border data use within the Union and the emergence of data pools covering several Member States. Data subjects in this respect would

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>consent to specific purposes of data processing, but could also consent to data processing in certain areas of research or parts of research projects as it is often not possible to fully identify the purpose of personal data processing for scientific research purposes at the time of data collection. Legal persons could give permission to the processing of their non-personal data for a range of purposes not defined at the moment of giving the permission. The voluntary compliance of such registered entities with a set of requirements should bring trust that the data made available on altruistic purposes is serving a general interest purpose. Such trust should result in particular from a place of establishment within the Union, as well as from the requirement that registered entities have a not-for-profit character, from transparency requirements and from specific safeguards in place to protect rights and interests of data subjects and companies. Further safeguards should include making it possible to process relevant data within a secure processing environment operated</p>	<p>consent to specific purposes of data processing, but could also consent to data processing in certain areas of research or parts of research projects as it is often not possible to fully identify the purpose of personal data processing for scientific research purposes at the time of data collection. Legal persons could give permission to the processing of their non-personal data for a range of purposes not defined at the moment of giving the permission. The voluntary <u>registration as 'data altruism organisation recognised in the Union'</u> and the compliance of such registered entities with a set of requirements should bring trust that the data made available on altruistic purposes is serving a general interest purpose. Such trust should result in particular from a place of establishment within the Union, as well as from the requirement that registered entities have a not-for-profit character, from transparency requirements and from specific safeguards in place to protect rights and interests of data subjects and companies. Further safeguards should include making it possible to process</p>	<p>consent to specific purposes of data processing, but could also consent to data processing in certain areas of research or parts of research projects as it is often not possible to fully identify the purpose of personal data processing for scientific research purposes at the time of data collection. Legal persons could give permission to the processing of their non-personal data for a range of purposes not defined at the moment of giving the permission. The voluntary compliance of such registered entities with a set of requirements should bring trust that the data made available on altruistic purposes is serving a general interest purpose. Such trust should result in particular from a place of establishment <u>or a legal representative</u> within the Union, as well as from the requirement that registered entities have a not-for-profit character, from transparency requirements and from specific safeguards in place to protect rights and interests of data subjects and companies. Further safeguards should include making it possible to process relevant data within a secure processing</p>	<p>consent to specific purposes of data processing, but could also consent to data processing in certain areas of research or parts of research projects as it is often not possible to fully identify the purpose of personal data processing for scientific research purposes at the time of data collection. Legal persons could give permission to the processing of their non-personal data for a range of purposes not defined at the moment of giving the permission. The voluntary compliance of such registered entities with a set of requirements should bring trust that the data made available on altruistic purposes is serving a general interest purpose. Such trust should result in particular from a place of establishment <u>or a legal representative</u> within the Union, as well as from the requirement that registered entities have a not-for-profit character, from transparency requirements and from specific safeguards in place to protect rights and interests of data subjects and companies. Further safeguards should include making it possible to process relevant data</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>by the registered entity, oversight mechanisms such as ethics councils or boards to ensure that the data controller maintains high standards of scientific ethics, effective technical means to withdraw or modify consent at any moment, based on the information obligations of data processors under Regulation (EU) 2016/679 as well as means for data subjects to stay informed about the use of data they made available.</p>	<p>relevant data within a secure processing environment operated by the registered entity, oversight mechanisms such as ethics councils or boards, <u>including representatives from civil society</u>, to ensure that the data controller maintains high standards of scientific ethics <u>and protection of fundamental rights</u>, effective <u>and clearly communicated</u> technical means to withdraw or modify consent at any moment, based on the information obligations of data processors under Regulation (EU) 2016/679 as well as means for data subjects to stay informed about the use of data they made available.</p>	<p>environment operated by the registered entity, oversight mechanisms such as ethics councils or boards to ensure that the data controller maintains high standards of scientific ethics, effective technical means to withdraw or modify consent at any moment, based on the information obligations of data processors under Regulation (EU) 2016/679 as well as means for data subjects to stay informed about the use of data they made available. <u>Registration as a recognised data altruism organisation should not be a precondition for exercising data altruism activities. The Commission should, by way of implementing acts, adopt codes of conduct developed in close cooperation with data altruism organisations and relevant stakeholders, making compliance with those codes a requirement for registration as a recognised data altruism organisations in accordance with this Regulation.</u></p>	<p>within a secure processing environment operated by the registered entity, oversight mechanisms such as ethics councils or boards, <u>including representatives from civil society</u> to ensure that the data controller maintains high standards of scientific ethics <u>and protection of fundamental rights</u>, effective <u>and clearly communicated</u> technical means to withdraw or modify consent at any moment, based on the information obligations of data processors under Regulation (EU) 2016/679 as well as means for data subjects to stay informed about the use of data they made available. <u>Registration as a recognised data altruism organisation should not be a precondition for exercising data altruism activities. The Commission should, by way of [implementing/delegated] acts, adopt a rulebook developed in close cooperation with data altruism organisations and relevant stakeholders, making compliance with this rulebook a requirement for registration as a recognised data altruism organisations in accordance with this Regulation.</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Recital 37				
47	<p>(37) This Regulation is without prejudice to the establishment, organisation and functioning of entities that seek to engage in data altruism pursuant to national law. It builds on national law requirements to operate lawfully in a Member State as a not-for-profit organisation. Entities which meet the requirements in this Regulation should be able to use the title of ‘Data Altruism Organisations recognised in the Union’.</p>	<p>(37) This Regulation is without prejudice to the establishment, organisation and functioning of entities that seek to engage in data altruism pursuant to national law. It builds on national law requirements to operate lawfully in a Member State as a not-for-profit organisation. Entities which meet the requirements <u><i>laid down</i></u> in this Regulation should be able to use the title <u><i>‘data altruism organisations recognised in the Union’</i></u>. <u><i>In order to assist data subjects and legal entities to easily identify, and thereby to increase their trust in, data altruism organisations recognised in the Union, a common logo that is recognisable throughout the Union should be established. In order to ensure uniform conditions for the application of that logo, implementing powers should be conferred on the Commission to establish a design for that common logo. The</i></u></p>	<p>(37) This Regulation is without prejudice to the establishment, organisation and functioning of entities that seek to engage in data altruism pursuant to national law. It builds on national law requirements to operate lawfully in a Member State as a not-for-profit organisation. Entities which meet the requirements in <u><i>of</i></u> this Regulation should be able to use the title of ‘data altruism organisations recognised in the Union’.</p>	<p>(37) This Regulation is without prejudice to the establishment, organisation and functioning of entities that seek to engage in data altruism pursuant to national law. It builds on national law requirements to operate lawfully in a Member State as a not-for-profit organisation. Entities which meet the requirements <u><i>laid down</i></u> in this Regulation should be able to use the title <u><i>‘data altruism organisations recognised in the Union’</i></u>. <u><i>In order to assist data subjects and legal entities to easily identify, and thereby to increase their trust in, data altruism organisations recognised in the Union, a common logo that is recognisable throughout the Union should be established. In order to ensure uniform conditions for the application of that logo, implementing powers should be conferred on the Commission to establish a design for that common logo. The</i></u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>common logo should be accompanied by a QR code with a link to the Union register of</u> -data altruism organisations recognised in the Union-.		<u>common logo should be accompanied by a QR code with a link to the Union register of</u> -data altruism organisations recognised in the Union-. Text Origin: EP Mandate
Recital 37a				
47a		<u>(37a) This Regulation is without prejudice to the establishment, organisation and functioning of entities other than public sector bodies that engage in the sharing of data and content on the basis of open licenses, thereby contributing to the creation of commons resources available to all. This includes open collaborative knowledge sharing platforms, open access scientific and academic repositories, open source software development platforms and Open Access content aggregation platforms. Organisations building such open Access commons knowledge repositories play an important role in the online infrastructure. Nothing in this Regulation should therefore be interpreted so as to limit the ability of not-for profit</u>		<u>(37a) This Regulation is without prejudice to the establishment, organisation and functioning of entities other than public sector bodies that engage in the sharing of data and content on the basis of open licenses, thereby contributing to the creation of commons resources available to all. This includes open collaborative knowledge sharing platforms, open access scientific and academic repositories, open source software development platforms and Open Access content aggregation platforms.</u> Text Origin: EP Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>organisations to make data and content available to the public under open licenses.</u>		
Recital 38				
48	<p>(38) Data Altruism Organisations recognised in the Union should be able to collect relevant data directly from natural and legal persons or to process data collected by others. Typically, data altruism would rely on consent of data subjects in the sense of Article 6(1)(a) and 9(2)(a) and in compliance with requirements for lawful consent in accordance with Article 7 of Regulation (EU) 2016/679. In accordance with Regulation (EU) 2016/679, scientific research purposes can be supported by consent to certain areas of scientific research when in keeping with recognised ethical standards for scientific research or only to certain areas of research or parts of research projects. Article 5(1)(b) of Regulation (EU) 2016/679 specifies that further processing for scientific or historical research purposes or statistical purposes should, in accordance with Article 89(1) of</p>	<p>(38) Data altruism organisations recognised in the Union should be able to collect relevant data directly from natural and legal persons or to process data collected by others. <u>Where they are data controllers or processors within the meaning of Regulation (EU) 2016/679, they are bound by that Regulation.</u> Typically, data altruism would rely on consent of data subjects in the sense of Article 6(1)(a) and 9(2)(a) <u>6(1), point (a) and 9(2), point (a)</u> and in compliance with requirements for lawful consent in accordance with Article 7 <u>Articles 7 and 8</u> of Regulation (EU) 2016/679. In accordance with Regulation (EU) 2016/679, scientific research purposes can be supported by consent to certain areas of scientific research when in keeping with recognised ethical standards for scientific research or only to certain areas of research or parts of research projects. Article</p>	<p>(38) Data altruism organisations recognised in the Union should be able to collect relevant data directly from natural and legal persons or to process data collected by others. <u>Data altruism organisations may process the collected data for purposes which they define themselves or permit the processing by third parties.</u> <u>Where recognised data altruism organisations are data controllers or processors within the meaning of Regulation (EU) 2016/679 they are bound by the rules of that Regulation.</u> Typically, data altruism would rely on consent of data subjects in the sense of Article 6(1)(a) and 9(2)(a) and of <u>Regulation (EU) 2016/679 that should be</u> in compliance with requirements for lawful consent in accordance with Article 7 of Regulation (EU) 2016/679 <u>that Regulation</u>. In accordance with Regulation (EU) 2016/679, scientific research purposes can be</p>	<p>(38) Data altruism organisations recognised in the Union should be able to collect relevant data directly from natural and legal persons or to process data collected by others. <u>Processing of collected data can be done by data altruism organisations for purposes which they define themselves or where relevant they can permit the processing by third parties for these purposes.</u> <u>Where recognised data altruism organisations are data controllers or processors within the meaning of Regulation (EU) 2016/679 they are bound by the rules of that Regulation.</u> Typically, data altruism would rely on consent of data subjects in the sense of Article 6(1)(a) and 9(2)(a) and of Regulation (EU) 2016/679 <u>that should be</u> in compliance with requirements for lawful consent in accordance with Article 7 of Regulation (EU) 2016/679 <u>Articles 7 and 8 of that Regulation</u>. In accordance with Regulation (EU)</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Regulation (EU) 2016/679, not be considered to be incompatible with the initial purposes.	5(1)(b) <u>5(1), point (b)</u> , of Regulation (EU) 2016/679 specifies that further processing for scientific or historical research purposes or statistical purposes should, in accordance with Article 89(1) of Regulation (EU) 2016/679, not be considered to be incompatible with the initial purposes.	supported by consent to certain areas of scientific research when in keeping with recognised ethical standards for scientific research or only to certain areas of research or parts of research projects. Article 5(1)(b) of Regulation (EU) 2016/679 specifies that further processing for scientific or historical research purposes or statistical purposes should, in accordance with Article 89(1) of Regulation (EU) 2016/679, not be considered to be incompatible with the initial purposes. <u>For non-personal data the usage limitations should be found in the permission given by the data holder.</u>	2016/679, scientific research purposes can be supported by consent to certain areas of scientific research when in keeping with recognised ethical standards for scientific research or only to certain areas of research or parts of research projects. Article 5(1)(b) of Regulation (EU) 2016/679 specifies that further processing for scientific or historical research purposes or statistical purposes should, in accordance with Article 89(1) of Regulation (EU) 2016/679, not be considered to be incompatible with the initial purposes. <u>For non-personal data the usage limitations should be found in the permission given by the data holder.</u> Text Origin: Council Mandate
Recital 38a				
48a			<u>(38a) The competent authorities designated to monitor compliance of recognised data altruism organisations with the requirements of this Regulation should be chosen on the basis of their capacity and expertise, and they should be independent of any</u>	<u>(38a) The competent authorities designated to monitor compliance of recognised data altruism organisations with the requirements of this Regulation should be chosen on the basis of their capacity and expertise, and they should be independent of any</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><u>data altruism organisation as well as transparent and impartial in the exercise of their tasks.</u></p> <p><u>Member States should notify the Commission of the identity of the designated competent authorities.</u></p> <p><u>The powers and competences of the designated competent authorities should be without prejudice to the powers of the data protection authorities. In particular, for any question requiring an assessment of compliance with Regulation (EU) 2016/679, the competent authority should seek, where relevant, an opinion or decision by the competent supervisory authority established pursuant to that Regulation.</u></p>	<p><u>data altruism organisation as well as transparent and impartial in the exercise of their tasks.</u></p> <p><u>Member States should notify the Commission of the identity of the designated competent authorities.</u></p> <p><u>The powers and competences of the designated competent authorities should be without prejudice to the powers of the data protection authorities. In particular, for any question requiring an assessment of compliance with Regulation (EU) 2016/679, the competent authority should seek, where relevant, an opinion or decision by the competent supervisory authority established pursuant to that Regulation.</u></p> <p>Text Origin: Council Mandate</p>
Recital 39				
49	(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	(39) To <u>promote trust and</u> bring additional legal certainty <u>and user-friendliness</u> 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	(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	(39) To <u>promote trust and</u> bring additional legal certainty <u>and user-friendliness</u> 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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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.</p>	<p>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 <u>also should also facilitate the granting and withdrawing of consent and</u> 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.</p>	<p>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.</p>	<p>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 <u>also should also facilitate the granting and withdrawing of consent and</u> 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.</p> <p>Text Origin: EP Mandate</p>
Recital 40				
50	<p>(40) In order to successfully implement the data governance framework, a European Data</p>	<p>(40) In order to successfully implement the data governance framework, a European Data</p>	<p>(40) In order to successfully implement the data governance framework, a European Data</p>	<p>(40) In order to successfully implement the data governance framework, a European Data</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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.</p>	<p>Innovation Board <u>(the 'Board')</u> should be established, in the form of an expert group. The Board should <u>be gender balanced and consist of representatives of the competent authorities of all the Member States, the European Union Agency for Cybersecurity (ENISA), the Commission, the EU SME Envoy or a representative appointed by the network of SME envoys and other</u> and representatives of relevant data spaces and <u>competent authorities in</u> specific sectors, (such as health, energy, industrial manufacturing, environment, agriculture, media, cultural and creative sectors, transport and statistics), ensuring geographical balance. The European Data Protection Board <u>and the European Data Protection Supervisor, as well as the Data Innovation Advisory Council,</u> should be invited to appoint a representative to the European Data Innovation Board.</p>	<p>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, <u>environment, agriculture and transport), as well as representatives of academia, research, standard setting organisations and bodies with specific expertise such as national statistical offices, where relevant.</u> <u>Balanced representation of different geographical areas should be ensured. The determination of the membership should also aim to ensure the efficient functioning of the Board,</u> transport and statistics). The European Data Protection Board should be invited to appoint a representative to the European Data Innovation Board.</p>	<p>Innovation Board <u>(the 'Board')</u> 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 <u>common European</u> data spaces and specific sectors (such as health, <u>environment, agriculture, transport, health, energy, industrial manufacturing, media, cultural and creative sectors,</u> -and statistics). The European Data Protection Board should be invited to appoint a representative to the European Data Innovation Board, <u>as well as representatives of academia, research, standard setting organisations and bodies with specific expertise such as national statistical offices, where relevant.</u></p> <p><small>Text Origin: Council Mandate</small></p>
	Recital 40a			
50a		<p><u>(40a) A data innovation advisory council ('the Advisory Council') should be established as a sub-</u></p>		<p><u>(40a) deleted</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>group of the Board consisting of relevant representatives from industry, research, academia, civil society, standardisation organisations, relevant common European data spaces, and other relevant stakeholders, including social partners, where appropriate depending on the subject matter discussed. The Advisory Council should support the work of the Board by providing advice relating to the tasks of the Board, such as relating to the exchange of data, and in particular on how to best protect commercially sensitive non-personal data, in particular 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. The Advisory Council should nominate a representative to attend meetings of the Board and to participate in its work.</u></p>		
	Recital 41			
51	(41) The Board should support the Commission in coordinating national practices and policies on	(41) The Board should support the Commission in coordinating national practices and policies on	(41) The <u>European Data Innovation</u> Board should support the Commission in coordinating	(41) The Board should support the Commission in coordinating national practices and policies on

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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 Vocabularies¹ and the CEF Building Blocks²), 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.</p> <p>1. _____</p>	<p>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 <u>European and international</u> standards and specifications (such as<u>including through the EU Multi-Stakeholder Platform for ICT Standardisation</u>, the Core Vocabularies¹ and the CEF Building Blocks²), without prejudice to<u>and should take into account</u> 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, <u>in particular in clarifying and distinguishing which standards and practices are cross-sectoral and which are sectoral</u>without making recourse to an intermediary. The Board should cooperate with <u>the Advisory Council</u>, sectoral bodies, networks</p>	<p>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 Vocabularies¹ and the CEF Building Blocks²), without prejudice to standardisation work taking place in specific sectors or domains. Work on technical standardisation may<u>could</u> 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 <u>European Data Innovation</u> 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 <u>European Data Innovation</u> Board should assist the Commission in the development of the data altruism consent form, in consultation with the European</p>	<p>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 <u>European and international</u> standards and specifications (such as<u>including through the EU Multi-Stakeholder Platform for ICT Standardisation</u>, the Core Vocabularies¹ and the CEF Building Blocks²), without prejudice to<u>and should take into account</u> 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, <u>in particular in clarifying and distinguishing which standards and practices are cross-sectoral and which are sectoral</u>without making recourse to an intermediary. The Board should cooperate with sectoral bodies, networks or expert groups, or other</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>https://joinup.ec.europa.eu/collection/semantic-interoperability-community-semantic/core-vocabularies</p> <p>2. https://joinup.ec.europa.eu/collection/connecting-europe-facility-cef</p>	<p>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. <u><i>By proposing guidelines on common European data spaces, the Board should support the development of a functioning European data economy based on those data spaces, as set out in the European data strategy.</i></u></p> <p>1. https://joinup.ec.europa.eu/collection/semantic-interoperability-community-semantic/core-vocabularies</p> <p>2. https://joinup.ec.europa.eu/collection/connecting-europe-facility-cef</p>	<p>Data Protection Board.</p> <p>1. <u>[1]</u> https://joinup.ec.europa.eu/collection/semantic-interoperability-community-semantic/core-vocabularies</p> <p>2. <u>[2]</u> https://joinup.ec.europa.eu/collection/connecting-europe-facility-cef</p>	<p>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. <u><i>By proposing guidelines on common European data spaces, the Board should support the development of a functioning European data economy based on those data spaces, as set out in the European data strategy.</i></u></p> <p>1. https://joinup.ec.europa.eu/collection/semantic-interoperability-community-semantic/core-vocabularies</p> <p>2. https://joinup.ec.europa.eu/collection/connecting-europe-facility-cef</p> <p>Text Origin: EP Mandate</p>
	Recital 41a			
51a		<p><u><i>(41a) The Commission should ensure systematic cooperation between the Board and other equivalent Union-level bodies established under Union legislation on data related issues, in particular legislative acts on</i></u></p>		<p><u><i>(41a) deleted</i></u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>data and artificial intelligence.</u>		
	Recital 42			
52	<p>(42) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to develop the European data altruism consent form. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p.13).</p>	<p>(42) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to develop the European data altruism consent form. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>1. Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p.13).</p>	<p>(42) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission to develop the European data altruism consent form, <u>to declare that the legal, supervisory and enforcement arrangements of a third country are adequate, to lay down special conditions applicable for transfers to third-countries of certain non-personal data categories deemed to be highly sensitive in specific Union acts adopted through a legislative procedure, and to support public sector bodies and re-users in their compliance with conditions for re-use set out in this Regulation by providing model contractual clauses.</u> Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹.</p> <p>1. <u>[1]</u> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying</p>	<p>to be decided IAs/DAs</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p.13).	
Recital 42a				
52a			<p><u>(42a) In order to provide for an efficient enforcement of this Regulation and to ensure that providers of data intermediation services as well as entities who wish to register as recognised data altruism organisations can access and complete the procedures of notification and registration fully online and in a cross-border manner, such procedures should be offered through the single digital gateway established pursuant to Regulation (EU) 2018/1724.¹ These procedures should be added to the list of procedures included in Annex II of Regulation (EU) 2018/1724.</u></p> <p><u>1. Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 2014/2012 (OJ L 295, 21.11.2018, p.1).</u></p>	<p><u>(42a) In order to provide for an efficient enforcement of this Regulation and to ensure that providers of data intermediation services as well as entities who wish to register as recognised data altruism organisations can access and complete the procedures of notification and registration fully online and in a cross-border manner, such procedures should be offered through the single digital gateway established pursuant to Regulation (EU) 2018/1724.¹ These procedures should be added to the list of procedures included in Annex II of Regulation (EU) 2018/1724.</u></p> <p><u>1. Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 2014/2012 (OJ L 295, 21.11.2018, p.1).</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
	Recital 43			
53	<p>(43) In order to take account of the specific nature of certain categories of data, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to lay down special conditions applicable for transfers to third-countries of certain non-personal data categories deemed to be highly sensitive in specific Union acts adopted through a legislative procedure. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making . In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access</p>	<p>(43) In order to take account of the specific nature of certain categories of data, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to lay down special conditions applicable for transfers to third-countries of certain non-personal data categories deemed to be highly sensitive in specific Union acts adopted through a legislative procedure. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making . In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access</p>	<p>(43) In order to take account of the specific nature of certain categories of data, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission to lay down special conditions applicable for transfers to third-countries of certain non-personal data categories deemed to be highly sensitive in specific Union acts adopted through a legislative procedure. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making . In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States'</p>	<p>to be decided - IAs/DAs</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to meetings of Commission expert groups dealing with the preparation of delegated acts.	to meetings of Commission expert groups dealing with the preparation of delegated acts.	experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts. (deleted)	
Recital 44				
54	(44) This Regulation should not affect the application of the rules on competition, and in particular Articles 101 and 102 of the Treaty on the Functioning of the European Union. The measures provided for in this Regulation should not be used to restrict competition in a manner contrary to the Treaty on the Functioning of the European Union. This concerns in particular the rules on the exchange of competitively sensitive information between actual or potential competitors through data sharing services.	(44) This Regulation should not affect the application of the rules on competition, and in particular Articles 101 and 102 of the Treaty on the Functioning of the European Union <u>TFEU</u> . The measures provided for in this Regulation should not be used to restrict competition in a manner contrary to the Treaty on the Functioning of the European Union <u>TFEU</u> . This concerns in particular the rules on the exchange of competitively sensitive information between actual or potential competitors through data sharing <u>intermediation</u> services.	(44) This Regulation should not affect the application of the rules on competition, and in particular Articles 101 and 102 of the Treaty on the Functioning of the European Union. The measures provided for in this Regulation should not be used to restrict competition in a manner contrary to the Treaty on the Functioning of the European Union. This concerns in particular the rules on the exchange of competitively sensitive information between actual or potential competitors through data sharing <u>intermediation</u> services.	(44) This Regulation should not affect the application of the rules on competition, and in particular Articles 101 and 102 of the Treaty on the Functioning of the European Union <u>TFEU</u> . The measures provided for in this Regulation should not be used to restrict competition in a manner contrary to the Treaty on the Functioning of the European Union <u>TFEU</u> . This concerns in particular the rules on the exchange of competitively sensitive information between actual or potential competitors through data sharing <u>intermediation</u> services. Text Origin: EP Mandate
Recital 45				
55	(45) The European Data	(45) The European Data	(45) The European Data	(45) The European Data

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>Protection Supervisor and the European Data Protection Board were consulted in accordance with Article 42 of Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽¹⁾and delivered an opinion on [...].</p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</p>	<p>Protection Supervisor and the European Data Protection Board were consulted in accordance with Article 42 of Regulation (EU) 2018/1725 of the European Parliament and of the Council and ¹and delivered an opinion on ... <u>10 March 2021</u>.</p> <p>1. Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).</p>	<p>Protection Supervisor and the European Data Protection Board were consulted in accordance with Article 42 of Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽¹⁾and delivered an opinion on ... <u>10 March 2021</u>².</p> <p>1. <u>11</u> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39). <u>2. EDPB-EDPS Joint Opinion on the proposal for a regulation of the European Parliament and of the Council on European data governance (Data Governance Act).</u></p>	<p>Protection Supervisor and the European Data Protection Board were consulted in accordance with Article 42 of Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽¹⁾and delivered an opinion on ... <u>10 March 2021</u>².</p> <p>1. <u>11</u> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39). <u>2. EDPB-EDPS Joint Opinion on the proposal for a regulation of the European Parliament and of the Council on European data governance (Data Governance Act).</u></p> <p>Text Origin: Council Mandate</p>
	Recital 46			
56	<p>(46) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter, including the right to privacy, the protection of personal data, the freedom to conduct a business, the right to</p>	<p>(46) This Regulation respects <u>uses as its guiding principles the respect of</u> the fundamental rights and observes <u>observing</u> the principles recognised in particular by the Charter, including the right to privacy, the protection of</p>	<p>(46) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter, including the right to privacy, the protection of personal data, the freedom to conduct a business, the right to</p>	<p>(46) This Regulation respects <u>uses as its guiding principles the respect of</u> the fundamental rights and observes <u>observing</u> the principles recognised in particular by the Charter, including the right to privacy, the protection of</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	property and the integration of persons with disabilities,	personal data, the freedom to conduct a business, the right to property and the integration of persons with disabilities,	<p>property and the integration of persons with disabilities. <u>In the context of the latter, the public service bodies and services under this Regulation should, where relevant, comply with Directive (EU) 2019/882¹ and Directive (EU) 2016/2102². Furthermore, Design for All in the context of information and communications technology, which is the conscious and systematic effort to proactively apply principles, methods and tools to promote universal design in computer-related technologies, including Internet-based technologies, thus avoiding the need for a posteriori adaptations, or specialised design, should be taken into account.</u></p> <p><u>1. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).</u></p> <p><u>2. Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016, p. 1).</u></p>	<p>personal data, the freedom to conduct a business, the right to property and the integration of persons with disabilities. <u>In the context of the latter, the public service bodies and services under this Regulation should, where relevant, comply with Directive (EU) 2019/882¹ and Directive (EU) 2016/2102². Furthermore, Design for All in the context of information and communications technology, which is the conscious and systematic effort to proactively apply principles, methods and tools to promote universal design in computer-related technologies, including Internet-based technologies, thus avoiding the need for a posteriori adaptations, or specialised design, should be taken into account.</u></p> <p><u>1. Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70).</u></p> <p><u>2. Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016, p. 1).</u></p> <p>Text Origin: Council Mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Recital 46a			
56a			<p><u>(46a) Since the objectives of this Regulation, namely the re-use, within the Union, of certain categories of data held by public sector bodies as well as establishing a notification and supervisory framework for the provision of data sharing intermediation services and a framework for voluntary registration of entities which make data available for altruistic purposes, cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.</u></p>	<p><u>(46a) Since the objectives of this Regulation, namely the re-use, within the Union, of certain categories of data held by public sector bodies as well as establishing a notification and supervisory framework for the provision of data sharing intermediation services and a framework for voluntary registration of entities which make data available for altruistic purposes, cannot be sufficiently achieved by the Member States, but can rather, by reason of its scale and effects, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.</u></p> <p>Text Origin: Council Mandate</p>
	Formula			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
57	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	HAVE ADOPTED THIS REGULATION:	
CHAPTER I				
58	CHAPTER I general provisions	CHAPTER I general provisions	CHAPTER I general provisions	CHAPTER I general provisions Text Origin: Commission Proposal
Article 1				
59	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope	Article 1 Subject matter and scope Text Origin: Commission Proposal
Article 1(1), introductory part				
60	(1) This Regulation lays down:	(1) This Regulation lays down:	(1) This Regulation lays down:	(1) This Regulation lays down: Text Origin: Commission Proposal
Article 1(1), point (a)				
61	(a) conditions for the re-use, within the Union, of certain	(a) conditions for the re-use, within the Union, of certain	(a) conditions for the re-use, within the Union, of certain	(a) conditions for the re-use, within the Union, of certain

