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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 : ES comments on Chapters V-VIII

Delegations will find in annex ES comments on Chapters V-VIII of Data Governance Act.



SPANISH COMMENTS DGA – CHAPTER V-VIII

Chapter V - competent authorities and procedural provisions

Article 23 - Requirements relating to competent authorities

Article 23 establishes the obligation for competent authorities to provide information to other competent authorities and the European Commission but does not detail the content or the obligation to respond without undue delay and within a proportionate period. Similar provisions should be laid down in art. 13(6) and 21(6).

Article 24 - Right to lodge a complaint

Article 24 should refer to the specific conditions and requirements for data sharing services and data altruism organizations, the breach of which, natural and legal persons may complain about.

Chapter VIII - final provisions

Article 30 - International access

"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."

Article 30(3) establishes that the addressee of a decision of a 3rd country authority, to transfer data to that authority, shall ask the opinion of its competent authority in order to determine if the three conditions laid down in the article, regarding the judicial system of the third country, are met. Given that competent authorities are not supposed to be experts in the judicial system of third countries and that the result of the evaluation should be the same for all national authorities, by the principle of subsidiarity, the European Commission should perform these evaluations in the same way it does for adequacy decisions under the GDPR framework.