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WORKING PAPER

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From:	General Secretariat of the Council
To:	Working Party on Telecommunications and Information Society
Subject:	Data Governance Act : SK comments on chapters V-VIII

Delegations will find in annex SK comments on chapters V-VIII of Data Governance Act.



Data Governance Act

Requests for clarifications on chapters V - VIII

Chapter V: Competent Authorities and Procedural Provisions

Art. 23 (6)

- Please, clarify the platform/channel through which the cooperation of competent authorities (also as per 13(6) and 21(6)) is supposed to take place. What is the process and periods for responding? Will the cooperation be happening via EDIB as suggested by art. 27(b)?

Art. 24 (1)

- Since the complaint can be lodged with the competent authority, does this mean that a complaint can only be lodged against notified providers of data sharing services and registered data altruism organisations? How could the data subject defend themselves against breaches of other actors?
- We are missing specification of information to be included in the complaint and/or its features. Most importantly, the article should specify in more detail the whole process of lodging the complaint including the role of all relevant stakeholders in it. There are also no details on conditions under which such complaint can be lodged by natural or legal persons.

Art. 25 (1)

- The Commission seemed to mention at the WP TIS on 21 January, that the right to judicial remedy belongs to the providers of data sharing services and data altruism organisations to defend themselves against the decisions of competent authorities. We would like to confirm that given 25 (1) (a), also data subjects who can lodge a complaint can seek judicial remedy in case of non-action by the competent authority, not just the providers of data sharing services and data altruism organisations?

Chapter VII: Committee and Delegation

Art. 28

- What is the expected timeline for adopting delegated acts?

Art. 29

- What is the expected timeline for adopting implementing acts on the consent form?

Chapter VIII: Final Provisions

Art. 30 (3)

- Are the addressees of the court decisions on the data transfers to third countries supposed to consult the competent bodies and authorities under art. 7, 12 and 20? How are these competent bodies and authorities able to evaluate if the conditions are met given that they most likely are not judicial experts?

Art. 31



- Since the competent authorities serve to monitor compliance of providers of data sharing services and data altruism organisations, is it correct to assume that they should be also the ones who apply the penalties?
- Could the communication channel for notifying the Commission about adopted rules and measures regarding penalties be specified and ideally streamlined with other channels used for the purposes of this Regulation?