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	categories of data held by public sector bodies;	categories of data held by public sector bodies;	categories of data held by public sector bodies;	categories of data held by public sector bodies; <small>Text Origin: Commission Proposal</small>
Article 1(1), point (b)				
62	(b) a notification and supervisory framework for the provision of data sharing services;	(b) a notification and supervisory framework for the provision of data sharing services;	(b) a notification and supervisory framework for the provision of data sharing <u>intermediation</u> services;	(b) a notification and supervisory framework for the provision of data sharing <u>intermediation</u> services; <small>Text Origin: Council Mandate</small>
Article 1(1), point (c)				
63	(c) a framework for voluntary registration of entities which collect and process data made available for altruistic purposes.	(c) a framework for voluntary registration of entities which collect and process data made available for altruistic purposes.	(c) a framework for voluntary registration of entities which collect and process data made available for altruistic purposes.	(c) a framework for voluntary registration of entities which collect and process data made available for altruistic purposes. <small>Text Origin: Commission Proposal</small>
Article 1(1), point (ca)				
63a		<u>(ca) a framework for the establishment of a European data innovation board.</u>		<u>(ca) a framework for the establishment of a European data innovation board.</u> <small>Text Origin: EP Mandate</small>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 1(2)				
64	<p>(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.</p>	<p>(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 <u>data, including employees' personal data in the employment context</u>, or non-personal data. Where a sector-specific Union legal act requires public sector bodies, providers of data sharing<u>intermediation</u> 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.</p>	<p>(2) <u><i>This Regulation does not create any obligation on public sector bodies to allow re-use of data nor does it release public sector bodies from their confidentiality obligations under Union or national law.</i></u> This Regulation is without prejudice to specific provisions in other <u>or national law</u> legal acts regarding access to or re-use of certain categories of data, <u>in particular regarding granting of access to and disclosure of official documents. This Regulation is also without prejudice to obligations of public sector bodies under Union and national law to allow the re-use of data or to</u> or requirements related to processing of personal or non-personal data. Where a sector-specific Union legal act <u>or national law</u> requires public sector bodies, providers of data sharing <u>intermediation</u> services or registered entities providing data altruism services to comply with specific additional technical, administrative or organisational requirements, including through an authorisation</p>	<p>(2) <u><i>This Regulation does not create any obligation on public sector bodies to allow re-use of data nor does it release public sector bodies from their confidentiality obligations under Union or national law.</i></u> This Regulation is without prejudice to specific provisions in other <u>or national law</u> legal acts regarding access to or re-use of certain categories of data, <u>in particular regarding granting of access to and disclosure of official documents. This Regulation is also without prejudice to obligations of public sector bodies under Union and national law to allow the re-use of data or to</u> or requirements related to processing of personal or non-personal data. Where a sector-specific Union legal act <u>or national law</u> requires public sector bodies, providers of data sharing <u>intermediation</u> services or registered entities providing data altruism services to comply with specific additional technical, administrative or organisational requirements, including through an authorisation</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			or certification regime, those provisions of that sector-specific Union legal act <u>or national law</u> shall also apply. <u>Any additional requirements shall be non-discriminatory, proportionate and objectively justified.</u>	or certification regime, those provisions of that sector-specific Union legal act <u>or national law</u> shall also apply. <u>Any additional requirements shall be non-discriminatory, proportionate and objectively justified.</u> Text Origin: Council Mandate
Article 1(2a)				
64a		<u>2a. Union and Member State law on the protection of personal data apply to any personal data processed in connection with this Regulation. In particular, this Regulation is without prejudice to Regulations (EU) 2016/679 and (EU) 2018/1725 and Directive 2002/58/EC, and the corresponding provisions of national law, including the competences and powers of supervisory authorities. In the event of conflict between the provisions of this Regulation and Union law on the protection of personal data, the latter prevails. This Regulation does not create a legal basis for the processing of personal data.</u>		<u>2a. (moved)</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 1(2b)			
G 64b		<u>2b. Where data can be reasonably assumed to lead to the identification or identifiability of natural persons when combined with other datasets, or where personal and non-personal data in a data set are inextricably linked in mixed data sets, the data shall be treated as personal data.</u>		<u>(moved)</u>
	Article 1(2a)			
G 64c			<u>2a. Union and national law on the protection of personal data shall apply to any personal data processed in connection with this Regulation. In particular, this Regulation shall be without prejudice to Regulation (EU) 2016/679 and Directive 2002/58/EC, including the powers and competences of supervisory authorities. In the event of conflict between the provisions of this Regulation and Union or national law on the protection of personal data, Union or national law prevails. This Regulation does not create a legal basis for the processing of personal data and</u>	<u>2a. Union and national law on the protection of personal data shall apply to any personal data processed in connection with this Regulation. In particular, this Regulation shall be without prejudice to Regulation (EU) 2016/679, Regulation (EU) 2018/1725 and Directive 2002/58/EC, including the powers and competences of supervisory authorities. In the event of conflict between the provisions of this Regulation and Union or national law on the protection of personal data adopted in accordance with Union law, Union or national law should prevail. This Regulation</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>does not alter any obligations and rights set out in Regulation (EU) 2016/679 or Directive 2002/58/EC.</u>	<u>does not create a legal basis for the processing of personal data and does not alter any obligations and rights set out in Regulation (EU) 2016/679 or Directive 2002/58/EC;</u> Text Origin: Council Mandate
	Article 1(2b)			
64d				
	Article 1(2c)			
64e				<u>2e. This Regulation shall be without prejudice to the application of competition law.</u>
	Article 1(2d)			
64f			<u>2b. This Regulation is without prejudice to the competences of the Member States regarding activities concerning public security, defence and national security.</u>	<u>2d. This Regulation is without prejudice to the competences of the Member States regarding activities concerning public security, defence and national security.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 2				
65	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions	Article 2 Definitions Text Origin: Commission Proposal
Article 2, first paragraph, introductory part				
66	For the purpose of this Regulation, the following definitions apply:	For the purpose of this Regulation, the following definitions apply:	For the purpose purposes of this Regulation, the following definitions apply:	For the purpose purposes of this Regulation, the following definitions apply: Text Origin: Council Mandate
Article 2, first paragraph, point (1)				
67	(1) 'data' means any digital representation of acts, facts or information and any compilation of such acts, facts or information, including in the form of sound, visual or audiovisual recording;	(1) 'data' means any digital representation of acts, facts or information and any compilation of such acts, facts or information, including in the form of sound, visual or audiovisual recording;	(1) 'data' means any digital representation of acts, facts or information and any compilation of such acts, facts or information, including in the form of sound, visual or audiovisual recording;	(1) 'data' means any digital representation of acts, facts or information and any compilation of such acts, facts or information, including in the form of sound, visual or audiovisual recording; Text Origin: Commission Proposal
Article 2, first paragraph, point (2)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
68	(2) 're-use' means the use by natural or legal persons of data held by public sector bodies, for commercial or non-commercial purposes other than the initial purpose within the public task for which the data were produced, except for the exchange of data between public sector bodies purely in pursuit of their public tasks;	(2) 're-use' means the use by natural or legal persons of data held by public sector bodies, for commercial or non-commercial purposes other than the initial purpose within the public task for which the data were produced, except for the exchange of data between public sector bodies purely in pursuit of their public tasks;	(2) 're-use' means the use by natural or legal persons of data held by public sector bodies, for commercial or non-commercial purposes other than the initial purpose within the public task for which the data were produced, except for the exchange of data between public sector bodies purely in pursuit of their public tasks;	(2) 're-use' means the use by natural or legal persons of data held by public sector bodies, for commercial or non-commercial purposes other than the initial purpose within the public task for which the data were produced, except for the exchange of data between public sector bodies purely in pursuit of their public tasks; Text Origin: Commission Proposal
Article 2, first paragraph, point (2a)				
68a		<u>(2a) 'personal data' means personal data as defined in Article 4, point (1), of Regulation (EU) 2016/679;</u>		<u>(2a) (moved)</u> Text Origin: EP Mandate
Article 2, first paragraph, point (2b)				
68b		<u>(2b) 'data subject' means data subject as defined in Article 4, point (1), of Regulation (EU) 2016/679;</u>		<u>(2b) (moved)</u>
Article 2, first paragraph, point (2a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
68c			<p><u>(2a) 'data intermediation service' means a commercial service, which has as a main objective to establish direct legal or business relationships for the purpose of data sharing, through technical, legal or other means, between an undefined number of data subjects and data holders, on the one hand, and data users on the other hand, in particular for the exercise of data subjects' rights in relation to personal data. The following shall, inter alia, not be considered to be data intermediation services:</u></p> <p><u>(a) services that obtain data from data holders, aggregate, enrich or transform the data and license the use of the resulting data to data users, without establishing a direct relationship between data holders and data users;</u></p> <p><u>(b) services that focus on the intermediation of content, in particular on copyright-protected content;</u></p> <p><u>(c) services of data exchange platforms that are exclusively used by one data holder in order to enable the use</u></p>	<p><u>(2a) 'data intermediation service' means a service, which aims to establish commercial relationships for the purpose of data sharing between an undetermined number of data subjects and data holders, on the one hand, and data users on the other hand, through technical, legal or other means, including for the exercise of data subjects' rights in relation to personal data. The following shall, inter alia, not be considered to be data intermediation services:</u></p> <p><u>(a) services that obtain data from data holders, aggregate, enrich or transform the data for the purpose of adding substantial value to it and license the use of the resulting data to data users, without establishing a commercial relationship between data holders and data users;</u></p> <p><u>(b) services that focus on the intermediation of copyright-protected content;</u></p> <p><u>(c) services, exclusively used by one data holder in order to enable the use of data they hold, or used by multiple legal entities in a closed group, including supplier or customer</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><u>of data they hold as well as platforms developed and exclusively offered by manufacturers of objects and devices connected to the Internet-of-Things, which have as their main objective to ensure functionalities of the connected object or device and to allow value added services;</u></p> <p><u>(d) public sector bodies that offer data sharing intermediation facilities on a non-commercial basis</u></p>	<p><u>relationships or contractually-defined collaborations, in particular those that have as a main objective the ensuring of functionalities of objects and devices connected to the internet-of-things;</u></p> <p><u>(d) public sector bodies that offer data sharing intermediation services without aiming to establish commercial relationships for the purpose of data sharing</u></p> <p>Text Origin: Council Mandate</p>
	Article 2, first paragraph, point (2b)			
68d			<p><u>(2b) 'personal data' means data as defined in point (1) of Article 4 of Regulation (EU) 2016/679;</u></p>	<p><u>(2b) 'personal data' means data as defined in point (1) of Article 4 of Regulation (EU) 2016/679;</u></p> <p>Text Origin: Council Mandate</p>
	Article 2, first paragraph, point (3)			
69	(3) 'non-personal data' means data other than personal data as defined in point (1) of Article 4 of Regulation (EU) 2016/679;	(3) 'non-personal data' means data other than personal data as defined in point (1) of Article 4 of Regulation (EU) 2016/679;	(3) 'non-personal data' means data other than personal data as defined in point (1) of Article 4 of Regulation (EU) 2016/679;	<p>(3) 'non-personal data' means data other than personal data as defined in point (1) of Article 4 of Regulation (EU) 2016/679;</p> <p>Text Origin: Council Mandate</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 2, first paragraph, point (3a)			
G 69a			<u>(3a) 'consent' means consent as defined in point (11) of Article 4 of Regulation (EU) 2016/679;</u>	<u>(3a) 'consent' means consent as defined in point (11) of Article 4 of Regulation (EU) 2016/679;</u> Text Origin: Council Mandate
	Article 2, first paragraph, point (3b)			
G 69b			<u>(3b) 'permission' means the right given by a legal person to another natural or legal person to process non-personal data as well as personal data insofar as there is a legal basis that allows such processing;</u>	<u>(3b) 'permission' means giving data users the right to the processing of non-personal data</u> Text Origin: Council Mandate
	Article 2, first paragraph, point (3c)			
G 69c			<u>(3c) 'data subject' means data subject as referred to in point (1) of Article 4 of Regulation (EU) 2016/679;</u>	<u>(3c) 'data subject' means data subject as referred to in point (1) of Article 4 of Regulation (EU) 2016/679;</u> Text Origin: Council Mandate
	Article 2, first paragraph, point (4)			
G 70	(4) 'metadata' means data	(4) 'metadata' means data	(4) 'metadata' means data	(4) 'metadata' means data

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	collected on any activity of a natural or legal person for the purposes of the provision of a data sharing service, including the date , time and geolocation data, duration of activity, connections to other natural or legal persons established by the person who uses the service;	collected on any activity of a natural or legal person for the purposes of the provision of a data sharing service, including the date , time and geolocation data, duration of activity, connections to other natural or legal persons established by the person who uses the service;	collected on any activity of a natural or legal person for the purposes of the provision of a data sharing service, including the date , time and geolocation data, duration of activity, connections to other natural or legal persons established by the person who uses the service; <u>(deleted)</u>	collected on any activity of a natural or legal person for the purposes of the provision of a data sharing service, including the date , time and geolocation data, duration of activity, connections to other natural or legal persons established by the person who uses the service; <u>(deleted)</u> Text Origin: Council Mandate
Article 2, first paragraph, point (5)				
71	(5) ‘data holder’ means a legal person or data subject who, in accordance with applicable Union or national law, has the right to grant access to or to share certain personal or non-personal data under its control;	(5) ‘data holder’ means a <u>natural or legal person, data subject, public body or international organisation,</u> or data subject who, in accordance with applicable Union or national law, has the right to grant access to or to share certain personal <u>data, subject to consent of the data subject,</u> or non-personal data under its control;	(5) ‘data holder’ means a legal person, <u>or a natural person who is not a</u> or data subject who <u>for the purpose of a specific data processing operation, which,</u> in accordance with applicable Union or national law, has the right to grant access to or to share certain personal or non-personal data under its control;	(5) ‘data holder’ means a legal person, <u>public body, international organisation, or a natural person who is not a</u> or data subject who <u>with respect to the specific data in question, which,</u> in accordance with applicable Union or national law, has the right to grant access to or to share certain personal <u>data</u> or non-personal data under its control;
Article 2, first paragraph, point (6)				
72	(6) ‘data user’ means a natural or legal person who has lawful access	(6) ‘data user’ means a natural or legal person who has lawful access	(6) ‘data user’ means a natural or legal person who has lawful access	(6) ‘data user’ means a natural or legal person who has lawful access

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	to certain personal or non-personal data and is authorised to use that data for commercial or non-commercial purposes;	to certain personal or non-personal data and is authorised <u>has the right, including under Regulation (EU) 2016/679 in the case of personal data,</u> to use that data for commercial or non-commercial purposes;	to certain personal or non-personal data and <u>has the right, including under Regulation (EU) 2016/679 in the case of personal data,</u> is authorised to use that data for commercial or non-commercial purposes;	to certain personal or non-personal data and is authorised <u>has the right, including under Regulation (EU) 2016/679 in the case of personal data,</u> to use that data for commercial or non-commercial purposes; Text Origin: EP Mandate
	Article 2, first paragraph, point (6a)			
G 72a		<u>(6a) 'consent' means consent as defined in Article 4, point (11), of Regulation (EU) 2016/679 and subject to the conditions set out in Articles 7 and 8 of that Regulation;</u>		<u>(6a) (moved)</u>
	Article 2, first paragraph, point (6b)			
G 72b		<u>(6b) 'processing' means processing as defined in Article 4, point (2), of Regulation (EU) 2016/679;</u>		<u>(6b) (moved)</u>
	Article 2, first paragraph, point (6a)			
G 72c			<u>(6a) 'data re-user' means a natural or legal person who re-uses data;</u>	<u>(deleted)</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 2, first paragraph, point (7)				
73	(7) ‘data sharing’ means the provision by a data holder of data to a data user for the purpose of joint or individual use of the shared data, based on voluntary agreements, directly or through an intermediary;	(7) ‘data sharing’ means the provision by a data holder of data to a data user for the purpose of joint or individual use of the shared data, based on voluntary agreements, directly or through an intermediary;	(7) ‘data sharing’ means the provision <u>of data</u> by a data <u>subject or a data holder</u> holder of data to a data user for the purpose of joint or individual use of the shared <u>such</u> data, based on voluntary agreements <u>or Union or national law</u> , directly or through an intermediary, <u>for example under open or commercial licenses, for free or against remuneration</u> ;	(7) ‘data sharing’ means the provision <u>of data</u> by a data <u>subject or a data holder</u> holder of data to a data user for the purpose of joint or individual use of the shared <u>such</u> data, based on voluntary agreements <u>or Union or national law</u> , directly or through an intermediary, <u>for example under open or commercial licenses, for free or against remuneration</u> ; Text Origin: Council Mandate
Article 2, first paragraph, point (7a)				
73a			<u>(7a) ‘processing’ means processing as defined in point (2) of Article 4 of Regulation (EU) 2016/679;</u>	<u>(7a) ‘processing’ means processing as defined in point (2) of Article 4 of Regulation (EU) 2016/679;</u> Text Origin: Council Mandate
Article 2, first paragraph, point (8)				
74	(8) ‘access’ means processing by a data user of data that has been provided by a data holder, in	(8) ‘access’ means processing by a data user of data that has been provided by a data holder, in	(8) ‘access’ means processing by a data <u>use</u> user of data that has been provided by a data holder , in	(8) ‘access’ means processing by a data <u>use</u> user of data that has been provided by a data holder , in

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	accordance with specific technical, legal, or organisational requirements, without necessarily implying the transmission or downloading of such data;	accordance with specific technical, legal, or organisational requirements, without necessarily implying the transmission or downloading of such data;	accordance with specific technical, legal, or organisational requirements, without necessarily implying the transmission or downloading of such data;	accordance with specific technical, legal, or organisational requirements, without necessarily implying the transmission or downloading of such data; Text Origin: Council Mandate
Article 2, first paragraph, point (9)				
75	(9) ‘main establishment’ of a legal entity means the place of its central administration in the Union;	(9) ‘main establishment’ of a legal entity means the place of its central administration in the Union;	(9) ‘main establishment’ of a legal entity <u>person</u> means the place of its central administration in the Union;	(9) ‘main establishment’ of a legal entity <u>person</u> means the place of its central administration in the Union; Text Origin: Council Mandate
Article 2, first paragraph, point (9a)				
75a			<u>(9a) 'data cooperative' means an organisation providing data intermediation services and supporting its members, who are data subjects or small and medium-sized enterprises or one-person undertakings, in making informed choices before consenting to data processing, or in negotiating terms and conditions for data processing;</u>	<u>(9a) 'services of data cooperatives' means data intermediation services offered by an organizational structure constituted by data subjects or small and medium-sized enterprises or one-person undertakings, who are members of that structure, having as its principal object to support its members in the exercise of their rights with respect to certain data, including in making informed</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>choices before consenting to data processing and exchanging views on data processing purposes and conditions that would best represent the interests of members in relation to their data, or in negotiating terms and conditions for data processing on behalf of its members before giving permission to the processing of non-personal data or before they consent to the processing of personal data;</u>
Article 2, first paragraph, point (10)				
76	(10) ‘data altruism’ means the consent by data subjects to process personal data pertaining to them, or permissions of other data holders to allow the use of their non-personal data without seeking a reward, for purposes of general interest, such as scientific research purposes or improving public services;	(10) ‘data altruism’ means <u>the voluntary sharing of data based on</u> consent by data subjects to process personal data pertaining to them, or permissions of other data holders to allow the use of their non-personal data without seeking <u>or receiving</u> a reward, for purposes of general interest, such as scientific research purposes <u>or healthcare, combating climate change, improving mobility, facilitating the establishment of official statistics,</u> improving public services; <u>or scientific research purposes in the general interest.</u>	(10) ‘data altruism’ means the consent by data subjects to process personal data pertaining to them, or permissions of other <u>voluntary sharing of data by data subjects or</u> data holders to allow the use of their non-personal data without seeking a reward, for purposes <u>objectives</u> of general interest <u>defined in accordance with national law where applicable,</u> such as scientific research purposes, <u>policy making</u> or improving public services;	(10) ‘data altruism’ means <u>the voluntary sharing of data based on</u> consent by data subjects to process personal data pertaining to them, or permissions of other data holders to allow the use of their non-personal data without seeking <u>or receiving</u> a reward <u>that goes beyond a compensation related to the costs they incur making their data available,</u> for purposes of general interest, <u>defined in accordance with national law where applicable,</u> such as <u>healthcare, combating climate change, improving mobility,</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>facilitating the establishment of official statistics, improving public services, public policy making or</u> scientific research purposes or improving public services <u>in the general interest;</u>
Article 2, first paragraph, point (11)				
77	(11) ‘public sector body’ means the State, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law;	(11) ‘public sector body’ means the State, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law;	(11) ‘public sector body’ means the State, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law;	(11) ‘public sector body’ means the State, regional or local authorities, bodies governed by public law or associations formed by one or more such authorities or one or more such bodies governed by public law; Text Origin: Commission Proposal
Article 2, first paragraph, point (12), introductory part				
78	(12) ‘bodies governed by public law’ means bodies that have the following characteristics:	(12) ‘bodies governed by public law’ means bodies that have the following characteristics:	(12) ‘bodies governed by public law’ means bodies that have the following characteristics:	(12) ‘bodies governed by public law’ means bodies that have the following characteristics: Text Origin: Commission Proposal
Article 2, first paragraph, point (12)(a)				
79				

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	(a) they are established for the specific purpose of meeting needs in the general interest, and do not have an industrial or commercial character;	(a) they are established for the specific purpose of meeting needs in the general interest, and do not have an industrial or commercial character;	(a) they are established for the specific purpose of meeting needs in the general interest, and do not have an industrial or commercial character;	(a) they are established for the specific purpose of meeting needs in the general interest, and do not have an industrial or commercial character; Text Origin: Commission Proposal
Article 2, first paragraph, point (12)(b)				
80	(b) they have legal personality;	(b) they have legal personality;	(b) they have legal personality;	(b) they have legal personality; Text Origin: Commission Proposal
Article 2, first paragraph, point (12)(c)				
81	(c) they are financed, for the most part, by the State, regional or local authorities, or by other bodies governed by public law; or are subject to management supervision by those authorities or bodies; or have an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law;	(c) they are financed, for the most part, by the State, regional or local authorities, or by other bodies governed by public law; or are subject to management supervision by those authorities or bodies; or have an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law;	(c) they are financed, for the most part, by the State, regional or local authorities, or by other bodies governed by public law; or are subject to management supervision by those authorities or bodies; or have an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law;	(c) they are financed, for the most part, by the State, regional or local authorities, or by other bodies governed by public law; or are subject to management supervision by those authorities or bodies; or have an administrative, managerial or supervisory board, more than half of whose members are appointed by the State, regional or local authorities, or by other bodies governed by public law; Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 2, first paragraph, point (13), introductory part			
82	(13) ‘public undertaking’ means any undertaking over which the public sector bodies may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it; for the purpose of this definition, a dominant influence on the part of the public sector bodies shall be presumed in any of the following cases in which those bodies, directly or indirectly:	(13) ‘public undertaking’ means any undertaking over which the public sector bodies may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it; for the purpose of this definition, a dominant influence on the part of the public sector bodies shall be presumed in any of the following cases in which those bodies, directly or indirectly:	(13) ‘public undertaking’ means any undertaking over which the public sector bodies may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it; for the purpose of this definition, a dominant influence on the part of the public sector bodies shall be presumed in any of the following cases in which those bodies, directly or indirectly:	(13) ‘public undertaking’ means any undertaking over which the public sector bodies may exercise directly or indirectly a dominant influence by virtue of their ownership of it, their financial participation therein, or the rules which govern it; for the purpose of this definition, a dominant influence on the part of the public sector bodies shall be presumed in any of the following cases in which those bodies, directly or indirectly: Text Origin: Commission Proposal
	Article 2, first paragraph, point (13)(a)			
83	(a) hold the majority of the undertaking's subscribed capital;	(a) hold the majority of the undertaking's subscribed capital;	(a) hold the majority of the undertaking's subscribed capital;	(a) hold the majority of the undertaking's subscribed capital; Text Origin: Commission Proposal
	Article 2, first paragraph, point (13)(b)			
84	(b) control the majority of the votes attaching to shares issued by	(b) control the majority of the votes attaching to shares issued by	(b) control the majority of the votes attaching to shares issued by	(b) control the majority of the votes attaching to shares issued by

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	the undertaking;	the undertaking;	the undertaking;	the undertaking; <small>Text Origin: Commission Proposal</small>
Article 2, first paragraph, point (13)(c)				
85	(c) can appoint more than half of the undertaking's administrative, management or supervisory body;	(c) can appoint more than half of the undertaking's administrative, management or supervisory body;	(c) can appoint more than half of the undertaking's administrative, management or supervisory body;	(c) can appoint more than half of the undertaking's administrative, management or supervisory body; <small>Text Origin: Commission Proposal</small>
Article 2, first paragraph, point (14)				
86	(14) 'secure processing environment' means the physical or virtual environment and organisational means to provide the opportunity to re-use data in a manner that allows for the operator of the secure processing environment to determine and supervise all data processing actions, including to display, storage, download, export of the data and calculation of derivative data through computational algorithms.	(14) 'secure processing environment' means the physical or virtual environment and organisational means to provide the opportunity to re-use data in a manner <u>re-use data in accordance with applicable law, in particular the preservation of data subject rights under Regulation (EU) 2016/679, and to uphold data confidentiality, integrity and accessibility, and</u> that allows for the operator of the secure processing environment to determine and supervise all data processing actions, including to display, storage, download, export	(14) 'secure processing environment' means the physical or virtual environment and organisational means to provide the opportunity to re-use data in a manner that allows for the operator of <u>ensuring compliance with the requirements of Regulation (EU) 2016/679, in particular data subjects' rights, intellectual property rights, and commercial and statistical confidentiality, ensuring compliance with applicable Union and national law, and allowing the entity providing</u> the secure processing environment to	(14) 'secure processing environment' means the physical or virtual environment and organisational means to <u>ensuring compliance with the requirements of Regulation (EU) 2016/679, in particular data subjects' rights, intellectual property rights, and commercial and statistical confidentiality, integrity and accessibility, ensuring compliance with applicable Union and national law, and allowing the entity providing</u> provide the opportunity to re-use data in a manner that allows for the operator of the secure processing

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		of the data and calculation of derivative data through computational algorithms.	determine and supervise all data processing actions, including to display, storage, download, export of the data and calculation of derivative data through computational algorithms.	environment to determine and supervise all data processing actions, including to display, storage, download, export of the data and calculation of derivative data through computational algorithms. Text Origin: Council Mandate
Article 2, first paragraph, point (15)				
87	(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 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.	(15) ‘ <u>legal</u> representative’ means any a natural or legal person established in the Union explicitly designated to act on behalf of a provider of data sharing services <u>intermediation service</u> or an 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 <u>intermediation service</u> or entity with regard to the obligations of that provider of data sharing services <u>intermediation service</u> or entity set up by <u>under</u> this Regulation, <u>including to</u>	(15) ‘representative’ means any natural <u>person or any</u> or legal person established in the Union explicitly designated to act on behalf of a provider of data sharing <u>intermediation</u> services or an 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 <u>intermediation</u> services or entity with regard to the obligations of that provider of data sharing <u>intermediation</u> services or entity set up by this Regulation.	(15) ‘ <u>legal</u> representative’ means any a natural or legal person established in the Union explicitly designated to act on behalf of a provider of data sharing services <u>intermediation service</u> or an 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 <u>intermediation service</u> or entity with regard to the obligations of that provider of data sharing services <u>intermediation service</u> or entity set up by <u>under</u> this Regulation, <u>including to</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>initiate enforcement proceeding against a non-compliant provider of data intermediation services or a data altruism organisation not established in the Union.</u>		<u>initiate enforcement proceeding against a non-compliant provider of data intermediation services or a data altruism organisation not established in the Union.</u> Text Origin: EP Mandate
Article 2, first paragraph, point (15a)				
87a		<u>(15a) ‘data intermediation service’ means a service, which establishes relationships through technical, legal or other means between an undetermined number of data holders or data subjects and data users to enable or facilitate the sharing, exchange or pooling of data, under open data or commercial licenses for non-personal data, for a fee or free of cost, not including:</u> <u>(a) value-added data services, which aggregate data, transform or combine data with other data, or analyse it for the purpose of adding substantial value to it and make available the use of the resulting data to data users, unless they have a direct relationship with data holders for the purpose of data intermediation services;</u>		<u>(15a) (moved)</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>(b) services, exclusively used by one data holder in order to enable the use of data they hold, or used by multiple legal entities in a closed group, including contractually-defined collaborations or supplier or customer relationships, in particular those that have as a main objective the ensuring of functionalities of objects and devices connected to the internet-of-things;</u></p> <p><u>(c) services that focus on the intermediation of copyright-protected content;</u></p> <p><u>(d) services of consolidated tape providers as defined in Article 4(1), point (53), of Directive 2014/65/EU and account information service providers as defined in Article 4, point 19, of Directive(EU) 2015/2366;</u></p>		
	Article 2, first paragraph, point (15b)			
87b		<p><u>(15b) 'services of data cooperative' means services that support data subjects, one-person companies or SMEs, who are members of the cooperative or who confer power on the cooperative to negotiate terms and</u></p>		<u>(15b) (moved)</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>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.</u>		
CHAPTER II				
88	CHAPTER II re-use of certain categories of protected data held by public sector bodies	CHAPTER II re-use of certain categories of protected data held by public sector bodies	CHAPTER II re-use of certain categories of protected data held by public sector bodies	CHAPTER II re-use of certain categories of protected data held by public sector bodies Text Origin: Commission Proposal
Article 3				
89	Article 3 Categories of data	Article 3 Categories of data	Article 3 Categories of data	Article 3 Categories of data Text Origin: Commission Proposal
Article 3(1), introductory part				
90	(1) This Chapter applies to data	(1) This Chapter applies to data	(1) This Chapter applies to data	(1) This Chapter applies to data

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	held by public sector bodies which are protected on grounds of:	held by public sector bodies which are protected on grounds of:	held by public sector bodies which are protected on grounds of:	held by public sector bodies which are protected on grounds of: <small>Text Origin: Commission Proposal</small>
	Article 3(1), point (a)			
91	(a) commercial confidentiality ;	(a) commercial confidentiality ;	(a) commercial confidentiality <u>including business, professional and company secrets</u> ;	(a) commercial confidentiality <u>including business, professional and company secrets</u> ; <small>Text Origin: Council Mandate</small>
	Article 3(1), point (b)			
92	(b) statistical confidentiality;	(b) statistical confidentiality;	(b) statistical confidentiality;	(b) statistical confidentiality; <small>Text Origin: Commission Proposal</small>
	Article 3(1), point (c)			
93	(c) protection of intellectual property rights of third parties;	(c) protection of intellectual property rights of third parties;	(c) protection of intellectual property rights of third parties; <u>or</u>	(c) protection of intellectual property rights of third parties; <u>or</u> <small>Text Origin: Council Mandate</small>
	Article 3(1), point (d)			
94	(d) protection of personal data.	(d) protection of personal data.	(d) protection of personal data, <u>insofar as such data fall outside</u>	(d) protection of personal data, <u>insofar as such data fall outside</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>the scope of Directive (EU) 2019/1024.</u>	<u>the scope of Directive (EU) 2019/1024.</u> Text Origin: Council Mandate
Article 3(2), introductory part				
95	(2) This Chapter does not apply to:	(2) This Chapter does not apply to:	(2) This Chapter does not apply to:	(2) This Chapter does not apply to: Text Origin: Commission Proposal
Article 3(2), point (a)				
96	(a) data held by public undertakings;	(a) data held by public undertakings;	(a) data held by public undertakings;	(a) data held by public undertakings; Text Origin: Commission Proposal
Article 3(2), point (b)				
97	(b) data held by public service broadcasters and their subsidiaries, and by other bodies or their subsidiaries for the fulfilment of a public service broadcasting remit;	(b) data held by public service broadcasters and their subsidiaries, and by other bodies or their subsidiaries for the fulfilment of a public service broadcasting remit;	(b) data held by public service broadcasters and their subsidiaries, and by other bodies or their subsidiaries for the fulfilment of a public service broadcasting remit;	(b) data held by public service broadcasters and their subsidiaries, and by other bodies or their subsidiaries for the fulfilment of a public service broadcasting remit; Text Origin: Commission Proposal
Article 3(2), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
98	(c) data held by cultural establishments and educational establishments;	(c) data held by cultural establishments and educational establishments <u>protected by intellectual property rights</u> ;	(c) data held by cultural establishments and educational establishments;	(c) data held by cultural establishments and educational establishments; Text Origin: Council Mandate
Article 3(2), point (ca)				
98a		<u>(ca) data held by educational establishments</u> ;		<u>(ca) (deleted)</u>
Article 3(2), point (d)				
99	(d) data protected for reasons of national security , defence or public security;	(d) data protected for reasons of national security , defence or public security;	(d) data <u>held by public sector bodies which are</u> protected for reasons of national security-, defence or public security; <u>or</u>	(d) data <u>held by public sector bodies which are</u> protected for reasons of national security-, defence or public security; <u>or</u> Text Origin: Council Mandate
Article 3(2), point (e)				
100	(e) data the supply of which is an activity falling outside the scope of the public task of the public sector bodies concerned as defined by law or by other binding rules in the Member State concerned, or, in the absence of such rules, as defined in	(e) data the supply of which is an activity falling outside the scope of the public task of the public sector bodies concerned as defined by law or by other binding rules in the Member State concerned, or, in the absence of such rules, as defined in	(e) data the supply of which is an activity falling outside the scope of the public task of the public sector bodies concerned as defined by law or by other binding rules in the Member State concerned, or, in the absence of such rules, as defined in	(e) data the supply of which is an activity falling outside the scope of the public task of the public sector bodies concerned as defined by law or by other binding rules in the Member State concerned, or, in the absence of such rules, as defined in

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	accordance with common administrative practice in that Member State, provided that the scope of the public tasks is transparent and subject to review.	accordance with common administrative practice in that Member State, provided that the scope of the public tasks is transparent and subject to review.	accordance with common administrative practice in that Member State, provided that the scope of the public tasks is transparent and subject to review.	accordance with common administrative practice in that Member State, provided that the scope of the public tasks is transparent and subject to review. Text Origin: Commission Proposal
Article 3(3)				
101	(3) The provisions of this Chapter do not create any obligation on public sector bodies to allow re-use of data nor do they release public sector bodies from their confidentiality obligations. This Chapter is without prejudice to Union and national law or international agreements to which the Union or Member States are parties on the protection of categories of data provided in paragraph 1. This Chapter is without prejudice to Union and national law on access to documents and to obligations of public sector bodies under Union and national law to allow the re-use of data.	(3) The provisions of this Chapter do not create any obligation on public sector bodies to allow re-use of data nor do they release public sector bodies from their confidentiality obligations <u>under Union or national law</u> . This Chapter is without prejudice to Union and national law or international agreements to which the Union or Member States are parties on the protection of categories of data provided in paragraph 1. This Chapter is without prejudice to Union and national law on access to documents and to obligations of public sector bodies under Union and national law to allow the re-use of data.	(3) The provisions of This Chapter do <u>does</u> not create any obligation on public sector bodies to allow re-use of data nor do they <u>does it</u> release public sector bodies from their confidentiality obligations <u>under Union or national law</u> . This Chapter is without prejudice to Union and national law or international agreements to which the Union or Member States are parties on the protection of categories of data provided in paragraph 1. This Chapter is without prejudice to Union and national law on access to documents and to obligations of public sector bodies under Union and national law to allow the re-use of data.	(3) The provisions of This Chapter do <u>does</u> not create any obligation on public sector bodies to allow re-use of data nor do they <u>does it</u> release public sector bodies from their confidentiality obligations <u>under Union or national law</u> . This Chapter is without prejudice to Union and national law or international agreements to which the Union or Member States are parties on the protection of categories of data provided in paragraph 1. This Chapter is without prejudice to Union and national law on access to documents and to obligations of public sector bodies under Union and national law to allow the re-use of data. Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 4				
102	Article 4 Prohibition of exclusive arrangements	Article 4 Prohibition of exclusive arrangements	Article 4 Prohibition of exclusive arrangements	Article 4 Prohibition of exclusive arrangements Text Origin: Commission Proposal
Article 4(1)				
103	(1) Agreements or other practices pertaining to the re-use of data held by public sector bodies containing categories of data referred to in Article 3 (1) which grant exclusive rights or which have as their object or effect to grant such exclusive rights or to restrict the availability of data for re-use by entities other than the parties to such agreements or other practices shall be prohibited.	(1) Agreements or other practices pertaining to the re-use of data held by public sector bodies containing categories of data referred to in Article 3 (1) which grant exclusive rights or which have as their object or effect to grant such exclusive rights or to restrict the availability of data for re-use by entities other than the parties to such agreements or other practices shall be prohibited. <u>Such agreements or practices and the exclusive rights granted pursuant to them shall be void.</u>	(1) Agreements or other practices pertaining to the re-use of data held by public sector bodies containing categories of data referred to in Article 3 (1) which grant exclusive rights or which have as their object or effect to grant such exclusive rights or to restrict the availability of data for re-use by entities other than the parties to such agreements or other practices shall be prohibited.	(1) Agreements or other practices pertaining to the re-use of data held by public sector bodies containing categories of data referred to in Article 3 (1) which grant exclusive rights or which have as their object or effect to grant such exclusive rights or to restrict the availability of data for re-use by entities other than the parties to such agreements or other practices shall be prohibited. Text Origin: Council Mandate
Article 4(2)				
104	(2) By way of derogation from	(2) By way of derogation from	(2) By way of derogation from	(2) By way of derogation from

