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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 : CZ comments on chapters V-VIII

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

CZ questions on Chapters V-VIII of DGA

Chapter VI, Article 26 and 27

- How often will the Data Innovation Board meet? Will these meetings take place in Brussels or another EU city or eventually, will be realized via videoconferences etc.?
- Board's competences (or lack of it) and perceived functioning are not sufficiently specified in the Regulation. Will the Board adopt any resolutions, make decisions or prepare guidance? If so,, how will be these procedure regulated?; in other words, how will be the advisory function of the Board carried out (incl. its decisions/advisory competences)?
- The above mentioned needs to be further specified in the regulation so it is possible to determine future workload of members of expert group, required level of professional expertise and possible financial costs related to the functioning of the Board and the participation of Member States' experts. How does the Commission perceives these aspects?

Article 30

- In one of the presentations, the Commission stated that with regards to data transfers to third countries, "public sector bodies and re-users need to take «all reasonable technical, legal and organisational measures» to prevent access to the data unless the following is present: The request is based on a mutual legal assistance treaty (Art 30(2)) or Third countries' legal system has features akin to EU rules on governmental data access (Art 30(3)). 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." Who are the relevant authorities the Article refers to? How the Commission proposes to avoid lengthy and burdensome processes with regards to complying with the conditions of article 30 and 5?