



Council of the European Union  
General Secretariat

**Brussels, 25 August 2021**

**WK 10093/2021 INIT**

**LIMITE**

**TELECOM**

**WORKING PAPER**

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**CONTRIBUTION**

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From: General Secretariat of the Council  
To: Working Party on Telecommunications and Information Society

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Subject: Data Governance Act : PT comments (doc. 9642/21)

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Delegations will find in annex PT comments on the fourth compromise text of Data Governance Act (doc. 9642/21).

**Data Governance Act**  
**PT comments on the fourth compromise text (doc. 9642/21).**

- **Recital (22):** Data intermediation service providers are expected to play a key role in data economics, in particular, in supporting and promoting voluntary data sharing practices between companies or data sharing agreements established by EU legislation or national. In this respect, we suggest to add “and promoting” to the recital: “Providers of data intermediation services (data intermediaries) are expected to play a key role in the data economy, in particular in supporting and promoting voluntary data sharing practices between companies or data sharing arrangements set by Union or national law”.
- **Chapter I, article nº 2, item 2.a, as well as recital 22a** - It is necessary to improve the definition of “direct relationship” and, consequently, the exclusion of activities that should be regulated through this proposal.
- **Chapter II, Article nº 5** - The workload on public bodies should be reviewed. Especially about the arrangement of items 5, 5a, 6 and 7.
- **Chapter III** will be the initial step to create the data trade regulatory mechanisms. However, according to recital 22a and article no. 2, item 2.a, only entities whose main activity is data intermediation will be subject to this regulation. In this sense, these requirements will not be applied to large online platforms, which already sell data generated on their platforms. Therefore, if this regulation is only intended to regulate the figure of the data intermediary, the data market will remain fragmented and, in large part, dominated by large online platforms.
- **Chapter III, articles nº 10 and 11** - A key element to bring confidence in data sharing services and to promote a competitive data sharing market is the neutrality of data intermediation service providers with respect to data exchanged between data subjects/data holders and data users. It is therefore necessary to add, possibly in article 10(6), that the notification to be submitted should also contain a declaration ensuring that it would have this activity as unique and would not use the data exchanged for any other purpose. This condition should also be included in article 11.
- **Chapter VI, art. nº 26** - Portugal welcomes the new approach that defined the European Council should be composed of at least two subgroups, one with a more administrative/operational function and the other with an advisory and guidance role.

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