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	paragraph 1, an exclusive right to re-use data referred to in that paragraph may be granted to the extent necessary for the provision of a service or a product in the general interest.	paragraph 1, an exclusive right to re-use data referred to in that paragraph may be granted to the extent necessary for the provision of a service or a product in the general interest.	paragraph 1, an exclusive right to re-use data referred to in that paragraph may be granted to the extent necessary for the provision of a service or <u>the supply of</u> a product in the general interest <u>that would otherwise not be possible</u> .	paragraph 1, an exclusive right to re-use data referred to in that paragraph may be granted to the extent necessary for the provision of a service or <u>the supply of</u> a product in the general interest <u>that would otherwise not be possible</u> . Text Origin: Council Mandate
Article 4(3)				
105	(3) Such exclusive right shall be granted in the context of a relevant service or concession contract in compliance with applicable Union and national public procurement and concession award rules, or, in the case of a contract of a value for which neither Union nor national public procurement and concession award rules are applicable, in compliance with the principles of transparency, equal treatment and non-discrimination on grounds of nationality.	(3) Such exclusive right shall be granted in the context of a relevant service or concession contract in compliance with applicable Union and national public procurement and concession award rules, or, in the case of a contract of a value for which neither Union nor national public procurement and concession award rules are applicable, in compliance with the principles of transparency, equal treatment and non-discrimination on grounds of nationality.	(3) Such <u>An</u> exclusive right shall be granted in the context of a relevant service or concession contract according to paragraph 2 <u>shall be granted</u> in compliance with applicable Union and national public procurement and concession award rules, or, in the case of a contract of a value for which neither Union nor national public procurement and concession award rules are applicable, in compliance with the principles of transparency, equal treatment and non-discrimination on grounds of nationality .	(3) Such <u>An</u> exclusive right <u>according to paragraph 2</u> shall be granted in the context of a relevant service or concession contract in compliance <u>through an administrative act or contractual arrangement in accordance</u> with applicable Union and national public procurement and concession award rules, or, in the case of a contract of a value for which neither Union nor <u>or</u> national public procurement and concession award rules are applicable, <u>law</u> <u>and</u> in compliance with the principles of transparency, equal treatment and non-discrimination on grounds of nationality .
Article 4(4)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	106	(4) In all cases not covered by paragraph 3 and where the general interest purpose cannot be fulfilled without granting an exclusive right, the principles of transparency, equal treatment and non-discrimination on grounds of nationality shall apply.	(4) In all cases not covered by paragraph 3 and where the general interest purpose cannot be fulfilled without granting an exclusive right, the principles of transparency, equal treatment and non-discrimination on grounds of nationality shall apply. <u>(deleted)</u>	(4) In all cases not covered by paragraph 3 and where the general interest purpose cannot be fulfilled without granting an exclusive right, the principles of transparency, equal treatment and non-discrimination on grounds of nationality shall apply. <u>(deleted)</u>
	Article 4(5)			
R	107	(5) The period of exclusivity of the right to re-use data shall not exceed three years <u>12 months</u> . Where a contract is concluded, the duration of the contract awarded shall be as aligned with the period of exclusivity.	(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.	To be decided
	Article 4(6)			
G	108	(6) The award of an exclusive right pursuant to paragraphs (2) to (5), including the reasons <u>reasoned justification</u> why it is necessary to grant such a right, shall be transparent and be made publicly available online, regardless of a possible publication of an award of a public procurement and concessions contract.	(6) The award of an exclusive right pursuant to paragraphs (2) to (5), including the reasons why it is necessary to grant such a right, shall be transparent and be made publicly available online, regardless of a possible publication of an award of a public procurement and concessions contract <u>where relevant, in a form</u>	(6) The award of an exclusive right pursuant to paragraphs (2) to (5), including the reasons <u>reasoned justification</u> why it is necessary to grant such a right, shall be transparent and be made publicly available online, regardless of a possible publication of an award of a public procurement and concessions contract <u>where</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>that is in accordance with Union law on public procurement.</u>	<u>relevant, in a form that is in accordance with Union law on public procurement.</u> Text Origin: Council Mandate
Article 4(7)				
R 109	(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.	(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 <u>one year</u> after the date of entry into force of this Regulation.	(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 <u>paragraphs 2 and 3</u> , 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.	To be decided
Article 5				
G 110	Article 5 Conditions for re-use	Article 5 Conditions for re-use	Article 5 Conditions for re-use	Article 5 Conditions for re-use Text Origin: Commission Proposal
Article 5(1)				
G 111				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(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).	(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 <u>be equipped with the necessary human and financial resources and shall</u> make publicly available the conditions for allowing such re-use <u>and the procedure to request the re-use via the single information point referred to in Article 8</u> . In that task, they may be assisted by the competent bodies referred to in Article 7 (1).	(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).	(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 <u>be equipped with the necessary resources and shall</u> make publicly available the conditions for allowing such re-use <u>and the procedure to request the re-use via the single information point referred to in Article 8</u> . In that task, they may be assisted by the competent bodies referred to in Article 7 (1). Text Origin: EP Mandate modif
Article 5(2)				
112	(2) Conditions for re-use shall be non-discriminatory, proportionate and objectively justified with regard to categories of data and purposes of re-use and the nature of the data for which re-use is allowed. These conditions shall not be used to restrict competition.	(2) Conditions for re-use shall be non-discriminatory, <u>transparent</u> , proportionate and objectively justified with regard to categories of data and purposes of re-use and the nature of the data for which re-use is allowed. These <u>Those</u> conditions shall not be used to restrict competition, <u>including by being constructed in a way to pose restrictions to participate for SMEs, start-ups or civil society</u>	(2) Conditions for re-use shall be non-discriminatory, proportionate and objectively justified with regard to categories of data and purposes of re-use and the nature of the data for which re-use is allowed. These conditions shall not be used to restrict competition.	(2) Conditions for re-use shall be non-discriminatory, <u>transparent</u> , proportionate and objectively justified with regard to categories of data and purposes of re-use and the nature of the data for which re-use is allowed. These <u>Those</u> conditions shall not be used to restrict competition.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>actors</u> .		
	Article 5(3)			
113	<p>(3) Public sector bodies may impose an obligation to re-use only pre-processed data where such pre-processing aims to anonymize or pseudonymise personal data or delete commercially confidential information, including trade secrets.</p>	<p>(3) Public sector bodies <u>shall ensure that the protected nature of data is preserved, which may include providing for the following requirements:</u></p> <p>(a) <u>to only grant access to re-use</u>may impose an obligation to re-use only pre-processed data where such pre-processing aims to anonymize or pseudonymise <u>the public sector body or the competent body has ensured that data has been anonymised or pseudonymised in the case of</u> personal <u>data, and that data has been modified, aggregated or treated by any other method of disclosure control in the case of</u> data or delete commercially confidential information, including trade secrets <u>or content protected by intellectual property rights; where data for re-use has been pseudonymised it may only be accessed within a secure processing environment;</u></p> <p>(b) <u>to access and re-use the data remotely within a secure processing environment provided</u></p>	<p>(3) Public sector bodies <u>shall, in accordance with Union and national law,</u>may impose an obligation to re-use only pre-processed data where such pre-processing aims to anonymize or pseudonymise <u>the conditions necessary for preserving the protected nature of the data and taking into account the risks related to its processing. Such conditions may, inter alia, consist of the following:</u></p> <p>(a) <u>to access and re-use data that the public sector body or the competent body upon the request of the re-user anonymizes or pseudonymises in the case of</u> personal data, <u>or modifies, aggregates, or treats by any other method of disclosure control in the case of</u> or delete commercially confidential information <u>and confidential statistical data, or content protected by intellectual property rights;</u></p> <p>(b) <u>to access and re-use the data remotely within a secure</u></p>	<p>(3) Public sector bodies <u>shall, in accordance with Union and national law, ensure that the protected nature of data is preserved, which may include providing for the following requirements:</u></p> <p>(a) <u>to only grant access to re-use</u>may impose an obligation to re-use only pre-processed data where such pre-processing aims to anonymize or pseudonymise <u>the public sector body or the competent body, following the request to re-use, has ensured that data has been anonymised in the case of</u> personal data, <u>and that data has been modified, aggregated or treated by any other method of disclosure control in the case of</u> or delete commercially confidential information, including trade secrets <u>or content protected by intellectual property rights;</u></p> <p>(b) <u>to access and re-use the data remotely within a secure processing environment provided or controlled by the public sector body;</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>or controlled by the public sector body;</u> <u>(c) to access and re-use the data within the physical premises in which the secure processing environment is located in accordance with high security standards, if remote access cannot be allowed without jeopardising the rights and interests of third parties.</u>	<u>processing environment provided and controlled by the public sector; or</u> <u>(c) to access and re-use the data within the physical premises in which the secure processing environment is located, if remote access cannot be allowed without jeopardising the rights and interests of third parties;</u> including trade secrets.	<u>(c) to access and re-use the data within the physical premises in which the secure processing environment is located in accordance with high security standards, if remote access cannot be allowed without jeopardising the rights and interests of third parties.</u>
	Article 5(4), introductory part			
G	114 (4) Public sector bodies may impose obligations	(4) Public sector bodies may impose obligations	(4) Public sector bodies may impose obligations <u>(deleted)</u>	(4) Public sector bodies may impose obligations <u>(deleted)</u> Text Origin: Council Mandate
	Article 5(4), point (a)			
G	115 (a) to access and re-use the data within a secure processing environment provided and controlled by the public sector ;	(a) to access and re-use the data within a secure processing environment provided and controlled by the public sector ;	(a) to access and re-use the data within a secure processing environment provided and controlled by the public sector ; <u>(deleted)</u>	(a) to access and re-use the data within a secure processing environment provided and controlled by the public sector ; <u>(deleted)</u> Text Origin: Council Mandate
	Article 5(4), point (b)			
G	116			G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(b) to access and re-use the data within the physical premises in which the secure processing environment is located, if remote access cannot be allowed without jeopardising the rights and interests of third parties.	(b) to access and re-use the data within the physical premises in which the secure processing environment is located, if remote access cannot be allowed without jeopardising the rights and interests of third parties.	(b) to access and re-use the data within the physical premises in which the secure processing environment is located, if remote access cannot be allowed without jeopardising the rights and interests of third parties. <u>(deleted)</u>	(b) to access and re-use the data within the physical premises in which the secure processing environment is located, if remote access cannot be allowed without jeopardising the rights and interests of third parties. <u>(deleted)</u> Text Origin: Council Mandate
Article 5(5)				
117	(5) The public sector bodies shall impose conditions that preserve the integrity of the functioning of the technical systems of the secure processing environment used. The public sector body shall be able to verify any results of processing of data undertaken by the re-user and reserve the right to prohibit the use of results that contain information jeopardising the rights and interests of third parties.	(5) The public sector bodies shall impose conditions that preserve the integrity of the functioning of the technical systems of the secure processing environment used, <u>including a high level cybersecurity standards</u> . The public sector body shall be able <u>reserve the right</u> to verify <u>the process, the means and</u> any results of processing of data undertaken by the re-user and reserve the right, <u>after giving the re-user the possibility to provide further information</u> , to prohibit the use of results that contain information jeopardising the rights and interests of third parties <u>such as intellectual property rights, trade secrets or the rights referred to in Regulation (EU) 2016/679. Re-use</u>	(5) <u>In the case of re-use allowed according to paragraph 3 points (b) and (c)</u> the public sector bodies shall impose conditions that preserve the integrity of the functioning of the technical systems of the secure processing environment used. The public sector body shall be able <u>reserve the right</u> to verify <u>the process, the means and</u> any results of processing of data undertaken by the re-user <u>to preserve the integrity of the protection of the data</u> and reserve the right to prohibit the use of results that contain information jeopardising the rights and interests of third parties.	(5) <u>In the case of re-use allowed according to paragraph 3 points (b) and (c)</u> the public sector bodies shall impose conditions that preserve the integrity of the functioning of the technical systems of the secure processing environment used. The public sector body shall be able <u>reserve the right</u> to verify <u>the process, the means and</u> any results of processing of data undertaken by the re-user <u>to preserve the integrity of the protection of the data</u> and reserve the right to prohibit the use of results that contain information jeopardising the rights and interests of third parties. <u>The decision to prohibit reuse of the result shall be comprehensible and transparent to the reuser.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>of data shall be conditional on the adherence by the re-user to a confidentiality agreement.</u>		
Article 5(5a)				
117a			<u>5a. Unless national law includes specific safeguards on applicable confidentiality obligations relating to the re-use of data covered in Article 3(1), the public sector body shall make the use of data provided in accordance with paragraph 3 conditional on the adherence by the re-user to a confidentiality obligation 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. Re-users shall be prohibited from re-identifying any data subject to whom the data relates and shall be required to assess on an on-going basis the risks of re-identification and to notify any data breach resulting in the re-identification of the data subjects concerned to the public sector body. The re-user shall without undue delay, where appropriate with the assistance of</u>	<u>5a. Unless national law includes specific safeguards on applicable confidentiality obligations relating to the re-use of data covered in Article 3(1), the public sector body shall make the use of data provided in accordance with paragraph 3 conditional on the adherence by the re-user to a confidentiality obligation 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. Re-users shall be prohibited from re-identifying any data subject to whom the data relates and shall take technical and operational measures to prevent re-identification and to notify any data breach resulting in the re-identification of the data subjects concerned to the public sector body. The re-user shall without undue delay, where appropriate with the assistance of</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>the public sector body, inform the legal persons whose rights may be affected in case an unauthorised re-use of non-personal data occurs.</u>	<u>the public sector body, inform the legal persons whose rights may be affected in case an unauthorised re-use of non-personal data occurs.</u> Text Origin: Council Mandate
Article 5(6)				
118	(6) Where the re-use of data cannot be granted in accordance with the obligations laid down in paragraphs 3 to 5 and there is no other legal basis for transmitting the data under Regulation (EU) 2016/679, the public sector body shall support re-users in seeking consent of the data subjects and/or permission from the legal entities whose rights and interests may be affected by such re-use, where it is feasible without disproportionate cost for the public sector. In that task they may be assisted by the competent bodies referred to in Article 7 (1).	(6) Where the re-use of data cannot be granted in accordance with the obligations laid down in paragraphs 3 to 5 and there is no other legal basis for transmitting the data under Regulation (EU) 2016/679, the public sector body shall support re-users in seeking <u>valid</u> consent of the data subjects <u>insofar as a legal basis exists for the public sector body to collect their consent</u> , and/or permission from the legal entities—whose rights and interests may be affected by such re-use, where it is feasible without disproportionate cost for the public sector, <u>and where there is no reason to believe that the combination of non-personal data sets would lead to the identification of data subjects</u> . In that task they may be assisted by	(6) Where the re-use of data cannot be granted in accordance with the obligations laid down in paragraphs 3 to 5 and there is no other legal basis for transmitting the data under Regulation (EU) 2016/679, the public sector body <u>may, insofar as allowed by Union and national law, provide assistance to potential</u> shall support re-users in seeking consent of the data subjects and/or permission from the legal entities <u>data holders</u> whose rights and interests may be affected by such re-use, where it is feasible without disproportionate cost <u>burden</u> for the public sector <u>body</u> . In that task they <u>it</u> may be assisted by the competent bodies referred to in Article 7 (1).	To be decided - shall support/may provide assistance

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		the competent bodies referred to in Article 7 (1).		
	Article 5(6a)			
R 118a		<u>6a. Where public sector bodies make available personal data for re-use pursuant to this Article, the public sector bodies shall support data subjects in exercising their rights, including in relation to any re-users. When performing that task, the public sector bodies may be assisted by the competent bodies referred to in Article 7(1).</u>		To be decided with line 118
	Article 5(7)			
G 119	(7) Re-use of data shall only be allowed in compliance with intellectual property rights. The right of the maker of a database as provided for in Article 7(1) of Directive 96/9/EC shall not be exercised by public sector bodies in order to prevent the re-use of data or to restrict re-use beyond the limits set by this Regulation.	(7) Re-use of data shall only be allowed in compliance with intellectual property rights. The right of the maker of a database as provided for in Article 7(1) of Directive 96/9/EC shall not be exercised by public sector bodies in order to prevent the re-use of data or to restrict re-use beyond the limits set by this Regulation.	(7) Re-use of data shall only be allowed in compliance with intellectual property rights. The right of the maker of a database as provided for in Article 7(1) of Directive 96/9/EC shall not be exercised by public sector bodies in order to prevent the re-use of data or to restrict re-use beyond the limits set by this Regulation.	(7) Re-use of data shall only be allowed in compliance with intellectual property rights. The right of the maker of a database as provided for in Article 7(1) of Directive 96/9/EC shall not be exercised by public sector bodies in order to prevent the re-use of data or to restrict re-use beyond the limits set by this Regulation. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 5(8)				
120	(8) When data requested is considered confidential, in accordance with Union or national law on commercial confidentiality, the public sector bodies shall ensure that the confidential information is not disclosed as a result of the re-use.	(8) When data requested is considered confidential, in accordance with Union or national law on commercial confidentiality , the public sector bodies shall ensure that the confidential information is not disclosed as a result of the re-use.	(8) When data requested, <u>or part thereof</u> , is considered <u>to be confidential information under Article 3 (1) (a) and (b)</u> , in accordance with Union or national law on commercial <u>or statistical confidentiality</u> , the public sector bodies <u>re-use of such data</u> shall ensure that <u>only be allowed in case</u> the confidential information is not disclosed as a result of the re-use <u>allowing such re-use, unless such re-use is allowed in accordance with paragraph (6).</u>	(8) When data requested is considered confidential, in accordance with Union or national law on commercial <u>or statistical confidentiality</u> , the public sector bodies shall ensure that the confidential information is not disclosed as a result of the re-use <u>allowing such re-use, unless such re-use is allowed in accordance with paragraph (6).</u> Text Origin: Commission Proposal modif
Article 5(8a)				
120a			<u>8a. Where a re-user intends to transfer non-personal data protected on the grounds set out in Article 3(1) to a third country, it shall inform the public sector body of its intention as well as of the purpose of the transfer at the time of requesting the re-use. In the case of re-use in accordance with paragraph 6, the re-user shall, where appropriate with the assistance of the public sector body, inform the legal person</u>	<u>8a. Where a re-user intends to transfer non-personal data protected on the grounds set out in Article 3(1) to a third country, it shall inform the public sector body of its intention as well as of the purpose of the transfer at the time of requesting the re-use. In the case of re-use in accordance with paragraph 6, the re-user shall, where appropriate with the assistance of the public sector body, inform the legal person</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>whose rights and interests may be affected of that intention, purpose and the appropriate safeguards, and the public sector body shall not allow the re-use unless the legal person gives the permission for the transfer.</u>	<u>whose rights and interests may be affected of that intention, purpose and the appropriate safeguards, and the public sector body shall not allow the re-use unless the legal person gives the permission for the transfer.</u> Text Origin: Council Mandate
Article 5(9), first subparagraph, introductory part				
R 121	(9) The Commission may adopt implementing acts declaring that the legal, supervisory and enforcement arrangements of a third country:	(9) <u>In consultation with the European Data Innovation Board and where justified by the volume of requests for re-use of non-personal data from specific third countries,</u> the Commission may <u>is empowered to</u> adopt implementing acts <u>delegated acts in accordance with Article 28, supplementing this Regulation by</u> declaring that the legal, supervisory and enforcement arrangements of that <u>specific</u> third country:	(9) The Commission may adopt implementing acts declaring that the legal, supervisory and enforcement arrangements of a third country: <u>(deleted)</u>	To be decided
Article 5(9), first subparagraph, point (a)				
R 122	(a) ensure protection of intellectual property and trade secrets in a way that is essentially	(a) ensure protection of intellectual property and trade secrets in a way that is essentially	(a) ensure protection of intellectual property and trade secrets in a way that is essentially	To be decided

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	equivalent to the protection ensured under Union law;	equivalent to the protection ensured under Union law;	equivalent to the protection ensured under Union law; <u>(deleted)</u>	
	Article 5(9), first subparagraph, point (b)			
R	123	(b) are being effectively applied and enforced; and	(b) are being effectively applied and enforced; and <u>(deleted)</u>	To be decided
	Article 5(9), first subparagraph, point (c)			
R	124	(c) provide effective judicial redress.	(c) provide effective judicial redress. <u>(deleted)</u>	To be decided
	Article 5(9), second subparagraph			
R	125	Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 29 (2).	Those implementing <u>delegated</u> acts shall be adopted in accordance with the advisory procedure referred to in Article 29 (2) <u>without prejudice to the adequacy decisions set out in Article 45 of Regulation (EU) 2016/679, including in cases where personal and non-personal data are inextricably linked.</u>	Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 29 (2). <u>(deleted)</u>
	Article 5(10), introductory part			
G	126	(10) Public sector bodies shall only transmit confidential data or	(10) Public sector bodies <u>The re-user</u> shall only transmit	(10) Public sector bodies shall only transmit <u>non-personal</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	data protected by intellectual property rights to a re-user which intends to transfer the data to a third country other than a country designated in accordance with paragraph 9 if the re-user undertakes:	<u>personal</u> confidential data or data protected by intellectual property rights to a re-user which intends to transfer the <u>those</u> data to a third country other than a country designated in accordance with paragraph 9 <u>only</u> if the re-user undertakes <u>to</u> :	confidential data or <u>not transfer non-personal</u> data protected by intellectual property rights to a re-user which intends to transfer the data <u>on grounds set out in Article 3</u> to a third country other than a country designated in accordance with paragraph 9 if <u>10a unless</u> the re-user undertakes:	confidential data or data protected by intellectual property rights to a re-user which intends to transfer the <u>those</u> data to a third country other than a country designated in accordance with paragraph 9 <u>only</u> if the re-user undertakes <u>contractually commits to</u> :
	Article 5(10), point (a)			
127	(a) to comply with the obligations imposed in accordance with paragraphs 7 to 8 even after the data is transferred to the third country; and	(a) to comply with the obligations imposed in accordance with paragraphs 7 to <u>and</u> 8 even after the data is transferred to the third country; and	(a) to comply with the obligations imposed in accordance with paragraphs 7 to <u>and</u> 8 even after the data is transferred to the third country; and	(a) to comply with the obligations imposed in accordance with paragraphs 7 to <u>and</u> 8 even after the data is transferred to the third country; and Text Origin: EP Mandate
	Article 5(10), point (b)			
128	(b) to accept the jurisdiction of the courts of the Member State of the public sector body as regards any dispute related to the compliance with the obligation in point a).	(b) to accept the jurisdiction of the courts of the Member State of the <u>transmitting</u> public sector body as regards any dispute related to the compliance with the obligation in point a) <u>paragraphs 7 and 8.</u>	(b) to accept the jurisdiction of the courts of the Member State of the public sector body as regards any dispute related to the compliance with the obligation in point a).	(b) to accept the jurisdiction of the courts of the Member State of the <u>transmitting</u> public sector body as regards any dispute related to the compliance with the obligation in point a) <u>paragraphs 7 and 8.</u> Text Origin: EP Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 5(10), subparagraph 1 a to 1 d (new)			
128a		<p><u>10a. Public sector bodies shall, where relevant and to the extent of their capabilities, provide guidance and support to re-users for the purpose of supporting them in complying with the obligations referred to in the first subparagraph.</u></p> <p><u>The Commission shall issue guidelines on the obligations referred to in the first subparagraph, in particular to support re-users.</u></p> <p><u>The Commission shall also, by means of implementing acts, establish standard contractual clauses for the transfer by re-users of non-personal data to a third country as referred to in the first subparagraph.</u></p> <p><u>The implementing acts referred to in the fourth subparagraph of this paragraph shall be adopted in accordance with the advisory procedure referred to in Article 29(2).</u></p>		<p><u>10a. Public sector bodies shall, where relevant and to the extent of their capabilities, provide guidance and support to re-users in complying with the obligations referred to in the first subparagraph. In order to support public sector bodies and re-users, the Commission may adopt implementing acts providing model contractual clauses for complying with the obligations referred to in paragraph (10) points (a) and (b). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 29 (2)</u></p> <p>To be decided - IAs with examination or advisory procedure</p>
	Article 5(10a)			
128b				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><u>10a. In order to support public sector bodies and re-users, the Commission may adopt implementing acts providing model contractual clauses for complying with the obligations referred to in paragraph (10) points (a) and (b). Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 29(3).</u></p>	<p><u>10a. In order to support public sector bodies and re-users, the Commission may adopt implementing acts providing model contractual clauses for complying with the obligations referred to in paragraph (10) points (a) and (b). [Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 29(3).]</u></p> <p>To be decided - IAs with examination or advisory procedure</p> <p>Text Origin: Council Mandate</p>
Article 5(10b)				
128c			<p><u>10b. When justified by a substantial number of requests across the Union concerning the re-use of non-personal data in specific third countries, the Commission may adopt implementing acts declaring that the legal, supervisory and enforcement arrangements of a third country:</u></p> <p><u>(a) ensure protection of intellectual property and trade</u></p>	<p>To be decided</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>secrets in a way that is essentially equivalent to the protection ensured under Union law;</u> <u>(b) are being effectively applied and enforced; and</u> <u>(c) provide effective judicial redress.</u> <u>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 29 (3).</u>	
Article 5(11)				
129	<p>(11) Where specific Union acts adopted in accordance with a legislative procedure establish that certain non-personal data categories held by public sector bodies shall be deemed to be highly sensitive for the purposes of this Article, the Commission shall be empowered to adopt delegated acts in accordance with Article 28 supplementing this Regulation by laying down special conditions applicable for transfers to third-countries. The conditions for the transfer to third-countries shall be based on the nature of data categories identified in the Union act and on the grounds for deeming them highly sensitive, non-</p>	<p>(11) Where Specific Union acts adopted in accordance with a legislative procedure <u>may</u> establish that certain non-personal data categories held by public sector bodies shall be deemed to be highly sensitive for the purposes of this Article, <u>where their transfer to third countries may put at risk Union policy objectives, such as safety and public health, or may lead to the risk of re-identification of anonymised data.</u> The Commission shall be empowered to adopt delegated acts in accordance with Article 28 supplementing this Regulation by laying down special conditions applicable for transfers to third-</p>	<p>(11) Where Specific Union acts adopted in accordance with a legislative procedure establish that<u>may deem</u> certain non-personal data categories held by public sector bodies shall be deemed to be highly sensitive for the purposes of this Article, the Commission shall be empowered to adopt delegated acts in accordance with Article 28 supplementing this Regulation by laying down special conditions applicable for transfers to third-countries. The <u>where their transfer to third countries may put at risk Union policy objectives, such as safety and public health, or may lead to the risk of re-identification of non-personal,</u></p>	To be decided

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>discriminatory and limited to what is necessary to achieve the public policy objectives identified in the Union law act, such as safety and public health, as well as risks of re-identification of anonymized data for data subjects, in accordance with the Union's international obligations. They may include terms applicable for the transfer or technical arrangements in this regard, limitations as regards the re-use of data in third-countries or categories of persons which are entitled to transfer such data to third countries or, in exceptional cases, restrictions as regards transfers to third-countries.</p>	<p>countries, <u>based on the recommendations from the European Data Innovation Board</u>.</p> <p>The conditions for the transfer to third-countries shall be based on the nature of data categories identified in the Union act and on the grounds for deeming them highly sensitive, non-discriminatory and limited to what is necessary to achieve the public policy objectives identified in the Union law act, such as safety and public health, as well as risks of re-identification of anonymized data for data subjects, in accordance with the Union's international obligations. They may include terms applicable for the transfer or technical arrangements in this regard, limitations as regards the re-use of data in third-countries or categories of persons which are entitled to transfer such data to third countries or, in exceptional cases, restrictions as regards transfers to third-countries.</p>	<p><u>anonymised data. Where such an act is adopted, the Commission shall lay down</u> conditions for<u>applicable to</u> the transfer to third-countries <u>of such data by way of implementing acts .</u></p> <p><u>Those conditions</u> shall be based on the nature of <u>non-personal</u> data categories identified in the <u>specific</u> Union act and on the grounds for deeming them highly sensitive, non-discriminatory and limited to what is necessary to achieve the public policy objectives identified in the Union law act, such as safety and public health, as well as risks of re-identification of anonymized data for data subjects, in accordance with the Union's international obligations.</p> <p><u>If specific Union acts under the first subparagraph require so, such conditions</u> They may include terms applicable for the transfer or technical arrangements in this regard, limitations as regards the re-use of data in third-countries or categories of persons which are entitled to transfer such data to third countries or, in exceptional cases, restrictions as regards transfers to third-</p>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			countries. <u><i>Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 29(3).</i></u>	
Article 5(12)				
Y	130 (12) The natural or legal person to which the right to re-use non-personal data was granted may transfer the data only to those third-countries for which the requirements in paragraphs 9 to 11 are met.	(12) The natural or legal person to which the right to re-use non-personal data was granted may transfer the data only to those third-countries for which the requirements in paragraphs 9 to 11 are met.	(12) The natural or legal person to which the right to re-use non-personal data was granted may transfer the data only to those third-countries for which the requirements in paragraphs 9 <u>10</u> to 11 are met.	(12) The natural or legal person to which the right to re-use non-personal data was granted may transfer the data only to those third-countries for which the requirements in paragraphs 9 <u>9/10</u> to 11 are met. To be aligned with deletion or not of para 9 Text Origin: Council Mandate
Article 5(13)				
G	131 (13) Where the re-user intends to transfer non-personal data to a third country, the public sector body shall inform the data holder about the transfer of data to that third country.	(13) Where the re-user intends to transfer non-personal data to a third country, the public sector body shall inform the data holder about the transfer of <u>intention to transfer</u> data to that third country <u>and the purpose of such a transfer</u> .	(13) Where the re-user intends to transfer non-personal data to a third country, the public sector body shall inform the data holder about the transfer of data to that third country. <u>(deleted)</u>	(13) Where the re-user intends to transfer non-personal data to a third country, the public sector body shall inform the data holder about the transfer of data to that third country. <u>(moved)</u> Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 6				
132	Article 6 Fees	Article 6 Fees	Article 6 Fees	Article 6 Fees Text Origin: Commission Proposal
Article 6(1)				
133	(1) Public sector bodies which allow re-use of the categories of data referred to in Article 3 (1) may charge fees for allowing the re-use of such data.	(1) Public sector bodies which allow re-use of the categories of data referred to in Article 3 (1) may charge fees for allowing the re-use of such data.	(1) Public sector bodies which allow re-use of the categories of data referred to in Article 3 (1) may charge fees for allowing the re-use of such data.	(1) Public sector bodies which allow re-use of the categories of data referred to in Article 3 (1) may charge fees for allowing the re-use of such data. Text Origin: Commission Proposal
Article 6(2)				
134	(2) Any fees shall be non-discriminatory, proportionate and objectively justified and shall not restrict competition.	(2) Any fees <u>charged pursuant to paragraph 1</u> shall be <u>transparent, with the cost of making available data for re-use</u> , and objectively justified and shall not restrict competition.	(2) Any fees shall be non-discriminatory, proportionate and objectively justified and shall not restrict competition.	(2) Any fees <u>charged pursuant to paragraph 1</u> shall be <u>transparent</u> , non-discriminatory, proportionate and objectively justified and shall not restrict competition. Text Origin: EP Mandate
Article 6(3)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
135	(3) Public sector bodies shall ensure that any fees can be paid online through widely available cross-border payment services, without discrimination based on the place of establishment of the payment service provider, the place of issue of the payment instrument or the location of the payment account within the Union.	(3) Public sector bodies shall ensure that any fees can <u>also</u> be paid online through widely available cross-border payment services, without discrimination based on the place of establishment of the payment service provider, the place of issue of the payment instrument or the location of the payment account within the Union .	(3) Public sector bodies shall ensure that any fees can be paid online through widely available cross-border payment services, without discrimination based on the place of establishment of the payment service provider, the place of issue of the payment instrument or the location of the payment account within the Union.	(3) Public sector bodies shall ensure that any fees can <u>also</u> be paid online through widely available cross-border payment services, without discrimination based on the place of establishment of the payment service provider, the place of issue of the payment instrument or the location of the payment account within the Union. Text Origin: Commission Proposal modif
Article 6(4)				
136	(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.	(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 <u>SMEs and start-ups</u> in line with State aid rules. <u>In that regard, public sector bodies may also make the data available at a discounted fee or free of charge, in particular to SMEs and start-ups, civil society and educational establishments. To that end, public sector bodies may establish a list of categories</u>	(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 <u>such as scientific research purposes</u> and by small and medium-sized enterprises in line with State aid rules. <u>This may include allowing re-use at lower or no fee.</u>	(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 <u>such as scientific research purposes</u> and by small and medium-sized enterprises <u>SMEs and start-ups</u> in line with State aid rules. <u>In that regard, public sector bodies may also make the data available at a discounted fee or free of charge, in particular to SMEs and start-ups, civil society and educational establishments.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>of re-users to which data is made available at a discounted fee or free of charge. That list, together with the criteria used to establish it, shall be made public.</u>		<u>To that end, public sector bodies may establish a list of categories of re-users to which data is made available at a discounted fee or free of charge. That list, together with the criteria used to establish it, shall be made public.</u> Text Origin: EP Mandate modif
Article 6(5)				
137	(5) Fees shall be derived from the costs related to the processing of requests for re-use of the categories of data referred to in Article 3 (1). The methodology for calculating fees shall be published in advance.	(5) Fees shall be derived from the costs related to the processing of requests for re-use of the categories of data referred to in Article 3 (1). The methodology for calculating fees shall be published in advance.	(5) Fees shall be derived from the costs related to the processing of requests for re-use of the categories of data referred to in Article 3 (1). <u>Any fees shall be limited to the necessary costs incurred for the reproduction, provision and dissemination of data, rights' clearance, costs for anonymisation or other forms or preparation of personal and confidential data as provided for in Article 5(3), costs for the maintenance of the secure processing environment, costs in relation to the acquisition of the right to permit re-use in accordance with this Chapter from third parties outside the public sector, as well as any costs in relation to supporting re-users</u>	(5) Fees shall be derived from the costs related to the processing of requests for re-use of the categories of data referred to in Article 3 (1). <u>Any fees shall be limited to the necessary costs incurred for the reproduction, provision and dissemination of data, rights' clearance, costs for anonymisation or other forms or preparation of personal and confidential data as provided for in Article 5(3), costs for the maintenance of the secure processing environment, costs in relation to the acquisition of the right to permit re-use in accordance with this Chapter from third parties outside the public sector, as well as any costs in relation to supporting re-users</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<i>in seeking consent from data subjects and permission from data holders whose rights and interests may be affected by such re-use</i> The methodology for calculating fees shall be published in advance.	<i>in seeking consent from data subjects and permission from data holders whose rights and interests may be affected by such re-use</i> The methodology for calculating fees shall be published in advance. Text Origin: Council Mandate
Article 6(6)				
138	(6) The public sector body shall publish a description of the main categories of costs and the rules used for the allocation of costs.	(6) The public sector body shall publish a description of the main categories of costs and the rules used for the allocation of costs.	(6) <i>The criteria and methodology for calculating fees shall be laid down by the Member States and published in advance.</i> The public sector body shall publish a description of the main categories of costs and the rules used for the allocation of costs.	(6) <i>The criteria and methodology for calculating fees shall be laid down by the Member States and published in advance.</i> The public sector body shall publish a description of the main categories of costs and the rules used for the allocation of costs. Text Origin: Council Mandate
Article 7				
139	Article 7 Competent bodies	Article 7 Competent bodies	Article 7 Competent bodies	Article 7 Competent bodies Text Origin: Commission Proposal
Article 7(1)				
140				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	(1) Member States shall designate one or more competent bodies, which may be sectoral, to support the public sector bodies which grant access to the re-use of the categories of data referred to in Article 3 (1) in the exercise of that task.	(1) Member States shall designate one or more competent bodies, which may be sectoral, to support the public sector bodies which grant access to the re-use of the categories of data referred to in Article 3 (1) in the exercise of that task. <u>In order to fulfil the requirements set out in this Regulation, Member States may delegate the tasks to an existing competent body or bodies, as long as requirements laid down in paragraph 4 of this Article are met.</u>	(1) <u>For the tasks mentioned in this Article,</u> Member States shall designate one or more competent bodies, which may be sectoral, to support the public sector bodies which grant access to the re-use of the categories of data referred to in Article 3 (1) in the exercise of that task. <u>Member States may either establish one or more new competent bodies or rely on existing public sector bodies or on internal services of public sector bodies that fulfil the conditions set out by this Regulation.</u>	(1) <u>For the tasks mentioned in this Article,</u> Member States shall designate one or more competent bodies, which may be sectoral, to support the public sector bodies which grant access to the re-use of the categories of data referred to in Article 3 (1) in the exercise of that task. <u>Member States may either establish one or more new competent bodies or rely on existing public sector bodies or on internal services of public sector bodies that fulfil the conditions set out by this Regulation.</u> Text Origin: Council Mandate
Article 7(1a)				
140a			<u>1a. The competent bodies may also be entrusted, pursuant to 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 8a shall apply in regard to such competent bodies.</u>	<u>1a. The competent bodies may also be entrusted, pursuant to 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 8a shall apply in regard to such competent bodies.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 7(1b)				
140b			<u><i>1b. The competent bodies shall have adequate legal, financial and technical resources 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).</i></u>	<u><i>1b. The competent bodies shall have adequate legal, financial, technical and human resources to carry out the tasks assigned to them, including the necessary technical knowledge 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).</i></u> Text Origin: Council Mandate
Article 7(2), introductory part				
141	(2) The support provided for in paragraph 1 shall include, where necessary:	(2) The support provided for in paragraph 1 shall include, where necessary:	(2) The support provided for in paragraph 1 shall include, where necessary:	(2) The support provided for in paragraph 1 shall include, where necessary: Text Origin: Commission Proposal
Article 7(2), point (a)				
142	(a) providing technical support by making available a secure processing environment for providing access for the re-use of	(a) providing technical support by making available a secure processing environment for providing access for the re-use of	(a) providing technical support by making available a secure processing environment for providing access for the re-use of	(a) providing technical support by making available a secure processing environment for providing access for the re-use of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	data;	data;	data;	data; <small>Text Origin: Commission Proposal</small>
Article 7(2), point (aa)				
142a		<u>(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, interoperable, transferable and searchable, taking into account best practices for data processing, as well as any existing regulatory and technical standards;</u>		<u>(aa) providing guidance and technical support on how to best structure and store data to make data easily accessible;</u> <small>Text Origin: EP Mandate</small>
Article 7(2), point (b)				
143	(b) providing technical support in the application of tested techniques ensuring data processing in a manner that preserves privacy of the information contained in the data for which re-use is allowed, including techniques for pseudonymisation, anonymisation, generalisation, suppression and randomisation of personal data;	(b) providing technical support in the application of tested techniques <u>for pseudonymisation and</u> ensuring data processing in a manner that <u>effectively</u> preserves <u>the</u> privacy, <u>integrity and accessibility</u> of the information contained in the data for which re-use is allowed, including techniques for pseudonymisation, the	(b) providing technical support in the application of tested techniques <u>for</u> ensuring data processing in a manner that preserves privacy <u>and confidentiality</u> of the information contained in the data for which re-use is allowed, including techniques for pseudonymisation, anonymisation, generalisation, suppression and randomisation of personal data;	(b) providing technical support in the application of tested techniques <u>for pseudonymisation and</u> ensuring data processing in a manner that <u>effectively</u> preserves <u>the</u> privacy, <u>confidentiality, integrity and accessibility</u> of the information contained in the data for which re-use is allowed, including techniques for pseudonymisation, the

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		anonymisation, generalisation, suppression and , randomisation of personal data <u>or other state-of-the-art privacy preserving methods, and the deletion of commercially confidential information, including trade secrets or content protected by intellectual property rights</u> ;		anonymisation, generalisation, suppression and , randomisation of personal data <u>or other state-of-the-art privacy preserving methods, and the deletion of commercially confidential information, including trade secrets or content protected by intellectual property rights</u> ; Text Origin: EP Mandate
Article 7(2), point (c)				
144	(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;	(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 <u>and assisting the public sector bodies in establishing technical mechanisms that allow the transmission of requests for consent from re-users, where practically feasible</u> ;	(c) <u>where relevant</u> , assisting the public sector bodies, where relevant, in obtaining consent or permission by re-users <u>to provide assistance to re-users in obtaining consent</u> for re-use for altruistic and other purposes from data subjects or permission from data holders in line with <u>their</u> specific decisions of data holders , including on the jurisdiction or jurisdictions in which the data processing is intended to take place;	(c) <u>where relevant</u> , assisting the public sector bodies, where relevant, in obtaining consent or permission by re-users <u>to provide assistance to re-users in requesting consent</u> for re-use for altruistic and other purposes from data subjects or permission from data holders in line with <u>their</u> specific decisions of data holders , including on the jurisdiction or jurisdictions in which the data processing is intended to take place <u>and assisting the public sector bodies in establishing technical mechanisms that allow the transmission of requests for consent from re-users, where practically feasible</u> ;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 7(2), point (ca)				
144a		<u>(ca) developing a harmonised approach and processes, where applicable, for public sector bodies to make scientific data available for purposes of research;</u>		<u>(deleted)</u> Text Origin: EP Mandate
Article 7(2), point (d)				
145	(d) providing public sector bodies with assistance on the adequacy of undertakings made by a re-user, pursuant to Article 5 (10).	(d) providing public sector bodies with assistance on the adequacy <u>and compliance</u> of undertakings made by a re-user, pursuant to Article 5 (10).	(d) providing public sector bodies with assistance on the adequacy of undertakings made by a re-user, pursuant to Article 5 (10).	(d) providing public sector bodies with assistance on the adequacy of undertakings made by a re-user, pursuant to Article 5 (10). Text Origin: Commission Proposal
Article 7(3)				
146	(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	(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	(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	(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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	their function to grant or refuse access for re-use, Articles 4, 5, 6 and 8 (3) and 6 shall apply in regard to such competent bodies.	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. <u>(deleted)</u>	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. <u>(moved)</u>
Article 7(3a)				
146a		<u>3a. Requests for the re-use of the categories of data referred to in Article 3(1) shall be granted or refused by competent public sector bodies or the competent bodies referred to in paragraph 1 of this Article without delay and in any event within two months of the date of the request. In order to contribute to a consistent application of this Regulation, competent public sector bodies shall cooperate with each other, and where relevant with the Commission, when refusing requests for the re-use of the categories of data referred to in Article 3(1).</u>		<u>3a. (moved)</u>
Article 7(3b)				
146b		<u>3b. 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</u>		<u>3b. (moved)</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>have the right to an effective judicial remedy against such a decision before the courts of the Member State where the relevant body is located.</u>		
Article 7(4)				
147	(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).	(4) The competent body or bodies shall have adequate legal, <u>financial</u> and technical capacities and expertise <u>and shall be sufficiently staffed with skilled personnel</u> 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).	(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). <u>(deleted)</u>	(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). <u>(moved)</u>
Article 7(5)				
148	(5) The Member States shall communicate to the Commission the identity of the competent bodies designated pursuant to paragraph 1 by [date of application of this Regulation]. They shall also communicate to the Commission any subsequent modification of the identity of those bodies.	(5) The Member States shall <u>make public and</u> communicate to the Commission the identity of the competent bodies designated pursuant to paragraph 1 by ... [date of application of this Regulation]. They shall also <u>make public and</u> communicate to the Commission any subsequent modification of the identity of those bodies.	(5) The Member States shall communicate to the Commission the identity of the competent bodies designated pursuant to paragraph 1 by [date of application of this Regulation]. They shall also communicate to the Commission any subsequent modification of the identity of those bodies.	(5) The Member States shall communicate to the Commission the identity of the competent bodies designated pursuant to paragraph 1 by [date of application of this Regulation]. They shall also communicate to the Commission any subsequent modification of the identity of those bodies. Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 8				
149	Article 8 Single information point	Article 8 Single information point	Article 8 Single information point	Article 8 Single information point Text Origin: Commission Proposal
Article 8(1)				
150	(1) Member States shall ensure that all relevant information concerning the application of Articles 5 and 6 is available through a single information point.	(1) Member States shall ensure that all relevant information concerning the application of Articles 5 and 6 is available <u>and easily accessible</u> through a single information point.	(1) Member States shall ensure that all relevant information concerning the application of Articles 5 and 6 is available through a single information point <u>which may be linked to sectoral, regional or local information points. Functions of a single information point may be automated provided that adequate support by a public sector body is ensured. Member States may either establish a new information point or rely on an existing structure.</u>	(1) Member States shall ensure that all relevant information concerning the application of Articles 5 and 6 is available <u>and easily accessible</u> through a single information point <u>which may be linked to sectoral, regional or local information points. Functions of a single information point may be automated provided that adequate support by a public sector body is ensured. Member States may either establish a new information point or rely on an existing structure.</u> Text Origin: Council Mandate
Article 8(2)				
151	(2) The single information point shall receive requests for the re-use	(2) The single information point shall receive requests for the re-use	(2) The single information point shall <u>be competent to</u> receive	(2) The single information point shall <u>be competent to</u> receive

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>of the categories of data referred to in Article 3 (1) and shall transmit them to the 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.</p>	<p>of the categories of data referred to in Article 3 (1) and shall transmit them, <u>where possible and appropriate by automated means</u>, to the 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 <u>searchable</u> register of available data resources containing relevant information describing the nature of available data, <u>including at least the data format and size and the conditions for its re-use</u>.</p>	<p><u>enquiries or</u> requests for the re-use of the categories of data referred to in Article 3 (1) and shall transmit them to the competent public sector bodies, or the competent bodies referred to in Article 7 (1), where relevant, <u>and where possible and appropriate, by automated means</u>. The single information point shall make available by electronic means <u>an asset list containing an overview of all</u> a register of available data resources, <u>including, where</u> containing relevant, <u>those data resources available at sectoral, regional or local</u> information describing the nature of <u>points, with relevant information describing the</u> available data.</p>	<p><u>enquiries or</u> requests for the re-use of the categories of data referred to in Article 3 (1) and shall transmit them, <u>where possible and appropriate by automated means</u>, to the competent public sector bodies, or the competent bodies referred to in Article 7 (1), where relevant, <u>and where possible and appropriate, by automated means</u>. The single information point shall make available by electronic means a register of <u>searchable asset list containing an overview of all</u> available data resources, <u>including, where relevant, those data resources available at sectoral, regional or local information points, with</u> containing relevant information describing the nature of available data <u>available data, including at least the data format and size and the conditions for its re-use</u>.</p> <p>Text Origin: Council Mandate</p>
Article 8(2a)				
151a		<p><u>2a. The single information point shall offer an electronic, public register of single information</u></p>		<p><u>(deleted)</u></p>

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		<p><u>points of all other Member States and shall be linked to the single digital gateway established by Regulation (EU) 2018/1724 of the European Parliament and of the Council¹</u></p> <p><u>1. Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1).</u></p>		
	Article 8(2b)			
G	151b	<p><u>2b. The single information point may establish a separate, simplified and well-documented information channel for SMEs and start-ups, addressing their needs and capabilities in requesting the re-use of the categories of data referred to in Article 3(1).</u></p>		<p><u>2b. The single information point may establish a separate, simplified and well-documented information channel for SMEs and start-ups, addressing their needs and capabilities in requesting the re-use of the categories of data referred to in Article 3(1).</u></p> <p>Text Origin: EP Mandate</p>
	Article 8(2c)			
G	151c	<p><u>2c. The Commission shall</u></p>		<p><u>2c. The Commission shall</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>establish a European single information point offering a searchable electronic register of data available in the national single information points and further information on how to request data via those single information points.</u>		<u>establish a European single access point offering a searchable electronic register of data available in the national single information points and further information on how to request data via those single information points.</u>
Article 8(3)				
152	(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.	(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.		(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. <u>(moved)</u>
Article 8(4)				
153	(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	(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		(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

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	body is located.	body is located.		body is located. (moved)
Article 8a				
153a			<u>Article 8a</u> <u>Processing of requests for re-use</u>	<u>Article 8a</u> <u>Processing of requests for re-use</u> Text Origin: Council Mandate
Article 8a(1)				
153b			<u>1. Unless shorter time limits have been established in accordance with national law, a decision on the requests for the re-use of the categories of data referred to in Article 3 (1) shall be adopted by the competent public sector bodies or the competent bodies referred to in Article 7 (1) within two months from the date of receipt of the request.</u> <u>In case of exceptionally extensive and complex requests this period may be extended by no more than 30 days. In such cases the applicant shall be notified as soon as possible that more time is needed to process the request and the reasons why.</u>	<u>1. Unless shorter time limits have been established in accordance with national law, a decision on the requests for the re-use of the categories of data referred to in Article 3 (1) shall be adopted by the competent public sector bodies or the competent bodies referred to in Article 7 (1) within two months from the date of receipt of the request.</u> <u>In case of exceptionally extensive and complex requests this period may be extended by no more than 30 days. In such cases the applicant shall be notified as soon as possible that more time is needed to process the request and the reasons why.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 8a(2)				
G 153c			<p><u>2. Any natural or legal person directly affected by a decision of a public sector body or of a competent body adopted in accordance with paragraph 1 shall have an effective right of redress in the Member State where the relevant body is located. Such right of redress shall be laid down in national law and shall include the possibility of review by an impartial review body with the appropriate expertise, such as the national competition authority, the relevant access to documents authority, the supervisory authority established in accordance with Regulation (EU) 2016/679 or a national judicial authority, whose decisions are binding upon the public sector body concerned.</u></p>	<p><u>2. Any natural or legal person directly affected by a decision of a public sector body or of a competent body adopted in accordance with paragraph 1 shall have an effective right of redress in the Member State where the relevant body is located. Such right of redress shall be laid down in national law and shall include the possibility of review by an impartial review body with the appropriate expertise, such as the national competition authority, the relevant access to documents authority, the supervisory authority established in accordance with Regulation (EU) 2016/679 or a national judicial authority, whose decisions are binding upon the public sector body concerned.</u></p> <p>Text Origin: Council Mandate</p>
CHAPTER III				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
154	CHAPTER III requirements applicable to data sharing services	CHAPTER III requirements applicable to data sharing services	CHAPTER III requirements applicable to data sharing <u>intermediation</u> services	CHAPTER III requirements applicable to data sharing <u>intermediation</u> services Text Origin: Council Mandate
Article 9				
155	Article 9 Providers of data sharing services	Article 9 Providers of data sharing <u>Data intermediation</u> services	Article 9 Providers of data sharing <u>Data intermediation</u> services	Article 9 Providers of data sharing <u>Data intermediation</u> services Text Origin: Council Mandate
Article 9(1), introductory part				
156	(1) The provision of the following data sharing services shall be subject to a notification procedure:	(1) <u>This Chapter applies to</u> the provision of the following data sharing <u>data intermediation</u> services. <u>Those services include</u> shall be subject to a notification procedure :	(1) The provision of the following data <u>intermediation services shall comply with the requirements of Article 11 and</u> sharing services shall be subject to a notification procedure:	(1) The provision of the following data <u>intermediation services shall comply with the requirements of Article 11 and</u> sharing services shall be subject to a notification procedure: Text Origin: Council Mandate
Article 9(1), point (a)				
157	(a) intermediation services between data holders which are legal persons and potential data users, including making available	(a) intermediation services between data holders which are legal persons and potential data users, including making available	(a) intermediation services between data holders which are legal persons and potential data users, including making available	(a) intermediation services between data holders which are legal persons and potential data users, including making available

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the technical or other means to enable such services; those services may include bilateral or multilateral exchanges of data or the creation of platforms or databases enabling the exchange or joint exploitation of data, as well as the establishment of a specific infrastructure for the interconnection of data holders and data users;	the technical or other means to enable such services; those services may include bilateral or multilateral exchanges of data or the creation of platforms or databases enabling the exchange or joint exploitation of data, as well as the establishment of a specific infrastructure for the interconnection of data holders and data users;	the technical or other means to enable such services; those services may include bilateral or multilateral exchanges of data or the creation of platforms or databases enabling the exchange or joint exploitation <u>use</u> of data, as well as the establishment of a specific infrastructure for the interconnection of data holders and data users;	the technical or other means to enable such services; those services may include bilateral or multilateral exchanges of data or the creation of platforms or databases enabling the exchange or joint exploitation <u>use</u> of data, as well as the establishment of another specific infrastructure for the interconnection of data holders and data users; Text Origin: EP Mandate
Article 9(1), point (b)				
158	(b) intermediation services between data subjects that seek to make their personal data available and potential data users, including making available the technical or other means to enable such services, in the exercise of the rights provided in Regulation (EU) 2016/679;	(b) intermediation services between data subjects that seek to make their personal data available and potential data users, including making available the technical or other means to enable such services, <u>and in particular enabling</u> the the exercise of the <u>data subjects'</u> rights provided in Regulation (EU) 2016/679;	(b) intermediation services between data subjects that seek to make their personal data available <u>or natural persons that seek to make other data available</u> , and potential data users, including making available the technical or other means to enable such services, <u>including</u> in the exercise of the rights provided in Regulation (EU) 2016/679;	(b) intermediation services between data subjects that seek to make their personal data available <u>or natural persons that seek to make other data available</u> , and potential data users, including making available the technical or other means to enable such services, <u>and in particular enabling</u> the the exercise of the <u>data subjects'</u> rights provided in Regulation (EU) 2016/679; Text Origin: Council Mandate
Article 9(1), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
159	(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; 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; 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; 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. Text Origin: Council Mandate
Article 9(2)				
160	(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.	(2) This Chapter shall be without prejudice to the application of other Union and national law to providers of data sharing <u>data intermediation</u> services, including powers of supervisory authorities to ensure compliance with applicable law, in particular as regard the protection of personal data and competition law.	(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. <u>(deleted)</u>	(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. <u>(deleted)</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
	Article 9(2a)			
G 160a		<u>2a. The provision of data intermediation services shall be subject to Articles 10 and 11.</u>		<u>2a. (deleted)</u>
	Article 9(2b)			
G 160b		<u>2b. The competent authority referred to in Article 12 shall confirm, upon the request of a provider of data intermediation services, that the provider complies with Articles 10 and 11. Upon receipt of such a confirmation, that provider may use the title ‘provider of data intermediation services recognised in the Union’ in its written and spoken communication, as well as a common logo. In order to ensure that providers of data intermediation services recognised in the Union are easily identifiable throughout the Union, the Commission shall, by means of implementing acts, establish a design for the common logo.</u>		<u>2b. (moved)</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<i><u>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. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 29(2).</u></i>		
	Article 10			
161	Article 10 Notification of data sharing service providers	Article 10 Notification of data sharing service providers <u>intermediation services</u>	Article 10 Notification of data sharing <u>intermediation</u> service providers	Article 10 Notification of data sharing <u>by data intermediation</u> service providers Text Origin: Council Mandate
	Article 10(1)			
162	(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.	(1) Any provider <u>Providers</u> of data sharing <u>intermediation</u> services who intends to provide <u>providing</u> the services referred to in Article 9 (1) shall submit a notification to the competent authority referred to in Article 12.	(1) Any provider of data sharing <u>intermediation</u> services who intends to provide the services referred to in Article 9 (1) shall submit a notification to the competent authority <u>for data intermediation services</u> referred to in Article 12.	(1) Any provider of data sharing <u>intermediation</u> services who intends to provide the services referred to in Article 9 (1) shall submit a notification to the competent authority <u>for data intermediation services</u> referred to in Article 12. Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 10(2)			
163	(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.	(2) For the purposes of this Regulation, a provider of data sharing <u>intermediation</u> 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, <u>without prejudice to Union law regulating cross-border actions for damages and related proceedings.</u>	(2) For the purposes of this Regulation, a provider of data sharing <u>intermediation</u> 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.	(2) For the purposes of this Regulation, a provider of data sharing <u>intermediation</u> 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, <u>without prejudice to Union law regulating cross-border actions for damages and related proceedings.</u> Text Origin: EP Mandate
	Article 10(3)			
164	(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.	(3) A provider of data sharing <u>intermediation</u> services that is not established in the Union, but offers the services referred to in Article 9 (1) within the Union, shall appoint <u>designate</u> a legal representative in one of the Member States in which those services are offered. <u>For the purposes of ensuring compliance with this Regulation, the legal representative shall be empowered by</u> the provider <u>of data</u>	(3) A provider of data sharing <u>intermediation</u> 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 <u>located. The representative shall be mandated</u>	(3) A provider of data sharing <u>intermediation</u> services that is not established in the Union, but offers the services referred to in Article 9 (1) within the Union, shall appoint <u>designate</u> a legal representative in one of the Member States in which those services are offered. <u>For the purposes of ensuring compliance with this Regulation, the legal representative shall be mandated by</u> the provider <u>of data</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>intermediation services to act on its behalf or together with it, in particular when addressed by competent authorities or data subjects and data holders, with regard to all issues related to the data intermediation services provided. The legal representative shall perform its tasks in accordance with the mandate received from the provider of data intermediation services, including cooperating with and comprehensively demonstrating to the competent authorities, upon request, the actions taken and provisions put in place by the provider to ensure compliance with this Regulation. The provider of data intermediation services</u></p> <p>shall be deemed to be under the jurisdiction of the Member State in which the legal representative is established.</p>	<p><u>by the provider of data intermediation services to be addressed in addition to or instead of it by, in particular, competent authorities, data subjects and data holders as well as data users, on all issues related to the intermediation services, for the purposes of ensuring compliance with this Regulation. The designation of a representative by the provider of data intermediation services shall be without prejudice to legal actions which could be initiated against the provider of data intermediation services themselves.</u></p>	<p><u>intermediation services to be addressed in addition to or instead of it by competent authorities or data subjects and data holders, with regard to all issues related to the data intermediation services provided. The legal representative shall cooperate with and comprehensively demonstrate to the competent authorities, upon request, the actions taken and provisions put in place by the provider to ensure compliance with this Regulation. The provider of data intermediation services</u></p> <p>shall be deemed to be under the jurisdiction of the Member State in which the legal representative is establishedlocated. <u>The designation of a representative by the provider of data intermediation services shall be without prejudice to legal actions which could be initiated against the provider of data intermediation services themselves.</u></p> <p>Text Origin: EP Mandate</p>
	Article 10(4)			
G	165			G

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	(4) Upon notification, the provider of data sharing services may start the activity subject to the conditions laid down in this Chapter.	(4) Upon notification, the provider of data sharing <u>intermediation</u> services may start the activity subject to the conditions laid down in this Chapter.	(4) Upon <u>After having submitted a</u> notification <u>in accordance with paragraph 1</u> , the provider of data sharing <u>intermediation</u> services may start the activity subject to the conditions laid down in this Chapter.	(4) Upon <u>After having submitted a</u> notification <u>in accordance with paragraph 1</u> , the provider of data sharing <u>intermediation</u> services may start the activity subject to the conditions laid down in this Chapter. Text Origin: Council Mandate
Article 10(5)				
166	(5) The notification shall entitle the provider to provide data sharing services in all Member States.	(5) The notification shall entitle the provider <u>of data intermediation services</u> to provide data sharing <u>intermediation</u> services in all Member States.	(5) The notification shall entitle the provider to provide data sharing <u>intermediation</u> services in all Member States.	(5) The notification shall entitle the provider <u>of data intermediation services</u> to provide data sharing <u>intermediation</u> services in all Member States. Text Origin: EP Mandate
Article 10(6), introductory part				
167	(6) The notification shall include the following information:	(6) The notification shall include the following information:	(6) The notification shall include the following information:	(6) The notification shall include the following information: Text Origin: Commission Proposal
Article 10(6), point (a)				
168	(a) the name of the provider of data sharing services;	(a) the name of the provider of data sharing <u>intermediation</u>	(a) the name of the provider of data sharing <u>intermediation</u>	(a) the name of the provider of data sharing <u>intermediation</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		services;	services;	services; <small>Text Origin: Council Mandate</small>
Article 10(6), point (b)				
169	(b) the provider's legal status, form and registration number, where the provider is registered in trade or in another similar public register;	(b) the provider <u>of data intermediation services</u> 's legal status, form, <u>ownership structure, relevant subsidiaries</u> and registration number, where the provider is registered in trade or in another similar public register;	(b) the provider's legal status, form and registration number, where the provider is registered in trade or in another similar public register;	(b) the provider <u>of data intermediation services</u> 's legal status, form, <u>ownership structure, relevant subsidiaries</u> and registration number, where the provider is registered in trade or in another similar public register; <small>Text Origin: EP Mandate</small>
Article 10(6), point (c)				
170	(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;	(c) the address of the provider <u>of data intermediation services</u> '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;	(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;	(c) the address of the provider <u>of data intermediation services</u> '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; <small>Text Origin: EP Mandate</small>
Article 10(6), point (d)				
171	(d) a website where information	(d) a website where <u>complete and</u>	(d) a website where information	(d) a website where <u>complete and</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	on the provider and the activities can be found, where applicable;	<u>up-to-date</u> information on the provider <u>of data intermediation services</u> and the activities can be found, where applicable;	on the provider and the activities can be found, where applicable <u>including as a minimum the information as referred to in points (a), (b), (c) and (f)</u> ;	<u>up-to-date</u> information on the provider <u>of data intermediation services</u> and the activities can be found, where applicable <u>including as a minimum the information as referred to in points (a), (b), (c) and (f)</u> ; Text Origin: EP Mandate
Article 10(6), point (e)				
172	(e) the provider's contact persons and contact details;	(e) the provider <u>of data intermediation services</u> 's contact persons and contact details;	(e) the provider's contact persons and contact details;	(e) the provider <u>of data intermediation services</u> 's contact persons and contact details; Text Origin: EP Mandate
Article 10(6), point (f)				
173	(f) a description of the service the provider intends to provide;	(f) a description of the service the provider <u>of data intermediation services</u> intends to provide;	(f) a description of the service the provider intends to provide, <u>and an indication under which of the categories under Article 9 (1) such services fall, and how the conditions set in Article 11 are fulfilled</u> ;	(f) a description of the service the provider intends to provide, and <u>and an indication under which of the categories under Article 9 (1) such services fall</u>
Article 10(6), point (g)				
174	(g) the estimated date for starting	(g) the estimated date for starting	(g) the estimated date for starting	(g) the estimated date for starting

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the activity;	the activity <u>or the date on which the activity started</u> ;	the activity; <u>if this is different from the date of the notification.</u>	the activity; <u>if this is different from the date of the notification.</u> <small>Text Origin: Council Mandate</small>
Article 10(6), point (h)				
175	(h) the Member States where the provider intends to provide services.	(h) the Member States where the provider intends to provide services.	(h) the Member States where the provider intends to provide services. <u>(deleted)</u>	(h) the Member States where the provider intends to provide services. <u>(deleted)</u> <small>Text Origin: Council Mandate</small>
Article 10(6a)				
175a		<u>6a. The competent authority shall ensure that the notification procedure does not impose undue obstacles for SMEs, start-ups and civil society organisations and ensures non-discrimination and competition.</u>		<u>6a. The competent authority shall ensure that the notification procedure is non-discriminatory and does not distort competition.</u> <small>Text Origin: EP Mandate</small>
Article 10(7)				
176	(7) 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	(7) At the request of the provider <u>of data intermediation services</u> , the competent authority shall, within one week, issue a standardised declaration, confirming that the provider <u>of</u>	(7) At the request of the provider, the competent authority <u>for data intermediation services</u> shall, within one week <u>of duly and fully completed notification</u> , issue a standardised declaration,	(7) At the request of the provider <u>of data intermediation services</u> , the competent authority <u>for data intermediation services</u> shall, within one week <u>of duly and fully completed notification</u> , issue a

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	to in paragraph 4.	<u><i>data intermediation services</i></u> has submitted the notification referred to in paragraph 4 <u><i>and that the notification contains the information referred to in paragraph 6.</i></u>	confirming that the provider has submitted the notification referred to in paragraph 4.	standardised declaration, confirming that the provider <u><i>of data intermediation services</i></u> has submitted the notification referred to in paragraph 4 <u><i>and that the notification contains the information referred to in paragraph 6.</i></u> Text Origin: EP Mandate
Article 10(7a)				
176a				<u><i>7a. The competent authority referred to in Article 12 shall confirm, upon the request of a provider of data intermediation services, that the provider complies with Articles 10 and 11. Upon receipt of such a confirmation, that provider may use the title 'provider of data intermediation services recognised in the Union' in its written and spoken communication, as well as a common logo. In order to ensure that providers of data intermediation services recognised in the Union are easily identifiable throughout the Union, the Commission shall, by means of implementing acts, establish a</i></u>

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				<u>design for the 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. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 29(2).</u>
Article 10(8)				
177	(8) The competent authority shall forward each notification to the national competent authorities of the Member States by electronic means, without delay.	(8) The competent authority shall forward each notification to the national competent authorities of the Member States by electronic means, without delay.	(8) The competent authority shall forward each notification to the national competent authorities of the Member States by electronic means, without delay. <u>(deleted)</u>	(8) The competent authority shall forward each notification to the national competent authorities of the Member States by electronic means, without delay. <u>(deleted)</u> Text Origin: Council Mandate
Article 10(9)				
178	(9) The competent authority shall notify the Commission of each new notification. The Commission shall keep a register of providers of data sharing services.	(9) The competent authority shall notify the <u>competent authorities referred to in Article 12 and the</u> Commission of each new notification <u>without delay by electronic means</u> . The Commission shall keep <u>and regularly update a public</u> a	(9) The competent authority <u>for data intermediation services</u> shall notify the Commission of each new notification. The Commission shall keep a <u>public</u> register of <u>all providers of data intermediation services providing services in the Union, which shall make</u>	(9) The competent authority <u>for data intermediation services</u> shall notify the Commission of each new notification <u>without delay by electronic means</u> . The Commission shall keep <u>and regularly update a public</u> a register of <u>all</u> providers of data

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		register of the providers of data sharing <u>intermediation</u> services <u>in the Union</u> .	<u>available the information referred to in points (a), (b), (c), (d) and (g) of paragraph 6, as well as in point (f) with regard to the description of the service the provider intends to provide and the categories listed in Article 9 (1) under which such</u> sharing services <u>fall</u> .	<u>intermediation services providing services in the Union, which shall make available the information referred to in points (a), (b), (c), (d) and (g) of paragraph 6, as well as in point (f) with regard to the description of the service the provider intends to provide and the categories listed in Article 9 (1) under which such</u> sharing services <u>fall</u> . Text Origin: Council Mandate
Article 10(10)				
179	(10) The competent authority may charge fees. Such fees shall be proportionate and objective and be based on the administrative costs related to the monitoring of compliance and other market control activities of the competent authorities in relation to notifications of data sharing services.	(10) The competent authority may charge fees. Such fees shall be proportionate and objective and be based on the administrative costs related to the monitoring of compliance and other market control activities of the competent authorities in relation to notifications of <u>providers of data intermediation</u> data-sharing services. <u>The competent authority may also charge discounted fees or allow free of charge notification for SMEs and start-ups.</u>	(10) The competent authority <u>for data intermediation services</u> may charge fees <u>for the notification, as defined by national law</u> . Such fees shall be proportionate and objective and be based on the administrative costs related to the monitoring of compliance and other market control activities of the competent authorities in relation to notifications of data sharing <u>intermediation</u> services.	(10) The competent authority <u>for data intermediation services</u> may charge fees <u>for the notification, as defined by national law</u> . Such fees shall be proportionate and objective and be based on the administrative costs related to the monitoring of compliance and other market control activities of the competent authorities in relation to notifications of data sharing <u>intermediation</u> services. <u>The competent authority may also charge discounted fees or allow free of charge notification for SMEs and start-ups.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 10(10a)				
179a		<u>10a. Providers of data intermediation services shall submit any changes of the information provided pursuant to paragraph 6 to the competent authority within 14 calendar days from the day on which the change takes place.</u>		<u>10a. Providers of data intermediation services shall submit any changes of the information provided pursuant to paragraph 6 to the competent authority within 14 days from the day on which the change takes place.</u> Text Origin: EP Mandate
Article 10(11)				
180	(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.	(11) Where a provider of data sharing <u>intermediation</u> 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. <u>The Commission shall update the public register of the providers of data intermediation services in the</u>	(11) Where a provider of data sharing <u>intermediation</u> services ceases its activities, it shall notify the relevant competent authority <u>for data intermediation services</u> determined pursuant to paragraphs 1, 2 and 3 within 15 days. The competent authority shall <u>inform the Commission by electronic means of forward without delay</u> each such notification to the national competent authorities in the Member States and to the Commission by electronic means without delay.	(11) Where a provider of data sharing <u>intermediation</u> services ceases its activities, it shall notify the relevant competent authority <u>for data intermediation services</u> determined pursuant to paragraphs 1, 2 and 3 within 15 days. The competent authority shall <u>inform the Commission by electronic means of forward without delay</u> each such notification to the national competent authorities in the Member States and to the Commission by electronic means without delay. The

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Union accordingly.</u>		<u>Commission shall update the public register of the providers of data intermediation services in the Union accordingly.</u> Text Origin: Council Mandate
Article 11				
181	Article 11 Conditions for providing data sharing services	Article 11 Conditions for providing data sharing <u>intermediation</u> services	Article 11 Conditions for providing data sharing <u>intermediation</u> services	Article 11 Conditions for providing data sharing <u>intermediation</u> services Text Origin: Council Mandate
Article 11, first paragraph, introductory part				
182	The provision of data sharing services referred in Article 9 (1) shall be subject to the following conditions:	The provision of data sharing <u>intermediation</u> services referred in Article 9 (1) shall be subject to the following conditions:	The provision of data sharing <u>intermediation</u> services referred in Article 9 (1) shall be subject to the following conditions:	The provision of data sharing <u>intermediation</u> services referred in Article 9 (1) shall be subject to the following conditions: Text Origin: Council Mandate
Article 11, first paragraph, point (1)				
183	(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;	(1) the provider <u>of data intermediation services</u> 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 ; <u>data</u>	(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 <u>shall provide data intermediation</u> data sharing	(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 <u>provide data</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>intermediation</u> services shall be placed in a separate legal entity;	services shall be placed in <u>through a legally</u> separate legal entity <u>structure</u> ;	<u>intermediation services through</u> a separate legal entity <u>person</u> ; Text Origin: Council Mandate
Article 11, first paragraph, point (1a)				
183a		<u>(1a) the commercial terms, including pricing, for the provision of data intermediation services to a data holder or data user may not be made dependent upon whether or to what degree the data holder or data user uses other services provided by the same provider or a related entity;</u>		<u>(1a) the commercial terms, including pricing, for the provision of data intermediation services to a data holder or data user may not be made dependent upon whether or to what degree the data holder or data user uses other services provided by the same provider or a related entity;</u> Text Origin: EP Mandate
Article 11, first paragraph, point (2)				
184	(2) the metadata collected from the provision of the data sharing service may be used only for the development of that service;	(2) the metadata <u>data</u> collected from <u>with respect to any activity of a natural or legal person for the purposes of</u> the provision of the data sharing <u>intermediation</u> service, <u>including the date, time and geolocation data, duration of activity and connections to other natural or legal persons</u>	(2) the <u>data collected on any activity of a natural or legal person for the purposes</u> metadata collected from the provision of a data intermediation <u>data-sharing</u> service, <u>including the date, time and geolocation data, duration of activity, connections to other</u>	(2) the metadata <u>data</u> collected from <u>with respect to any activity of a natural or legal person for the purposes of</u> the provision of the data sharing <u>intermediation</u> service, <u>including the date, time and geolocation data, duration of activity and connections to other natural or legal persons</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>established by the person who uses the service, shall may be used only for the development of that service, which may entail the use of data for the detection of fraud or cybersecurity, and shall be made available to the data holders upon request;</u>	<u>natural or legal persons established by the person who uses the service</u> -may be used only for the <u>purpose of</u> development of that service;	<u>established by the person who uses the service,</u> may be used only for the development of that service, <u>which may entail the use of data for the detection of fraud or cybersecurity, and shall be made available to the data holders upon request;</u> Text Origin: EP Mandate
Article 11, first paragraph, point (3)				
185	(3) the provider shall ensure that the procedure for access to its service is fair, transparent and non-discriminatory for both data holders and data users, including as regards prices;	(3) the provider <u>of data intermediation services</u> shall ensure that the procedure for access to its service is fair, transparent and non-discriminatory for both data holders <u>subjects</u> and data <u>holders as well as for data users, including as regards prices and terms of service;</u>	(3) the provider shall ensure that the procedure for access to its service is fair, transparent and non-discriminatory for both data holders and data users, including as regards prices; (deleted)	(3) the provider shall ensure that the procedure for access to its service is fair, transparent and non-discriminatory for both data holders and data users, including as regards prices; (moved) Text Origin: Council Mandate
Article 11, first paragraph, point (4)				
186	(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	(4) the provider <u>of data intermediation service</u> shall facilitate the exchange of the data in the format in which it receives it from the data holder <u>or data subject</u> and shall convert the data into specific formats only to	(4) the provider shall facilitate the exchange of the data in the format in which it receives it from <u>a data subject or a</u> -the data holder and shall convert the data into specific formats only to enhance interoperability within and across	(4) the provider shall facilitate the exchange of the data in the format in which it receives it from <u>a data subject or a</u> -the data holder and shall convert the data into specific formats only to enhance interoperability within and across

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	data user or where mandated by Union law or to ensure harmonisation with international or European data standards;	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;	sectors or if requested by the data user or where mandated by Union law or to ensure harmonisation with international or European data standards. <u>Where this request is made by the data user, the provider shall inform the data holder, who may oppose the conversion of such data;</u>	sectors or if requested by the data user or where mandated by Union law or to ensure harmonisation with international or European data standards. <u>The provider shall offer an opt-out possibility regarding those conversions to data subjects or data holders, unless the conversion is mandated by Union law;</u> Text Origin: Council Mandate
Article 11, first paragraph, point (4a)				
186a		<u>(4a) data intermediation services may include offering additional specific tools and services to data holders or data subjects for the purpose of facilitating the exchange of data, such as analysis, temporary storage, aggregation, curation, conversion, anonymisation, pseudonymisation; those tools and services shall be used only at the explicit request or approval of the data holder or data subject and third-party tools offered in that context shall not use data for other purposes;</u>		<u>(4a) data intermediation services may include offering additional specific tools and services to data holders or data subjects for the specific purpose of facilitating the exchange of data, such as temporary storage, curation, conversion, anonymisation, pseudonymisation; those tools and services shall be used only at the explicit request or approval of the data holder or data subject and third-party tools offered in that context shall not use data for other purposes;</u>
Article 11, first paragraph, point (4a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
186b			<u>(4a) the provider may offer additional specific services to data subjects and data holders facilitating the exchange of the data, such as storage, curation, pseudonymisation and anonymisation;</u>	<u>(moved)</u>
Article 11, first paragraph, point (4b)				
186c			<u>(4b) the provider shall ensure that the procedure for access to its service is fair, transparent and non-discriminatory for both data subjects and data holders, as well as for data users, including as regards prices;</u>	<u>(4b) the provider shall ensure that the procedure for access to its service is fair, transparent and non-discriminatory for both data subjects and data holders, as well as for data users, including as regards prices and terms of service;</u> Text Origin: Council Mandate
Article 11, first paragraph, point (5)				
187	(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;	(5) the provider <u>of data intermediation service</u> shall have procedures <u>and measures</u> in place to prevent <u>and monitor potential</u> fraudulent or abusive practices in relation to access to data from parties seeking access through their	(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;	(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;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		services;		Text Origin: Council Mandate
Article 11, first paragraph, point (6)				
188	(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;	(6) the provider <u>of data intermediation service</u> 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, <u>to transfer or to retrieve</u> their data <u>or, in the case of providing intermediation services between data subjects and data users, allow data subjects to exercise their rights, in the</u> in case of insolvency <u>of the provider</u> ;	(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 <u>subjects and data</u> holders, <u>as well as</u> and data users, to obtain access to their data in case of insolvency <u>of the provider</u> ;	(6) the provider <u>of data intermediation service</u> 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, <u>to transfer or to retrieve</u> their data <u>or, in the case of providing intermediation services between data subjects and data users, allow data subjects to exercise their rights, in the</u> in case of insolvency <u>of the provider</u> ; Text Origin: EP Mandate
Article 11, first paragraph, point (6a)				
188a		<u>(6a) the provider of data intermediation services shall avoid lock-in effects and shall ensure interoperability with other data intermediation services to the extent appropriate, in particular as regards data formats and other data standards and by means of</u>		<u>(6a) the provider shall take appropriate measures to ensure interoperability with other data intermediation services, among others, by means of commonly-used open standards in the sector in which the data intermediation service providers operate;</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>commonly used, formal or informal, open standards in the sector in which the data intermediation services operate. To that effect, by ... [12 months after the date of entry into force of this Regulation], the Commission shall, in consultation with the Data Innovation Board, develop guidance on interoperability standards;</i></u>		
Article 11, first paragraph, point (6a)				
188b			<u><i>(6a) the provider shall take reasonable measures to ensure interoperability with other data intermediation services, among others, by means of commonly-used standards in the sector in which the data intermediation service providers operate;</i></u>	<u><i>(6b) (moved)</i></u> Text Origin: Council Mandate
Article 11, first paragraph, point (7)				
189	(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;	(7) the provider <u><i>of data intermediation service</i></u> 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;	(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 <u><i>or national law of the relevant Member State;</i></u>	(7) the provider <u><i>of data intermediation service</i></u> 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 <u><i>or national law</i></u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>of the relevant Member State;</u> Text Origin: Council Mandate
Article 11, first paragraph, point (7a)				
189a			<u>(7a) the provider shall without undue delay inform data holders in case of an unauthorised transfer, access or use of the non-personal data that it has shared;</u>	<u>the provider shall without undue delay inform data holders in case of an unauthorised transfer, access or use of the non-personal data that it has shared;</u>
Article 11, first paragraph, point (8)				
190	(8) the provider shall take measures to ensure a high level of security for the storage and transmission of non-personal data;	(8) the provider <u>of data intermediation services</u> shall take measures to ensure a high level of security, <u>including state-of-the-art cybersecurity standards</u> , for the storage, <u>processing</u> and transmission of non-personal data, <u>and the provider shall further ensure the highest level of security, including state-of-the-art cybersecurity, for the storage and transmission of competitively sensitive information and shall inform the competent authority without delay of any security breach that jeopardises the security of such data.</u>	(8) the provider shall take measures to ensure a high <u>an appropriate</u> level of security for the storage and transmission of non-personal data;	(8) the provider <u>of data intermediation services</u> shall take measures to ensure a high <u>an appropriate</u> level of security for the storage, <u>processing</u> and transmission of non-personal data, <u>and the provider shall further ensure the highest level of security for the storage and transmission of competitively sensitive information;</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 11, first paragraph, point (9)				
191	(9) the provider shall have procedures in place to ensure compliance with the Union and national rules on competition;	(9) the provider shall have procedures in place to of data <u>intermediation service shall</u> ensure compliance with the Union and national <u>law, in particular</u> rules on competition <u>and data protection; where such rules impose stricter or more detailed obligations, they shall prevail</u> ;	(9) the provider shall have procedures in place to ensure compliance with the Union and national rules on competition; (deleted)	(9) the provider shall have procedures in place to ensure compliance with the Union and national rules on competition; Text Origin: Commission Proposal
Article 11, first paragraph, point (10)				
192	(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;	(10) the provider <u>of data intermediation service</u> 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;	(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 <u>informing and, where appropriate,</u> advising data subjects on potential <u>in a concise, transparent, intelligible and easily accessible form about intended</u> data uses <u>by third parties</u> and standard terms and conditions attached to such uses, <u>before data subjects give consent</u> ;	(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 <u>informing and, where appropriate,</u> advising data subjects on potential <u>in a concise, transparent, intelligible and easily accessible form about intended</u> data uses <u>by data users</u> and standard terms and conditions attached to such uses, <u>before data subjects give consent</u> ; Text Origin: Council Mandate
Article 11, first paragraph, point (11)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
193	(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.	(11) where a provider <u>of data intermediation services</u> 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 <u>and provide to the data subject tools for tracking the use of that data and consent withdrawal and data holders with tools for permission withdrawal.</u>	(11) where a provider provides tools for obtaining consent from data subjects or permissions to process data made available by legal persons <u>data holders</u> , it shall, <u>where relevant</u> , specify the jurisdiction or jurisdictions <u>outside the Union</u> in which the data use is intended to take place. <u>and provide data subjects with tools to both give and withdraw consent and data holders with tools to both give and withdraw permissions to process data;</u>	(11) where a provider <u>of data intermediation services</u> provides tools for obtaining consent from data subjects or permissions to process data made available by legal persons <u>data holders</u> , it shall, <u>where relevant</u> , specify the jurisdiction or jurisdictions <u>outside the Union</u> in which the data use is intended to take place. <u>and provide data subjects with tools to both give and withdraw consent and data holders with tools to both give and withdraw permissions to process data;</u> Text Origin: Council Mandate
Article 11, first paragraph, point (11a)				
193a			<u>(11a) the provider shall maintain a log record of the intermediation activity.</u>	<u>(11a) the provider shall maintain a log record of the intermediation activity.</u> Text Origin: Council Mandate
Article 12				
194	Article 12 Competent authorities	Article 12 Competent authorities	Article 12 Competent authorities	Article 12 Competent authorities Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 12(1)			
195	(1) Each Member State shall designate in its territory one or more authorities competent to carry out the tasks related to the notification framework and shall communicate to the Commission the identity of those designated authorities by [date of application of this Regulation]. It shall also communicate to the Commission any subsequent modification.	(1) Each Member State shall designate in its territory one or more authorities competent to carry out the tasks related to the notification framework and shall communicate to the Commission the identity of those designated authorities by [date of application of this Regulation]. It shall also communicate to the Commission any subsequent modification.	(1) Each Member State shall designate in its territory one or more authorities competent to carry out the tasks related to the notification framework <u>for data intermediation services</u> and shall communicate to the Commission the identity of those designated authorities by [date of application of this Regulation]. It shall also communicate to the Commission any subsequent modification.	(1) Each Member State shall designate in its territory one or more authorities competent to carry out the tasks related to the notification framework <u>for data intermediation services</u> and shall communicate to the Commission the identity of those designated authorities by [date of application of this Regulation]. It shall also communicate to the Commission any subsequent modification. Text Origin: Council Mandate
	Article 12(2)			
196	(2) The designated competent authorities shall comply with Article 23.	(2) The designated competent authorities shall comply with Article 23.	(2) The designated competent authorities <u>for data intermediation services</u> shall comply with Article 23.	(2) The designated competent authorities <u>for data intermediation services</u> shall comply with Article 23. Text Origin: Council Mandate
	Article 12(3)			
197	(3) The designated competent authorities, the data protection	(3) <u>The powers of</u> the designated competent authorities; <u>are without</u>	(3) <u>The powers of</u> the designated competent authorities; <u>are without</u>	(3) <u>The powers of</u> the designated competent authorities; <u>are without</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	<u>prejudice to the powers of</u> the data protection authorities, the national competition authorities, the authorities in charge of cybersecurity, and other relevant sectorial authorities. <u>In accordance with their respective competences under Union and national law, those authorities</u> shall <u>build up a strong cooperation and</u> exchange the information which is necessary for the exercise of their tasks in relation to <u>providers of data intermediation services, and ensure the consistency of the decisions taken in applying this Regulation. On any question regarding compliance with Regulation (EU) 2016/679, the competent supervisory authorities established pursuant to that Regulation are fully competent</u> data sharing providers.	<u>prejudice to the powers of</u> the data protection authorities, the national competition authorities, the authorities in charge of cybersecurity, and other relevant sectorial authorities. <u>These authorities</u> shall exchange the information which is necessary for the exercise of their tasks <u>and cooperate in view of enforcement</u> in relation to data <u>intermediation service</u> sharing providers.	<u>prejudice to the powers of</u> the data protection authorities, the national competition authorities, the authorities in charge of cybersecurity, and other relevant sectorial authorities. <u>In accordance with their respective competences under Union and national law, those authorities</u> shall <u>build up a strong cooperation and</u> exchange the information which is necessary for the exercise of their tasks in relation to <u>providers of data intermediation services, and aim to achieve the consistency of the decisions taken in applying this Regulation.</u> data sharing providers. Text Origin: EP Mandate
Article 13				
198	Article 13 Monitoring of compliance	Article 13 Monitoring of compliance	Article 13 Monitoring of compliance	Article 13 Monitoring of compliance Text Origin: Commission Proposal
Article 13(1)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
199	(1) The competent authority shall monitor and supervise compliance with this Chapter.	(1) The competent authority shall monitor and supervise compliance with this Chapter.	(1) The competent authority <u>for data intermediation services</u> shall monitor and supervise compliance with this Chapter. <u>The competent authority may also monitor and supervise the compliance of such data intermediation services based on the request of natural or legal persons. The competent authority for data intermediation services shall monitor and supervise compliance with this Chapter. The competent authority may also monitor and supervise the compliance of such data intermediation services based on the request of natural or legal persons.</u>	(1) The competent authority <u>for data intermediation services</u> shall monitor and supervise compliance with this Chapter. <u>The competent authority may also monitor and supervise the compliance of such data intermediation services based on the request of natural or legal persons.</u> Text Origin: Council Mandate
Article 13(2)				
200	(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.	(2) The competent authority shall have the power to request from providers of data sharing <u>intermediation</u> services <u>or their legal representatives</u> 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	(2) The competent authority <u>for data intermediation services</u> shall have the power to request from providers of data sharing <u>intermediation</u> services all the information that is necessary to verify compliance with the requirements laid down in Articles 10 and 11 <u>of this Chapter</u> . Any request for information shall be proportionate to the performance of	(2) The competent authority <u>for data intermediation services</u> shall have the power to request from providers of data sharing <u>intermediation</u> services <u>or their legal representatives</u> all the information that is necessary to verify compliance with the requirements laid down in Articles 10 and 11 <u>of this Chapter</u> . Any request for information shall be

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		shall be reasoned.	the task and shall be reasoned.	proportionate to the performance of the task and shall be reasoned. Text Origin: Council Mandate
Article 13(3)				
201	(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.	(3) Where the competent authority finds that a provider of data sharing <u>intermediation</u> services does not comply with one or more of the requirements laid down in Article 10 or 11, it shall notify that provider of <u>data intermediation services</u> of those findings and give it the opportunity to state its views, within a reasonable time limit <u>the shortest delay</u> .	(3) Where the competent authority <u>for data intermediation services</u> finds that a provider of data sharing <u>intermediation</u> services does not comply with one or more of the requirements laid down in Article 10 or 11 of this Chapter , it shall notify that provider of those findings and give it the opportunity to state its views, within <u>30 days</u> a reasonable time limit .	(3) Where the competent authority <u>for data intermediation services</u> finds that a provider of data sharing <u>intermediation</u> services does not comply with one or more of the requirements laid down in Article 10 or 11 of this Chapter , it shall notify that provider of those findings and give it the opportunity to state its views, within <u>30 days</u> a reasonable time limit . Text Origin: Council Mandate
Article 13(4), introductory part				
202	(4) The competent authority shall have the power to require the cessation of the breach referred to in paragraph 3 either immediately or within a reasonable time limit and shall take appropriate and proportionate measures aimed at ensuring compliance. In this regard, the competent authorities	(4) The competent authority shall have the power to require the cessation of the breach <u>infringement</u> referred to in paragraph 3 either immediately or within a reasonable time limit <u>or immediately in the case of a serious infringement</u> and shall take appropriate and proportionate	(4) The competent authority <u>for data intermediation services</u> shall have the power to require the cessation of the breach referred to in paragraph 3 either immediately or within a reasonable time limit and shall take appropriate and proportionate measures aimed at ensuring compliance. In this	(4) The competent authority shall have the power to require the cessation of the breach <u>infringement</u> referred to in paragraph 3 either immediately or within a reasonable time limit <u>or immediately in the case of a serious infringement</u> and shall take appropriate and proportionate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall be able, where appropriate:	measures aimed at ensuring <u>aiming to ensure</u> compliance. In this <u>that</u> regard, the competent authorities shall be able <u>have the power</u> , where appropriate:	regard, the competent authorities shall be able, where appropriate:	measures aimed at ensuring <u>aiming to ensure</u> compliance. In this <u>that</u> regard, the competent authorities shall be able <u>have the power</u> , where appropriate: Text Origin: EP Mandate
Article 13(4), point (a)				
203	(a) to impose dissuasive financial penalties which may include periodic penalties with retroactive effect;	(a) to impose dissuasive financial penalties which may include periodic penalties with retroactive effect;	(a) to impose, <u>through administrative procedures</u> , dissuasive financial penalties which may include periodic penalties <u>and penalties</u> with retroactive effect, <u>or to initiate legal proceedings for the imposition of fines, or both</u> ;	(a) to impose, <u>through administrative procedures</u> , dissuasive financial penalties which may include periodic penalties <u>and penalties</u> with retroactive effect, <u>or to initiate legal proceedings for the imposition of fines, or both</u> ; Text Origin: Council Mandate
Article 13(4), point (b)				
204	(b) to require cessation or postponement of the provision of the data sharing service.	(b) to require cessation or postponement <u>a temporary cessation</u> of the provision of the data sharing <u>intermediation</u> service, <u>or in the case of a serious infringement that has not been remedied, despite being previously identified and communicated, a</u>	(b) to require cessation <u>of the provision or postponement of the data intermediation service due to serious or substantial breaches that have not been corrected despite prior notification or warning or suspension of the provision of such a service until</u>	(b) to require cessation or postponement <u>a postponement in the commencement or suspension of the provision of the data intermediation service until modifications of its conditions, as requested by the competent authority, are made; or to require</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>permanent cessation.</u>	<u>modifications of its conditions, as requested by the competent authority, are made; the competent authority for data intermediation services shall request the Commission to remove the provider of the data intermediation</u> the data sharing <u>service from the register of providers of data intermediation services once it has ordered the cessation of the service. If a provider of data intermediation service corrects the breaches, a provider shall re-notify the competent authority. The competent authority shall notify the Commission of each new re-notification.</u>	<u>the cessation</u> of the provision of the data sharing <u>intermediation service, in case serious or repeated infringements have not been corrected despite the prior notification or warning in accordance with paragraph (3). The competent authority for data intermediation services shall request the Commission to remove the provider of the data intermediation service from the register of providers of data intermediation services once it has ordered the cessation of the service. If a provider of data intermediation service corrects the breaches, a provider shall re-notify the competent authority. The competent authority shall notify the Commission of each new re-notification.</u> Text Origin: Council Mandate
Article 13(4a)				
204a		<u>4a. Where a provider of data intermediation services that is not established in the Union fails to designate a legal representative or the legal representative fails, upon</u>		<u>4a. Where a provider of data intermediation services that is not established in the Union fails to designate a legal representative or the legal representative fails, upon</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>request of the competent authority, to provide the necessary information that comprehensively demonstrates compliance with this Regulation, the competent authority shall have the power to impose the immediate cessation of the provision of the data intermediation service. The designation of a legal representative by a provider of data intermediation services shall be without prejudice to legal actions that could be initiated against the provider itself.</u>		<u>request of the competent authority, to provide the necessary information that comprehensively demonstrates compliance with this Regulation, the competent authority shall have the power to postpone or suspend the provision of the data intermediation service until the legal representative is designated or the necessary information is provided. The designation of a legal representative by a provider of data intermediation services shall be without prejudice to legal actions that could be initiated against the provider itself.</u>
Article 13(5)				
205	(5) The competent authorities shall communicate the measures imposed pursuant to paragraph 4 and the reasons on which they are based to the entity concerned without delay and shall stipulate a reasonable period for the entity to comply with the measures.	(5) The competent authorities shall communicate the measures imposed pursuant to paragraph 4 and , the reasons on which they are based <u>as well as the necessary steps to be taken to rectify the relevant shortcomings to the provider of data intermediation services</u> to the entity concerned without delay and shall stipulate a reasonable period for the entity <u>provider</u> to comply with the	(5) The competent authorities <u>for data intermediation services</u> shall communicate the measures imposed pursuant to paragraph 4 and the reasons on which they are based to the entity concerned without delay and shall stipulate a reasonable period, <u>not longer than 30 days</u> , for the entity to comply with the measures.	(5) The competent authorities shall communicate the measures imposed pursuant to paragraph 4 and , the reasons on which they are based <u>as well as the necessary steps to be taken to rectify the relevant shortcomings to the provider of data intermediation services</u> to the entity concerned without delay and shall stipulate a reasonable period, <u>no longer than 30 days</u> , for the entity <u>provider</u> to

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		measures.		comply with the measures. <small>Text Origin: EP Mandate</small>
Article 13(6)				
206	(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.	(6) If a provider of data sharing <u>intermediation</u> 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.	(6) If a provider of data sharing <u>intermediation</u> 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 <u>for the purposes of their tasks under this Regulation</u> and requests to take the measures referred to in this Article. <u>Where a competent authority for data intermediation services in one Member State requests assistance from another Member State, it shall submit a duly justified request. The competent authority for data intermediation services so requested shall, without undue</u>	(6) If a provider of data sharing <u>intermediation</u> 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 <u>for the purposes of their tasks under this Regulation</u> and requests to take the measures referred to in this Article. <u>Where a competent authority for data intermediation services in one Member State requests assistance from another Member State, it shall submit a duly justified request. The competent authority for data intermediation services so requested shall, without undue</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<p><u>delay and within a timeframe proportionate to the urgency of the request, provide a response.</u></p> <p><u>Any information exchanged in the context of assistance requested and provided under this paragraph shall be used only in respect of the matter for which it was requested.</u></p>	<p><u>delay and within a timeframe proportionate to the urgency of the request, provide a response.</u></p> <p><u>Any information exchanged in the context of assistance requested and provided under this paragraph shall be used only in respect of the matter for which it was requested.</u></p> <p>Text Origin: Council Mandate</p>
Article 14				
207	Article 14 Exceptions	Article 14 Exceptions	Article 14 Exceptions	<p>Article 14 Exceptions</p> <p>Text Origin: Commission Proposal</p>
Article 14, first paragraph				
208	<p>This Chapter shall not apply to not-for-profit entities whose activities consist only in seeking to collect data for objectives of general interest, made available by natural or legal persons on the basis of data altruism.</p>	<p>This Chapter shall not apply to not-for-profit entities <u>recognised data altruism organisations</u> whose activities consist only in seeking to collect data for objectives of general interest, made available by natural or legal persons on the basis of data altruism.</p>	<p>This Chapter shall not apply to <u>recognised data altruism organisations and other</u> not-for-profit entities whose <u>insofar as their</u> activities consist only in seeking to collect data for objectives of general interest, made available by natural or legal persons on the basis of data altruism.</p>	<p>This Chapter shall not apply to <u>recognised data altruism organisations and other</u> not-for-profit entities whose <u>insofar as their</u> activities consist only in seeking to collect data for objectives of general interest, made available by natural or legal persons on the basis of data altruism, <u>unless those entities aim to establish commercial</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>relationships between an undetermined number of data subjects and data holders on the one hand, and data users on the other hand.</u>
CHAPTER IV				
209	CHAPTER IV data altruism	CHAPTER IV data altruism	CHAPTER IV data altruism	CHAPTER IV data altruism Text Origin: Commission Proposal
Article 14a				
209a			<u>Article 14a</u> <u>National arrangements for data altruism</u>	<u>Article 14a</u> <u>National arrangements for data altruism</u> Text Origin: Council Mandate
Article 14a(1)				
209b			<u>1. Member States may have in place organisational and/or technical arrangements to facilitate data altruism. In support of this Member States may define national policies for data altruism.</u>	<u>1. Member States may have in place organisational and/or technical arrangements to facilitate data altruism. In support of this Member States may define national policies for data altruism.</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u><i>These national policies may in particular support data subjects in making personal data related to them held by public sector bodies available voluntarily for data altruism, and set out the necessary information that is required to be provided to data subjects concerning the re-use of their data in the general interest. If a Member State develops such national policies, it shall inform the Commission.</i></u>	<u><i>These national policies may in particular support data subjects in making personal data related to them held by public sector bodies available voluntarily for data altruism, and set out the necessary information that is required to be provided to data subjects concerning the re-use of their data in the general interest. If a Member State develops such national policies, it shall inform the Commission.</i></u> Text Origin: Council Mandate
	Article 14a(2)			
209c			<u><i>2. The European Data Innovation Board shall advise and assist in developing a consistent practice for data altruism across the Union.</i></u>	<u><i>2. (moved)</i></u>
	Article 15			
210	Article 15 Register of recognised data altruism organisations	Article 15 Register <u>Public registers</u> of recognised data altruism organisations	Article 15 Register of recognised data altruism organisations	Article 15 Register <u>Public registers</u> of recognised data altruism organisations Text Origin: EP Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 15(1)			
211	(1) Each competent authority designated pursuant to Article 20 shall keep a register of recognised data altruism organisations.	(1) Each competent authority designated pursuant to Article 20 shall keep <u>and regularly update a public national</u> register of recognised data altruism organisations.	(1) Each competent authority <u>for the registration of data altruism organisations</u> designated pursuant to Article 20 shall keep a <u>public national</u> register of recognised data altruism organisations.	(1) Each competent authority <u>for the registration of data altruism organisations</u> designated pursuant to Article 20 shall keep <u>and regularly update a public national</u> register of recognised data altruism organisations. Text Origin: Council Mandate
	Article 15(2)			
212	(2) The Commission shall maintain a Union register of recognised data altruism organisations.	(2) The Commission shall maintain <u>and regularly update a public</u> Union register of recognised data altruism organisations.	(2) The Commission shall maintain a Union <u>An entity registered in a national</u> register of recognised data altruism organisations in accordance with Article 16 may refer to itself as a 'data altruism organisations <u>organisation recognised in the Union</u> ' in its <u>written and spoken communication</u> .	(2) The Commission shall maintain a Union register of recognised data altruism organisations. Text Origin: Council Mandate
	Article 15(3)			
213	(3) An entity registered in the register in accordance with Article	(3) <u>Only</u> an entity registered in the <u>public national</u> register <u>of</u>	(3) An entity registered in the register in accordance with Article	(3) <u>The Commission shall maintain a public Union register</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>16 may refer to itself as a ‘data altruism organisation recognised in the Union’ in its written and spoken communication.</p>	<p><u>recognised data altruism organisations</u> in accordance with Article 16 may refer to itself as use the title ‘data altruism organisation recognised in the Union’ in its written and spoken communication, <u>as well as a common logo.</u></p> <p><u>In order to ensure that data altruism organisations recognised in the Union are easily identifiable throughout the Union, the Commission shall, by means of implementing acts, establish a design for the common logo. Data altruism organisations recognised in the Union shall display the common logo clearly on every online and offline publication that relates to their data altruism activities. The common logo shall be accompanied by a QR code with a link to the Union register of data altruism organisations recognised in the Union.</u></p> <p><u>Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 29(2).</u></p>	<p>16 may refer to itself as a <u>“The Commission shall maintain a public Union register of recognised data altruism organisation recognised in the Union” in its written and spoken communication</u> <u>organisations for information purposes.</u></p>	<p><u>of recognised data altruism organisations for information purposes. Only</u> an entity registered in the <u>public national</u> register <u>of recognised data altruism organisations</u> in accordance with Article 16 may refer to itself as use the title ‘data altruism organisation recognised in the Union’ in its written and spoken communication, <u>as well as a common logo.</u></p> <p><u>In order to ensure that data altruism organisations recognised in the Union are easily identifiable throughout the Union, the Commission shall, by means of implementing acts, establish a design for the common logo. Data altruism organisations recognised in the Union shall display the common logo clearly on every online and offline publication that relates to their data altruism activities. The common logo shall be accompanied by a QR code with a link to the Union register of data altruism organisations recognised in the Union.</u></p> <p><u>Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 29(2).</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: EP Mandate
Article 15(3a)				
213a		<u>3a. Member States may establish national policies for data altruism and may put in place organisational and technical arrangements to facilitate data altruism.</u>		<u>3a. (deleted)</u>
Article 16				
214	Article 16 General requirements for registration	Article 16 General requirements for registration	Article 16 General requirements for registration	Article 16 General requirements for registration Text Origin: Commission Proposal
Article 16, first paragraph, introductory part				
215	In order to qualify for registration, the data altruism organisation shall:	In order to qualify for registration, the data altruism organisation shall:	In order to qualify for registration, the <u>in a national register of recognised</u> data altruism organisation <u>organisations, an entity</u> shall:	In order to qualify for registration, the <u>in a national register of recognised</u> data altruism organisation <u>organisations, an entity</u> shall: Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 16, first paragraph, point (-a)			
215a			<u>(-a) perform data altruism activities;</u>	<u>(-a) perform data altruism activities;</u> Text Origin: Council Mandate
	Article 16, first paragraph, point (a)			
216	(a) be a legal entity constituted to meet objectives of general interest;	(a) be a legal entity constituted to meet objectives of general interest;	(a) be a legal <u>person established pursuant to national law to</u> entity constituted to meet objectives of general interest, <u>in line with national law, where applicable;</u>	(a) be a legal <u>person established pursuant to national law to</u> entity constituted to meet objectives of general interest, <u>in line with national law, where applicable;</u> Text Origin: Council Mandate
	Article 16, first paragraph, point (b)			
217	(b) operate on a not-for-profit basis and be independent from any entity that operates on a for-profit basis;	(b) operate on a not-for-profit basis and be <u>legally</u> independent from any entity that operates on a for-profit basis; <u>the entity shall not use the data collected based on data altruism for other activities;</u>	(b) operate on a not-for-profit basis and be independent from any entity that operates on a for-profit basis;	(b) operate on a not-for-profit basis and be <u>legally</u> independent from any entity that operates on a for-profit basis; Text Origin: EP Mandate
	Article 16, first paragraph, point (c)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
218	(c) perform the activities related to data altruism take place through a legally independent structure, separate from other activities it has undertaken.	(c) perform the activities related to data altruism take place through a legally independent structure, separate from other activities it has undertaken, <u>including for-profit activities</u> .	(c) perform the activities related to data altruism take place through a legally independent structure, <u>structure that is functionally</u> separate from <u>from</u> its other activities it has undertaken .	(c) perform the activities related to data altruism take place through a legally independent structure, <u>structure that is functionally</u> separate from <u>from</u> its other activities it has undertaken . Text Origin: Council Mandate
Article 16, first paragraph, point (ca)				
218a		<u>(ca) have procedures in place to ensure compliance with the Union and national law on the protection of personal data, including procedures for ensuring the exercise of data subjects' rights;</u>		<u>(ca) (deleted)</u>
Article 16, first paragraph, point (ca)				
218b			<u>(ca) comply with codes of conduct adopted in accordance with Article 19a(2), at the latest by [date of entry into force of the implementing act + 18 months].</u>	<u>(ca) comply with the rulebook adopted in accordance with Article 19a(2), at the latest by [date of entry into force of the implementing act + 18 months].</u> Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 17				
219	Article 17 Registration	Article 17 Registration	Article 17 Registration <u>of recognised data altruism organisations</u>	Article 17 Registration <u>of recognised data altruism organisations</u> Text Origin: Council Mandate
Article 17(1)				
220	(1) Any entity which meets the requirements of Article 16 may request to be entered in the register of recognised data altruism organisations referred to in Article 15 (1).	(1) Any entity which meets the requirements of Article 16 may request <u>shall submit an application, to be evaluated by the competent authority,</u> to be entered in the register of recognised data altruism organisations referred to in Article 15 (1).	(1) Any <u>An</u> entity which meets the requirements of Article 16 may request to be entered in the <u>national</u> register of recognised data altruism organisations referred to in Article 15 (1) <u>in the Member State in which it is established</u> .	(1) Any <u>An</u> entity which meets the requirements of Article 16 may request to be entered in the <u>national</u> register of recognised data altruism organisations referred to in Article 15 (1) <u>in the Member State in which it is established</u> . Text Origin: Council Mandate
Article 17(2)				
221	(2) For the purposes of this Regulation, an entity engaged in activities based on data altruism with establishments in more than one Member State, shall register in the Member State in which it has its main establishment.	(2) For the purposes of this Regulation, an entity engaged in activities based on data altruism with establishments in more than one Member State, shall register in the Member State in which it has its main establishment.	(2) For the purposes of this Regulation, An entity engaged in activities based on data altruism with <u>which meets the requirements of Article 16 and has</u> establishments in more than one Member State, shall <u>may request to be entered in the national register of recognised data altruism organisations</u> in the Member State	(2) For the purposes of this Regulation, An entity engaged in activities based on data altruism with <u>which meets the requirements of Article 16 and has</u> establishments in more than one Member State, shall <u>may request to be entered in the national register of recognised data altruism organisations</u> in the Member State

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			in which it has its main establishment.	in which it has its main establishment. Text Origin: Council Mandate
Article 17(3)				
222	<p>(3) An entity that is not established in the Union, but meets the requirements in Article 16, shall appoint a legal representative in one of the Member States where it intends to collect data based on data altruism. For the purpose of compliance with this Regulation, that entity shall be deemed to be under the jurisdiction of the Member State where the legal representative is located.</p>	<p>(3) An entity that is not established in the Union, but meets the requirements in Article 16, shall appoint<u>designate</u> a legal representative in one of the Member States where it intends to collect data based on data altruism. <u>For the purpose of compliance with this Regulation, the legal representative shall be empowered by the entity to act on its behalf or together with it, in particular when addressed by competent authorities or data subjects and data holders, with regard to all issues related to the service or services provided. The legal representative shall perform its tasks in accordance with the mandate received from the entity, including cooperating with and comprehensively demonstrating to the competent authorities, upon request, the actions taken and provisions put in place by the entity to ensure compliance with</u></p>	<p>(3) An entity that is not established in the Union, but meets the requirements in Article 16<u>which meets the requirements in Article 16, but is not established in the Union</u>, shall appoint a legal representative in one of the Member States where it intends to collect data based on data altruism. For the purpose of compliance with this Regulation, that entity shall be deemed to be under the jurisdiction of the Member State where the legal representative is located. <u>Such an entity may request to be entered in the national register of recognised data altruism organisations in that Member State.</u></p>	<p>(3) An entity that is not established in the Union, but meets the requirements in Article 16<u>which meets the requirements in Article 16, but is not established in the Union</u>, shall appoint<u>designate</u> a legal representative in one of the Member States where it intends to collect data based on<u>in which those services are offered. For the purposes of ensuring compliance with this Regulation, the legal representative shall be mandated by the data altruism organisation to be addressed in addition to or instead of it by competent authorities or data subjects and data holders, with regard to all issues related to</u> data altruism <u>organisations. The legal representative shall cooperate with and comprehensively demonstrate to the competent authorities, upon request, the actions taken and provisions put</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>this Regulation</u> . For the purpose of compliance with this Regulation, that entity shall be deemed to be under the jurisdiction of the Member State where the legal representative is located.		<u>in place by the provider to ensure</u> ; For the purpose of compliance with this Regulation, that entity . <u>The data altruism organisation</u> shall be deemed to be under the jurisdiction of the Member State wherein which the legal representative is located. <u>The designation of a representative by the data altruism organisation shall be without prejudice to legal actions which could be initiated against the data altruism organisation themselves. Such an entity may request to be entered in the national register of recognised data altruism organisations in that Member State.</u>
Article 17(3a)				
222a		<u>3a. Where an entity that is not established in the Union fails to designate a legal representative or the legal representative fails, upon request by the competent authority, to provide within a reasonable timeframe, the necessary information that comprehensively demonstrates compliance with this Regulation, the competent authority shall have</u>		<u>3a. (deleted)</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u><i>the power to impose the immediate cessation of the provision of the data altruism activity.</i></u>		
Article 17(4), introductory part				
223	(4) Applications for registration shall contain the following information:	(4) Applications for registration shall contain the following information:	(4) Applications for registration shall contain the following information:	(4) Applications for registration shall contain the following information: Text Origin: Commission Proposal
Article 17(4), point (a)				
224	(a) name of the entity;	(a) name of the entity;	(a) name of the entity;	(a) name of the entity; Text Origin: Commission Proposal
Article 17(4), point (b)				
225	(b) the entity's legal status, form and registration number, where the entity is registered in a public register;	(b) the entity's legal status, form and registration number, where the entity is registered in a public register;	(b) the entity's legal status, form and registration number, where the entity is registered in a public register;	(b) the entity's legal status, form and registration number, where the entity is registered in a public register; Text Origin: Commission Proposal
Article 17(4), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement	
G	226	(c) the statutes of the entity, where appropriate;	(c) the statutes of the entity, where appropriate;	(c) the statutes of the entity, where appropriate; Text Origin: Commission Proposal	G
Article 17(4), point (d)					
G	227	(d) the entity's main sources of income;	(d) the entity's main sources of income;	(d) the entity's main sources of income; Text Origin: Council Mandate	G
Article 17(4), point (e)					
G	228	(e) the address of the entity'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);	(e) the address of the entity'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);	(e) the address of the entity'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); Text Origin: Commission Proposal	G
Article 17(4), point (f)					
G	229	(f) a website where information on the entity and the activities can be found;	(f) a <u>public</u> website where <u>up-to-date</u> information on the entity and the activities can be found	(f) a <u>public</u> website where <u>up-to-date</u> information on the entity and the activities can be found, <u>including as a minimum</u>	G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>including at least the information as referred to in points a, b, d, e and h;</u>	<u>the information as referred to in points letters (a), (b), (d), (e) and (h);</u>	<u>including as a minimum the information as referred to in points letters (a), (b), (d), (e) and (h);</u> Text Origin: Council Mandate
Article 17(4), point (g)				
230	(g) the entity's contact persons and contact details;	(g) the entity's contact persons and contact details;	(g) the entity's contact persons and contact details;	(g) the entity's contact persons and contact details; Text Origin: Commission Proposal
Article 17(4), point (h)				
231	(h) the purposes of general interest it intends to promote when collecting data;	(h) the purposes of general interest it intends to promote when collecting data;	(h) the purposes <u>objectives</u> of general interest it intends to promote when collecting data;	(h) the purposes <u>objectives</u> of general interest it intends to promote when collecting data; Text Origin: Council Mandate
Article 17(4), point (ha)				
231a		<u>(ha) the nature of the data that it intends to control or process, and, in the case of personal data, an indication of the categories of personal data.</u>		<u>(ha) the nature of the data that it intends to control or process, and, in the case of personal data, an indication of the categories of personal data.</u> Text Origin: EP Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 17(4), point (i)			
232	(i) any other documents which demonstrate that the requirements of Article 16 are met.	(i) any other documents which demonstrate that the requirements of Article 16 are met.	(i) any other documents which demonstrate that the requirements of Article 16 are met.	(i) any other documents which demonstrate that the requirements of Article 16 are met. Text Origin: Commission Proposal
	Article 17(5)			
233	(5) Where the entity has submitted all necessary information pursuant to paragraph 4 and the competent authority considers that the entity complies with the requirements of Article 16, it shall register the entity in the register of recognised data altruism organisations within twelve weeks from the date of application. The registration shall be valid in all Member States. Any registration shall be communicated to the Commission, for inclusion in the Union register of recognised data altruism organisations.	(5) Where the entity has submitted all necessary information pursuant to paragraph 4 and <u>after the competent authority considers has evaluated the application and has found</u> that the entity complies with the requirements of Article 16, it shall register the entity in the <u>public national</u> register of recognised data altruism organisations within twelve weeks from the date of application . The registration shall be valid in all Member States. Any registration shall be communicated to the Commission, for inclusion in the <u>public</u> Union register of recognised data altruism organisations.	(5) Where the entity has submitted all necessary information pursuant to paragraph 4 and the competent authority <u>for the registration of data altruism organisations</u> considers that the entity complies with the requirements of Article 16, it shall register <u>enter</u> the entity in <u>its national</u> the register of recognised data altruism organisations within twelve weeks from the date of application. The registration shall be valid in all Member States. Any <u>The competent authority for the registration of data altruism organisations</u> shall be communicated <u>communicate any registration</u> to the Commission, for inclusion <u>which shall include that</u>	(5) Where the entity has submitted all necessary information pursuant to paragraph 4 and <u>after the competent authority considers has evaluated the application and has found</u> that the entity complies with the requirements of Article 16, it shall register the entity in the <u>public national</u> register of recognised data altruism organisations within twelve weeks from the date of application. The registration shall be valid in all Member States. Any <u>The competent authority for the registration of data altruism organisations</u> shall be communicated <u>communicate any registration</u> to the Commission, for inclusion <u>which shall include that registration</u> in

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>registration</u> in the Union register of recognised data altruism organisations.	the Union register of recognised data altruism organisations. <small>Text Origin: EP Mandate</small>
Article 17(6)				
234	(6) The information referred to in paragraph 4, points (a), (b), (f), (g), and (h) shall be published in the national register of recognised data altruism organisations.	(6) The information referred to in paragraph 4, points (a), (b), (f), (g), and (h) shall be published in the <u>public</u> national register of recognised data altruism organisations.	(6) The information referred to in paragraph 4, points (a), (b), (f), (g), and (h) shall be published in the <u>relevant</u> national register of recognised data altruism organisations.	(6) The information referred to in paragraph 4, points (a), (b), (f), (g), and (h) shall be published in the <u>public</u> national register of recognised data altruism organisations. <small>Text Origin: EP Mandate</small>
Article 17(7)				
235	(7) Any entity entered in the register of recognised data altruism organisations shall submit any changes of the information provided pursuant to paragraph 4 to the competent authority within 14 calendar days from the day on which the change takes place.	(7) Any entity entered in the <u>public national</u> register of recognised data altruism organisations shall submit any changes of the information provided pursuant to paragraph 4 to the competent authority within 14 calendar days from the day on which the change takes place. <u>The competent authority shall inform the Commission of each such notification without delay by electronic means.</u>	(7) Any entity entered in <u>a national</u> the register of recognised data altruism organisations shall <u>notify the competent authority for the registration of data altruism organisations of</u> submit any changes of the information provided pursuant to paragraph 4 <u>within 14 days from the day on which the change takes place.</u> to The competent authority within 14 calendar days from the day on which the change takes place <u>shall inform the Commission by</u>	(7) Any entity entered in <u>a national</u> the register of recognised data altruism organisations shall <u>notify the competent authority for the registration of data altruism organisations of</u> submit any changes of the information provided pursuant to paragraph 4 <u>within 14 days from the day on which the change takes place.</u> to The competent authority within 14 calendar days from the day on which the change takes place <u>shall inform the Commission by</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>electronic means of each such notification without delay. Based on such notification, the Commission shall update the Union register of recognised data altruism organisations without delay.</u>	<u>electronic means of each such notification without delay. Based on such notification, the Commission shall update the Union register of recognised data altruism organisations without delay.</u> Text Origin: Council Mandate
Article 18				
236	Article 18 Transparency requirements	Article 18 Transparency requirements	Article 18 Transparency requirements	Article 18 Transparency requirements Text Origin: Commission Proposal
Article 18(1), introductory part				
237	(1) Any entity entered in the national register of recognised data altruism organisations shall keep full and accurate records concerning:	(1) Any entity entered in the <u>public</u> national register of recognised data altruism organisations shall keep full and accurate records concerning:	(1) Any entity entered in the <u>a</u> national register of recognised data altruism organisations shall keep full and accurate records concerning:	(1) Any entity entered in <u>a public</u> the national register of recognised data altruism organisations shall keep full and accurate records concerning: Text Origin: Council Mandate
Article 18(1), point (a)				
238	(a) all natural or legal persons that were given the possibility to	(a) all natural or legal persons that were given the possibility to	(a) all natural or legal persons that were given the possibility to	(a) all natural or legal persons that were given the possibility to

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	process data held by that entity;	process data held by that entity;	process data held by that entity, <u>and their contact details;</u>	process data held by that entity, <u>and their contact details;</u> Text Origin: Council Mandate
Article 18(1), point (b)				
239	(b) the date or duration of such processing;	(b) the date or duration of such processing;	(b) the date or duration of such processing <u>of personal data or use of non-personal data;</u>	(b) the date or duration of such processing <u>of personal data or use of non-personal data;</u> Text Origin: Council Mandate
Article 18(1), point (c)				
240	(c) the purpose of such processing as declared by the natural or legal person that was given the possibility of processing;	(c) the purpose of such processing as declared by the natural or legal person that was given the possibility of processing;	(c) the purpose of such processing as declared by the natural or legal person that was given the possibility of processing;	(c) the purpose of such processing as declared by the natural or legal person that was given the possibility of processing; Text Origin: Commission Proposal
Article 18(1), point (d)				
241	(d) the fees paid by natural or legal persons processing the data, if any.	(d) the fees paid by natural or legal persons processing the data, if any.	(d) the fees paid by natural or legal persons processing the data, if any.	(d) the fees paid by natural or legal persons processing the data, if any. Text Origin: Commission Proposal
Article 18(2), introductory part				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
242	(2) Any entity entered in the register of recognised data altruism organisations shall draw up and transmit to the competent national authority an annual activity report which shall contain at least the following:	(2) Any entity entered in the <u>public national</u> register of recognised data altruism organisations shall draw up and transmit to the competent national authority an annual activity report which shall contain at least the following:	(2) Any entity entered in the <u>a</u> register of recognised data altruism organisations shall draw up and transmit to the <u>relevant</u> competent national authority <u>for the registration of data altruism organisations</u> an annual activity report which shall contain at least the following:	(2) Any entity entered in <u>a public national</u> the register of recognised data altruism organisations shall draw up and transmit to the <u>relevant</u> competent national authority <u>for the registration of data altruism organisations</u> an annual activity report which shall contain at least the following: Text Origin: Council Mandate
Article 18(2), point (a)				
243	(a) information on the activities of the entity;	(a) information on the activities of the entity;	(a) information on the activities of the entity;	(a) information on the activities of the entity; Text Origin: Commission Proposal
Article 18(2), point (b)				
244	(b) a description of the way in which the general interest purposes for which data was collected have been promoted during the given financial year;	(b) a description of the way in which the general interest purposes for which data was collected have been promoted during the given financial year;	(b) a description of the way in which the general interest purposes for which data was collected have been promoted during the given financial year;	(b) a description of the way in which the general interest purposes for which data was collected have been promoted during the given financial year; Text Origin: Commission Proposal
Article 18(2), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
245	(c) a list of all natural and legal persons that were allowed to use data it holds, including a summary description of the general interest purposes pursued by such data use and the description of the technical means used for it, including a description of the techniques used to preserve privacy and data protection;	(c) a list of all natural and legal persons that were allowed to use data it holds, including a summary description of the general interest purposes pursued by such data use and the description of the technical means used for it, including a description of the techniques used to preserve privacy and data protection;	(c) a list of all natural and legal persons that were allowed to use <u>process</u> data it holds, including a summary description of the general interest purposes pursued by such data use <u>processing</u> and the description of the technical means used for it, including a description of the techniques used to preserve privacy and data protection;	(c) a list of all natural and legal persons that were allowed to use <u>process</u> data it holds, including a summary description of the general interest purposes pursued by such data use <u>processing</u> and the description of the technical means used for it, including a description of the techniques used to preserve privacy and data protection; Text Origin: Council Mandate
Article 18(2), point (d)				
246	(d) a summary of the results of the data uses allowed by the entity, where applicable;	(d) a summary of the results of the data uses allowed by the entity, where applicable;	(d) a summary of the results of the data uses <u>processing</u> allowed by the entity, where applicable;	(d) a summary of the results of the data uses <u>processing</u> allowed by the entity, where applicable; Text Origin: Council Mandate
Article 18(2), point (e)				
247	(e) information on sources of revenue of the entity, in particular all revenue resulted from allowing access to the data, and on expenditure.	(e) information on sources of revenue of the entity, in particular all revenue resulted from allowing access to the data, and on expenditure.	(e) information on sources of revenue of the entity, in particular all revenue resulted from allowing access to the data, and on expenditure.	(e) information on sources of revenue of the entity, in particular all revenue resulted from allowing access to the data, and on expenditure. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 19				
248	Article 19 Specific requirements to safeguard rights and interests of data subjects and legal entities as regards their data	Article 19 Specific requirements to safeguard rights and interests of data subjects and legal entities as regards their data	Article 19 Specific requirements to safeguard rights and interests of data subjects and legal entities <u>data holders</u> as regards their data	Article 19 Specific requirements to safeguard rights and interests of data subjects and legal entities <u>data holders</u> as regards their data Text Origin: Council Mandate
Article 19(1), introductory part				
249	(1) Any entity entered in the register of recognised data altruism organisations shall inform data holders:	(1) Any entity entered in the <u>public</u> register of recognised data altruism organisations shall inform data holders <u>or data subjects prior to any processing of their data in a clear and easy-to-understand manner</u> :	(1) Any entity entered in <u>a national</u> the register of recognised data altruism organisations shall inform data <u>subjects and data holders</u> prior to any processing of their data	(1) Any entity entered in the <u>public national</u> register of recognised data altruism organisations shall inform data holders <u>or data subjects prior to any processing of their data in a clear and easy-to-understand manner</u> : Text Origin: EP Mandate
Article 19(1), point (a)				
250	(a) about the purposes of general interest for which it permits the processing of their data by a data user in an easy-to-understand manner;	(a) about the purposes of general interest for which it permits the processing of their data by a data user in an easy-to-understand manner ;	(a) about the purposes <u>objectives</u> of general interest <u>and, if applicable, the specified, explicit and legitimate purpose for which personal data will be processed</u> , for which it permits the processing of their data by a data user in an	(a) about the purposes <u>objectives</u> of general interest <u>and, if applicable, the specified, explicit and legitimate purpose for which personal data will be processed</u> , for which it permits the processing of their data by a data user in an

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			easy-to-understand manner;	easy-to-understand manner; Text Origin: Council Mandate
Article 19(1), point (aa)				
250a		<u>(aa) in the case of personal data, about the legal basis pursuant to Regulation (EU) 2016/679 on which it processes that data;</u>		(deleted) Text Origin: EP Mandate
Article 19(1), point (b)				
251	(b) about any processing outside the Union.	(b) about <u>the location of and the purposes of general interest for which it permits</u> any processing <u>performed</u> outside the Union.	(b) about <u>the location of</u> any processing <u>performed</u> outside the Union, <u>in case the processing is performed by the entity entered in a national register of recognised data altruism organisations itself.</u>	(b) about <u>the location of and the objectives of general interest for which it permits</u> any processing <u>performed</u> outside the Union, <u>in case the processing is performed by the entity entered in a national register of recognised data altruism organisations itself.</u> Text Origin: Council Mandate
Article 19(2)				
252	(2) The entity shall also ensure that the data is not be used for other purposes than those of general interest for which it permits the processing.	(2) The entity shall also ensure that the data is not be used for other purposes than those of general interest for which it permits the processing. <u>The entity</u>	(2) The entity shall also ensure that the data is not be used for other purposes <u>objectives</u> than those of general interest for which <u>the data subject or data holder</u> #	(2) The entity shall also ensure that not use the data is not be used for other purposes <u>objectives</u> than those of general interest for which # <u>the data subject or data holder</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>shall not use misleading marketing practices to solicit donations of data.</u>	permits the processing.	permits the processing. <u>The entity shall not use misleading marketing practices to solicit provision of data.</u> <small>Text Origin: EP Mandate</small>
	Article 19(2a)			
G 252a		<u>2a. The entity shall also ensure that the consent of data subjects or permission 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.</u>		<u>2a. (deleted)</u>
	Article 19(2b)			
G 252b		<u>2b. The entity shall take measures to ensure a high level of security for the storage and processing of data that it has collected.</u>		<u>2b. (deleted)</u>
	Article 19(2a)			
G 252c			<u>2a. The entity shall provide tools for obtaining consent from data subjects or permissions to process data made available by data holders. The entity shall also</u>	<u>2a. The entity shall provide tools for obtaining consent from data subjects or permissions to process data made available by data holders. The entity shall also</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>provide tools for easy withdrawal of such consent or permission.</u>	<u>provide tools for easy withdrawal of such consent or permission.</u> Text Origin: Council Mandate
Article 19(2b)				
G 252d			<u>2b. The entity shall take measures to ensure an appropriate level of security for the storage and processing of non-personal data that it has collected based on data altruism.</u>	<u>2b. The entity shall take measures to ensure an appropriate level of security for the storage and processing of non-personal data that it has collected based on data altruism.</u> Text Origin: Council Mandate
Article 19(2c)				
G 252e			<u>2c. The entity shall without undue delay inform data holders in case of an unauthorised transfer, access or use of the non-personal data that it has shared.</u>	<u>2c. The entity shall without undue delay inform data holders in case of an unauthorised transfer, access or use of the non-personal data that it has shared.</u> Text Origin: Council Mandate
Article 19(3)				
G 253	(3) Where an entity entered in the register of recognised data altruism organisations provides tools for obtaining consent from data	(3) Where an entity entered in the <u>public national</u> register of recognised data altruism organisations provides tools for	(3) Where an <u>the</u> entity entered in the register of recognised data altruism organisations <u>provides facilitates data processing</u>	(3) Where an <u>the</u> entity entered in the register of recognised data altruism organisations <u>provides facilitates data processing</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	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.	<u>by third parties, including by providing</u> tools for obtaining consent from data subjects or permissions to process data made available by legal persons <u>data holders</u> , it shall, <u>where relevant</u> , specify the jurisdiction or jurisdictions <u>outside the Union</u> in which the data use is intended to take place.	<u>by third parties, including by providing</u> tools for obtaining consent from data subjects or permissions to process data made available by legal persons <u>data holders</u> , it shall, <u>where relevant</u> , specify the jurisdiction or jurisdictions <u>outside the Union</u> in which the data use is intended to take place. Text Origin: Council Mandate
	Article 19a			
G	253a		<u>Article 19a</u> <u>Codes of conduct</u>	<u>Article 19a</u> <u>Rulebook</u>
	Article 19a(1), introductory part			
R	253b		<u>1. The Commission shall, by way of implementing acts, adopt codes of conduct developed in close cooperation with data altruism organisations and relevant stakeholders laying down:</u>	<u>1. The Commission shall, by way of [implementing/delegated] acts, adopt a rulebook developed in close cooperation with data altruism organisations and relevant stakeholders laying down:</u> To be decided: IA vs DA Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 19a(1), point (a)				
G	253c		<u>(a) appropriate information requirements to ensure that data holders and data subjects are provided, before a consent or permission for data altruism is given, with sufficiently detailed, clear and transparent information regarding the use of data, the tools for the giving and withdrawal of the consent, and the measures taken to avoid misuse of the data shared with the data altruism organisation;</u>	<u>(a) appropriate information requirements to ensure that data holders and data subjects are provided, before a consent or permission for data altruism is given, with sufficiently detailed, clear and transparent information regarding the use of data, the tools for the giving and withdrawal of the consent, and the measures taken to avoid misuse of the data shared with the data altruism organisation;</u> Text Origin: Council Mandate
Article 19a(1), point (b)				
G	253d		<u>(b) appropriate technical and security requirements to ensure the appropriate level of security for the storage and processing of data, as well as for the tools for obtaining and withdrawing consent and permission;</u>	<u>(b) appropriate technical and security requirements to ensure the appropriate level of security for the storage and processing of data, as well as for the tools for obtaining and withdrawing consent and permission;</u> Text Origin: Council Mandate
Article 19a(1), point (c)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
253e			<u>(c) communication roadmaps taking a multi-disciplinary approach to raise awareness of data altruism, of the designation as a data altruism organisation recognised in the Union and of the codes of conduct among relevant stakeholders, in particular data holders and data subjects that would potentially share their data;</u>	<u>(c) communication roadmaps taking a multi-disciplinary approach to raise awareness of data altruism, of the designation as a data altruism organisation recognised in the Union and of the rulebook among relevant stakeholders, in particular data holders and data subjects that would potentially share their data;</u> <small>Text Origin: Council Mandate</small>
Article 19a(1), point (d)				
253f			<u>(d) recommendations on relevant interoperability standards.</u>	<u>(d) recommendations on relevant interoperability standards.</u> <small>Text Origin: Council Mandate</small>
Article 19a(2)				
253g			<u>2. Those implementing acts shall be adopted in accordance with the examination procedure set out in Article 29 (3).</u>	<u>2. Those implementing acts shall be adopted in accordance with the examination procedure set out in Article 29 (3).</u> <small>Text Origin: Council Mandate</small>
Article 20				
254				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 20 Competent authorities for registration	Article 20 Competent authorities for registration <u>of data altruism organisations</u>	Article 20 Competent authorities for <u>the</u> registration <u>of data altruism organisations</u>	Article 20 Competent authorities for <u>the</u> registration <u>of data altruism organisations</u> Text Origin: Council Mandate
Article 20(1)				
255	(1) Each Member State shall designate one or more competent authorities responsible for the register of recognised data altruism organisations and for the monitoring of compliance with the requirements of this Chapter. The designated competent authorities shall meet the requirements of Article 23.	(1) Each Member State shall designate one or more competent authorities responsible for the <u>public national</u> register of recognised data altruism organisations and for the monitoring of compliance with the requirements of this Chapter. The designated competent authorities <u>for the registration of data altruism organisations</u> shall meet the requirements of Article 23.	(1) Each Member State shall designate one or more competent authorities responsible for <u>their national</u> the register of recognised data altruism organisations and for the monitoring of compliance with the requirements of this Chapter. The designated competent authorities <u>for the registration of data altruism organisations</u> shall meet the requirements of Article 23.	(1) Each Member State shall designate one or more competent authorities responsible for <u>the public national national</u> the register of recognised data altruism organisations and for the monitoring of compliance with the requirements of this Chapter. The designated competent authorities <u>for the registration of data altruism organisations</u> shall meet the requirements of Article 23. Text Origin: Council Mandate
Article 20(2)				
256	(2) Each Member State shall inform the Commission of the identity of the designated authorities.	(2) Each Member State shall inform the Commission of the identity of the designated authorities.	(2) Each Member State shall inform the Commission of the identity of the <u>their</u> designated <u>competent</u> authorities <u>for the registration of data altruism organisations</u> .	(2) Each Member State shall inform the Commission of the identity of the <u>their</u> designated <u>competent</u> authorities <u>for the registration of data altruism organisations</u> .

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 20(3)				
257	(3) The competent authority shall undertake its tasks in cooperation with the data protection authority, where such tasks are related to processing of personal data, and with relevant sectoral bodies of the same Member State. For any question requiring an assessment of compliance with Regulation (EU) 2016/679, the competent authority shall first seek an opinion or decision by the competent supervisory authority established pursuant to that Regulation and comply with that opinion or decision.	(3) The competent authority shall undertake its tasks in cooperation with the data protection authority, where such tasks are related to processing of personal data, and with relevant sectoral bodies of the same Member State. For any question requiring an assessment of compliance with Regulation (EU) 2016/679, the competent authority shall first seek an opinion or decision by the competent supervisory authority established pursuant to that Regulation <i>and comply with that opinion or decision</i> <u>which shall be legally binding for the competent authority</u> .	(3) The competent authority <u>for the registration of data altruism organisations of a Member State</u> shall undertake its tasks in cooperation with the <u>relevant</u> data protection authority, where such tasks are related to processing of personal data, and with relevant sectoral bodies of the same <u>that</u> Member State. For any question requiring an assessment of compliance with Regulation (EU) 2016/679, the competent authority shall first seek an opinion or decision by the competent supervisory authority established pursuant to that Regulation and comply with that opinion or decision.	(3) The competent authority <u>for the registration of data altruism organisations of a Member State</u> shall undertake its tasks in cooperation with the <u>relevant</u> data protection authority, where such tasks are related to processing of personal data, and with relevant sectoral bodies of the same <u>that</u> Member State. For any question requiring an assessment of compliance with Regulation (EU) 2016/679, the competent authority shall first seek an opinion or decision by the competent supervisory authority established pursuant to that Regulation and comply with that opinion or decision. Text Origin: Council Mandate
Article 21				
258	Article 21 Monitoring of compliance	Article 21 Monitoring of compliance	Article 21 Monitoring of compliance	Article 21 Monitoring of compliance Text Origin: Commission

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Proposal
Article 21(1)				
259	(1) The competent authority shall monitor and supervise compliance of entities entered in the register of recognised data altruism organisations with the conditions laid down in this Chapter.	(1) The competent authority shall monitor and supervise compliance of entities entered in the <u>public national</u> register of recognised data altruism organisations with the conditions laid down in this Chapter.	(1) The competent authority <u>for the registration of data altruism organisations</u> shall monitor and supervise compliance of entities entered in <u>its national</u> -the register of recognised data altruism organisations with the conditions laid down in this Chapter. <u>The competent authority for the registration of data altruism organisations may also monitor and supervise the compliance of such entities based on the request of natural or legal persons.</u>	(1) The competent authority <u>for the registration of data altruism organisations</u> shall monitor and supervise compliance of entities entered in <u>its public national</u> -the register of recognised data altruism organisations with the conditions laid down in this Chapter. <u>The competent authority for the registration of data altruism organisations may also monitor and supervise the compliance of such entities based on the request of natural or legal persons.</u> Text Origin: Council Mandate
Article 21(2)				
260	(2) The competent authority shall have the power to request information from entities included in the register of recognised data altruism organisations that is necessary to verify compliance with the provisions of this Chapter. Any request for information shall be proportionate to the	(2) The competent authority shall have the power to request information from entities included in the <u>public national</u> register of recognised data altruism organisations that is necessary to verify compliance with the provisions of this Chapter. Any request for information shall be	(2) The competent authority shall have the power to request information from entities included in <u>its national</u> -the register of recognised data altruism organisations that is necessary to verify compliance with the provisions of this Chapter. Any request for information shall be	(2) The competent authority shall have the power to request information from entities included in <u>its public national</u> -the register of recognised data altruism organisations that is necessary to verify compliance with the provisions of this Chapter. Any request for information shall be

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	performance of the task and shall be reasoned.	proportionate to the performance of the task and shall be reasoned.	proportionate to the performance of the task and shall be reasoned.	proportionate to the performance of the task and shall be reasoned. <small>Text Origin: Council Mandate</small>
Article 21(3)				
261	(3) Where the competent authority finds that an entity does not comply with one or more of the requirements of this Chapter it shall notify the entity of those findings and give it the opportunity to state its views, within a reasonable time limit.	(3) Where the competent authority finds that an entity does not comply with one or more of the requirements of this Chapter it shall notify the entity of those findings and give it the opportunity to state its views, within a reasonable time limit.	(3) Where the competent authority finds that an entity does not comply with one or more of the requirements of this Chapter it shall notify the entity of those findings and give it the opportunity to state its views, within a reasonable time limit <u>30 days</u> .	(3) Where the competent authority finds that an entity does not comply with one or more of the requirements of this Chapter it shall notify the entity of those findings and give it the opportunity to state its views, within a reasonable time limit <u>30 days</u> . <small>Text Origin: Council Mandate</small>
Article 21(4)				
262	(4) The competent authority shall have the power to require the cessation of the breach referred to in paragraph 3 either immediately or within a reasonable time limit and shall take appropriate and proportionate measures aimed at ensuring compliance.	(4) The competent authority shall have the power to require the cessation of the breach referred to in paragraph 3 either immediately or within a reasonable time limit and shall take appropriate and proportionate measures aimed at ensuring compliance.	(4) The competent authority shall have the power to require the cessation of the breach referred to in paragraph 3 either immediately or within a reasonable time limit and shall take appropriate and proportionate measures aimed at ensuring compliance.	(4) The competent authority shall have the power to require the cessation of the breach referred to in paragraph 3 either immediately or within a reasonable time limit and shall take appropriate and proportionate measures aimed at ensuring compliance. <small>Text Origin: Commission Proposal</small>
Article 21(5), introductory part				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
263	(5) If an entity does not comply with one or more of the requirements of this Chapter even after having been notified in accordance with paragraph 3 by the competent authority, the entity shall:	(5) If an entity does not comply with one or more of the requirements of this Chapter even after having been notified <u>notification by the competent authority</u> in accordance with paragraph 3 by , the competent authority <u>shall have the power to require the cessation of the infringement within a reasonable time limit or immediately in the case of a serious infringement and shall take appropriate and proportionate measures aiming to ensure compliance with this Regulation. In that regard,</u> the entity shall, <u>where deemed appropriate by the competent authority</u> :	(5) If an entity does not comply with one or more of the requirements of this Chapter even after having been notified in accordance with paragraph 3 by the competent authority, the entity shall:	(5) If an entity does not comply with one or more of the requirements of this Chapter even after having been notified in accordance with paragraph 3 by the competent authority, the entity shall:
Article 21(5), point (a)				
264	(a) lose its right to refer to itself as a ‘data altruism organisation recognised in the Union’ in any written and spoken communication;	(a) lose its right <u>rights to collect data made available by natural or legal persons on the basis of data altruism, to perform the activities linked to the realisation of the data altruism purpose,</u> to refer to itself as a ‘data altruism organisation recognised in the Union’ in any written and spoken communication, <u>and to use the</u>	(a) lose its right to refer to itself as a ‘data altruism organisation recognised in the Union’ in any written and spoken communication;	(a) lose its right to refer to itself as a ‘data altruism organisation recognised in the Union’ in any written and spoken communication, <u>such decision shall be made public</u> ;

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>common logo, as well as be subject to financial penalties;</u>		
Article 21(5), point (b)				
265	(b) be removed from the register of recognised data altruism organisations.	(b) be removed from the register <u>public national and Union registers</u> of recognised data altruism organisations.	(b) be removed from the <u>relevant national register of recognised data altruism organisations, and the Union</u> register of recognised data altruism organisations.	(b) be removed from the <u>public national register of recognised data altruism organisations, and the Union</u> register of recognised data altruism organisations. Text Origin: Council Mandate
Article 21(6)				
266	(6) If an entity included in the register of recognised data altruism organisations has its main establishment or legal representative in a Member State but is active 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 as necessary. Such assistance and cooperation may cover information exchanges between the competent authorities concerned and requests	(6) If an entity included in the <u>public national</u> register of recognised data altruism organisations has its main establishment or legal representative in a Member State but is active 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 as necessary. Such assistance and cooperation may <u>shall</u> cover <u>but not be limited to</u> information	(6) If an entity included in <u>a national</u> the register of recognised data altruism organisations has its main establishment or legal representative in a Member State but is active 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 as necessary. Such assistance and cooperation may cover information exchanges between the competent authorities concerned and requests	(6) If an entity included in <u>a public national</u> the register of recognised data altruism organisations has its main establishment or legal representative in a Member State but is active 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 as necessary. Such assistance and cooperation may cover information exchanges between the competent

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	to take the supervisory measures referred to in this Article.	exchanges between the competent authorities concerned and <u>reasoned</u> requests to take the supervisory measures referred to in this Article.	to take the supervisory measures referred to in this Article. <u>Where a competent authority in one Member State requests assistance from another Member State, it shall submit a duly justified request. The competent authority shall, upon such a request, provide a response without undue delay and within a timeframe proportionate to the urgency of the request. Any information exchanged in the context of assistance requested and provided under this paragraph shall be used only in respect of the matter for which it was requested.</u>	authorities concerned <u>and reasoned</u> and requests to take the supervisory measures referred to in this Article. <u>Where a competent authority in one Member State requests assistance from another Member State, it shall submit a duly justified request. The competent authority shall, upon such a request, provide a response without undue delay and within a timeframe proportionate to the urgency of the request. Any information exchanged in the context of assistance requested and provided under this paragraph shall be used only in respect of the matter for which it was requested.</u> Text Origin: Council Mandate
Article 22				
267	Article 22 European data altruism consent form	Article 22 European data altruism consent form	Article 22 European data altruism consent form	Article 22 European data altruism consent form Text Origin: Commission Proposal
Article 22(1)				
268				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>(1) In order to facilitate the collection of data based on data altruism, the Commission may adopt implementing acts developing a European data altruism consent form. The form shall allow the collection of consent across Member States in a uniform format. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 29 (2).</p>	<p>(1) In order to facilitate the collection of data based on data altruism, the Commission may adopt implementing acts developing a European data altruism consent form, <u>in cooperation with the European Data Innovation Board and the European Data Protection Board</u>. The form shall allow the collection of consent across Member States in a uniform format. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 29 (2).</p>	<p>(1) In order to facilitate the collection of data based on data altruism, the Commission may <u>shall</u> adopt implementing acts <u>establishing and</u> developing a European data altruism consent form, <u>after consultation of the European Data Protection Board, and duly involving relevant stakeholders</u>. The form shall allow the collection of consent across Member States in a uniform format. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 29 (2) <u>29(2)</u>.</p>	<p>(1) In order to facilitate the collection of data based on data altruism, the Commission may <u>shall</u> adopt implementing acts <u>establishing and</u> developing a European data altruism consent form, <u>after consultation of the European Data Protection Board, taking into account the advice of the European Data Innovation Board, and duly involving relevant stakeholders</u>. The form shall allow the collection of consent across Member States in a uniform format. Those implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 29 (2) <u>29(2)</u>.</p> <p><u>Ia new) Advise and assist the Commission in developing the European data altruism consent form in accordance with Article 22 (1).</u></p> <p>Text Origin: Council Mandate</p>
Article 22(2)				
269	<p>(2) The European data altruism consent form shall use a modular approach allowing customisation</p>	<p>(2) The European data altruism consent form shall use a modular approach allowing customisation</p>	<p>(2) The European data altruism consent form shall use a modular approach allowing customisation</p>	<p>(2) The European data altruism consent form shall use a modular approach allowing customisation</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	for specific sectors and for different purposes.	for specific sectors and for different purposes.	for specific sectors and for different purposes.	for specific sectors and for different purposes. Text Origin: Commission Proposal
Article 22(3)				
270	(3) Where personal data are provided, the European data altruism consent form shall ensure that data subjects are able to give consent to and withdraw consent from a specific data processing operation in compliance with the requirements of Regulation (EU) 2016/679.	(3) Where personal data are provided, the European data altruism consent form shall ensure that data subjects are able to give consent to and withdraw consent from a specific data processing operation in compliance with the requirements of Regulation (EU) 2016/679.	(3) Where personal data are provided, the European data altruism consent form shall ensure that data subjects are able to give consent to and withdraw consent from a specific data processing operation in compliance with the requirements of Regulation (EU) 2016/679.	(3) Where personal data are provided, the European data altruism consent form shall ensure that data subjects are able to give consent to and withdraw consent from a specific data processing operation in compliance with the requirements of Regulation (EU) 2016/679. Text Origin: Commission Proposal
Article 22(4)				
271	(4) The form shall be available in a manner that can be printed on paper and read by humans as well as in an electronic, machine-readable form.	(4) The form shall be available in <u>all official languages of the Union</u> in a manner that can be printed on paper and read by humans as well as in an electronic, machine-readable form.	(4) The form shall be available in a manner that can be printed on paper and read by humans <u>is easily understandable</u> as well as in an electronic, machine-readable form.	(4) The form shall be available in a manner that can be printed on paper and read by humans <u>is easily understandable</u> as well as in an electronic, machine-readable form. Text Origin: Council Mandate
CHAPTER V				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
272	CHAPTER V competent authorities and procedural provisions	CHAPTER V competent authorities and procedural provisions	CHAPTER V competent authorities and procedural provisions	CHAPTER V competent authorities and procedural provisions Text Origin: Commission Proposal
Article 23				
273	Article 23 Requirements relating to competent authorities	Article 23 Requirements relating to competent authorities	Article 23 Requirements relating to competent authorities	Article 23 Requirements relating to competent authorities Text Origin: Commission Proposal
Article 23(1)				
274	(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 altruism organisations.	(1) The competent authorities designated pursuant to Article <u>Articles</u> 12 and Article 20 shall be legally distinct from, and functionally independent of any provider of data sharing <u>intermediation</u> services or entity included in the <u>public national</u> register of recognised data altruism organisations. <u>The functions of the competent authorities designated pursuant to Articles 12 and 20 may be carried out by the same authority.</u>	(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 <u>intermediation</u> services or entity included in <u>a national</u> the register of recognised data altruism organisations. <u>The functions of the competent authorities designated pursuant to Article 12 and Article 20 may be performed by the same entity. Member States may either</u>	(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 <u>intermediation</u> services or entity included in the <u>public national national</u> register of recognised data altruism organisations. <u>The functions of the competent authorities designated pursuant to Article 12 and Article 20 may be performed by the same entity. Member States may either</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>Member States may decide to assign the tasks of the competent authorities under this Regulation to the supervisory authorities designated under Regulation (EU) 2016/679.</u>	<u>establish one or more new entities or rely on existing ones.</u>	<u>establish one or more new entities or rely on existing ones.</u> Text Origin: Council Mandate
Article 23(2)				
275	(2) Competent authorities shall exercise their tasks in an impartial, transparent, consistent, reliable and timely manner.	(2) Competent authorities shall exercise their tasks in an impartial, transparent, consistent, reliable and timely manner <u>and shall safeguard fair competition and non-discriminatory access for natural persons and SMEs and start-ups at all times.</u>	(2) Competent authorities shall exercise their tasks in an impartial, transparent, consistent, reliable and timely manner.	(2) Competent authorities shall exercise their tasks in an impartial, transparent, consistent, reliable, and timely manner <u>and shall, in the exercise of their tasks, safeguard fair competition and non-discrimination;</u> Text Origin: Council Mandate
Article 23(3)				
276	(3) The top-management and the personnel responsible for carrying out the relevant tasks of the competent authority provided for in this Regulation cannot be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the services which they evaluate, nor the authorised representative of any of those parties or represent them. This	(3) The top-management and the personnel responsible for carrying out the relevant tasks of the competent authority provided for in this Regulation cannot be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the services which they evaluate, nor the authorised <u>legal</u> representative of any of those parties or represent	(3) The top-management and the personnel responsible for carrying out the relevant tasks of the competent authority provided for in this Regulation <u>authorities</u> cannot be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the services which they evaluate, nor the authorised representative of any of those	(3) The top-management and the personnel responsible for carrying out the relevant tasks of the competent authority provided for in this Regulation <u>authorities</u> cannot be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the services which they evaluate, nor the authorised <u>legal</u> representative of

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	shall not preclude the use of evaluated services that are necessary for the operations of the competent authority or the use of such services for personal purposes.	them. This shall not preclude the use of evaluated services that are necessary for the operations of the competent authority or the use of such services for personal purposes.	parties or represent them. This shall not preclude the use of evaluated services that are necessary for the operations of the <u>a</u> competent authority or the use of such services for personal purposes.	any of those parties or represent them. This shall not preclude the use of evaluated services that are necessary for the operations of the competent authority or the use of such services for personal purposes. Text Origin: EP Mandate
Article 23(4)				
277	(4) Top-management and personnel shall not engage in any activity that may conflict with their independence of judgment or integrity in relation to evaluation activities entrusted to them.	(4) Top-management and personnel shall not engage in any activity that may conflict with their independence of judgment or integrity in relation to evaluation activities entrusted to them.	(4) Top-management and personnel <u>of the competent authorities</u> shall not engage in any activity that may conflict with their independence of judgment or integrity in relation to evaluation activities entrusted to them.	(4) Top-management and personnel <u>of the competent authorities</u> shall not engage in any activity that may conflict with their independence of judgment or integrity in relation to evaluation activities entrusted to them. Text Origin: Council Mandate
Article 23(5)				
278	(5) The competent authorities shall have at their disposal the adequate financial and human resources to carry out the tasks assigned to them, including the necessary technical knowledge and resources.	(5) The competent authorities shall have at their disposal the adequate financial and human resources to carry out the tasks assigned to them, including the necessary technical knowledge and resources.	(5) The competent authorities shall have at their disposal the adequate financial and human resources to carry out the tasks assigned to them, including the necessary technical knowledge and resources.	(5) The competent authorities shall have at their disposal the adequate financial and human resources to carry out the tasks assigned to them, including the necessary technical knowledge and resources. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 23(6)			
279	(6) The competent authorities of a Member State shall provide the Commission and competent authorities from other Member States, on reasoned request, with the information necessary to carry out their tasks under this Regulation. Where a national competent authority considers the information requested to be confidential in accordance with Union and national rules on commercial and professional confidentiality, the Commission and any other competent authorities concerned shall ensure such confidentiality.	(6) The competent authorities of a Member State shall provide the Commission and competent authorities from other Member States, on reasoned request, with the information necessary to carry out their tasks under this Regulation. Where a national competent authority considers the information requested to be confidential in accordance with Union and national rules on commercial and professional confidentiality, the Commission and any other competent authorities concerned shall ensure such confidentiality.	(6) The competent authorities of a Member State shall provide the Commission and competent authorities from other Member States, on reasoned request <u>and without undue delay</u> , with the information necessary to carry out their tasks under this Regulation. Where a national competent authority considers the information requested to be confidential in accordance with Union and national rules on commercial and professional confidentiality, the Commission and any other competent authorities concerned shall ensure such confidentiality.	(6) The competent authorities of a Member State shall provide the Commission and competent authorities from other Member States, on reasoned request <u>and without undue delay</u> , with the information necessary to carry out their tasks under this Regulation. Where a national competent authority considers the information requested to be confidential in accordance with Union and national rules on commercial and professional confidentiality, the Commission and any other competent authorities concerned shall ensure such confidentiality. Text Origin: Council Mandate
	Article 24			
280	Article 24 Right to lodge a complaint	Article 24 Right to lodge a complaint	Article 24 Right to lodge a complaint	Article 24 Right to lodge a complaint Text Origin: Commission Proposal
	Article 24(1)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
281	(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.	(1) Natural and legal persons shall have the right to lodge a complaint, <u>individually or collectively</u> , with the relevant national competent authority against a provider of data sharing <u>intermediation</u> services or an entity entered in the <u>public national</u> register of recognised data altruism organisations.	(1) <u>Any affected</u> natural and legal persons shall have the right to lodge a complaint with the relevant national competent authority against a provider of data sharing <u>intermediation</u> services or an entity entered in <u>a national</u> the register of recognised data altruism organisations <u>in relation to any matter falling within the scope of this Regulation</u> .	(1) Natural and legal persons shall have the right to lodge a complaint, <u>individually or, where relevant, collectively</u> , with the relevant national competent authority against a provider of data sharing <u>intermediation</u> services or an entity entered in the <u>public national</u> register of recognised data altruism organisations <u>in relation to any matter falling within the scope of this Regulation</u> . Text Origin: EP Mandate
Article 24(2)				
282	(2) The authority with which the complaint has been lodged shall inform the complainant of the progress of the proceedings and of the decision taken, and shall inform the complainant of the right to an effective judicial remedy provided for in Article 25.	(2) The authority with which the complaint has been lodged shall inform the complainant of the progress of the proceedings and of the decision taken, and shall inform the complainant of the right to an effective judicial remedy provided for in Article 25.	(2) The <u>competent</u> authority with which the complaint has been lodged shall inform the complainant of the progress of the proceedings and of the decision taken, and shall inform the complainant of the right to an effective judicial remedy <u>the remedies</u> provided for in Article 25.	(2) The <u>competent</u> authority with which the complaint has been lodged shall inform the complainant of the progress of the proceedings and of the decision taken, and shall inform the complainant of the right to an effective judicial remedy <u>the remedies</u> provided for in Article 25. Text Origin: Council Mandate
Article 25				

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283	Article 25 Right to an effective judicial remedy	Article 25 Right to an effective judicial remedy	Article 25 Right to an effective judicial remedy	Article 25 Right to an effective judicial remedy Text Origin: Commission Proposal
Article 25(1), introductory part				
284	(1) Notwithstanding any administrative or other non-judicial remedies, any affected natural and legal persons shall have the right to an effective judicial remedy with regard to:	(1) Notwithstanding any administrative or other non-judicial remedies, any affected natural and legal persons shall have the right to an effective judicial remedy with regard to:	(1) Notwithstanding any administrative or other non-judicial remedies, any affected natural and legal persons shall have the right to an effective judicial remedy with regard to:	(1) Notwithstanding any administrative or other non-judicial remedies, any affected natural and legal persons shall have the right to an effective judicial remedy with regard to: Text Origin: Commission Proposal
Article 25(1), point (a)				
285	(a) a failure to act on a complaint lodged with the competent authority referred to in Articles 12 and 20;	(a) a failure to act on a complaint lodged with the competent authority referred to in Articles 12 and 20;	(a) a failure to act on a complaint lodged with the competent authority referred to in Articles 12 and 20; <u>(deleted)</u>	<u>(deleted)</u>
Article 25(1), point (b)				
286	(b) decisions of the competent authorities referred to in Articles 13, 17 and 21 taken in the	(b) decisions of the competent authorities referred to in Articles 13, 17 and 21 taken in the	(b) <u>legally binding</u> decisions of the competent authorities referred to in Articles 13, 17 and 21 taken	(b) <u>legally binding</u> decisions of the competent authorities referred to in Articles 13, 17 and 21 taken

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	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.	management, control and enforcement of the notification regime for providers of data sharing <u>intermediation</u> services and the monitoring of entities entered into the <u>public national</u> register of recognised data altruism organisations.	in the management, control and enforcement of the notification regime for providers of data sharing <u>intermediation</u> services and the monitoring of entities entered into <u>a national</u> the register of recognised data altruism organisations.	in the management, control and enforcement of the notification regime for providers of data sharing <u>intermediation</u> services and the monitoring of entities entered into <u>a public national</u> the register of recognised data altruism organisations. Text Origin: Council Mandate
Article 25(2)				
287	(2) Proceedings pursuant to this Article shall be brought before the courts of the Member State in which the authority against which the judicial remedy is sought is located.	(2) Proceedings pursuant to this Article shall be brought before the courts of the Member State in which the authority against which the judicial remedy is sought is located <u>individually or collectively</u> .	(2) Proceedings pursuant to this Article shall be brought before the courts of the Member State in which the <u>of the competent</u> authority against which the judicial remedy is sought <u>individually or, where relevant, by the representatives of one or more natural or legal persons</u> is located .	(2) Proceedings pursuant to this Article shall be brought before the courts of the Member State in which the <u>of the competent</u> authority against which the judicial remedy is sought <u>individually or, where relevant, by the representatives of one or more natural or legal persons</u> is located . Text Origin: Council Mandate
Article 25(2a)				
287a			<u>2a. When a competent authority fails to act on a complaint, any affected natural and legal persons shall either have the right to effective judicial remedy or access</u>	<u>2a. When a competent authority fails to act on a complaint, any affected natural and legal persons shall, in accordance with national law, either have the right to</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			<u>to review by an impartial body with the appropriate expertise.</u>	<u>effective judicial remedy or access to review by an impartial body with the appropriate expertise</u>
CHAPTER VI				
288	CHAPTER VI european data innovation board	CHAPTER VI european data innovation board	CHAPTER VI european data innovation board	CHAPTER VI european data innovation board Text Origin: Commission Proposal
Article 26				
289	Article 26 European Data Innovation Board	Article 26 European Data Innovation Board	Article 26 European Data Innovation Board	Article 26 European Data Innovation Board Text Origin: Commission Proposal
Article 26(1)				
290	(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	(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 <u>European Data Protection Supervisor, the European Union Agency for</u>	(1) The Commission shall establish a European Data Innovation Board ("the Board") in the form of an <u>expert-group</u> , consisting of <u>the</u> representatives of <u>the</u> Member States <u>pursuant to Article 12 and Article 20</u> , the European Data Protection Board, the Commission, relevant data	(1) The Commission shall establish a European Data Innovation Board (<u>"the Board"</u>) in the form of an <u>Expert Group</u> <u>Expert-Group</u> , consisting of <u>the</u> representatives of <u>the</u> competent authorities of all <u>Member States pursuant to Article 12 and Article 20, the European Data Protection Board</u> <u>the</u>

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	authorities in specific sectors.	<u>Cybersecurity (ENISA), the Commission, relevant data spaces the EU SME Envoy or a representative appointed by the network of SME envoys, and other representatives of competent authorities in specific sectors and a representative of the Data Innovation Advisory Council established in paragraph 2. The Board shall be gender balanced.</u>	spaces and other representatives of competent authorities <u>relevant bodies</u> in specific sectors <u>as well as bodies with specific expertise.</u>	Member States , the European Data Protection Board <u>Supervisor, the European Union Agency for Cybersecurity (ENISA), the Commission, relevant data spaces the EU SME Envoy or a representative appointed by the network of SME envoys, and other representatives of competent authorities relevant bodies</u> in specific sectors <u>as well as bodies with specific expertise. When appointing individual experts the Commission shall aim to achieve a gender and geographical balance in the composition of the expert group.</u>
Article 26(1a)				
290a			<u>1a. The Board shall consist of at least one sub-group composed of the competent authorities referred to in Article 12 and Article 20, with a view of carrying out the tasks pursuant to Article 27 point (a), (b), (e) and (f), as well as at least one sub-group for technical discussions on standardisation and interoperability pursuant to Article 27 point (c) and (d).</u>	<u>1a. The Board shall consist of at least three sub-groups: A sub-group composed of the competent authorities referred to in Article 12 and Article 20, with a view of carrying out the tasks pursuant to Article 27 point (a), (b), (e) and (f); a sub-group for technical discussions on standardisation, portability and interoperability pursuant to Article 27 point (c) and (d); a sub-group for</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				<u>stakeholder involvement composed of relevant representatives from industry, research, academia, civil society, standardisation organisations, relevant common European data spaces and other relevant stakeholders or third parties advising the Board on tasks (bc), (bd), (c), (d) and (da) pursuant to Article 27.</u>
	Article 26(2)			
291	(2) Stakeholders and relevant third parties may be invited to attend meetings of the Board and to participate in its work.	(2) Stakeholders and <u>The Board shall establish a Data Innovation Advisory Council (Advisory Council). The Advisory Council shall be composed of relevant representatives from industry, research, academia, civil society, standardisation organisations, relevant common European data spaces and other</u> relevant stakeholders or third parties may be invited <u>appointed by the Board, representing all Member States to maintain geographical balance. The Advisory Council shall support the work of the Board by providing advice relating to the tasks of the Board. The Advisory Council shall nominate a relevant</u>	(2) Stakeholders and relevant third parties may <u>shall</u> be invited to attend meetings of the Board and to participate in its work, <u>where relevant</u> .	(2) Stakeholders and relevant third parties may be invited to attend meetings of the Board and to participate in its work. Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>representative, depending on the configuration in which the Board meets,</u> to attend meetings of the Board and to participate in its work. <u>The composition of the Advisory Council and its recommendations to the Board shall be made public.</u>		
Article 26(3)				
292	(3) The Commission shall chair the meetings of the Board.	(3) The Commission shall chair the meetings of the Board, <u>which may be conducted in different configurations, depending on the subjects to be discussed and in line with the tasks of the Board, including a fixed configuration that focuses on data interoperability and portability and that meets at regular intervals.</u>	(3) The Commission shall chair the meetings of the Board.	(3) The Commission shall chair the meetings of the Board. Text Origin: Commission Proposal
Article 26(4)				
293	(4) The Board shall be assisted by a secretariat provided by the Commission.	(4) The Board shall be assisted by a secretariat provided by the Commission.	(4) The Board shall be assisted by a secretariat provided by the Commission.	(4) The Board shall be assisted by a secretariat provided by the Commission. Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
Article 26(4a)				
293a		<u>4a. The Board's deliberations and documents shall be made public.</u>		<u>(deleted)</u>
Article 27				
294	Article 27 Tasks of the Board	Article 27 Tasks of the Board	Article 27 Tasks of the Board	Article 27 Tasks of the Board Text Origin: Commission Proposal
Article 27, first paragraph, introductory part				
295	The Board shall have the following tasks:	The Board shall have the following tasks:	The Board shall have the following tasks:	The Board shall have the following tasks: Text Origin: Commission Proposal
Article 27, first paragraph, point (a)				
296	(a) to advise and assist the Commission in developing a consistent practice of public sector bodies and competent bodies referred to in Article 7 (1) processing requests for the re-use of the categories of data referred to in Article 3 (1);	(a) to advise and assist the Commission in developing a consistent practice of public sector bodies and competent bodies referred to in Article 7 (1) processing requests for the re-use of the categories of data referred to in Article 3 (1);	(a) to advise and assist the Commission in developing a consistent practice of public sector bodies and competent bodies referred to in Article 7 (1) <u>in</u> processing requests for the re-use of the categories of data referred to in Article 3 (1);	(a) to advise and assist the Commission in developing a consistent practice of public sector bodies and competent bodies referred to in Article 7 (1) <u>in</u> processing requests for the re-use of the categories of data referred to in Article 3 (1);

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Council Mandate
Article 27, first paragraph, point (aa)				
296a				<u>(aa) advise and assist the Commission in developing a consistent practice for data altruism across the Union;</u>
Article 27, first paragraph, point (b)				
297	(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;	(b) to advise and assist the Commission in developing a consistent practice of the competent authorities in the application of requirements applicable to <u>providers of data intermediation services, as well as entities carrying out activities in relation to data altruism</u> data sharing providers ;	(b) to advise and assist the Commission in developing a consistent practice of the competent authorities <u>referred to in Article 12 and Article 20</u> in the application of requirements applicable to data <u>intermediation service-sharing</u> providers <u>and entities performing activities related to data altruism, respectively</u> ;	(b) to advise and assist the Commission in developing a consistent practice of the competent authorities <u>referred to in Article 12 and Article 20</u> in the application of requirements applicable to data <u>intermediation service-sharing</u> providers <u>and entities performing activities related to data altruism, respectively</u> ; Text Origin: Council Mandate
Article 27, first paragraph, point (ba)				
297a		<u>(ba) to advise and assist the Commission in developing</u>		<u>(deleted)</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>consistent guidelines for the use of technologies to effectively prevent the identification of data subjects such as anonymisation, pseudonymisation, differential privacy, generalisation, or suppression and randomisation for the re-use of personal and non-personal data;</u>		
	Article 27, first paragraph, point (bb)			
G 297b		<u>(bb) to advise and assist the Member States and the Commission on the harmonisation of the legal interpretation of anonymisation of data across the Union;</u>		<u>(deleted)</u>
	Article 27, first paragraph, point (bc)			
G 297c		<u>(bc) to advise and assist the Commission in developing consistent guidelines on how to best protect, in the context of this Regulation, commercially sensitive non-personal data, in particular trade secrets, but also non-personal data representing content protected by intellectual property rights from unlawful access that risks IP theft or</u>		<u>(bc) advise and assist the Commission in developing consistent guidelines on how to best protect, in the context of this Regulation, commercially sensitive non-personal data, in particular trade secrets, but also non-personal data representing content protected by intellectual property rights from unlawful access that risks IP theft or</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>industrial espionage.</u>		<u>industrial espionage.</u> <small>Text Origin: EP Mandate</small>
Article 27, first paragraph, point (bd)				
297d		<u>(bd) to advise and assist the Commission in developing consistent guidelines for cybersecurity requirements for the exchange and storage of data;</u>		<u>(bd) advise and assist the Commission in developing consistent guidelines for cybersecurity requirements for the exchange and storage of data;</u> <small>Text Origin: EP Mandate</small>
Article 27, first paragraph, point (c)				
298	(c) to advise the Commission on the prioritisation of cross-sector standards to be used and developed for data use and cross-sector data sharing, cross-sectoral comparison and exchange of best practices with regards to sectoral requirements for security, access procedures, while taking into account sector-specific standardisations activities;	(c) to advise the Commission, <u>in particular taking into account the input from standardisation organisations</u> , on the prioritisation of cross-sector standards to be used and developed for data use and cross-sector data sharing <u>between emerging common European data spaces</u> , cross-sectoral comparison and exchange of best practices with regards to sectoral requirements for security, access procedures, while taking into account sector-specific standardisations activities, <u>and in particular in clarifying and distinguishing which standards</u>	(c) to <u>advise and assist</u> the Commission on the prioritisation of cross-sector standards to be used and developed for data use and cross-sector data sharing, cross-sectoral comparison and exchange of best practices with regards to sectoral requirements for security, access procedures, while taking into account sector-specific standardisations activities;	(c) to <u>advise the Commission, in particular taking into account the input from standardisation organisations</u> , on the prioritisation of cross-sector standards to be used and developed for data use and cross-sector data sharing <u>between emerging common European data spaces</u> , cross-sectoral comparison and exchange of best practices with regards to sectoral requirements for security, access procedures, while taking into account sector-specific standardisations activities, <u>and in particular in clarifying and distinguishing which standards</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>and practices are cross-sectoral and which are sectoral; for that specific task a fixed configuration of the Board shall meet regularly;</u>		<u>and practices are cross-sectoral and which are sectoral;</u> Text Origin: EP Mandate
Article 27, first paragraph, point (d)				
299	(d) to assist the Commission in enhancing the interoperability of data as well as data sharing services between different sectors and domains, building on existing European, international or national standards;	(d) to assist the Commission, <u>in particular taking into account the input from standardisation organisations, in addressing fragmentation of the internal market and the data economy in the internal market by it</u> enhancing the <u>cross-border and cross-sector</u> interoperability of data as well as data sharing services between different sectors and domains, building on existing European, international or national standards, <u>inter alia with the aim of encouraging the creation of common European data spaces;</u>	(d) to <u>advise and</u> assist the Commission in enhancing the interoperability of data as well as data sharing <u>intermediation</u> services between different sectors and domains, building on existing European, international or national standards;	(d) to assist the Commission, <u>in particular taking into account the input from standardisation organisations, in addressing fragmentation of the internal market and the data economy in the internal market by it</u> enhancing the <u>cross-border and cross-sector</u> interoperability of data as well as data sharing services between different sectors and domains, building on existing European, international or national standards, <u>inter alia with the aim of encouraging the creation of common European data spaces;</u> Text Origin: EP Mandate
Article 27, first paragraph, point (da)				
299a		<u>(da) to propose guidelines for 'common European data spaces', meaning purpose- or sector-specific or cross-sectoral</u>		<u>(da) propose guidelines for 'common European data spaces', addressing, inter alia: (i) cross-sectoral standards to be</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>interoperable frameworks of common standards and practices to share or jointly process data for, inter alia, development of new products and services, scientific research or civil society initiatives; such common standards and practices shall take into account existing standards, comply with the competition rules and ensure non-discriminatory access for all participants, for the purpose of facilitating data sharing in the Union and reaping the potential of existing and future data spaces. Those guidelines shall address, inter alia:</u></p> <p><u>(i) cross-sectoral standards to be used and developed for data use and cross-sector data sharing, cross-sectoral comparison and exchange of best practices with regards to sectoral requirements for security, access procedures, while taking into account sector-specific standardisations activities, in particular in clarifying and distinguishing which standards and practices are cross-sectoral and which are sectoral;</u></p> <p><u>(ii) requirements to counter barriers to market entry and to avoid lock-in effects, for the</u></p>		<p><u>used and developed for data use and cross-sector data sharing, cross-sectoral comparison and exchange of best practices with regards to sectoral requirements for security, access procedures, while taking into account sector-specific standardisations activities, in particular in clarifying and distinguishing which standards and practices are cross-sectoral and which are sectoral;</u></p> <p><u>(ii) requirements to counter barriers to market entry and to avoid lock-in effects, for the purpose of ensuring fair competition and interoperability;</u></p> <p><u>(iii) adequate protection for legal data transfers outside the Union, including safeguards against any transfers prohibited by Union law;</u></p> <p><u>(iv) adequate and non-discriminatory representation of relevant stakeholders in the governance of a common European data spaces;</u></p> <p><u>(v) adherence to cybersecurity requirements in line with Union law.</u></p> <p><u>These ‘common European data spaces’ mean purpose- or sector-specific or cross-sectoral interoperable frameworks of</u></p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>purpose of ensuring fair competition and interoperability;</u> <u>(iii) adequate protection for legal data transfers outside the Union, including safeguards against any transfers prohibited by Union law;</u> <u>(iv) adequate and non-discriminatory representation of relevant stakeholders in the governance of a common European data spaces;</u> <u>(v) adherence to cybersecurity requirements in line with Union law.</u></p>		<p><u>common standards and practices to share or jointly process data for, inter alia, development of new products and services, scientific research or civil society initiatives;</u> <u>such common standards and practices shall take into account existing standards, comply with the competition rules and ensure non-discriminatory access for all participants, for the purpose of facilitating data sharing in the Union and reaping the potential of existing and future data spaces.</u></p> <p>Text Origin: EP Mandate</p>
	Article 27, first paragraph, point (db)			
G 299b		<p><u>(db) to advise the Commission and the Member States on the possibility to set harmonised conditions allowing for re-use of data referred to in Article 3(1) held by public sector bodies across the internal market;</u></p>		<p><u>(db) facilitate the cooperation between the Member States with regard to setting harmonised conditions allowing for the re-use of data referred to in Article 3(1) held by public sector bodies across the internal market;</u></p>
	Article 27, first paragraph, point (dc)			
G 299c				G

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>(dc) to assist the Commission in defining policies and strategies with the aim of avoiding any cases of data manipulation and the creation of "falsified data";</u>		<u>(deleted)</u> Text Origin: EP Mandate
Article 27, first paragraph, point (e)				
300	(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 organisations.	(e) to facilitate the cooperation between national competent authorities, <u>the Commission and other Union and international bodies</u> 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 <u>providers of data intermediation services</u> and the registration and monitoring of recognised data altruism organisations-;	(e) to facilitate <u>cooperation between competent authorities referred to in Article 12 and Article 20</u> 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 <u>intermediation</u> service providers and the registration and monitoring of recognised data altruism organisations-; <u>including coordination regarding the setting of fees or penalties, as well as facilitate cooperation between competent authorities regarding international access and transfer of data;</u>	(e) to facilitate <u>cooperation between competent authorities referred to in Article 12 and Article 20</u> 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 <u>intermediation</u> service providers and the registration and monitoring of recognised data altruism organisations-; <u>including coordination regarding the setting of fees or penalties, as well as facilitate cooperation between competent authorities regarding international access and transfer of data;</u> Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 27, first paragraph, point (ea)			
G	300a	<u>(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, as well as advise the Commission on the need to amend this Regulation with a view to further harmonisation of the rules on penalties referred to in Article 31;</u>		<u>(ea)</u> <u>(deleted)</u>
	Article 27, first paragraph, point (eb)			
R	300b	<u>(eb) to advise the Commission on the decision to adopt delegated acts referred to in Article 5(9), on the basis of the information on the volume of requests for re-use of data from specific third countries that is regularly provided to the Board by the competent bodies designated in accordance with Article 7(1);</u>		To be decided: IA vs DA (300d in Council mandate)
	Article 27, first paragraph, point (ec)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
G	300c	<u>(ec) to assist the Commission in the discussions conducted at bilateral, plurilateral or multilateral level with third countries aimed at improving the regulatory environment for non-personal data, including standardisation, at global level.</u>		<u>(ec) advise the Commission on improving the international regulatory environment for non-personal data including standardisation;</u>
	Article 27, first paragraph, point (ea)			
R	300d		<u>(ea) advise and assist the Commission in evaluating whether implementing acts in accordance with Articles 5(10a) and 5(10aa) should be adopted.</u>	To be decided: DA vs IA
	CHAPTER VII			
R	301	CHAPTER VII committee and delegation	CHAPTER VII committee and delegation	CHAPTER VII committee and delegation <u>procedure</u>
	Article 28			
R	302	Article 28 Exercise of the Delegation	Article 28 Exercise of the Delegation	Article 28 Exercise of the Delegation <u>(deleted)</u>
	Article 28(1)			

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
R 303	(1) The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	(1) The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.	(1) The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. <u>(deleted)</u>	
Article 28(2)				
R 304	(2) The power to adopt delegated acts referred to in Article 5 (11) shall be conferred on the Commission for an indeterminate period of time from [...].	(2) The power to adopt delegated acts referred to in Article 5(9) <u>and</u> (11) shall be conferred on the Commission for an indeterminate period of time from [...].	(2) The power to adopt delegated acts referred to in Article 5 <u>(deleted)</u> shall be conferred on the Commission for an indeterminate period of time from [...].	
Article 28(3)				
R 305	(3) The delegation of power referred to in Article 5 (11) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	(3) The delegation of power referred to in Article 5(9) <u>and</u> (11) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	(3) The delegation of power referred to in Article 5 <u>(deleted)</u> may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 28(4)			
R 306	(4) Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	(4) Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.	(4) Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making. <u>(deleted)</u>	
	Article 28(5)			
R 307	(5) As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	(5) As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.	(5) As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council. <u>(deleted)</u>	
	Article 28(6)			
R 308	(6) A delegated act adopted pursuant to Article 5 (11) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of three months of notification of that act to the European Parliament and to the Council or if, before the expiry of	(6) A delegated act adopted pursuant to Article 55(9) <u>and</u> (11) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of three months of notification of that act to the European Parliament and to the Council or if, before the expiry of	(6) A delegated act adopted pursuant to Article 5 (11) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of three months of notification of that act to the European Parliament and to the Council or if, before the <u>(deleted)</u>	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.	that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.	expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by three months at the initiative of the European Parliament or of the Council.	
Article 29				
309	Article 29 Committee procedure	Article 29 Committee procedure	Article 29 Committee procedure	Article 29 Committee procedure Text Origin: Commission Proposal
Article 29(1)				
310	(1) The Commission shall be assisted by a committee within the meaning of Regulation (EU) No 182/2011.	(1) The Commission shall be assisted by a committee within the meaning of Regulation (EU) No 182/2011.	(1) The Commission shall be assisted by a committee. <u>That committee shall be a committee</u> within the meaning of Regulation (EU) No 182/2011.	(1) The Commission shall be assisted by a committee. <u>That committee shall be a committee</u> within the meaning of Regulation (EU) No 182/2011. Text Origin: Council Mandate
Article 29(2)				
311	(2) Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	(2) Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	(2) Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.	(2) Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
				Text Origin: Commission Proposal
	Article 29(2a)			
311a			<u>2a. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</u>	<u>2a. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.</u>
	Article 29(3)			
312	(3) Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a committee member so requests. In such a case, the chair shall convene a committee meeting within a reasonable time.	(3) Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a committee member so requests. In such a case, the chair shall convene a committee meeting within a reasonable time.	(3) Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a committee member so requests. In such a case, the chair shall convene a committee meeting within a reasonable time. <u>(deleted)</u>	(3) Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a committee member so requests. In such a case, the chair shall convene a committee meeting within a reasonable time. <u>(deleted)</u>
	CHAPTER VIII			
313	CHAPTER VIII	CHAPTER VIII	CHAPTER VIII	CHAPTER VIII

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	final provisions	final provisions	final provisions	final provisions Text Origin: Commission Proposal
Article 30				
314	Article 30 International access	Article 30 International access	Article 30 International access <u>and transfer</u>	Article 30 International access <u>and transfer</u> Text Origin: Council Mandate
Article 30(1)				
315	(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 sharing provider <u>II, the provider of data intermediation services</u> 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 intermediation service <u>sharing</u> provider or the entity entered in <u>a national</u> the register of recognised data altruism organisations, as the case may be, shall take all reasonable technical, legal and organisational measures, <u>including contractual arrangements</u> , in order to prevent <u>international</u> transfer or <u>governmental</u> access to non-personal data held in the Union where such transfer or <u>governmental</u> access would create a conflict with Union law or the national law of the relevant	(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 intermediation service <u>sharing</u> provider or the entity entered in <u>a national</u> the register of recognised data altruism organisations, as the case may be, shall take all reasonable technical, legal and organisational measures, <u>including contractual arrangements</u> , in order to prevent <u>international</u> transfer or <u>governmental</u> access to non-personal data held in the Union where such transfer or <u>governmental</u> access would create a conflict with Union law or the national law of the relevant

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			Member State, unless the transfer or access are in line with <u>without prejudice to</u> paragraph 2 or 3.	Member State, unless the transfer or access are in line with <u>without prejudice to</u> paragraph 2 or 3. Text Origin: Council Mandate
Article 30(2)				
316	(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].	(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 <u>II, a provider of data intermediation services</u> 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 ... <u>[the date of]</u> the entry into force of	(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 <u>intermediation service</u> sharing provider or entity entered in <u>a national</u> the register of recognised data altruism organisations to transfer from or give access to non-personal data <u>within the scope of</u> 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 <u>the entry into force of this</u>	(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 <u>intermediation service</u> sharing provider or entity entered in <u>a national</u> the register of recognised data altruism organisations to transfer from or give access to non-personal data <u>within the scope of</u> 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 <u>the entry into force of this</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		this Regulation].	Regulation .	Regulation . Text Origin: Council Mandate
Article 30(3), first subparagraph, introductory part				
317	(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 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:	(3) <u>In the absence of international agreements regulating such matters</u> , 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 <u>II, a provider of data intermediation services</u> 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:	(3) <u>In the absence of such an international agreement</u> , 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 <u>intermediation service</u> sharing provider or entity entered in <u>a national</u> 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 <u>within the scope of this Regulation</u> held in the Union and compliance with such a decision would risk putting the addressee in conflict with Union law or with the <u>national</u> law of the relevant Member State, transfer to or access to such data by that third-country authority shall take place only:	(3) <u>In the absence of such an international agreement</u> , 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 <u>intermediation service</u> sharing provider or entity entered in <u>a national</u> 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 <u>within the scope of this Regulation</u> held in the Union and compliance with such a decision would risk putting the addressee in conflict with Union law or with the <u>national</u> law of the relevant Member State, transfer to or access to such data by that third-country authority shall take place only: Text Origin: Council Mandate
Article 30(3), first subparagraph, point (a)				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
318	(a) where the third-country system requires the reasons and proportionality of the decision to be set out, and it requires the court order or the decision, as the case may be, to be specific in character, for instance by establishing a sufficient link to certain suspected persons, or infringements;	(a) where the third-country system requires the reasons and proportionality of the decision to be set out, and it requires the court order or the decision, as the case may be, to be specific in character, for instance by establishing a sufficient link to certain suspected persons, or infringements;	(a) where the third-country system requires the reasons and proportionality of the decision to be set out, and it requires the court order or the decision, as the case may be, to be specific in character, for instance by establishing a sufficient link to certain suspected persons, or infringements;	(a) where the third-country system requires the reasons and proportionality of the decision to be set out, and it requires the court order or the decision, as the case may be, to be specific in character, for instance by establishing a sufficient link to certain suspected persons, or infringements; Text Origin: Council Mandate
Article 30(3), first subparagraph, point (b)				
319	(b) the reasoned objection of the addressee is subject to a review by a competent court in the third-country; and	(b) the reasoned objection of the addressee is subject to a review by a competent court in the third-country; and	(b) the reasoned objection of the addressee is subject to a review by a competent court in the third-country; and	(b) the reasoned objection of the addressee is subject to a review by a competent court in the third-country; and Text Origin: Council Mandate
Article 30(3), first subparagraph, point (c)				
320	(c) in that context, the competent court issuing the order or reviewing the decision of an administrative authority is empowered under the law of that country to take duly into account the relevant legal interests of the provider of the data protected by	(c) in that context, the competent court issuing the order or reviewing the decision of an administrative authority is empowered under the law of that country to take duly into account the relevant legal interests of the provider of the data protected by	(c) in that context , the competent court issuing the order or reviewing the decision of an administrative authority is empowered under the law of that <u>third</u> country to take duly into account the relevant legal interests of the provider of the data	(c) in that context , the competent court issuing the order or reviewing the decision of an administrative authority is empowered under the law of that <u>third</u> country to take duly into account the relevant legal interests of the provider of the data

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Union law or the applicable Member State law.	Union law or the applicable Member State law.	protected by Union law or <u>national law of the relevant</u> the applicable Member State law .	protected by Union law or <u>national law of the relevant</u> the applicable Member State law . Text Origin: Council Mandate
Article 30(3), second subparagraph				
321	The addressee of the decision shall ask the opinion of the relevant competent bodies or authorities, pursuant to this Regulation, in order to determine if these conditions are met.	The addressee of the decision shall ask the opinion of the relevant competent bodies or authorities, pursuant to this Regulation, in order to determine if these conditions are met. <u>The relevant competent bodies may exchange information on international access requests in the framework of the Board.</u>	The addressee of the decision shall ask the opinion of the relevant competent bodies or authorities, pursuant to this Regulation, in order to determine if these conditions are met. (deleted)	The addressee of the decision shall ask the opinion of the relevant competent bodies or authorities, pursuant to this Regulation, in order to determine if these conditions are met. (deleted)
Article 30(4)				
322	(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	(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 <u>II, the provider of data intermediation services</u> or the entity entered in the register of recognised data altruism organisations, as the case may be, shall, — provide the minimum	(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 <u>intermediation service</u> sharing provider or the entity entered in <u>a national</u> the register of recognised data altruism organisations, as the case may be, shall, — provide the minimum amount of data	(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 <u>intermediation service</u> sharing provider or the entity entered in <u>a national</u> the register of recognised data altruism organisations, as the case may be, shall, — provide the minimum amount of data

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	response to a request, based on a reasonable interpretation of the request.	amount of data permissible in response to a request, based on a reasonable interpretation of the request.	permissible in response to a request, based on a reasonable interpretation of the request.	permissible in response to a request, based on a reasonable interpretation of the request. Text Origin: Council Mandate
Article 30(5)				
323	(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 request serves law enforcement purposes and for as long as this is necessary to preserve the effectiveness of the law enforcement activity.	(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 <u>II, the provider of data intermediation services</u> and the entity providing data altruism shall inform the data holder <u>or data subject</u> about the existence of a request of an administrative authority in a third-country to access its data <u>before complying with the request</u> , 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.	(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 <u>intermediation service</u> sharing provider and the entity providing <u>entered in a national register of recognised organisations</u> shall inform <u>the data subject or</u> 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.	(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 <u>intermediation service</u> sharing provider and the entity providing <u>entered in a national register of recognised organisations</u> shall inform the data holder about the existence of a request of an administrative authority in a third-country to access its data <u>before complying with this request</u> , 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. Text Origin: Council Mandate
Article 31				
324				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 31 Penalties	Article 31 Penalties	Article 31 Penalties	Article 31 Penalties Text Origin: Commission Proposal
Article 31, paragraph 1 a (new)				
325	Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall notify the Commission of those rules and measures by [date of application of the Regulation] and shall notify the Commission without delay of any subsequent amendment affecting them.	Member States shall lay down the rules on penalties applicable to infringements of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. <u>In their rules on penalties, Member States shall take into account the recommendations of the European Data Innovation Board.</u> Member States shall notify the Commission of those rules and measures by ... [date of application of the Regulation] and shall notify the Commission without delay of any subsequent amendment affecting them.	Member States shall lay down the rules on penalties applicable to infringements of this Regulation <u>the obligations regarding transfers of non-personal data to third countries pursuant to Article 5 (12) and Article 30, the obligation of data intermediation service providers to notify pursuant to Article 10, the conditions for providing services pursuant to Article 11, conditions for the registration as a recognised data altruism organisation pursuant to Articles 18 and 19</u> and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. Member States shall <u>by ... [date of application of this Regulation]</u> notify the Commission of those rules and measures by [date of application of	Member States shall lay down the rules on penalties applicable to infringements of this Regulation <u>and the obligations regarding transfers of non-personal data to third countries pursuant to Article 5 (12) and Article 30, the obligation of data intermediation service providers to notify pursuant to Article 10, the conditions for providing services pursuant to Article 11, conditions for the registration as a recognised data altruism organisation pursuant to Articles 18 and 19</u> and shall take all measures necessary to ensure that they are implemented. The penalties provided for shall be effective, proportionate and dissuasive. <u>In their rules on penalties,</u> Member States shall notify the Commission of those rules and measures by <u>take into account the recommendations of</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
			the Regulation of those measures and shall notify the Commission it without delay of any subsequent amendment affecting them.	<u>the European Data Innovation Board. Member States shall by ...</u> [date of application of the <u>this</u> Regulation] <u>notify the Commission of those rules and of those measures and shall notify it</u> and shall notify the Commission without delay of any subsequent amendment affecting them. Text Origin: Council Mandate
Article 31, first paragraph a				
325a		<u>Member States shall ensure that the following non-exhaustive and indicative criteria are taken into account for the imposition of penalties on providers of data intermediation services and data altruism organisations for infringements of this Regulation, where appropriate:</u> <u>(a) the nature, gravity, scale and duration of the infringement;</u> <u>(b) any action taken by the provider of data intermediation services or data altruism organisation to mitigate or remedy the damage caused by the infringement;</u> <u>(c) any previous infringements by</u>		<u>Member States shall take into account the following non-exhaustive and indicative criteria for the imposition of penalties on providers of data intermediation services and data altruism organisations for infringements of this Regulation, where appropriate:</u> <u>(a) the nature, gravity, scale and duration of the infringement;</u> <u>(b) any action taken by the provider of data intermediation services or data altruism organisation to mitigate or remedy the damage caused by the infringement;</u> <u>(c) any previous infringements by</u>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<u>the provider of data intermediation services or data altruism organisation; (d) the financial benefits gained or losses avoided by the provider of data intermediation services or data altruism organisation due to the infringement, insofar as such gains or losses can be reliably established; (e) penalties imposed on the provider of data intermediation services or data altruism organisation for the same infringement in other Member States in cross-border cases where information about such penalties is available; (f) any other aggravating or mitigating factors applicable to the circumstances of the case.</u>		<u>the provider of data intermediation services or data altruism organisation; (d) the financial benefits gained or losses avoided by the provider of data intermediation services or data altruism organisation due to the infringement, insofar as such gains or losses can be reliably established; (e) any other aggravating or mitigating factors applicable to the circumstances of the case</u>
Article 32				
326	Article 32 Evaluation and review	Article 32 Evaluation and review	Article 32 Evaluation and review	Article 32 Evaluation and review Text Origin: Commission Proposal
Article 32, first paragraph				
327				

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	<p>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.</p>	<p>By ... [four<i>two</i>] years after the data<i>date</i> 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.</p> <p><u><i>That evaluation shall assess, in particular:</i></u></p> <p><u><i>(a) the application and functioning of the rules on penalties laid down by the Member States pursuant to Article 31, in particular focusing on the existence of large discrepancies between the penalties imposed for infringements of this Regulation among Member States that might distort competition across the Union, taking into account the recommendations of the Board and the positions and findings of other relevant bodies and sources;</i></u></p> <p><u><i>(b) the level of compliance of the legal representatives of providers of data intermediation services and data altruism organisations not established in the Union with this Regulation and the level of enforceability of penalties on those providers and organisations;</i></u></p>	<p>By [four years <i>48 months</i>] after the data<i>date</i> 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.</p>	<p>By ... [four<i>two</i>] years after the data<i>date</i> 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.</p> <p><u><i>That evaluation shall assess, in particular:</i></u></p> <p><u><i>(a) the application and functioning of the rules on penalties laid down by the Member States pursuant to Article 31;</i></u></p> <p><u><i>(b) the level of compliance of the legal representatives of providers of data intermediation services and data altruism organisations not established in the Union with this Regulation and the level of enforceability of penalties on those providers and organisations;</i></u></p> <p><u><i>(c) the type of data altruism organisations registered under Chapter IV and overview of the purposes of general interests for which data are shared in view of establishing clear criteria in that respect.</i></u></p> <p><u><i>Member States</i></u> shall provide the Commission with the information</p>

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
		<p><u>(c) the type of data altruism organisations registered under Chapter IV and overview of the purposes of general interests for which data are shared in view of establishing clear criteria in that respect.</u></p> <p><u>Member States</u> shall provide the Commission with the information necessary for the preparation of that report. <u>The report shall be accompanied, where necessary, by legislative proposals.</u></p>		<p>necessary for the preparation of that report. <u>The report shall be accompanied, where necessary, by legislative proposals.</u></p> <p>Text Origin: EP Mandate</p>
Article 33				
328	Article 33 Amendment to Regulation (EU) No 2018/1724	Article 33 Amendment to Regulation (EU) No 2018/1724	Article 33 Amendment to Regulation (EU) No 2018/1724	Article 33 Amendment to Regulation (EU) No 2018/1724 Text Origin: Commission Proposal
Article 33, first paragraph				
329	In Annex II to Regulation (EU) No 2018/1724, the following line is added under “Starting, running and closing a business”:	In Annex II to Regulation (EU) No 2018/1724, the following line is added under “Starting, running and closing a business”:	In Annex II to Regulation (EU) No 2018/1724, the following line <u>information</u> is added under <u>to</u> "Starting, running and closing a business":	In Annex II to Regulation (EU) No 2018/1724, the following line <u>information</u> is added under <u>to</u> "Starting, running and closing a business": Text Origin: Council Mandate

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Article 33, first paragraph, table			
329a		<u>Starting, running and closing a business</u> <u>Notification as a provider of data intermediation services</u> <u>Confirmation of the receipt of notification</u> <u>Registration as a European Data Altruism Organisation</u> <u>Confirmation of the registration</u>	<u>Starting, running and closing a business</u> <u>Notification as a provider of data intermediation services</u> <u>Confirmation of the receipt of notification</u> <u>Registration as a data altruism organisation recognised in the Union</u> <u>Confirmation of the registration</u>	<u>Starting, running and closing a business</u> <u>Notification as a provider of data intermediation services</u> <u>Confirmation of the receipt of notification</u> <u>Registration as a data altruism organisation recognised in the Union</u> <u>Confirmation of the registration</u> Text Origin: Council Mandate
	Article 34			
330	Article 34 Transitional arrangements	Article 34 Transitional arrangements	Article 34 Transitional arrangements	Article 34 Transitional arrangements Text Origin: Commission Proposal
	Article 34, first paragraph			
331	Entities providing the data sharing services provided in Article 9(1) on	Entities providing the data sharing <u>intermediation</u> services	Entities providing the data sharing <u>intermediation</u> services provided	Entities providing the data sharing <u>intermediation</u> services provided

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	the date of entry into force of this Regulation shall comply with the obligations set out in Chapter III by [date - 2 years after the start date of the application of the Regulation] at the latest.	provided in Article 9(1) on <u>...</u> /the date of entry into force of this Regulation/ shall comply with the obligations set out in Chapter III by fdate—2... <u>two</u> years after the start date of the application of the <u>this</u> Regulation] at the latest.	<u>for</u> in Article 9(1) on the... date of entry into force of this Regulation/ shall comply with the obligations set out in Chapter III by [date—2 <u>years 24 months</u> after the start date of the application of the <u>this</u> Regulation] at the latest.	<u>for</u> in Article 9(1) on the... date of entry into force of this Regulation/ shall comply with the obligations set out in Chapter III by [date—2 <u>years 24 months</u> after the start date of the application of the <u>this</u> Regulation] at the latest. Text Origin: Council Mandate
Article 35				
G 332	Article 35 Entry into force and application	Article 35 Entry into force and application	Article 35 Entry into force and application	Article 35 Entry into force and application Text Origin: Commission Proposal
Article 35, first paragraph				
G 333	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union. Text Origin: Commission Proposal
Article 35, second paragraph				
R 334	It shall apply from [12 months after	It shall apply from [12 months after	It shall apply from [12 <u>18</u> months	

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	its entry into force].	its entry into force].	after its <u>the date of</u> <u>of this Regulation</u>].	To be decided
Article 35, third paragraph				
335	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States.	This Regulation shall be binding in its entirety and directly applicable in all Member States. Text Origin: Commission Proposal
Formula				
336	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels, Text Origin: Commission Proposal
Formula				
337	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament Text Origin: Commission Proposal
Formula				
338	The President	The President	The President	The President Text Origin: Commission Proposal

	Commission Proposal	EP Mandate	Council Mandate	Draft Agreement
	Formula			
G 339	For the Council	For the Council	For the Council	For the Council Text Origin: Commission Proposal
	Formula			
G 340	The President	The President	The President	The President Text Origin: Commission Proposal